



# City of Woodland

## REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR  
AND CITY COUNCIL

DATE: October 21, 2008

SUBJECT: Municipal Storm Water Permit Annual Update and Construction  
Site Runoff Enforcement Procedures

### **Report in Brief**

On September 10, 2008, the City submitted an annual report to the Central Valley Regional Water Quality Control Board (RWQCB) for compliance with the National Pollutant Discharge Elimination System General Permit for the Discharge of Storm Water from Small Municipal Separate Storm Sewer Systems, Order No. 2003-0005-DWQ (General Permit). The annual report documents the City's efforts to implement the best management practices (BMPs) described in the City's Storm Water Management Program (SWMP) for the reporting period of July 1, 2007 through June 30, 2008. This report to the Mayor and City Council summarizes the annual report and also summarizes the City's enforcement procedures that will be implemented to prevent storm water pollution from construction sites during the 2008/2009 wet season.

Staff recommends that the City Council receive this report.

### **Background**

The City is required to operate pursuant to a municipal storm water permit and received coverage under the General Permit in October 2004. As part of the permit requirements, the City needed to prepare and implement a 5-year SWMP with BMPs for the following areas: Public Education and Outreach, Public Involvement and Participation, Illicit Discharge Detection and Elimination, Construction Site Runoff Control, Post Construction Runoff Control, and Municipal Operations. One requirement of the City's SWMP, BMP 2B, is to update the City Council on the City's efforts to implement the storm water BMPs in the previous reporting year. Additionally, because of the timing of this report and critical nature of construction site runoff control, the Mayor and City Council are also being briefed on the City's construction site storm water pollution prevention plan inspection and enforcement procedures.

The first 5-year term of the General Permit was adopted by the State Water Resources Control Board (State Water Board) in 2003 and expired on May 1, 2008. The State Water Board staff is in the process of drafting the second-term permit, which it expects to issue in mid-2009. The General Permit will continue in force and in effect until the second-term permit is issued, and the City will continue to comply with the permit requirements by implementing the year 5 BMPs described in the existing SWMP. The City will apply for coverage under the second-term permit once it is issued and will need to prepare a new Storm Water Management Program that addresses the new permit requirements.

### **Discussion**

#### **Storm Water Management Program Year 5 Update**

Key highlights of BMPs implemented during Year 5 include the following:

Public Education and Outreach: The City's booth at the August 2007 Yolo County Fair was focused on the storm water system. Various media sources continued to be used to educate the public on protecting storm water quality and to provide general information on the SWMP. Storm water educational information was included in "EarthCapades" performances at elementary schools (20 performances were conducted). Mulching mower, composting bins, and wood chipper rebates and composting demonstrations were offered as a means for reducing the amount of green waste placed in the street. City staff members, along with Yolo County representatives, created and distributed 3,400 calendars for 2008 focusing on recycling and storm water pollution prevention. Outreach items were also distributed at the Hot Rod Reunion, Arbor Day event, Yolo County Fair, and Community Center anniversary; at city buildings; and at residences. Dissemination of information on protection of storm water quality continues to be a routine part of industrial and commercial compliance inspections.

Public Involvement and Participation: City management personnel staffed the City's booth at the Yolo County Fair during all hours of operation and encouraged residents to review the displays and literature and to ask questions about how the City's storm drain facilities operate and need to be maintained; regulatory requirements; and funding options for operation, maintenance, and new capital needs. The City Council was provided with an annual update on SWMP implementation in November. The City requested public comments on the SWMP in early 2008, but none were received.

Illicit Discharge Detection and Elimination: Implementation was started on a six-year plan to inspect and clean the storm water conveyance system. Four known agricultural discharge locations were inspected and photos were taken on a quarterly basis. One potential illicit connection to the City's storm drain system from an agricultural operation was identified during one of these inspections and was addressed through coordination with Yolo County and the landowner. Staff inspected open channels bimonthly and documented findings. Monthly meetings were held among Utilities and Environmental Operations staff members to review the prior month's illegal discharges, including sanitary sewer overflows. Staff reviewed the corrective actions that were implemented, evaluated trends in illegal discharges, and closed out incidents only when the meeting participants were

satisfied that appropriate follow-up had been completed. All identified illegal discharges were contained and cleaned up before they could enter any channels outside of the City's storm drain system. City field staff distributed educational materials, including a bilingual brochure, to residents and businesses to educate them on illegal discharges and causes of sanitary sewer overflows.

Construction Site Runoff Control: The City held an annual Pre-Wet Season Workshop to educate staff, contractors, and developers on appropriate BMPs at construction sites. Additionally, City staff held a mandatory storm water pollution prevention plan (SWPPP) training session discussing the inspection and enforcement requirements for construction sites as well as the use of appropriate BMPs. Storm water construction site inspectors visited each construction site with an active SWPPP. Notices of Correction, Non-Compliance, and Violation were issued at four construction sites and corrective actions were required. City staff followed up with site inspections to ensure that work was being resumed and continued in accordance with appropriate BMPs.

Post Construction Runoff Control: Projects that require post-construction BMPs were reviewed to ensure that the appropriate measures are included to reduce, improve, and treat storm water runoff. To ensure proper functioning of storm water treatment systems, City staff inspected the 12 commercial sites that have storm water pre-treatment devices that are maintained (pumped out) by the property owners. Each development application packet distributed by the Community Development Department included a fact sheet stating that post-construction BMPs are required for certain types of development projects.

Municipal Operations: Substantial education and outreach were conducted to inform the public about the new green waste container program, which was implemented in January 2008. Under the program, residents are urged to place all green waste in containers for weekly collection. As a complement to the container program, residents are allowed to place leaves and branches in street piles during one week of each month from January 16 through October 14 and are allowed to place these materials in street piles during the leaf drop season of October 15 through January 15. The new program prohibits the placement of grass in the street at all times. Previously, green waste, including grass clippings, was allowed to be placed in the street year round. The new program has greatly reduced the amount of green waste placed in the street, which previously complicated street drainage, increased storm water system maintenance problems, and may have adversely affected the quality of the City's storm water discharges.

Training sessions on BMP practices to be used to perform daily field maintenance job duties and BMPs at construction sites were conducted for all Public Works staff members, the Parks Department maintenance staff, and staff members of the Yolo County Public Works Department. Substantial improvements were made in the maintenance of the Municipal Service Center facilities (BMPs 6C-6I). The City is planning the upgrade of City park facility irrigation systems using nearly \$1 million in grant funding.

Attachment 1 identifies the BMPs that will continue to be implemented until coverage under the second-term permit begins.

### **Storm Water Management Program Construction Requirements**

As part of the permit requirements, the City must have a construction site runoff control program. The City's construction site runoff control program includes the following components:

- educating contractors, developers, and staff on ways to prevent runoff at construction sites,
- inspecting construction sites that disturb more than one acre of soil,
- enforcing the Storm Water Ordinance to prevent runoff from construction sites,
- ensuring that construction sites over one acre have a permit from the RWQCB, and
- incorporating measures to prevent construction-related runoff in the standard specifications and design details.

Highlights of the program being implemented this year are provided below.

#### Construction Outreach and Education

**Pre-Wet Season Workshop:** On September 30, 2008, the City co-hosted its fifth Pre-Wet Season Workshop for staff, developers, and contractors at the Woodland Community and Senior Center. The purpose of the workshop was to bring developers, contractors, and agency representatives to a common place to discuss ways to prepare construction sites for the rainy season. The workshop was co-hosted by Woodland, the City of Davis, Yolo County, UC Davis and the RWQCB. At the workshop, contractors and developers were informed that City staff and RWQCB staff will be inspecting their construction sites during the rainy season to ensure that the appropriate measures are in place to prevent construction-related storm water impacts.

**Mandatory City Inspector Training:** On September 30, 2008, the City also conducted a mandatory SWPPP training session for City and hired SWPPP inspectors. The purpose of the training session was to ensure that inspectors use a consistent approach for SWPPP inspections and enforcement procedures (as outlined below).

**Joint City/RWQCB Field Inspections:** The City and RWQCB staff is currently organizing a field inspection of the active construction sites in Woodland disturbing more than one acre of soil. The purpose of the inspection is to ensure that all project sites are ready for the rainy season. Construction sites must have an effective combination of erosion and sediment control measures to prevent runoff from the site to the storm water conveyance system. Practices for waste handling must also be in accordance with federal Clean Water Act requirements. Sites are inspected to ensure that erosion, sediment control, and waste handling BMPs are in place.

#### Construction Site Enforcement Procedures

City construction site inspectors will coordinate and implement the following procedures for construction projects if potential or actual violations of storm water BMPs are observed:

**Step 1a:** Issue VERBAL Notice of Correction: Staff would discuss the corrective measures that need to be implemented before a given date/time.

**Step 1b:** Issue WRITTEN Notice of Correction: This type of notice would specify what types of practices need to be corrected before a given date/time.

**Step 2:** Issue Notice of Violation to Correct Measures: This type of notice would specify what types of practices need to be corrected before a given date

**Step 3:** Issue Notice of Violation to Stop Work: If necessary, staff will issue a Notice of Violation to Stop Work in the project area contributing to storm water pollution if measures identified previously have not been corrected or water quality is imminently at risk. Work in the area contributing to storm water pollution would not be able to resume until the practices contributing to storm water pollution are corrected.

Although most problems at construction sites are corrected during Steps 1 and 2 of the enforcement process, it may be necessary to issue Notice of Violations to Stop Work. As shown in the above enforcement procedures, stopping work at a construction site would occur after two written warnings have been issued (unless a reoccurring problem continues). We do not anticipate stopping work at construction sites frequently, but we will use this action when necessary to obtain compliance with the federal Clean Water Act and the City's Storm Water Ordinance.

It should be noted that if the City does not enforce construction site storm water runoff procedures, the City could be subject to enforcement actions by the RWQCB. The RWQCB has a number of ways it can respond to storm water violations, including informal enforcement (verbal warnings, staff enforcement letter, and notice of violations) and formal enforcement (clean up and abatement order, administrative civil liability, joint enforcement with California Department of Fish and Game and/or the U.S. Environmental Protection Agency, and referral to District Attorney, Environmental Circuit Prosecutor, or Attorney General). The Central Valley RWQCB has issued many substantial storm water administrative civil liabilities in amounts ranging from \$10,000 to nearly \$1 million in recent years.

As in previous years, City staff will work closely with the RWQCB and construction contractors during the rainy season to ensure that the appropriate BMPs are installed at all construction sites that disturb more than an acre of soil to protect storm water quality and reduce the risk for enforcement actions to be taken against either developers or the City.

### **Fiscal Impact**

Implementation of the Year 5 BMPs was completed within the approved budgeted funds for the storm water program. However, the City Council should note that the current storm water program requires a subsidy of \$186,000 from the General Fund as a result of the failed Proposition 218 process that occurred in August 2007. Until such time that an election allows the full annual operating cost to be assessed to property owners, the required BMP work described herein and other storm drain work will continue to have an impact on the City's General Fund. Existing funds being

collected for the Storm Enterprise Fund do not cover the operations and maintenance needs for the storm water conveyance system, construction inspections, and program administration/outreach. It is also uncertain whether the City will need to comply with more requirements after the second-term permit is issued in 2009. Implementation of additional requirements could generate an additional impact on the General Fund.

**Public Contact**

Posting of the City Council agenda.

**Recommendation for Action**

Staff recommends that the City Council receive this report.

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Attachment: Attachment 1 - Best Management Practices and Measurable Goals for 2008/2009

**Attachment 1**  
**Best Management Practices and Measurable Goals for 2008/2009**

<u>BMP No.</u>	<u>2008/2009 BMP Title and Measurable Goal</u>
1A	<u>BMP:</u> Participate in Public Outreach Events <u>Measurable Goal:</u> A minimum of two events will be attended each year.
1C	<u>BMP:</u> Conduct Presentations for Stakeholder Groups, Service Clubs and Schools <u>Measurable Goal:</u> A minimum of two presentations will be conducted each year.
1D	<u>BMP:</u> Create and Update Storm Water Internet Page <u>Measurable Goal:</u> The storm water web page will be updated when necessary during the year. An annual review of the webpage will be conducted to ensure that the appropriate updates have been made. The Storm Water Hotline (described in BMP 3I) will be included.
1E	<u>BMP:</u> Discuss Storm Water Protection at Industrial/Commercial Compliance Inspections <u>Measurable Goal:</u> Staff will discuss ways to protect storm water at 80 percent of industrial compliance inspections.
2A	<u>BMP:</u> Install Storm Drain Markers <u>Measurable Goal:</u> At least one storm drain marker installation event will be conducted.
2B	<u>BMP:</u> Obtain Public Input and Update Public on Comprehensive Storm Water Management Plan <u>Measurable Goal:</u> One advertisement will be placed in the newspaper soliciting input on the Comprehensive Storm Water Management Plan. One update to the City Council will be done annually.
3A	<u>BMP:</u> Update Storm Water Conveyance System Map <u>Measurable Goal:</u> The storm water conveyance system map will be reviewed and updated annually by the City Engineer and Utilities Superintendent.
3B	<u>BMP:</u> Update Storm Water Ordinance <u>Measurable Goal:</u> The ordinance will be reviewed annually and updated as needed.
3C	<u>BMP:</u> Develop and Implement Plan to Clean and Video Inspect Storm Water Conveyance System. <u>Measurable Goal:</u> A written plan to clean and video inspect the storm water conveyance system will be implemented.
3D	<u>BMP:</u> Identify Agricultural Discharges <u>Measurable Goal:</u> Agricultural discharge inspections will be conducted quarterly.
3E	<u>BMP:</u> Identify Illegal Discharges into Open Channels <u>Measurable Goal:</u> Ninety-percent of the open channels will be monitored twice a month.
3F	<u>BMP:</u> Eliminate and Correct Illicit Connections <u>Measurable Goal:</u> Procedures for eliminating and correcting illicit connections per the ordinance will be followed for ninety percent of the illicit connections identified.
3G	<u>BMP:</u> Distribute Educational Material on Illegal Discharges <u>Measurable Goal:</u> Education material will be distributed.
3H	<u>BMP:</u> Advertise Illegal Discharge/Dumping Phone Number <u>Measurable Goal:</u> The phone number will be advertised.
4A	<u>BMP:</u> Review and Develop Requirements to Control Discharges (Sediment and Non-Storm Water) from Construction Sites

BMP No.

2008/2009 BMP Title and Measurable Goal

Measurable Goal: The Grading Ordinance and Standard Specifications will be reviewed and revised as needed.

- 4B BMP: Ensure Compliance under Construction Activity General Permit  
Measurable Goal: Storm water construction site inspectors will ask each building superintendent for proof of a SWPPP, and compliance with the Construction Activity General Permit BMP will be implemented.
- 4C BMP: Review, Revise, and Implement Procedures for Site Plan Review  
Measurable Goal: Implement revised procedures.
- 4D BMP: Inspect Construction Sites and Implement Enforcement Measures when Necessary  
Measurable Goal: Construction sites over one acre with SWPPPs will be inspected at least monthly unless follow-up inspections are necessary. Follow-up inspections to ensure that corrective actions have been implemented will occur on a weekly basis until the issues requiring correction has been addressed (inspections could be more frequent depending on the nature of the infraction).
- 4E BMP: Educate Staff, Developers, and Contractors on Construction Related Storm Water Impacts  
Measurable Goal: A Pre-Wet Season workshop will be held and literature related to protecting storm water at construction sites distributed.
- 5A BMP: Review and Update Storm Water Ordinance  
Measurable Goal: The Storm Water Ordinance will be reviewed and updated as needed.
- 5C BMP: Educate Developers on Storm Water Quality Control Measure to Prevent Post-Construction Runoff  
Measurable Goal: The developer fact sheet/brochure will be updated if necessary. The internet link to the Storm Water Quality Technical Guidance Manual will be maintained.
- 5D BMP: Ensure Incorporation of Storm Water Quality Control Measures  
Measurable Goal: Staff will review documents and/or plans for all applicable projects.
- 5E BMP: Conduct Long-Term Maintenance and Monitoring  
Measurable Goal: Annual inspections of each development with storm water quality control features will be conducted.
- 6A BMP: Educate and Train City Staff at Municipal Service Center  
Measurable Goal: Bi-annual training will be conducted and the dates recorded on a training log.
- 6B BMP: Develop and Implement Spill Prevention and Remediation Plan (SPRP)  
Measurable Goal: The SPRP will be reviewed and updated if necessary.
- 6C BMP: Maintain Fueling Site  
Measurable Goal: Monthly inspections and maintenance will be conducted.
- 6D BMP: Maintain Bulk Oil Storage Area and Equipment.  
Measurable Goal: Monthly inspections and maintenance will be conducted.
- 6E BMP: Maintain Equipment Wash Area  
Measurable Goal: Monthly inspections will be conducted.
- 6F BMP: Maintain Used Tire Collection Area  
Measurable Goal: The used tire collection area will be inspected monthly.
- 6G BMP: Maintain Equipment Storage Area  
Measurable Goal: The equipment storage area will be inspected monthly.

<u>BMP No.</u>	<u>2008/2009 BMP Title and Measurable Goal</u>
6H	<u>BMP:</u> Maintain Hazardous Materials Storage Area <u>Measurable Goal:</u> The hazardous materials storage area will be inspected monthly.
6I	<u>BMP:</u> Maintain Hazardous Waste Collection Area <u>Measurable Goal:</u> Review log and revise as necessary.
6J	<u>BMP:</u> Conduct Routine Building Maintenance <u>Measurable Goal:</u> Each month a different facility will be inspected so that each City facility is inspected once per year.
6K	<u>BMP:</u> Reduce "Green Waste" Placed in the Street from City Park Maintenance Operations <u>Measurable Goal:</u> A plan to reduce the amount of green waste placed in the street will be implemented.
6L	<u>BMP:</u> Reduce Irrigation Run Off from Park Facilities <u>Measurable Goal:</u> Strategies to reduce irrigation run of will be implemented annually.
6M	<u>BMP:</u> Reduce the Opportunities for Fertilizer to Enter the Storm Water System. <u>Measurable Goal:</u> Review operational practices and update as needed to reduce the opportunity for fertilizer products to enter the storm water system.
6N	<u>BMP:</u> Reduce Opportunities for Pesticides to Enter the Storm Water System <u>Measurable Goal:</u> Review pesticide application practices and update as necessary.
6O	<u>BMP:</u> City Swimming Pool Maintenance. <u>Measurable Goal:</u> Pool staff will ensure that pool chemicals are not stored near storm drain inlets during routine maintenance activities. Monthly inspections will be conducted. An annual inspection report will be submitted to the Storm Water Administrator.
6P	<u>BMP:</u> Inspect Open Channels and East Main Street Storm Water Lift Pump Stations <u>Measurable Goal:</u> Visual inspections will be conducted weekly.
6Q	<u>BMP:</u> Maintain Bubble-up Drain Inlets (Inverted Siphons), Covered Gutters (under the walk), and Storm Drain Inlets at Key Locations on the Major Trunk Lines <u>Measurable Goal:</u> The maintenance of these facilities will be conducted annually. Results of the maintenance of each facility will be recorded on inspection sheets.
6R	<u>BMP:</u> Respond to Sanitary Sewer Overflows (SSOs) <u>Measurable Goal:</u> Respond immediately to SSOs.
6S	<u>BMP:</u> Monitor Street Sweeping Operations <u>Measurable Goal:</u> City and Waste Management staff will meet twice a year to discuss the street sweeping program.
6T	<u>BMP:</u> Review Yard Waste Collection Program <u>Measurable Goal:</u> The City will meet at least twice a year with Waste Management to review the yard waste collection program. Additional meetings will be conducted if issues need to be resolved prior to the regularly scheduled meeting.
6U	<u>BMP:</u> Review Road Maintenance Program. <u>Measurable Goal:</u> Implement and review road maintenance program BMPs with staff.