

REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

Consent
June 15, 2010

Honorable Mayor and
Members of the City Council

Title: First Amendment to Agreement for Stormwater Ordinance Compliance Inspections (I14010200)

Location/Council District: Citywide

Recommendation: Adopt a **Resolution** approving a six month extension of the cooperative agreement (Agreement No. 2003-221) between the City of Sacramento and the County of Sacramento for the Sacramento County Environmental Management Department (EMD) to continue to perform stormwater ordinance compliance inspections at industrial and commercial facilities in the City.

Contact: David Brent, Engineering Services Manager, 808-1420; Sherill Huun, Supervising Engineer, 808-1455

Presenters: Not applicable

Department: Utilities

Division: Engineering Services

Organization No: 14001331

Description/Analysis

Issue: The cooperative agreement between the City of Sacramento and County of Sacramento for EMD to perform industrial and commercial facility inspections for stormwater ordinance compliance is due to expire on June 30, 2010. By adopting this amendment for a six month extension of the agreement, the City will stay in compliance with National Pollutant Discharge Elimination System (NPDES) permit (Permit No. CA0082597). The extension will allow the necessary time for negotiation and development of a new cooperative agreement.

Policy Considerations: The amendment of this cooperative agreement is in accordance with the City's operating principles of promoting safety and enhancing livability.

Environmental Considerations:

California Environmental Quality Act (CEQA):

The Environmental Services Manager has determined that the recommended action is exempt from the California Environmental Quality Act (CEQA) under section 15308 of the CEQA Guidelines. Exemption 15308 consists of actions taken by regulatory agencies for protection of the environment where the regulatory process involves procedures for protection of the environment.

Sustainability Considerations: The NPDES permit requires the reduction of pollution conveyed by stormwater runoff into local water bodies and implementation of compliance inspections at industrial and commercial facilities. The Stormwater Inspection Program for industrial and commercial facilities ensures that those facilities comply with the NPDES permit and the City's stormwater ordinance, and is consistent with the City Sustainability Master Plan in advancing the following goals:

1. Protecting the City's urban creeks and rivers
2. Conserving the use and protection of sources of water

Commission/Committee Action: Not applicable

Rationale for Recommendation: EMD's continued enforcement of the City's Stormwater ordinance by inspecting industrial and commercial facilities will allow the City to remain in compliance with its NPDES permit in the most cost effective manner.

Financial Considerations: The recommended action to approve the current contract for an additional six months will not have a financial impact. The cost for EMD's stormwater inspection program is covered by fees charged to the businesses and industrial facilities that EMD inspects.

Emerging Small Business Development (ESBD): Not applicable

Respectfully Submitted by: 
David L. Brent
Engineering Services Manager

Approved by: 
Marty Hanneman
Director of Utilities

Recommendation Approved:

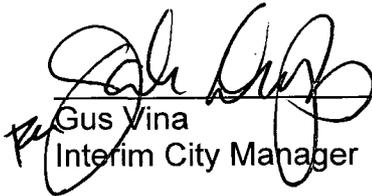

Gus Vina
Interim City Manager

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Attachment 1

Background

In September 2008, the Regional Water Quality Control Board - Central Valley Region reissued a National Pollutant Discharge Elimination System (NPDES) permit (Permit No. CA0082597) to the County of Sacramento and the Cities of Sacramento, Citrus Heights, Elk Grove, Folsom, Galt, and Rancho Cordova (Permittees) regulating the discharge of stormwater into local water bodies. The Permit requires implementation of programs to reduce the pollution conveyed by stormwater runoff into local water bodies.

A provision in the NPDES permit requires that one stormwater ordinance compliance inspection be conducted every three years at the following types of businesses: auto repair and body shops, retail gasoline outlets, restaurants, kennels, equipment rentals, auto dealers, and facilities covered under the State's General Permit for Storm Water Discharges Associated with Industrial Activities that are located in Sacramento County.

Activities at each facility must be examined for compliance with City and State stormwater regulations. The Sacramento County EMD, as both the State designated Certified Unified Program Agency (CUPA) and Environmental Health Agency for Sacramento County, was tracking, conducting inspections and otherwise regulating the majority of the commercial and industrial facilities that are listed in this provision of the NPDES permit. Therefore utilizing EMD's existing staff, who are already in the field for other inspection activities, was more cost effective than the creation of a separate inspection program administered by the City. The business community also benefits by avoiding the need for another single purpose regulatory inspection.

EMD has been very effective at enforcing the City's Stormwater Ordinance and ensuring that the commercial and industrial facilities within the City of Sacramento stay in compliance with the NPDES permit. The costs for the stormwater inspections are covered by EMD fees charged to the businesses.

City Council approved a cooperative agreement (Agreement No. 2003-221) to authorize EMD to perform stormwater compliance inspections at industrial and commercial facilities on December 9, 2003 (Resolution No. 2003-856). Approval of a six month extension will provide the necessary time for negotiation and development of a new cooperative agreement.

Attachment 2

RESOLUTION NO. 2010-

Adopted by the Sacramento City Council

June 15, 2010

**FIRST AMENDMENT TO AGREEMENT FOR STORMWATER ORDINANCE
COMPLIANCE INSPECTIONS**

BACKGROUND

- A. In September 2008, the Regional Water Quality Control Board - Central Valley Region reissued a National Pollutant Discharge Elimination System (NPDES) permit (Permit No. CA0082597) to the County of Sacramento and the Cities of Sacramento, Citrus Heights, Elk Grove, Folsom, Galt, and Rancho Cordova (Permittees) regulating the discharge of stormwater to local bodies of water.
- B. The NPDES permit requires that the Permittees develop and implement programs to reduce pollution caused by stormwater runoff. One of those programs is to inspect industrial and commercial facilities for compliance with the City's stormwater ordinance and the NPDES permit.
- C. On December 9, 2003 the City Council approved a cooperative agreement (Agreement No. 2003-221) with the Sacramento County Environmental Management Department (EMD) to perform stormwater ordinance compliance inspections at industrial and commercial facilities within the City. The agreement term will expire June 30, 2010, unless extended.
- D. EMD has been very effective at enforcing the City's Stormwater Ordinance and ensuring that the commercial and industrial facilities within the City of Sacramento stay in compliance with the NPDES permit.
- E. Extending the agreement for six months will allow the necessary time for City and EMD staff to develop a new agreement with updated terms and provisions.
- F. The cost for EMD's stormwater inspection program is covered by fees charged to the businesses and industrial facilities that EMD inspects.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. The City Manager is authorized to sign a First Amendment to City Agreement No. 2003-221, to provide a six month extension for the

ongoing stormwater compliance inspections at industrial and commercial facilities within the City by EMD.

Section 2. Exhibit A is part of this Resolution.

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Exhibit A: First Amendment to Agreement