

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

Kerrie Romanow, Director

Rajani Nair, P.E., Deputy Director

Mary Morse, Senior Environmental Program Manager

Environmental Services Department

City Council

January 31, 2023

Item 6.1



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*Environmental Services*



# Where the Water Goes

**Indoor  
Activities**

**Sanitary  
Sewer**

(Treated)

**Treatment Plant**



**Outdoor  
Activities**

**Storm Sewer**

**Creeks & Rivers**



(Untreated)





# National Pollution Discharge Elimination System (NPDES) Permitting Authority



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

U.S. EPA



State Water Resources  
Control Board

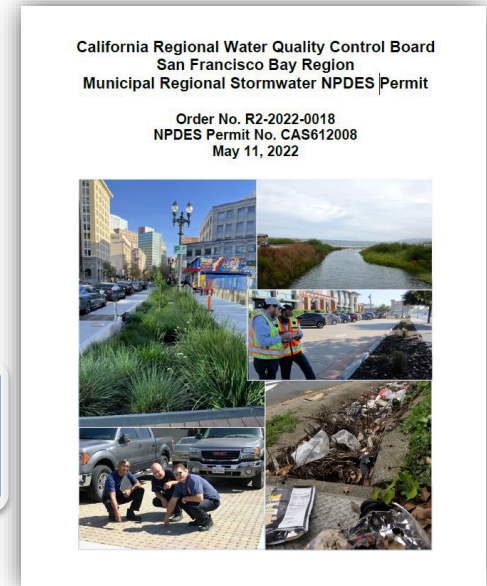


Regional Water Quality  
Control Board (9 regions)



MS4s\* (NPDES)

\* MS4 = Municipal separate storm  
sewer system



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# Restore: 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



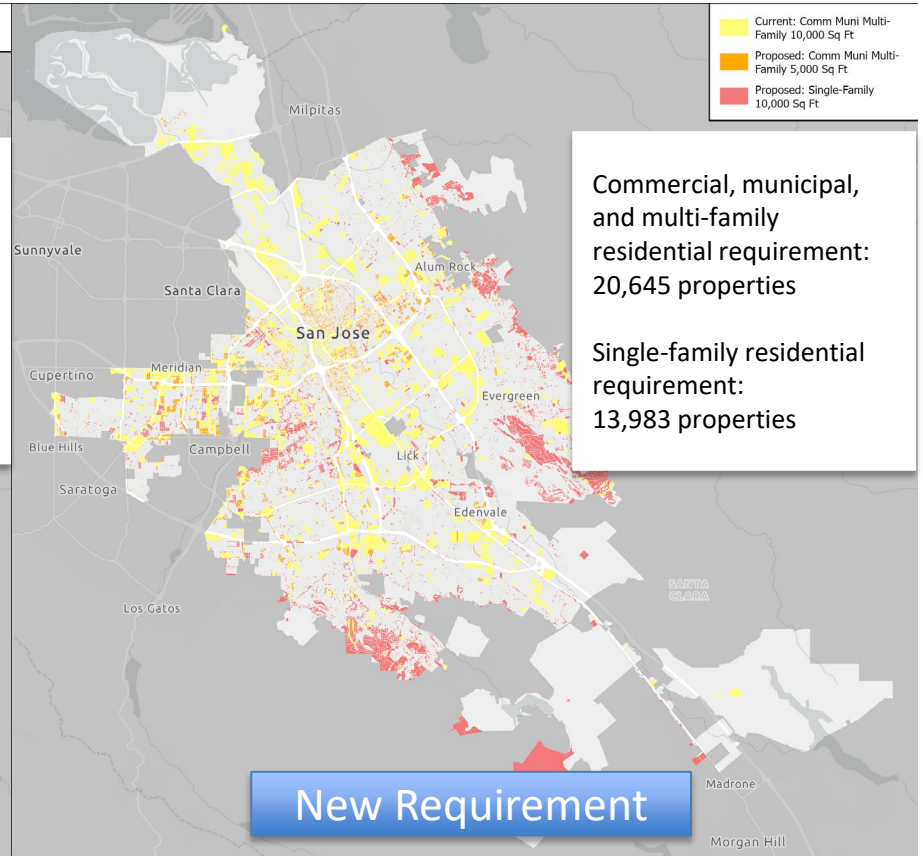
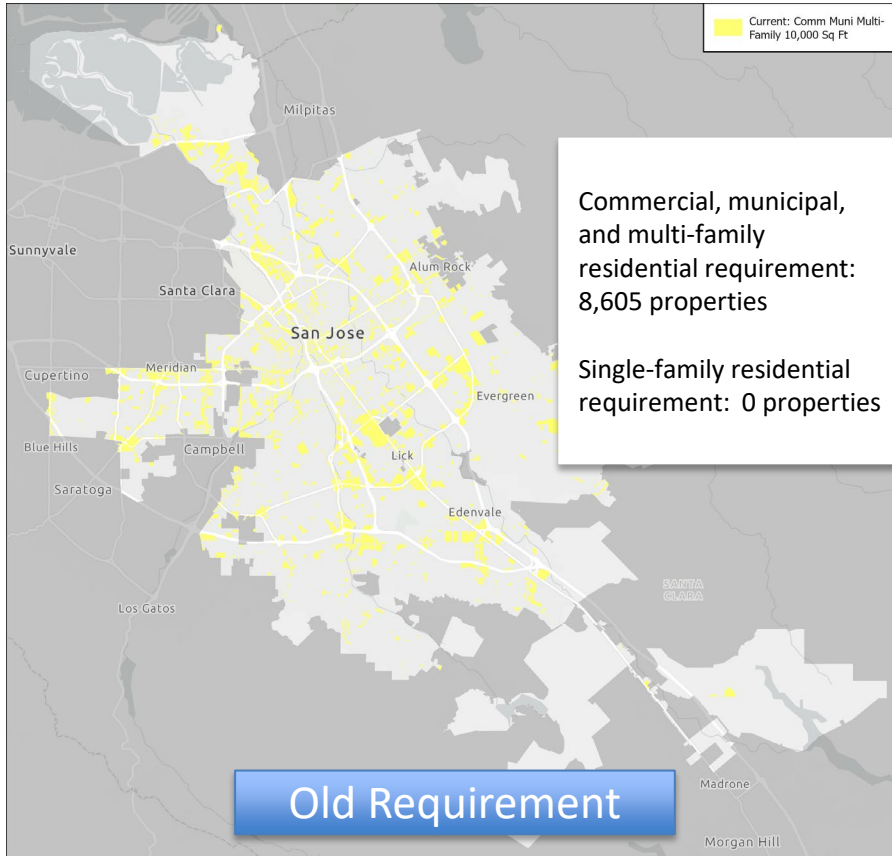
# C.3 New and Redevelopment & Green Stormwater Infrastructure

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





# Potential C.3 Impacts



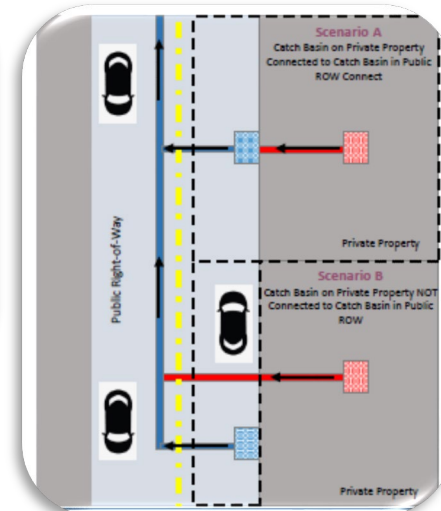
Permit Provision		City Departments								
		ESD	DOT	Housing	PBCE	PRNS	PW	Airport	Fire	OED
C.3	New Development and Redevelopment (GSI)		✓		✓		✓	✓		6

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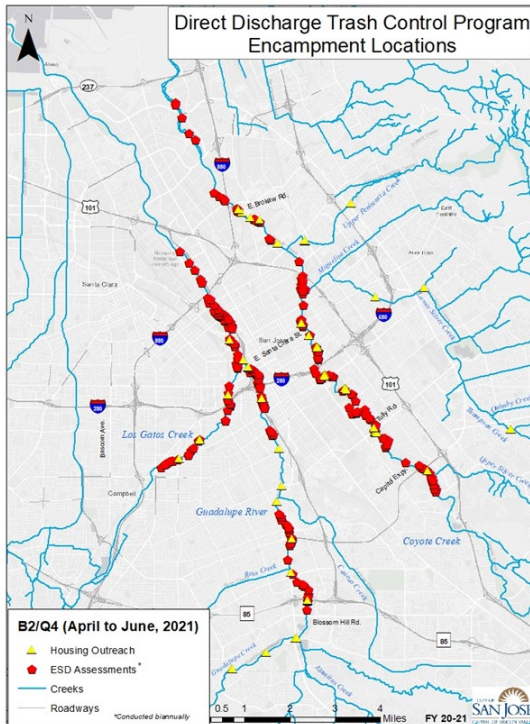
# C.10 Trash Load Reduction

- 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



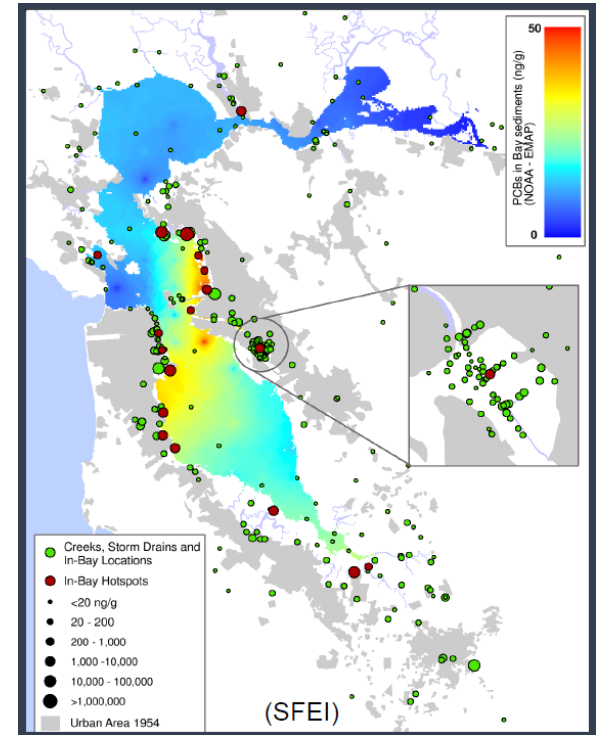
- **Include a commitment to, and a plan** to increase the supply of emergency, transitional, and/or permanent housing, and the following services:
  - Trash and sanitary services
  - Other services to reduce discharges such as RV safe parking areas and pump out services
  - Social services that can help 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
C.10	Trash Load Reduction	✓	✓	✓		✓	✓			
C.17*	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 materials in bridges and overpasses (when repaired or replaced)



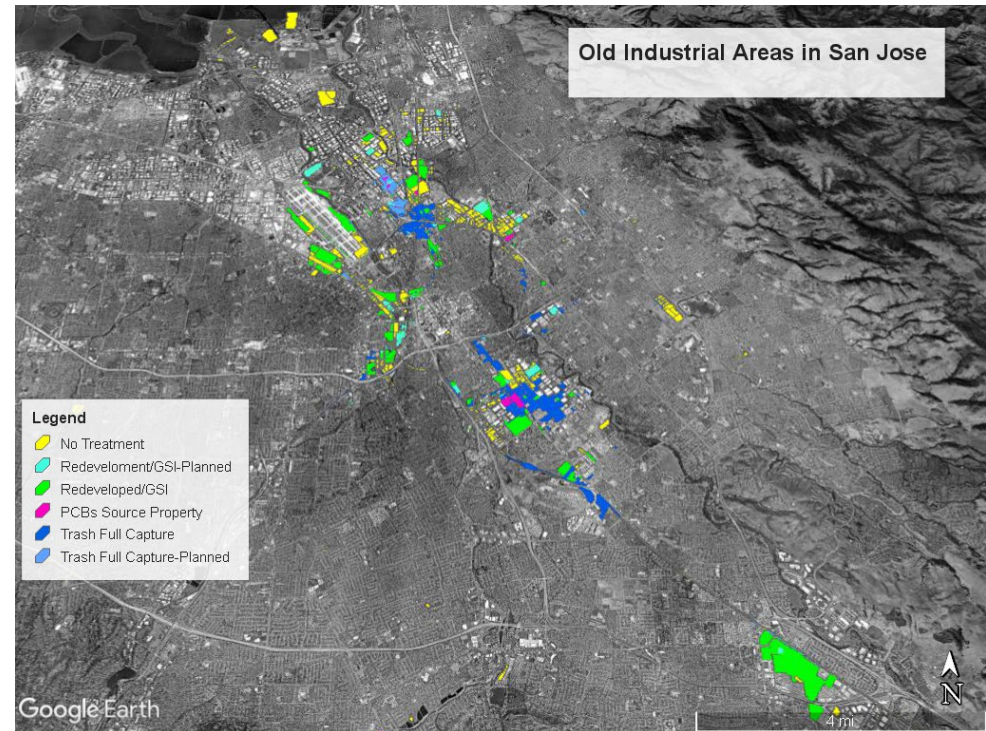


# C.12 Potential Impacts – Old Industrial Area

To Date: Evaluating areas that have been developed or planned for development

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	✓	✓		✓		✓			✓



## C.15.b.iii. Emergency Discharges of Firefighting Water and Foam

- Regional Coordination
- Ongoing Implementation Practices
- Required Best Management Practices (BMPs)
- Reporting

Permit Provision`										
		ESD	DOT	Housing	PBCE	PRNS	PW	Airport	Fire	OED
C.15	Exempted and Conditionally Exempted Discharges							✓	✓	

## C.20 Cost Reporting

- Develop and submit a regional cost reporting framework by **June 30, 2023**
- Submit annual analysis of stormwater program costs starting with FY 24-25

## C.21 Asset Management

- Develop and implement an Asset Management Plan for management of hard assets related to stormwater quality (e.g., LID controls & trash devices)

Permit Provision										
		ESD	DOT	Housing	PBCE	PRNS	PW	Airport	Fire	OED
C.20	Cost Reporting	✓	✓	✓	✓	✓	✓	✓	✓	✓
C.21	Asset Management	✓	✓	✓	✓	✓	✓	✓	✓	✓





# Next Steps and Critical Milestones

- Awaiting Water Board's approval for the Direct Discharge Trash Control Program Plan that was submitted on January 3, 2023
- Submit PCB Sediment Control Measures Plan and Schedule to Council for approval (mid- March) and submit to Water Board by March 31, 2023
- Seek Council approval on funding to meet various regulatory compliance requirements
- Update Municipal Codes and Policies to reflect new C.3 and C.12 Stormwater Permit requirements for Council approval (early May) and other potential future policy changes



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