



**CITY COUNCIL AGENDA**  
**April 6, 2016**

**To:** Mayor and City Council

**From:** Tim Tucker, City Engineer

**Subject:** Establishing the rate per Equivalent Runoff Unit (ERU) for the 2016-17 Fiscal Year for the National Pollutant Discharge Elimination System (NPDES) Program

**Date:** March 29, 2016

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**Recommendation**

Adopt resolution establishing the rate per Equivalent Runoff Unit for the Fiscal Year 2016-17 and request the Contra Costa County Flood Control and Water Conservation District to adopt an annual parcel assessment for the NPDES Program.

**Background**

On March 15, 1993, the City Council adopted a resolution establishing the first yearly Storm Water Utility Assessment Fee, with a maximum permissible rate of \$30.00 per Equivalent Runoff Unit (ERU). Over the last several years the fee has been set at the maximum rate of \$30.00 per ERU. This fee needs to be set each year by each community.

**Discussion**

Based upon past expenditures and projected costs through June 2017, staff recommends that the Storm Water Utility Assessment (SUA) fee again be set at \$30.00 per ERU. With a fee of \$30.00 for 2015-2016, the City's Storm Water Utility Area will generate revenues of approximately \$633,000. Program Costs (Group Costs), Auditor's Assessment fee and other miscellaneous costs will reduce the City's expected net revenue from the SUA to \$500,000. The Group costs budget will continue to increase so as to fund the implementation of the Regional Water Quality Control District Board (Board) requirements. This will result in lower net revenues being available for the City unless additional funding sources are developed.

The San Francisco Bay and Central Valley Regional Water Quality Control Boards approved the Municipal Regional Permit (MRP 2.0) this past year. The mandated requirements for Contra Costa County, its nineteen cities/towns and the Contra Costa County Flood Control & Water Conservation District will be increased. The financial impacts have substantially increased and will continue to escalate for the remainder of the new permit. Additional revenue is needed to fully fund the program in future years. With the current Group budget cost will remain the same as last year. This is only accomplished with the use of previously accumulated reserves. These reserves are dwindling and increases in Group costs are anticipated in one to two years.

The Clean Water Program's goal is to eliminate non-stormwater discharges to our creeks and bay. As staff has reported, the Water Quality Board has focused on trash reduction in the old MRP (MRP 1.0). MRP 2.0 continues emphasize trash reduction. Cities were required to reduce trash by 40% by July 1, 2014 and 70% by 2017 and 100% by 2022. MRP 2.0 added interim reduction goals of 60% in 2016 and other milestones between 2017 and 2022. Utilizing Land Use maps a trash load baseline was established based on our current street sweeping, inlet cleaning and similar trash reducing activities. Unfortunately, MRP 2.0 does not fully credit permittees for certain trash reductions they have achieved. To meet the future Water Board trash reduction goals the installation of storm drain inlet trash capture devices or other trash reducing activities on private commercial property will be needed. There are currently approximately 55 devices on public streets. Additional trash captures devices are envisioned for the future along with other trash reduction activities.

MRP 2.0 also requires the Permittees to reduce discharges of Mercury and PCBs. MRP 2.0 include requirements for Green Infrastructure planning and implementation. See Attachment "A" for information on Green Infrastructure.

Other Permit requirements include:

1. Public Education
2. Monitoring and testing
3. Construction and new Development controls
4. Commercial / Industrial inspection program
5. Municipal activities including new pesticide toxicity controls
6. Green Infrastructure

### **Fiscal Impact**

The assessment will be maintained at its current maximum rate of \$30.00 per ERU. It is anticipated that if Group costs continue to rise, and as additional requirements are placed on our local program by the Regional Water Board, the assessment will not fully fund our local program. Program tasks such as storm drain replacement, ditch and catch basin cleaning and street sweeping may need to be funded partially or in full by gas tax revenues in future years.

### **Attachments**

1. Resolution
2. Attachment "A" Green infrastructure

**APPROVED BY:**



Interim City Manager

**RESOLUTION NO. 16**

**ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2016-17 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM**

**WHEREAS**, under Federal Water Pollution Control Act, prescribed discharges of stormwater require a permit from the appropriate California regional water quality board under the National Pollutant Discharge Elimination System (NPDES) program; and

**WHEREAS**, the City of Martinez (CITY) did apply for, and did receive, a NPDES permit which requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

**WHEREAS**, it is the intent of the CITY to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and drainage maintenance activities; and

**WHEREAS**, at the request of the CITY, the Contra Costa County Flood Control & Water Conservation District (DISTRICT) has completed the process for formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

**WHEREAS**, The SUA and Program Group Costs Payment agreement between City and DISTRICT requires that CITY annually, by May 1, determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Martinez does determine the rate to be assigned to a single ERU for Fiscal Year 2016-17 shall be set at \$30.00.

**BE IT FURTHER RESOLVED**, the City Council does hereby request the DISTRICT to adopt SUA levies based on said amount.

\* \* \* \* \*

**I HEREBY CERTIFY** the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 6th day of April, 2016, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ

## **Attachment “A”**

### **Green Infrastructure**

The City of Martinez is one of 76 local agencies (Permittees) subject to the California Regional Water Quality Control Board, San Francisco Bay Region’s Municipal Regional Stormwater NPDES Permit (MRP). The MRP was adopted in 2009 (MRP 1.0) and reissued in November 2015 (MRP 2.0).

In MRP 2.0, Provisions C.11 and C.12 require the Permittees to reduce discharges of Mercury and PCBs, respectively.

A portion of these load reductions must be achieved by retrofitting existing impervious surfaces with Green Infrastructure.

MRP 2.0 defines Green Infrastructure:

Infrastructure that uses vegetation, soils, and natural processes to manage water and create healthier urban environments. At the scale of a city or county, green infrastructure refers to the patchwork of natural areas that provides habitat, flood protection, cleaner air, and cleaner water. At the scale of a neighborhood or site, green infrastructure refers to stormwater management systems that mimic nature by soaking up and storing water.

Contra Costa Permittees, collectively, must implement Green Infrastructure to reduce—from 2014 levels—mercury loading by 9 grams/year and PCB loading by 23 grams/year by 2020. Permittees must plan for substantially larger reductions in the following decades.

Green Infrastructure on both public and private land can serve to achieve these load reduction requirements. Implementation on private land is achieved by implementing stormwater requirements for new development and redevelopment (Provision C.3.a. through Provision C.3.i.), which were carried forward, largely unchanged, from MRP 1.0.

In MRP 2.0, Provision C.3.j. includes requirements for Green Infrastructure planning and implementation. Provision C.3.j. has two main elements to be implemented by municipalities:

1. Preparation of a Green Infrastructure Plan for the inclusion of Low Impact Development (LID) drainage design into storm drain infrastructure, including streets, roads, storm drains, etc.
2. Early implementation of Green Infrastructure Projects

### **Green Infrastructure Plan**

The Green Infrastructure Plan requirements and deadlines are:

- Prepare a framework or workplan to be approved by the City Council by June 30, 2017.
- Submit a Green Infrastructure Plan with the 2019 Annual Report.

The Green Infrastructure Plans are intended to describe how each jurisdiction will, in the coming decades, shift their impervious surfaces and storm drain infrastructure from gray, or conventional, storm drain infrastructure where runoff flows directly in to the storm drain and then to creeks and the Bay, to a more resilient, sustainable system that slows runoff by dispersing it to vegetated areas, harvests and uses runoff, promotes infiltration and evapotranspiration, and uses bioretention to detain, retain, and treat stormwater.

Among the specific requirements is to summarize other planning documents that are updated or modified to incorporate green infrastructure requirements. These may include:

- General Plans
- Specific Plans
- Complete Streets Plans
- Active Transportation Plans
- Storm Drain Master Plans
- Pavement Work Plans
- Urban Forestry Plans

or other plans that may affect the future alignment, configuration or design of impervious surfaces such as streets, parking lots, sidewalks, and roofs.

Staff is coordinating with other Contra Costa municipalities, through the Contra Costa Clean Water Program (CCCWP), to develop a model framework or workplan. This model will be adapted to meet the City's needs and brought to the City Council during FY 2016-2017.

### **Early Implementation (No Missed Opportunities)**

Provision C.3.j.ii. requires that each Permittee review current infrastructure (capital improvement) projects, prepare a list of infrastructure projects planned for implementation during the permit term that have potential for green infrastructure measures, and submit the list with each Annual Report, including:

... a summary of how each public infrastructure project with green infrastructure potential will include green infrastructure measures to the maximum extent practical during the permit term. For any public infrastructure project where implementation of green infrastructure measures is not practicable, submit a brief description for the project and the reasons green infrastructure measures were impracticable to implement.

Staff is coordinating with other Contra Costa municipalities, through the Contra Costa Clean Water Program (CCCWP), to develop model guidance for reviewing capital improvement programs and projects, identifying green infrastructure potential, advancing planning and design of potential green infrastructure features, and documenting decisions regarding implementation of green infrastructure. The model guidance will be adapted to meet the City's needs and will be implemented by the Engineering Department during the current fiscal year.



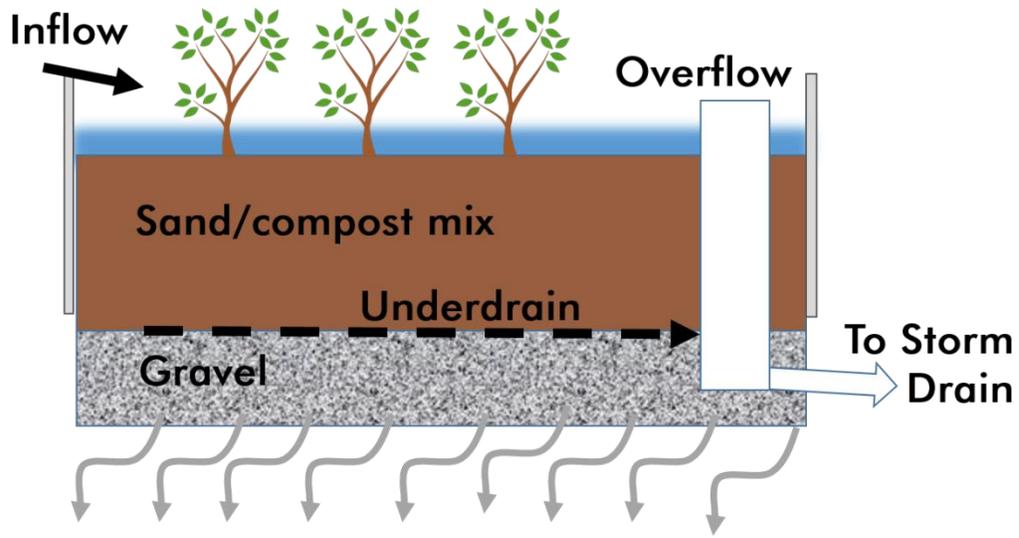
Green Infrastructure: Bioretention facility with active and passive landscape uses (El Cerrito)



Green Infrastructure: Bioretention facilities treating street runoff.



Green Infrastructure: Bioretention treating runoff from residences and a private street (Contra Costa County)



Green Infrastructure: Illustrative cross-section of Bioretention Facility