

# Municipal Regional Stormwater National Pollution Discharge Elimination System (NPDES) Permit Status Update

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Environmental Services Department

Transportation and Environment Committee

December 5, 2022

Item (d) 2



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to improve our health, environment, and economy.

# Where the Water Goes

Indoor  
Activities

Sanitary  
Sewer

Outdoor  
Activities

Storm Sewer

(Treated)

Treatment Plant



Creeks & Rivers



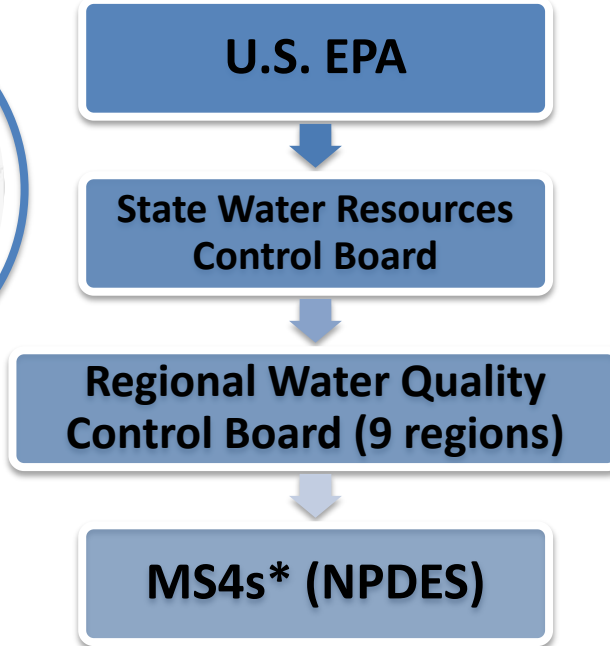
(Untreated)



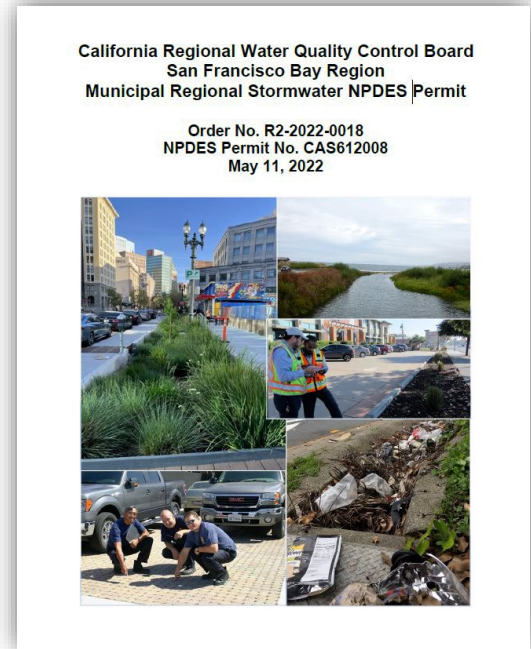
# National Pollution Discharge Elimination System (NPDES) Permitting Authority



1968 Porter – Cologne Act –  
EPA authorizes State Water  
Resources Control Board



\* MS4 = Municipal separate storm sewer system



# NPDES Municipal Regional Stormwater Permit Provisions – Effective July 1, 2022

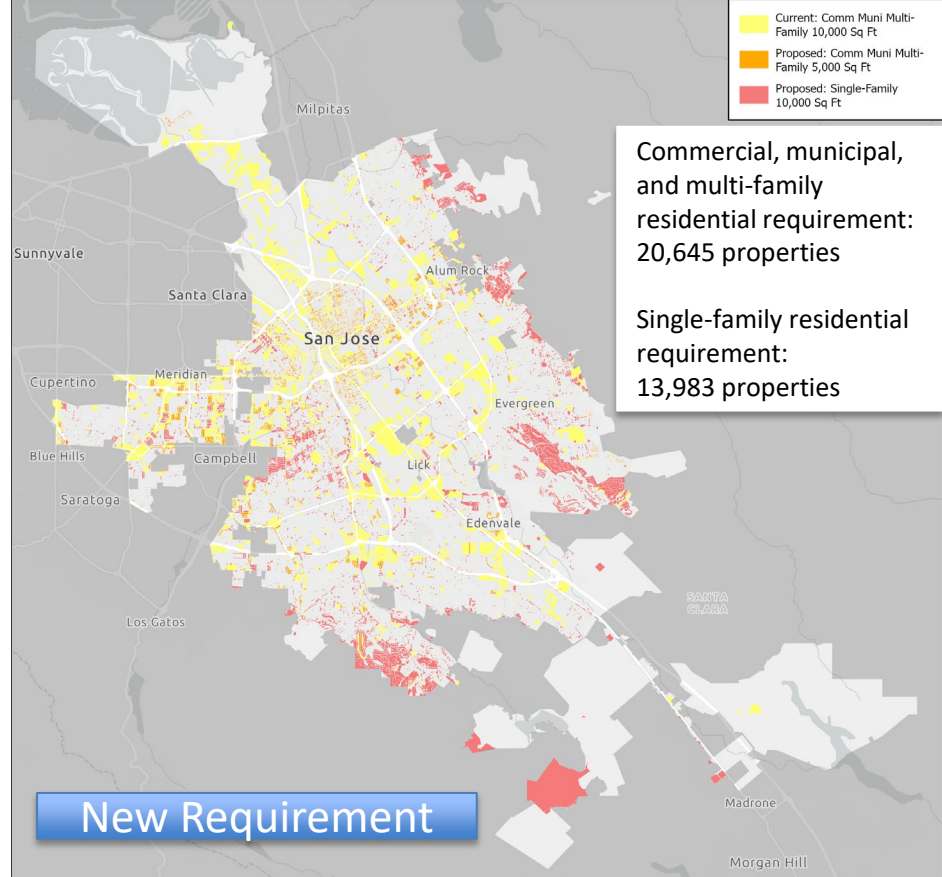
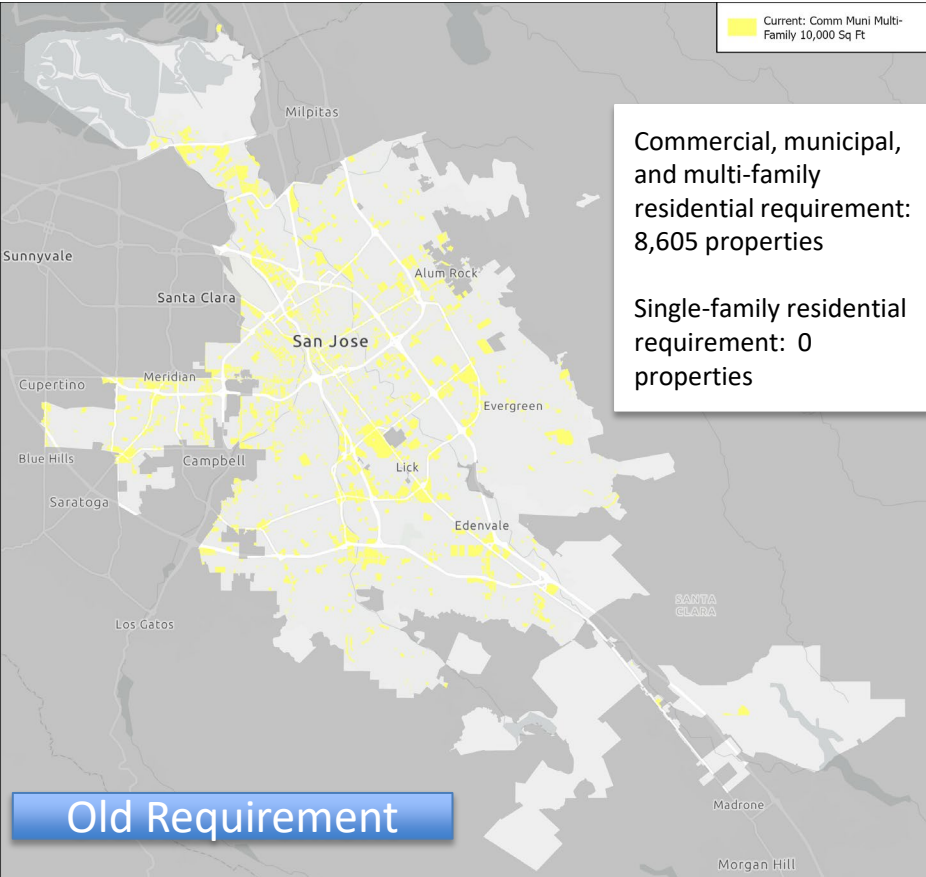
Permit Provision*		City Departments								
		ESD	DOT	Housing	PBCE	PRNS	PW	Airport	Fire	OED
<b>C.2</b>	Municipal Operations		✓			✓	✓			
<b>C.3</b>	New Development and Redevelopment (GSI)		✓		✓		✓	✓		
<b>C.4</b>	Industrial and Commercial Site Controls	✓								
<b>C.5</b>	Illicit Discharge and Detection Elimination	✓	✓							
<b>C.6</b>	Construction Site Control	✓					✓			
<b>C.7</b>	Public Information and Outreach	✓				✓				
<b>C.8</b>	Water Quality Monitoring	✓								
<b>C.9</b>	Pesticides Toxicity Control	✓	✓			✓	✓	✓		
<b>C.10</b>	Trash Load Reduction	✓	✓	✓		✓	✓			
<b>C.11, C.12, C.13</b>	Mercury, PCBs, and Copper Controls	✓	✓		✓		✓			✓
<b>C.15</b>	Exempted and Conditionally Exempted Discharges		✓		✓				✓	
<b>C.17*</b>	Discharges Associated with Unsheltered Homeless Populations			✓		✓				
<b>C.20*</b>	Cost Reporting	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>C.21*</b>	Asset Management	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>C.22</b>	Annual Reports	✓	✓	✓	✓	✓	✓	✓	✓	✓

\*New provision in MRP 3.0

## C.3 New and Redevelopment & Green Stormwater Infrastructure

Project Type	Past Permit	New Permit
Commercial, Municipal, Multi-Family Dwellings	10,000 sq. ft. – treatment required	5,000 sq. ft. – treatment required
Single Family Homes	Exempt	10,000 sq. ft. – treatment required
Roadway Projects	10,000 sq. ft. AND a new lane of travel	1 acre
Green Stormwater Infrastructure	Develop a GSI Plan	GSI implementation targets

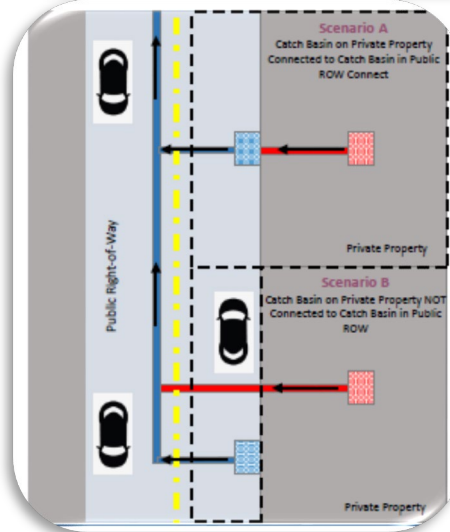




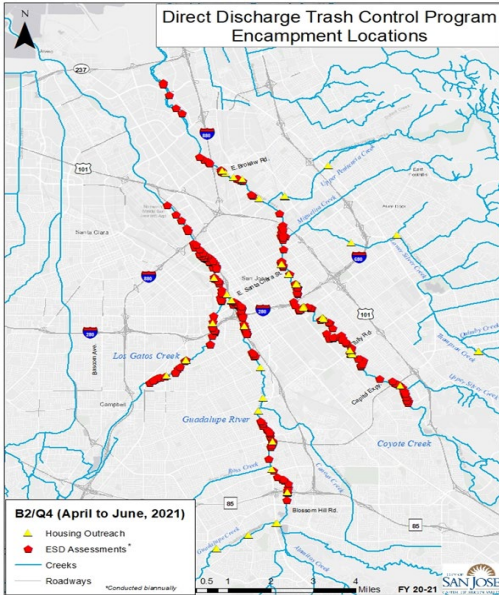
Permit Provision		City Departments								
		ESD	DOT	Housing	PBCE	PRNS	PW	Airport	Fire	OED
<b>C.3</b>	New Development and Redevelopment (GSI)		✓		✓		✓	✓		

# C.10 Trash Load Reduction

- Compliance Schedule
  - 90% by June 30, 2023
  - 100% by June 30, 2025
- Direct Discharge Program—updated Plan due January 2023
- Long-Term Trash Plan –updated Plan due September 2023
- Private Parcels Trash controls- by July 2025



# C.10 and C.17 Potential Impacts - Direct Discharge Trash Control Plan and Discharges Associated with Unsheltered Homeless Populations

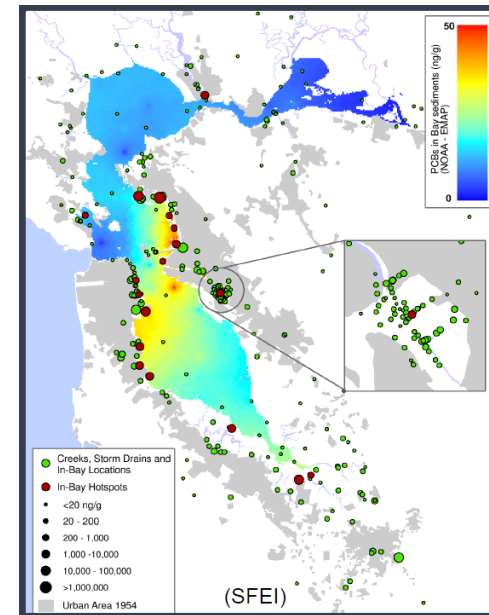


- **Include a commitment to, and a plan** to increase the supply of emergency, transitional, and/or permanent housing, and the following services:
  - Trash and sanitary services
  - Other services to reduce discharges such as RV safe parking areas and pump out services
  - Social services that can help unhoused transition to housing
- **Prioritize** providing housing and services to unhoused living near waterways
- **Provide** the estimated number of people experiencing homelessness living within approx. 500 feet of creek edge

Permit Provision		City Departments								
		ESD	DOT	Housing	PBCE	PRNS	PW	Airport	Fire	OED
<b>C.10</b>	Trash Load Reduction	✓	✓	✓		✓	✓			
<b>C.17</b>	Discharges Associated with Unsheltered Homeless Populations			✓		✓				

# C.12 Polychlorinated Biphenyls (PCBs) Controls

- Identify and abate Source Properties
  - Investigate land areas likely to contribute PCBs to waterways
    - Prioritize "Old Industrial Areas" = areas where industrial activity took place prior to 1980, and has not yet been redeveloped
  - Identify properties confirmed to contribute high levels of PCBs
  - Notify Water Board and implement enhanced O&M measures to street or storm drain
- Implement sediment control measures in "Old Industrial Areas"
  - Submit plans and schedules by March 31, 2023
  - Treat approximately 300 acres in San José by using green infrastructure, large trash capture, street sweeping, storm line cleaning, or property management
- Manage PCBs-containing materials from building demolitions
  - PCBs Screening Form required for all building demolitions
  - Sampling of building materials required for applicable structures
  - Additional requirements for applicable structures with materials that test at or above threshold
- Control PCBs from bridges and overpasses (when repaired or replaced)

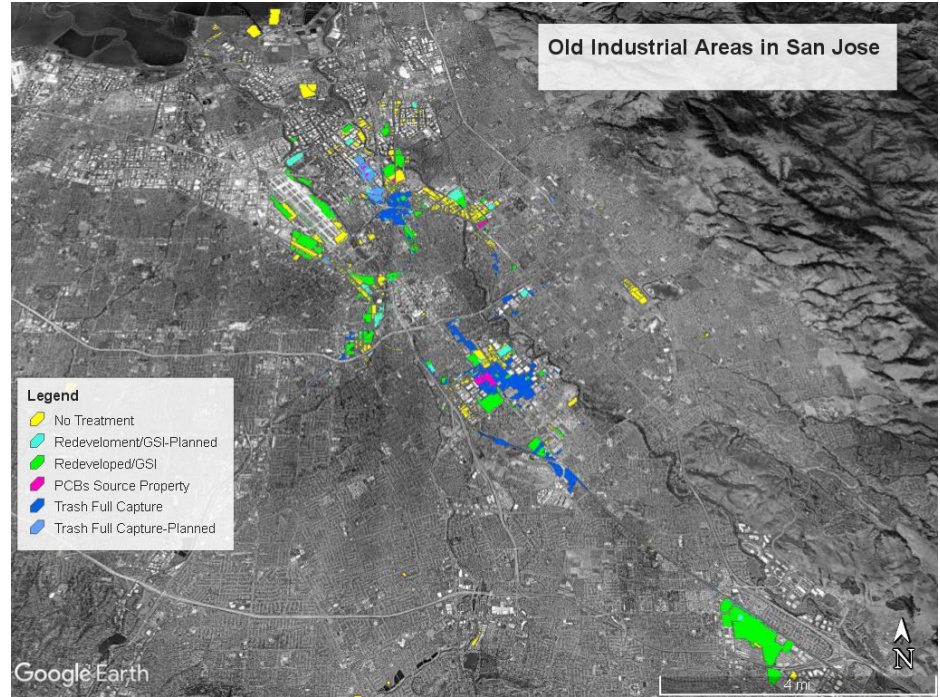


# C.12 Potential Impacts – Old Industrial Areas

To Date: Evaluating areas that have been developed or planned for development, full trash capture, green infrastructure

Reference Regional Project Use Case: River Oaks Regional Project

- Treatment area: 210 Acres
- Projected Cost: \$13M
- Timeline: Est. 4 years



Permit Provision		City Departments								
		ESD	DOT	Housing	PBCE	PRNS	PW	Airport	Fire	OED
C.12	PCBs Controls	✓	✓		✓		✓			✓





## Next Steps and Critical Milestones

- Seek Council approval (12/13/22) for Direct Discharge Trash Control Program Plan and submit to Water Board by January 3, 2023
- Submit PCB Sediment Control Measures Plan and Schedule to Water Board by March 31, 2023
- Update Municipal Codes to reflect new Stormwater Permit requirements

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