



**COMMUNITY DEVELOPMENT AGENCY  
LONG RANGE PLANNING DIVISION**

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**2850 Fairlane Court, Placerville, CA 95667  
Phone (530) 621-4650, Fax (530) 642-0508**

Date: April 14, 2015  
To: El Dorado County Board of Supervisors  
From: Brendan Ferry, Principal Planner  
Subject: **Proposed Amendments to the County's Storm Water Quality Ordinance**

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**DEPARTMENT RECOMMENDATION:**

The Community Development Agency (CDA), Long Range Planning Division (LRP), is recommending the Board review and authorize proposed amendments to the County's Storm Water Quality Ordinance (Chapter 8.79 of the County Ordinance Code) in order to meet the requirements of Section E.6. of the State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004, Waste Discharge Requirements ("WDRs") for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (West Slope MS4 Permit).

The proposed revisions can be viewed in the strike-through version of the Ordinance in Attachment 5B and are as follows:

- In four (4) locations (Pages 2,3 and 5), revisions were made to the Ordinance to make it applicable to the entire unincorporated portion of the County, instead of only the Lake Tahoe Basin portion of the County;
- On Page 4 – a definition for "Incidental Runoff" is proposed due to the requirement in Section E.6.a.(ii)(d) of the West Slope MS4 Permit;
- On Page 7 – the words "Incidental Runoff from" are proposed due to the requirement in Section E.6.a.(ii)(d) of the West Slope MS4 Permit;
- On Page 10 – the words "and adopted Storm Water Management Plans" are proposed to ensure more comprehensive reference of storm water related requirements.

**DISCUSSION / BACKGROUND:**

Per the West Slope MS4 Permit, the County must establish, maintain and enforce, where appropriate, adequate Legal Authority to control pollutant discharges into and from its storm water collection, conveyance and treatment facilities through an Ordinance or other regulatory mechanism. The Legal Authority requirements for the West Slope of the County are outlined in Section E.6. of the West Slope MS4 Permit (Attachment 5C).

([http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/phsii2012\\_5th/order\\_fi nal.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/phsii2012_5th/order_fi nal.pdf))

The purpose of the Ordinance is to ensure that the County is compliant with state and federal laws and fulfills its requirements to:

- i) protect the health, safety, and general welfare of the citizens of the County;
- ii) enhance and protect the quality of Waters of the State in the County by reducing pollutants in storm water discharges to the maximum extent practicable and controlling non-storm water discharges to the storm drain system; and
- iii) cause the use of Best Management Practices (§8.79.050) by the County and its citizens that will reduce the adverse effects of polluted runoff discharges on Waters of the State.

This Ordinance seeks to promote these purposes by:

- i) prohibiting illicit discharges to the storm drain system;
- ii) establishing authority to adopt requirements for storm water management, including source control requirements, to reduce pollution to the maximum extent practicable;
- iii) establishing authority to adopt requirements for development projects to reduce storm water pollution and erosion both during construction and after the project is complete; and
- iv) establishing authority that will enable the County to implement and enforce any Storm Water Management Plan adopted by the County.

In February 2013, the County adopted a Storm Water Quality Ordinance that provides this legal authority for the Lake Tahoe Basin (Ordinance No. 4992 - Section 8.79 of the County's Code of Ordinances). Because the Legal Authority requirements are nearly identical in the County's West Slope and Lake Tahoe NPDES Permits, staff recommends amending the existing Storm Water Quality Ordinance, which is currently applicable only to the Lake Tahoe Basin, to include the entire unincorporated portion of the West Slope. LRP staff has been and continues to meet with key stakeholders on the required amendments to obtain feedback. LRP staff anticipates returning to the Board on May 5, 2015 for Ordinance adoption.

### **ALTERNATIVES**

This Ordinance amendment is being proposed to meet the Legal Authority requirements in the County's West Slope MS4 Permit outlined in Section E.6. Instead of amending the County's current Ordinance to make it applicable to both the Lake Tahoe Basin and the unincorporated portion of the West Slope, the County could create a new stand-alone Ordinance for the unincorporated portion of the West Slope. However, because the Legal Authority requirements are nearly identical in the County's West Slope and Lake Tahoe NPDES Permits, the County would then have two nearly identical Ordinances – one applicable to the Lake Tahoe Basin and one applicable to the unincorporated portion of the West Slope. One other option is to not adopt a Storm Water Quality Ordinance that is applicable to the West Slope. Staff does not recommend this option due to potential Water Board penalties that are associated with noncompliance (40 CFR 122.41), (§ 13385 (a) (California Water Code)).

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

Development Services Division, Transportation Division, Environmental Management Division, Code Enforcement, County Counsel

**FINANCIAL IMPACT:**

There is no change to Net County Cost associated with this agenda item.

**CLERK OF THE BOARD FOLLOW UP ACTIONS:**

N/A

**STRATEGIC PLAN COMPONENT:**

N/A

**Contact**

Brendan Ferry, Principal Planner  
CDA, Long Range Planning