Meeting Date: 04/22/08

ACTION	TYPE OF ITEM
☐ Approved Recommendation	■ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Mark Pumford Agenda Item No. I-4

Reviewed By: City Manager City Attorney Finance SW Director of Public Works

DATE: April 9, 2008

TO: City Council

FROM: Mark S. Norris, Assistant Public Works Director
Public Works Department

SUBJECT: **Assessment for the City's National Pollutant Discharge Elimination System (NPDES) Storm Water Management Program**

RECOMMENDATION

That City Council adopt a resolution authorizing an assessment for the City's National Pollutant Discharge Elimination System (NPDES) Storm Water Management Program for inclusion in the Ventura County Watershed Protection District's (VCWPD) Benefit Assessment Program (BAP).

DISCUSSION

Storm water runoff from urban areas, construction sites, and agricultural areas is a widespread cause of water quality impairment of the receiving water bodies, a fact that has been substantiated by the National Urban Runoff Program (NURP) and local monitoring programs measuring land use and receiving water quality.

The 1987 amendments to the Clean Water Act added Section 402(p) to the Federal Water Pollution Control Act, which established a framework for regulating municipal and industrial storm water discharges under the NPDES program. The City of Oxnard was listed in the federal regulations as having a medium separate storm sewer system and required to prepare and submit a permit application by May 1993.

In August 1994, the Countywide NPDES Permit was issued by the Los Angeles Regional Water Quality Control Board to the ten (10) incorporated cities, the County of Ventura and the VCWPD. This Permit was renewed on July 27, 2000, with more stringent requirements than the previous version. In addition, more prescriptive requirements are anticipated upon the renewal of the permit later this year.

Assessment for NPDES Storm Water Management Program

As part of the program development, the Ventura County Board of Supervisors approved the concept of a Countywide Storm Water Management Program and the use of the VCWPD's Benefit Assessment Authority (BAA) to finance the program on April 14, 1992. The VCWPD's Benefit Assessment Program (BAP), as authorized by the Ventura County Flood Control Act and related Government Code Sections, enables the VCWPD to utilize its BAA to finance the operation and maintenance of the primary flood control channels and facilities within Ventura County.

Utilizing its BAA, the VCWPD has developed a Basic Assessment Unit (BAU) for various land uses within Ventura County. The BAU is based on the amount of storm water runoff generated from parcels of real property. The variations in BAU values are determined by the impervious building and pavement areas developed on each site. The BAP uses a single family dwelling on 0.2 acres of land with an imperviousness of 0.40 as the BAU standard base.

The Board of Supervisors indicated that a public hearing should be held by any city wishing to be included in VCWPD's BAP. The decision to levy a benefit assessment for each Municipal Storm Water Quality Management Program and the final amount thereof will be determined at the discretion of the Board of Supervisors.

On April 10, 2007, City Council adopted Resolution No. 13,214 authorizing the VCWPD to include the assessment of $10.28/BAU, on behalf of the City, for FY 2007-2008.

Due to the benefits of participation in the VCWPD's Benefit Assessment Program, staff recommends that City Council adopt a resolution determining an assessment for the City's Storm Water Quality Management Program to be recommended for inclusion in this year's assessment (see Attachment 1). Maintaining the annual assessment at $10.28/BAU would generate approximately $570,084 in revenues.

As previously mentioned, it is anticipated that the new Countywide NPDES permit will contain significantly increased permit requirements, including the addition of storm water inspections of industrial facilities, a rigorous storm water construction inspection program, and a far more expansive monitoring program. The current NPDES benefit assessment of $10.28/BAU is anticipated to generate revenue during FY 2008-2009 of approximately $570,084. This revenue will be sufficient to fund the current costs of the program. However, it is anticipated that the cost to implement the new permit requirements will be in excess of $1,000,000 during FY 2008-09. As a result, staff will be working with the VCWPD to increase the City's property related fees to fund these increased costs.

FINANCIAL IMPACT

Expenditures and Revenue in the amount of $570,084 will be included in the proposed FY 2008-2009 budget.

MSN:MP:NR:ss

Attachments #1 - Resolution Authorizing Assessment for the Storm Water Quality Management Program for inclusion in the Benefit Assessment Program of the Ventura County Watershed Protections District

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AUTHORIZING AN ASSESSMENT FOR THE CITY NPDES STORM WATER MANAGEMENT PROGRAM FOR INCLUSION IN THE BENEFIT ASSESSMENT PROGRAM OF THE VENTURA COUNTY WATERSHED PROTECTION DISTRICT

WHEREAS, in 1987 Section 402 of the Federal Clean Water Act [33 U.S.C.A. 1342(p)] was amended to require the Environmental Protection Agency (EPA) to promulgate regulations for applications for permits for storm water discharges; and

WHEREAS, such EPA permit regulations control pollutants from storm water discharges by requiring cities, with a population over 100,000 residents, to obtain a National Pollutant Discharge Elimination System (NPDES) Permit (Permit) for the discharge of storm waters into waters of the United States; and

WHEREAS, the City of Oxnard has a population over 100,000 residents and is required to obtain a Permit; and

WHEREAS, on June 23, 1992, the City Council approved an Implementation Agreement with nine other cities, County of Ventura and the Ventura County Watershed Protection District (VCWPD), to develop a County-wide Storm Water Discharge Management Program with the objective of improving water quality in the Santa Clara River and Coastal Watersheds; and

WHEREAS, on January 7, 2008, the 1992 Implementation Agreement was amended to identify the responsibilities of the City and the other Co-permittees, and to appropriate the funding for the Principal Permittee activities for Fiscal Year 2007/2008.

WHEREAS, VCWPD's Benefit Assessment Program is the method by which funds are obtained for the City's NPDES Storm Water Discharge Management Program; and

WHEREAS, a Basic Assessment Unit (BAU) is equivalent to a standard tract home; and

WHEREAS, the estimated cost for the Storm Water Discharge Management Program to the 55,024 BAUs in the City results in a unit cost of $10.28 per BAU per year.

NOW, THEREFORE, the City Council of the City of Oxnard authorizes the Ventura County Watershed Protection District to include the following amount in the VCWPD's Benefit Assessment Program for the City of Oxnard:

A unit cost of $10.28 per BAU in the City of Oxnard.

PASSED AND ADOPTED THIS 22ND DAY OF APRIL, 2008, with the following vote:

AYES:
NOES:
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Gary Gillig, City Attorney

Attachment #1