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DEPARTMENT OF  
PUBLIC WORKS

CITY OF SACRAMENTO  
CALIFORNIA

1391-35TH AVENUE  
SACRAMENTO, CA  
95822-2911

DIVISION OF  
FLOOD CONTROL AND SEWERS

916-449-5271

March 13, 1990

Joint Budget and Finance/Transportation and Community Development  
Sacramento, California

Honorable Members in Session:

**SUBJECT: INFORMATION REPORT REGARDING STORMWATER QUALITY ISSUES  
ASSOCIATED WITH JOINT CITY/COUNTY NPDES STORMWATER PERMIT**

SUMMARY

The City and County of Sacramento are presently pursuing an early NPDES stormwater permit from the Central Valley Regional Water Quality Control Board (RWQCB). The purpose of this report is to summarize the possible impacts of two State Water Resources Control Board (SWRCB) documents on control of stormwater and the actions taken by City staff to encourage a balanced approach to improving water quality with consideration to social and economic concerns. This report does not cover drinking water standards and only relates to stormwater as it enters and exits the waterway system.

BACKGROUND INFORMATION

City/County staff and consultants are currently providing RWQCB staff technical information which will be used in drafting the NPDES (National Pollutant Discharge Elimination System) stormwater permit. Working meetings are being held for exchange of information and concerns with the RWQCB. The goal of City staff is the development of a meaningful stormwater management program with emphasis on best management practices to reduce pollutants in the storm drainage system. Attached is a list of potential best management practices for Council information (See Attachment 1). This technology-based approach to the control of urban storm drainage is discussed in the Federal Clean Water Act and EPA regulations. The RWQCB appears to concur with this approach and is using a flexible approach to the NPDES permit. (See Attachment 2 - letter to City Council on January 16, 1990 for additional information on NPDES stormwater permit.)

Activities by the SWRCB can have significant impacts on handling of urban runoff in the future. Two items of interest are the Bay-Delta Pollutant Policy and the Water Quality Control Plan for Inland Surface Waters (Inland Surface Waters Plan). The SWRCB is developing these documents in order to meet the Federal Clean Water Act and the state water pollution control law, known as the Porter-Cologne Act.

The Bay-Delta Pollutant Policy sets forth a mass emission strategy to reduce toxics from major sources. The strategy includes identification of major sources of specific pollutants and benefit versus cost analysis to identify practicable control measures. This benefit versus cost analysis would balance environmental benefits with social and economic costs. The strategy is to be implemented by the RWQCB through the basin planning process.

The Inland Surface Waters Plan establishes statewide water quality objectives for priority pollutants. This water quality-based approach to the control of toxic pollutants is mandated by the 1987 Amendments to the Clean Water Act. It should be noted that this approach conflicts with the technology-based approach for storm water management.

The water quality objectives proposed by the SWRCB in the Inland Surface Water Plan are based on EPA national criteria for the protection of either aquatic life or human health, whichever is most stringent. The plan applies in its entirety to point and nonpoint sources, and the Regional Boards may utilize the regulatory framework and actions described in the Nonpoint Source Management Plan to ensure nonpoint source compliance with the appropriate provisions of the Inland Surface Waters Plans. Regional Boards may establish less restrictive, site-specific water quality objectives pursuant to EPA procedures, effective upon SWRCB approval and EPA concurrence.

Effluent limits are to be imposed, either through NPDES permits or waste discharge requirements, such that the water quality objectives shall not be exceeded in the receiving water outside any designated mixing zone. Mixing zone refers to a volume of a receiving water that is allocated for mixing with a wastewater discharge. The effluent limits are to be derived from the water quality objectives either by a formula which considers allowable dilution and background levels or by a waste allocation. However, no credit for dilution may be granted unless the discharge is through an outfall designed for rapid mixing such as a diffuser. A waste load allocation would allocate the responsibility to reduce loads to the major nonpoint sources of pollution. Effluent limitations would be set to not cause receiving water concentrations of pollutants to exceed levels that existed on the date of adoption of the plan.

All NPDES permits and waste discharge requirements are to contain a requirement that there be no acute toxicity in any discharge to inland waters; i.e., in short-term tests there must be at least 50% survival of test organisms in undiluted effluent. In addition, all NPDES permits and waste discharge requirements are to contain a requirement that there be no chronic toxicity in ambient waters outside defined mixing zones. Chronic toxicity would be measured by the three species, critical life stage toxicity tests, which track effects on the life cycle of the organisms over a period of time. If either acute or chronic toxicity is found to exist, dischargers are to conduct a toxicity reduction evaluation (TRE) to identify the source of toxicity and are to take all reasonable steps to reduce the toxicity to the required level.

#### STATE WATER RESOURCES BOARD POLICY AND PLAN

The following analysis describes the significant provisions and concerns with respect to urban drainage of the two SWRCB documents described above:

1. The Bay-Delta Pollutant Policy does not appear to have a direct affect on stormwater management at this time. Any potential affect will become apparent during the RWQCB's basin planning process. Concerns of the City of Sacramento can be presented as part of public input during the basin planning process.
2. The Inland Surface Waters Plan can have significant consequences on stormwater management in the City of Sacramento. Compliance of urban runoff with the water quality objectives would not be met for cadmium, chromium, copper, lead, zinc, and possibly certain organics. Without diffusers, no mixing zone is allowed, and objectives would apply to undiluted effluent. Compliance with the water quality objectives would require construction of a massive urban drainage conveyance, treatment and disposal system costing several billion dollars.

The Inland Surface Waters Plan calls for no increase in receiving water concentrations, which could easily be construed to require a freeze on the mass emissions of regulated pollutants. Normal community growth will increase drainage and pollutant mass emissions and therefore violate this requirement. Compliance with the requirement to maintain ambient concentrations of pollutants at existing levels would require that development be held at existing levels until the massive structural controls system described above can be planned, financed, designed and constructed--a period estimated to be between 10 and 20 years.

Possibilities for relief from the Inland Surface Waters Plan provisions of concern include the following: waste load allocation, site-specific objectives, and toxicity reduction evaluations (TRE). In addition, the SWRCB may, with EPA concurrence, grant an exception to the plan, providing beneficial uses are not compromised and it is consistent with maximum benefit to the people of the State. A general exception for urban runoff would likely be necessary to allow the City of Sacramento (and other urban communities) to use its limited resources to maximize improvement of receiving water quality through best management practices and a technology-based approach.

Issues the City of Sacramento may wish to explore on the Inland Surface Waters Plan are attainability, legality, clarifications, technical comments, and suggested Plan modifications. In Summary, it is difficult to suggest constructive Plan modifications for a technology-based, best management practice approach, which would not conflict with the water quality based approach mandated by Congress.

#### CITY/COUNTY OF SACRAMENTO EARLY NPDES STORMWATER PERMIT

An NPDES stormwater permit must be obtained by the City of Sacramento for all of its stormwater outfalls to the waters of the United States. Federal stormwater regulations expected to be issued by late July 1990 will require this action. The City and County of Sacramento presently have a joint application for an early NPDES stormwater permit filed with the RWQCB. An early permit, if completed before the federal regulations are adopted, will allow a more flexible approach to stormwater management than the federal regulations would require. A flexible approach would allow the investment of City resources in developing an effective program to reduce pollutants in stormwater over the five years of the permit, rather than extensive studies with less effect on improving the quality of receiving waters. Studies and water quality would still be required in the early permit, but may be phased to allow for the development of the most cost effective and informative collection of data.

Presently, City/County staff and consultants are holding weekly working meetings with Central Valley RWQCB staff to discuss topics relating to the permit. These working meetings are a forum for the City and County to gain understanding of the goals of the RWQCB, share information on existing conditions in the City and County, and have technical expertise provided by the consultants and RWQCB staff. A goal of the RWQCB is to prepare a draft permit which is realistic in expectations for the City and County, while also flexible enough to incorporate new information

in order to have an effective and responsive stormwater management program.

The RWQCB plans on distributing the draft permit to the City, County, SWRCB, and EPA on April 2nd. City and County will have the opportunity to comment through April 27th. Two meetings with RWQCB staff are scheduled through April in case comments require additional discussion and resolution. The RWQCB will then draft the tentative permit, which will be followed by a public and agency review period from approximately May 7-21st. This review period will also allow for additional comments from the City and County. A hearing on the tentative permit is planned for the RWQCB meeting at the end of June. After the hearing at the RWQCB, the EPA has the opportunity for final objection. Final approval is anticipated to be obtained by the end of June.

#### FINANCIAL DATA

Costs to continue to monitor this document are presently budgeted. Long-term costs could become a major investment if proposed water quality standards are adopted by the State Water Resources Control Board.

#### POLICY CONSIDERATIONS

Future NPDES permits would be very restrictive for any storm drainage discharges in complying the proposed documents.

The existing policy of allowing new development to discharge to the nearest river (American or Sacramento) would be in violation if the proposed water quality standards are adopted by the State Water Resources Control Board.

#### MBE/WBE EFFORTS

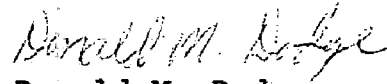
There are no MBE/WBE policies associated with this report.

Joint Budget and Finance/Transportation and Community Development Cmte.  
Stormwater Quality Issues  
March 13, 1990  
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RECOMMENDATION

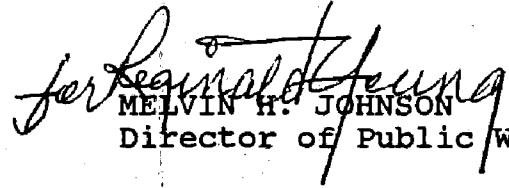
This report is for Committee information. Receive and file this report.

Respectfully submitted,



Donald M. Dodge  
Dep. Director of Public Works

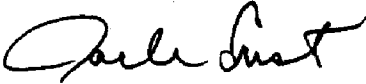
APPROVED:



MELVIN H. JOHNSON  
Director of Public Works

March 13, 1990  
All Districts

Approved for Committee Information:



~~For~~ Solon Wisham, Jr.  
Assistant City Manager

Contact Person:  
Don Dodge  
Deputy Director of Public Works  
449-8570

Attachments

- Attachment 1 - List of Potential Best Management Practices (6 pg.)
- Attachment 2 - Letter to City Council of January 9, 1990 (8 pg.)

## ATTACHMENT 1

### LIST OF POTENTIAL BEST MANAGEMENT PRACTICES

#### A.) "Educational" Control Measures

- E1. Educate re: the impacts that result when oil, antifreeze, pesticides, herbicides, paints, solvents, or other potentially harmful chemicals are dumped into storm sewers or drainage channels.
- E2. Educate re: the proper use (e.g. application methods, frequencies, and precautions) and proper management of fertilizers, pesticides, herbicides, and other potentially harmful chemicals.
- E3. Educate re: the effective use of "housekeeping" practices, including the use of absorbents, cleaning compounds, and oil/grease traps for controlling oil and grease in gas stations, automotive repair shops, parking areas, commercial/industrial facilities, and food service facilities.
- E4. Educate re: the nonpoint source pollution impacts that result from littering and improper solid waste practices.
- E5. Educate re: the need to keep rainfall and runoff from contacting potential contaminants. Describe typical examples of the problem and practical solutions.
- E6. Educate re: the need to minimize both the total volume of runoff and the peak rate of runoff from a given area. Describe basic principles and suggest alternative practical means to enhance surface retention and infiltration.
- E7. Educate re: the relationship between air pollution and nonpoint source water quality problems.
- E8. Educate re: the need to intensify vehicle inspection and maintain efforts to reduce leakage of oil, antifreeze, hydraulic fluid, etc.
- E9. Educate re: the environmental impacts which result from leaks and spills from gasoline, fuel oil, and chemical tanks (above and below ground).
- E10. Educate architects, engineers, contractors, and public works personnel, about the need for and practical methods for erosion control, sediment control, groundwater disposal, and site waste disposal.
- E11. Educate farmers, ranchers, and other managers of agricultural and/or open-space lands re: the need for and practical methods for erosion control and sediment control.

- E12. Educate managers and users of park lands and open-space lands re: the need to restrict off-trail activities. Establish and enforce practical, site-specific regulations to control off-trail activities.
- E13. Educate re: the need to clean up and properly dispose of pet wastes.
- E14. Educate re: the need to cooperate with programs (by others) which seek to reduce particulate atmospheric emissions of pollutants from individual, public, commercial, and industrial sources.
- E15. Educate re: the need to cooperate with programs (by others) which seek to reduce automobile use by various means (e.g. ride sharing, carpooling, public transportation.)
- E16. Educate re: the need to intensify vehicle inspection and maintenance efforts to reduce automobile emissions.
- E17. Educate re: the need to minimize the total runoff volume that roof drains contribute directly to storm sewers and drainage channels. Describe basic principles and suggest practical alternatives to minimize their peak rate of discharge.

B.) "Regulatory" Control Measures

- R1. Research, strengthen (if necessary), and enforce regulations which give local jurisdictions the legal authority to control littering and the improper disposal of potentially harmful wastes.
- R2. Research, strengthen (if necessary), and enforce regulations which give local jurisdictions the legal authority to prevent the improper disposal of silt, debris, refuse, or other pollutants into storm sewers and drainage channels.
- R3. Research, strengthen (if necessary), and enforce regulations which give local jurisdictions the legal authority to eliminate cross-connections, which allow sanitary sewage and/or commercial/industrial wastewater to enter storm sewers or drainage channels.
- R4. Develop and implement effective erosion and sediment control regulations, and requirements for corresponding construction inspection programs. These should apply to public-sector as well as private-sector construction programs.
- R5. Research, strengthen (if necessary), implement, and enforce regulations which will give local jurisdictions the legal authority to require site drainage designs and systems which minimize the total volume of runoff and the peak rate of runoff from new construction, where local conditions permit.



- R6. Research, strengthen (if necessary), and enforce regulations which give local jurisdictions the authority to require oil and grease controls in areas which are significant sources (e.g., gas stations, automotive shops, wrecking yards, machine shops, commercial/industrial facilities, parking areas, and food service establishments).
- R7. Require new commercial, industrial, institutional, and major multi-family residential building complexes to have drainage facilities that incorporate on-site retention and/or infiltration -- to assure that neither the total volume of runoff nor the peak rate of runoff exceed pre-project conditions.
- R8. Require new public and private sector developments to make significant use of permeable surfaces in new landscaping, recreation areas, walkways, and parking areas to maximize infiltration (e.g., bark, gravel, and other ground cover, brick, cobblestones, porous pavement). Use planted areas and/or grassy swales, where appropriate, to maximize retention and infiltration.
- R9. Coordinate with the RWQCB to be sure that potential water quality impacts are adequately considered at the time NPDES permits are issued for any discharges to storm sewers or drainage channels. Include monitoring of all pertinent constituents as a permit stipulation.
- R10. Develop and implement improved erosion and sediment control policies in the environmental elements of all General Plans (develop and adopt General Plan Amendments, where needed).
- R11. Adopt policies which require all CEQA compliance documents and site drainage design to explicitly address the following: erosion potential, proposed erosion and sediment control plans, proposed inspection programs, related environmental impacts, and enforceable mitigation measures to minimize environmental impacts.
- R12. Develop and implement regulations which require landowners and/or tenants to provide covers (e.g., roofs, tarps) to keep rain off areas which contain contaminants (e.g., chemical storage areas, waste storage areas, contaminated industrial areas); and to keep runoff from draining through areas which contain contaminants.
- R13. Coordinate efforts (by others) to intensify the implementation of existing regulations which call for improved designs of new tanks (e.g., double walls, monitoring facilities); an aggressive self-monitoring program to be conducted by landowners and tenants; and a strategically focused spot-check program to search for, identify, test, and control leaking storage tanks.

C.) "Public Agency" Control Measures

- P1. Label storm drain inlets and provide signs along the banks of drainage channels and creeks explaining the environmental impacts of dumping wastes.
- P2. Develop and implement programs which provide convenient means for people to properly dispose of oil, antifreeze, pesticides, herbicides, paints, solvents, and other potentially harmful chemicals (recycle if possible).
- P3. Develop and implement an aggressive field program to search for, detect, and prevent dumping or routinely discharging pollutants into storm sewers and drainage channels. This may involve re-evaluating previous decisions which allowed certain relatively clean waters to be discharged to the stormwater systems.
- P4. Develop and implement an aggressive field program to search for, detect, and control illicit connections of sewers which carry sanitary and/or commercial/industrial wastewater.
- P5. Determine the effectiveness of increasing the frequency of cleaning out storm sewer inlets, catchbasins, storm sewers, and drainage channels in areas where sediments and/or debris tend to accumulate. Develop and implement improved programs where appropriate.
- P6. Develop and implement an aggressive field program to search for, test, remove, and properly dispose of sediment deposits (in drainage channels and streams) which contain relatively high concentrations of pollutants.
- P7. Develop and implement a program which provides a means of recording the observations of field inspection and maintenance personnel, so this information can be used to help locate the source(s) of pollutants.
- P8. Determine the effectiveness of retrofitting existing stormwater retention basins to trap sediments from small storm events, while maintaining acceptable water quality for public activities.
- P9. Determine the effectiveness of building, maintaining, and testing relatively large detention basins at several locations in the lower reaches of the watershed.
- P10. Determine the effectiveness of building, establishing, and testing wetlands and riparian vegetation in retrofitted and/or new drainage channels.
- P11. Determine the effectiveness of building, establishing, and maintaining relatively large man-made wetland basins at several locations in the lower reaches of the watershed.

- P12. Develop and implement an aggressive field program to search for, detect, and correct situations where rainfall and/or runoff presently contact potential contaminants.
- P13. Develop and implement intensified street sweeping programs in strategic locations (e.g., central business districts, shopping malls, major parking lots, industrial areas) and/or at strategic times (e.g. following extended periods of dry weather).
- P14. Determine the effectiveness of retrofitting existing infiltration basins to accept and treat storm runoff.
- P15. Develop and implement bimonthly clean up days and corresponding curbside collection for trash and debris.
- P16. Provide, collect, and maintain more litter receptacles in strategic public areas and during major public events.
- P17. Provide generic plans, specifications, and demonstrate project results which will encourage architects, engineers, and building departments to implement systems which temporarily retain rainfall peaks on rooftops and/or in detention facilities to minimize the peak rate of discharge to the storm sewer systems or drainage channels.
- P18. Build, maintain, and assess the performance of several retention basins at selected locations in urbanized areas throughout the watershed. (e.g., various City parks)
- P19. Build, establish, maintain, and assess the performance of man made wetlands basins at selected locations in urbanized areas throughout the watershed.
- P20. Develop and implement an aggressive field program to search for, detect, and control sanitary sewer leaks and areas where surcharging and/or overflows are most likely to occur.
- P21. Develop and implement programs to actively search for, identify, evaluate, and prioritize erosion problems on undeveloped land, park land, and agricultural land.
- P22. Develop and implement programs to work with landowners, tenants, and/or public agencies to apply practical erosion control and sediment control practices.
- P23. Develop and implement practical programs for revegetating and otherwise restoring actively eroding areas (e.g., areas damaged by fires, overgrazing, landslides, improper tillage, and off road vehicle use).
- P24. Coordinate with the Soil Conservation Service and local resource conservation programs to support their activities to control erosion and sedimentation problems.

- P25. Cooperate with public transportation agencies, public agency motorpools, and public works departments to provide effective air pollution controls on publicly owned vehicles and motorized equipment -- and/or to use alternative clean burning fuel where practical.
- P26. Determine the effectiveness of using street flushers to reduce pollutants in runoff.
- P27. Determine the effectiveness of developing in-line infiltration facilities within selected reaches of large capacity drainage channels to accept and treat storm runoff.
- P28. Build, maintain, and assess the performance and potential impacts of several relatively small infiltration basins at selected locations in urbanized areas throughout the watershed.



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DIVISION OF  
FLOOD CONTROL AND SEWERS

916-449-5271

January 16, 1990

City Council  
Sacramento, California

Honorable Members In Session:

SUBJECT: "NPDES STORMWATER PERMIT EARLY APPLICATION EFFORT" -  
ADOPTION OF A JOINT CITY/COUNTY/WATER AGENCY MEMORANDUM  
OF UNDERSTANDING, AUTHORIZATION TO AMEND AN AGREEMENT  
WITH BROWN & CALDWELL CONSULTING ENGINEERS, AND TRANSFER  
OF FUNDS TO SEEK AN EARLY PERMIT FOR URBAN RUNOFF.

### SUMMARY

This staff report recommends that the City Council approve the attached resolution which authorizes the execution of a Memorandum of Understanding for a joint effort with the County of Sacramento and Sacramento County Water Agency to make immediate application to the RWQCB for a stormwater permit to be issued by July 1990, approves an amendment to the existing agreement with Brown & Caldwell Consulting Engineers (City Agreement No. 89017), and transfers appropriations for additional consultant services.

### BACKGROUND

See attached Joint Budget & Finance/Transportation & Community Development Committee (Joint Committee) report.

### FINANCIAL DATA

See attached Joint Committee report.

### POLICY MATTERS

See attached Joint Committee report.

### MBE/WBE

See attached Joint Committee report.

RECOMMENDATION

It is recommended that the City of Sacramento, County of Sacramento, and Sacramento County Water Agency jointly seek an early permit. It is recommended that the City Council adopt the attached Resolution, which:

- a) adopts the City/County/Agency Memorandum of Understanding for the joint early permit effort,
- b) authorizes the City Manager and the City Clerk to execute and record amendments to City Agreement No. 89017 with Brown and Caldwell Consulting Engineers,
- c) appropriates an additional \$44,000 from the City Drainage Contingency Fund for consultant services,
- d) authorizes fiscal mechanisms for equal sharing of costs between the City and County/Agency, and
- e) amends the 1989/90 Revenue Budget.

Respectfully submitted,



ALBERT E. McCOLLAM, JR.  
Flood Control & Sewer Division Manager

Recommendation Approved:

WALTER J. SLIPE  
City Manager

Contact Person:  
Craig Crouch, Senior Engineer  
449-8559

Approved:

MELVIN H. JOHNSON  
Director of Public Works

January 16, 1990  
All Districts



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916-449-5271

January 9, 1990

Joint Budget & Finance/Transportation & Community Development Committee  
Sacramento, California

Honorable Members In Session:

SUBJECT: "NPDES STORMWATER PERMIT EARLY APPLICATION EFFORT" -  
ADOPTION OF A JOINT CITY/COUNTY/WATER AGENCY  
MEMORANDUM OF UNDERSTANDING, AUTHORIZATION TO AMEND  
AN AGREEMENT WITH BROWN & CALDWELL CONSULTING  
ENGINEERS, AND TRANSFER OF FUNDS TO SEEK AN EARLY PERMIT  
FOR URBAN RUNOFF.

### SUMMARY

In approximately July 1990, the City of Sacramento will fall under a new stormwater discharge permitting program required by the Federal Clean Water Act. The federal Environmental Protection Agency (EPA) and State Regional Water Quality Control Boards (RWQCB) are encouraging several large urbanized areas to obtain discharge permits prior to promulgation of the detailed federal stormwater regulations. There are potentially significant advantages to all parties if an "early" permit is issued to the City and County of Sacramento.

The permit application effort would be administered by the City through an existing capital improvement project, WD56 - "NPDES Stormwater Program". It is requested that the Joint Budget & Finance/Transportation & Community Development Committee (Joint Committee) recommend to City Council approval of the attached resolution which authorizes the execution of a Memorandum of Understanding for a joint effort with the County of Sacramento and Sacramento County Water Agency to make immediate application to the RWQCB for a stormwater permit to be issued by July 1990, approves an amendment to the existing agreement with Brown & Caldwell Consulting Engineers (City Agreement No. 89017), and transfers appropriations for additional consultant services.

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## BACKGROUND

### Federal and State Program Requirements

Under federal stormwater regulations to be issued by late July 1990, the City must obtain a National Pollutant Discharge Elimination System (NPDES) permit for all of its stormwater outfalls to the waters of the United States. This permit will define the City's plan to control stormwater quality. EPA has emphasized that immediate progress towards compliance will be required of Sacramento and all other municipalities with populations over 250,000.

Under the proposed regulations, the NPDES permit application would be submitted in two parts, with Part I due one year after the regulations are promulgated and Part II due one year after Part I. The draft regulations propose the Part II include results of a comprehensive and costly water quality monitoring program, with the objective of characterizing the stormwater discharged from the City's outfalls. However, it is within the existing authority of the RWQCB to issue at anytime an NPDES permit (setting water quality requirements on discharges) for any stormwater outfall to the waters of the United States, and stormwater quality in the Sacramento area is of increasing concern to the RWQCB.

### Previous City and County Activities

In a August 1, 1989 letter to City Council, staff:

- o described the history and expected impacts of the pending EPA National Pollutant Discharge Elimination System (NPDES) stormwater regulations,
- o proposed a three-phase NPDES stormwater program to comply with the regulations,
- o detailed the consultant selection procedures followed in selecting a consultant to implement the program, and
- o recommended retaining the firm of Brown & Caldwell as consultant for Phase I services.

The objectives of Phase I were to:

- 1) define and influence program requirements,
- 2) inform and assist local industries in preparing to certify their discharges,



- 3) define a plan and costs of a two-year plan for City compliance with state/federal water quality regulations, and
- 4) propose funding mechanisms to support these efforts.

City Council approved the described program, and since August 1989, the City and the consultant have proceeded to implement it.

Also, the City and County have jointly undertaken a study of the impacts of urban runoff upon Lower American water quality. Contracted through City CIP WD21 ("Lower American River Section 205(j)(2) Grant Study"), this two-year, \$218,400 study will gather data for the NPDES application. EPA (through the State Water Resources Control Board) is funding 75 percent of the consultant costs, and the remaining costs are equally shared by the City and County. The study Technical Advisory Committee includes City, County, and RWQCB staff. Through the study, the RWQCB seeks to better define the toxic effects of urban discharges upon three species of aquatic life. For the American River study (and as proposed for the early permit effort), the City and County have executed a Memorandum of Understanding which designates the City as the contracting agency and which provides for the equal sharing of costs.

#### Early Application Request and Program Impacts

In mid-November 1989, the City entered into discussions with RWQCB regarding the NPDES stormwater permit requirements. Subsequently, both the RWQCB and Region IX of the EPA have encouraged the City and the County of Sacramento (along with agencies in the Santa Clara Valley and in Los Angeles County) to apply for a permit prior to the promulgation of the federal regulations, expected by late July 1990. Advantages of an early, joint permit may include:

- o implementation of a region-wide (rather than piecemeal) plan for stormwater quality management,
- o the opportunity to extend the time available (from the two-year EPA application period to the five-year early permit period) for required City and County activities, including collection of water quality data,
- o reduction of costs to both agencies, through sharing of some common costs of the application.

The proposed Memorandum of Understanding (see Attachment 1) between the City and County of Sacramento (County)/Sacramento County Water Agency (Agency) describes the purpose and timeline of the proposed early permit application effort. The schedule proposed is ambitious, but provides an opportunity for the City and County/Agency to obtain the benefits described above. All efforts toward early permit issuance would otherwise be required in a multi-year program to comply with anticipated state and federal stormwater quality management requirements.

### Conclusions

After discussions with RWQCB, staff recommends that the City of Sacramento, County of Sacramento, and Sacramento County Water Agency jointly seek an early permit. The early permit should enable these agencies to develop a meaningful stormwater quality management program, as opposed to responding reactively to detailed federal permit application requirements. Joint and early application will avoid duplication of local efforts and will permit the EPA and RWQCB greater flexibility in establishing and setting deadlines for permit conditions.

### FINANCIAL DATA

The Memorandum of Understanding provides for a maximum total cost of Phase I consultant services, revised to include services required for the joint City/County/Agency early permit effort, not exceeding \$300,000, and the City's share will not exceed \$150,000. Current City funding for the project is \$106,000. Therefore, additional City funding of \$44,000 is needed. The County/Agency proposes to share equally in all stormwater quality management program (NPDES) costs through December 1990, including all City costs incurred to date in Phase I.

It is proposed that \$44,000 be transferred from the Drainage Fund Contingency Reserve (Fund 425) to the existing Capital Improvement Project (CIP) - "NPDES Stormwater Program" (4-25-500-WD56-4802). The current balance of the Drainage Fund Contingency Reserve as of December 31, 1989, is \$855,866. The County/Agency share of the maximum project cost, \$150,000, will be appropriated from the Capital Grants Fund (Fund 248) which will come from revenue received from the County/Agency based on the approved Memorandum of Understanding.

Maximum fee under the current consultant services agreement with Brown and Caldwell (CC-89017) is \$99,500. This agreement is being amended to increase the fee to \$244,250.

### POLICY MATTERS

The recommended action would involve the City in a regional, multi-agency program for stormwater quality management. The proposed action would set a new goal of obtaining the initial five-year stormwater permit approximately two years early. City activities during the five-year "early" permit period would include efforts which otherwise would be performed during a two-year permit application process. Under the anticipated federal regulations, a permit would not be issued earlier than August 1992. Therefore, the recommended action could expedite, by two or more years, meaningful progress in stormwater quality management.

Staff has determined that the recommended action of undertaking the permit application and negotiation effort is exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15262 of that Act.

Opportunity for public discussion will be provided prior to adoption of the permit. Once EPA Region IX has reviewed the draft permit, the RWQCB would place adoption of the permit on its agenda and issue a public notice of the contemplated action. Under the proposed schedule for the early permit effort, this public notice would be issued April 20, 1990, and RWQCB would consider adopting the permit at its public meeting in late June 1990. Between late April and late June, both the City Council and Board of Supervisors would review permit conditions, solicit public comment, and consider pursuing permit adoption. Concurrent with activity through June 1990, the RWQCB and local agencies would identify and undertake any actions required for compliance with CEQA.

### MBE/WBE

As described in the August 1, 1989 letter to City Council, City MBE/WBE procedures were complied with during the consultant selection process.

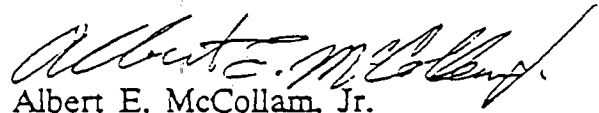
### RECOMMENDATION

Staff recommends that the City of Sacramento, County of Sacramento, and Sacramento County Water Agency jointly seek an early permit. It is recommended that the Joint Committee forward to City Council for adoption the attached Resolution, which:

- a) adopts the City/County/Agency Memorandum of Understanding for the joint early permit effort,
- b) authorizes the City Manager and the City Clerk to execute and record Amendment #1 to City Agreement No. 89017 with Brown and Caldwell Consulting Engineers,

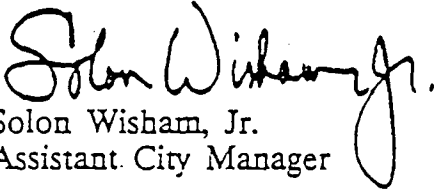
- c) appropriates an additional \$44,000 from the City Drainage Contingency Fund for consultant services,
- d) authorizes fiscal mechanisms for equal sharing of costs between the City and County/Agency, and
- e) amends the 1989/90 Revenue Budget.

Respectfully submitted,



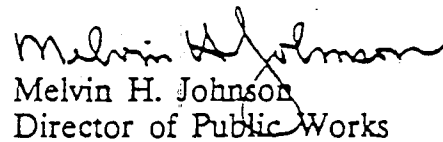
Albert E. McCollam, Jr.  
Flood Control & Sewer Division Manager

Recommendation Approved:



Solon Wisham, Jr.  
Assistant City Manager

Approved:



Melvin H. Johnson  
Director of Public Works

Contact Person:  
Craig Crouch, Senior Engineer  
449-8559

All Districts  
January 9, 1990