



# DEPARTMENT OF PUBLIC WORKS

Quality, Excellence, Innovation

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Marin County Board of Supervisors  
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**SUBJECT:** An Ordinance Amending Chapter 23.08, Excavating, Grading and Filling; Chapter 23.18, Urban Runoff Pollution Prevention; and Chapter 24.04, Improvements for the purpose of establishing legal authority to fully implement the County of Marin's current National Pollutant Discharge and Elimination System (NPDES) Permit with the State Water Resources Control Board.

Dear Board Members:

**RECOMMENDATION:** 1) Conduct first reading on the proposed Ordinance amending Chapters 23.08, 23.18, and 24.04 by title only; and 2) following the first reading, set the matter for a merit hearing on the proposed Ordinance for May 19, 2015, at 10:30am

**SUMMARY:** The proposed code amendments update the stormwater runoff pollution prevention regulations. The code changes are necessary to obtain authority to comply with the State of California's (NPDES) 2013 General Permit for Stormwater Discharges from Small Separate Storm Sewer Systems (Phase II Permit). Pursuant to the NPDES permit these changes must be adopted by June 30, 2015. On April 23, 2013, your Board adopted a resolution authorizing a County of Marin application for coverage under the state's Phase II Permit. County staff began implementing the 2013 Phase II Permit requirements on July 1, 2013. The increase to staff of 1.5 FTE that your Board approved on April 23, 2013, is adequate to perform the work related to the proposed amendments.

The last revisions to Chapter 23.18 and Chapter 24.04 were in 2008. Chapter 23.08 was last revised in 1997. The proposed revisions to Code Chapter 23.18, Urban Runoff Pollution Prevention include amendments to most sections, including the title. The new proposed chapter title, "Stormwater Runoff Pollution Prevention," recognizes that, unless otherwise indicated, provisions in this Chapter apply to all unincorporated areas of Marin County. Amendments are also proposed to chapter definitions. The section describing pollutant discharge prohibitions and exceptions is amended to match the language in Provision B of the current Phase II Permit (see attached), and to include requirements for a portion of the Bolinas Mesa and the Duxbury Reef Area of Special Biological Significance (ASBS). In addition, Phase II Permit Provision B requirements to control excessive irrigation runoff were inserted as were specific requirements for those responsible for illicit connections or illicit discharges to a county storm drain. Amendments are also proposed to clarify permitted construction project types that will require an Erosion and Sediment Control Plan (ESCP) and the types of practices to be used to prevent pollution from construction activities. The section describing permanent stormwater controls for new and redevelopment in accordance with Section 24.04.627 was also updated.

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The amendments proposed in Chapter 23.08, Excavating, Grading and Filling are in the section describing application requirements for grading permits. These code changes clarify that all grading permit projects require an ESCP prepared according to specific guidance. The project applicant is directed to follow a standard template, "Applicant Package" (see attached), that was prepared through the cooperation of the County and Marin's municipalities participating in the Marin County Stormwater Pollution Prevention Program (MCSTOPPP).

The proposed amendments to Chapter 24.04 include three new definitions and updates to the Erosion and Sediment Control section, and to the section describing permanent stormwater controls for new and redevelopment. The former section codifies that ESCPs must be implemented year-round for all projects that are: Subject to a grading permit; subject to another County permit where there is potential for significant erosion or non-stormwater discharge of sediment or other waste; involving grading 10,000 square feet on a slope larger than 15%; or near the top of bank of a watercourse. The permanent stormwater control requirements section requires certain projects to implement low-impact development measures to reduce and treat stormwater runoff, establish a mechanism to require long-term maintenance of constructed bioretention facilities (including legal agreements or recorded covenants or easements), and require the inspection of such facilities to annually confirm ongoing maintenance. The design requirements and compliance tools are provided in the most recent version of the Bay Area Stormwater Management Agencies Association Post-Construction Manual (see attached) that was prepared through collaboration between the NPDES Phase II communities in the North Bay and funding from the North Bay Watershed Association (NBWA).

**FISCAL IMPACTS:** There will be no fiscal impact as a result of this action.

<b>REVIEWED BY:</b>	<input type="checkbox"/>	Auditor Controller	<input checked="" type="checkbox"/>	N/A
	<input checked="" type="checkbox"/>	County Counsel	<input type="checkbox"/>	
	<input type="checkbox"/>	Human Resources	<input checked="" type="checkbox"/>	N/A

Respectfully submitted,

  
Steve Devine  
Waste Management Program Manager

Attachments:

