

## **Updated Stormwater Ordinance**

### **Model Language for Use in Preparing Staff Reports**

The City [Town, County] is a Co-Permittee under the Municipal Regional Stormwater Permit issued by the San Francisco Bay Regional Water Quality Control Board in 2009. [for Oakley, Brentwood, and Antioch, substitute: The City is a Co-Permittee under the East Contra Costa County Municipal NPDES (National Pollutant Discharge Elimination System) Permit issued by the Central Valley Regional Water Quality Control Board in 2010.] The first municipal stormwater permit was issued to the City [Town, County] in 1993 [for Oakley, Brentwood, and Antioch: 1994]. The permits regulate discharges from municipal separate storm sewer systems (MS4s) and specify measures the City [Town, County] must undertake to prohibit non-stormwater discharges to storm drains and to minimize pollutants in stormwater.

The City [Town, County] participates in the Contra Costa Clean Water Program (Clean Water Program), which coordinates municipal stormwater permit compliance efforts countywide. In the early 1990s, the Clean Water Program brought together a group of municipal attorneys to prepare a model stormwater ordinance. A similar group updated the model ordinance in 2004 to include additional sections related to implementation of new development (stormwater permit Provision C.3) requirements added by the San Francisco Bay Regional Water Quality Control Board. The City's [Town's, County's] current ordinance is based on the 2004 model.

Following adoption of the MRP in 2009 and the East Contra Costa County Municipal NPDES Permit in 2010, the Clean Water Program once again convened a group of municipal attorneys to review and update the model stormwater ordinance. The attached updated City [Town, County] of \_\_\_ ordinance, which replaces the existing ordinance, is based on the most recent updated model.

The updated ordinance incorporates the following changes to the existing ordinance, consistent with new or updated provisions in the permits:

- Updates the definition of stormwater management facility to include facilities that use harvesting/reuse, evapotranspiration, and infiltration (Section 02(l)).
- Deletes the enumeration of specific project size thresholds for applicability of Provision C.3 (these 2003 thresholds have been superseded by lower thresholds in the current permit) and substitutes a reference to thresholds in “the City’s NPDES permit” (Section 05).
- Updates the list of discharges exempt from the prohibition of discharges to the storm drain system (Section 06(d)).
- References specific publishers as sources of BMPs which the City [Town, County] may require to be implemented (Section 09).
- Requires the use of BMPs to minimize the release of pesticides, fertilizers, herbicides, and other related materials used to maintain landscaping and facilities (Section 09(d)).
- Allows the City [Town, County] to require installation and maintenance of devices or facilities to prevent the discharge of trash or other pollutants from

private parking lots, streets, roads, and drainage facilities into the storm drain system (Section 09(e)) as a means of cost-effectively meeting permit mandates.

- Deletes a section in the 2004 model ordinance allowing compliance certificates for verifying the operation and maintenance (O&M) of privately owned stormwater management facilities; this method of O&M verification is not allowed by the current permits and O&M inspections must now be performed by the municipality.
- Strengthens administrative procedures for enforcement (Section 20).