



Staff Report

Date: March 22, 2016

To: City Council

From: Valerie J. Barone, City Manager

Reviewed by: Justin Ezell, Director of Public Works

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Subject: **Adopt Resolution No. 16-1 authorizing the Contra Costa Flood Control and Water Conservation District to maintain the already established annual parcel assessment of \$35 per single family residence a year for Fiscal Year 2016-17 for drainage maintenance and implementation of the National Pollutant Discharge Elimination System Program**

REPORT IN BRIEF

The City of Concord is mandated by both State and Federal law to maintain a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge. As part of its NPDES permit conditions, Concord is required to implement a comprehensive Stormwater Management Plan (SWMP). The SWMP must include municipal programs, public participation, and inter-governmental coordination to reduce the discharge of pollutants into storm drains, creeks, the Delta, and San Francisco Bay.

The City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa County Flood Control and Water Conservation District to establish a stormwater utility area for Concord and to impose assessments on parcels within the City of Concord. The revenue from this assessment funds activity required to implement Concord's SWMP. Adoption of Resolution No. 16-1 will continue the current Stormwater Utility Area (SUA) assessment of \$35 for a single family parcel through Fiscal Year 2016-17.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2016-1, authorizing the Contra Costa County Flood Control and Water Conservation District to continue an

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annual parcel assessment in Fiscal Year 2016-17 to fund the City's Stormwater Management Plan and the National Pollutant Discharge Elimination System Program by maintaining the current Equivalent Runoff Unit (ERU) rate of \$35 per single-family parcel.

BACKGROUND

Pollution carried in stormwater runoff has a significant impact on water quality and wildlife in the San Francisco Bay Area. Common pollutants found in runoff from urban areas include oil and grease from automobiles; heavy metals like copper, lead, and zinc from automobiles; polycyclic aromatic hydrocarbons from vehicle exhaust and residential fireplaces; pesticides, herbicides, and fertilizers from lawns and gardens; polychlorinated biphenyls from old industrial sites; mercury from florescent lights and thermometers; and biological pathogens. Without pollution prevention programs, these pollutants can be carried into municipal storm drainage systems and, ultimately, the Delta and the San Francisco Bay.

The 1987 reauthorization of the Federal Clean Water Act and California state legislation require local agencies to obtain a NPDES permit to discharge municipal storm drainage water into federal and state waters. The development and implementation of a joint municipal NPDES permit for stormwater discharge is coordinated by the Contra Costa Clean Water Program (CCCWP), which consists of the City of Concord, the Contra Costa County Flood Control and Water Conservation District, Contra Costa County, and eighteen other Contra Costa cities (Antioch, Brentwood, Clayton, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek.)

On March 9, 1993, the City Council adopted Resolution No. 93-14 authorizing the Contra Costa Flood Control and Water Conservation District to establish an annual parcel assessment to fund NPDES Program activities such as street sweeping, public education, industrial outreach, and drainage system maintenance. Resolution No. 93-14 set the initial assessment at \$26 per Equivalent Runoff Unit (ERU) per year and limited future assessments to no more than \$35 per ERU per year. A single family residential unit on a parcel with an area between 5,000 square feet and 20,000 square feet was defined as one ERU. Vacant and agricultural lands are exempt from assessment. Concord's SUA generates about two million dollars each year.

In December, 2009, the San Francisco Regional Water Quality Control Board (SFRWQCB) consolidated the municipal permits from 67 cities and 14 agencies in Alameda, Contra Costa, Santa Clara, San Mateo, and Solano counties, into a single Municipal Regional Permit. This MRP requires the City of Concord to implement a comprehensive Stormwater Mitigation Plan (SWMP). The City's Stormwater Utility Area (SUA) assessment revenues finance the SWMP and other requirements in the MRP. To collect SUA revenues, the City annually authorizes the Contra Costa County Board of Supervisors to direct the Contra Costa County Flood Control and Water Conservation

District to establish a stormwater utility area for Concord and reaffirm the approved fee assessment.

ANALYSIS

Stormwater Utility Area revenues may be used only for stormwater quality-related activities including street sweeping; catch basin and storm drain maintenance; creek channel maintenance; inspection and monitoring programs to eliminate illicit discharges and illegal connections to the storm drain system, and stream bank erosion control. These efforts are mandated strategies to reduce the amount of pollution reaching the creeks, Delta, and the San Francisco Bay and estuary system.

On April 4, 2000, the Council adopted Resolution No. 00-29 approving the current rate of \$35 per ERU. The annual parcel assessment has remained at \$35 per ERU since June 2001. The rate can be increased only through a ballot approved by two-thirds of the property owners.

FINANCIAL IMPACT

If the City Council adopts Resolution No. 16-1, the Contra Costa County Flood Control and Water Conservation District will reaffirm the annual ERU rate of \$35 to generate two million dollars in SUA assessments for the City of Concord to fund drainage maintenance and SWMP implementation in Fiscal Year 2016-17.

PUBLIC CONTACT

The City Council Agenda was posted.

ATTACHMENTS

1. Resolution No. 16-1

BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A Resolution Authorizing the Contra Costa County Flood Control & Water Conservation District to Establish an Annual Parcel Assessment for FY 2016-17 for Drainage Maintenance and National Pollutant Discharge Elimination System Program

Resolution No. 16-1

WHEREAS, under the Federal Water Pollution Control Act, [33 U.S.C. Section 1342(p)], certain municipal storm water discharges require a permit from the appropriate federal or state authorities pursuant to the National Discharge Elimination System (NPDES) Program; and

WHEREAS, the City of Concord, in conjunction with other affected jurisdictions within Contra Costa County, applied to the State Regional Water Quality Control Board and received a Joint NPDES Permit to discharge storm water and developed a Storm Water Management Plan; and

WHEREAS, Assembly Bill 2768 (West's Water Code Appendix, Section 63-12 and 63-12.9) authorizes the Contra Costa Flood Control and Water Conservation District (DISTRICT) to establish storm water utility areas and to impose annual benefit assessments for the purpose of carrying out the activities required under the NPDES Program; and

WHEREAS, the DISTRICT has completed the process for formation of a Concord Storm Water Utility Area (SUA), including the adoption of Storm Water Assessment Drainage Ordinance No. 93-47; and

WHEREAS, the SUA and Program Group Costs Payment Agreement between the City of Concord and DISTRICT requires the City of Concord annually to determine the rate to be assessed per Equivalent Runoff Unit (ERU) for the forthcoming fiscal year; and

WHEREAS, the City Council adopted Resolution 93-14, which established the range of annual assessment imposed by the DISTRICT within the storm water utility area at an amount not to exceed \$35 per ERU.

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