

CONTRA COSTA COUNTY
2008/2009 Municipal Annual Report Summary

GENERAL OVERVIEW AND ADMINISTRATION

Permit Year (PY) 2008/09 as usual has been exciting, challenging, and difficult for the County Watershed Program (CWP) in our continuing effort to improve National Pollutant Discharge Elimination System (NPDES) compliance within the unincorporated portions of Contra Costa County. In addition to the normal challenges of protecting the environment and wisely utilizing our resources, during PY 2008/09, we have faced issues of reduced staffing, limited funding, increased costs of compliance, and the County Budget crisis related to the continued general overall severe downturn in the economy. Of particular note is the extreme drop in construction (both residential and commercial) in Contra Costa County (County). This has presented particularly difficult challenges to the Public Works Department (PWD) and the CWP, since much of PWD revenue is directly related to development fees associated with development and redevelopment projects. In addition, the continued United States recession has had severe impacts on the State of California budget, which in turn has added additional very significant pressures on our County Budget and the budget for the PWD and the CWP. In spite of the fact that the revenue for the CWP is generally isolated from the economy, with the number of home foreclosures, resultant vacancies, and abandoned homes in the County, our budget has suffered. In addition, as revenue for other divisions within the PWD has been cut, additional pressures are placed on the "remaining resources" of which the CWP income from the Stormwater Utility Assessment (SUA) is one. Yet in spite of these significant challenges, we continue to provide valuable services to the County's citizens and the natural environment we are tasked with protecting. This report will highlight the changes and accomplishments that we have undertaken within the CWP during this past year and will demonstrate that we continue to maintain compliance with the Clean Water Act and, more specifically, our current municipal stormwater NPDES permit.

In an effort to be more resourceful, we have continued to streamline many of our processes, including this annual report. This is all in an effort to focus our resources and provide more tangible benefit in an environment of decreasing resources (understaffing, stagnant/declining income), increasing costs, and pressure for more regulations, which can be stringent, difficult, and costly. As with past annual reports, we have utilized hyperlinks throughout this report that link to attached documents that provide greater detail. Please note that this report may not mention particular Performance Standards (PSs), activities, events, or functions that we have reported on in previous annual reports, and for which we have continued to provide services basically unchanged from previous reports (and still consider them to be adequately implemented and effective).

Implementation & Evaluation

Implementation and Evaluation sections throughout this report are designed to primarily provide an analysis of the goals for PY 2008/09 that were established in last year's annual report, highlights of new programs, and changes/improvements made during

PY 2008/09 as well as goals for PY 2009/10. For any PS that is not addressed in this report that has been reported in the past, it may be inferred that the County has continued to comply as previously reported and still considers the means of compliance to be effective. These PSs may be referenced in past annual reports.

Contact Rich Lierly at (925) 313-2348 or rlie@pw.cccounty.us regarding the overall management of the CWP and the County's overall program for compliance with the NPDES Permit. Primary contacts for the subsections of the CWP are listed in their respective Annual Report sections.

CHALLENGES

Staffing

As in other recent years, we have had to deal with the challenge of staffing turnover/loss for several of our key personnel/contract employees. During PY 2008/09 due to budget cuts directly related to the continued and prolonged recession, we lost our clerical support person (Ms. Jeri Johnson), and as a result have either had to perform our own clerical duties or borrow a clerical support person from another work group. In addition, in December 2008, due to the State Budget crisis, all funding from State Proposition 40 was frozen. As a result, we had to discontinue using our two contractors that were carrying the major workload with regards to our Keep the Delta Clean Phase II (KDC II) grant program, Ms Tonya Redfield and Ms Janet Smart.

On a positive staffing note, Nancy Stein has returned (on a part-time basis) from her extended medical leave. She began in the fall of 2008 working only ten hours per week, but has slowly increased her hours, and as of the writing of this report, is currently working 20 hours per week. We are hopeful that with time, she will eventually be back to a full-time status or 40 hours per week. Since she is slowly getting back into the "work routine" and she has experience with grant writing that has been her primary function so far, we are hopeful that with her expertise the CWP will be successful in receiving additional grants that will help us bridge our budget shortfalls so that we can continue to have an excellent NPDES program and remain in full compliance with our MS4 permit.

On another positive note, David Swartz who is responsible for our New Development and Construction Controls (NDCC) section, qualified for and successfully passed the examination to become a Certified Professional in Stormwater Quality (CPSWQ)! That is quite an accomplishment, and now both David and I hold that important certification.

With the loss of our clerical support staff, the CWP continues to be understaffed. Also in a continued effort to consolidate resources, save money, have more direct control and comply with the specialized inspections that are required by the C.3 provisions, I continue to attempt to gain approval for a new "Stormwater Inspector" position. However, in an environment where the future budget is very uncertain and where the County, the PWD, and the CWP has had to layoff employees, my success in gaining approval for that position is all but certain.

Currently the CWP staff consists of:

Rich Lierly, PE, CFM, CPSWQ, AAGG	Watershed / Floodplain Manager
Nancy Stein (1/2 time)	WMPS (Grant writing and general support for CWP)
David Swartz CPSWQ	WMPS (NDCC/C.3)
Charmaine Bernard	WMPS (PEIO, INSP, IDCA, MUNI)
Dan Jordan	Administrative Aide (PEIO, KDC II)
Peter Inouye	Administrative Intern, PPT (INSP, IDCA, MUNI, IPM)
Amanda Olds	Student worker, PPT (where needed)

Funding

In addition to staffing, funding (or lack thereof) has continued to be a significant and increasing challenge for the CWP during PY 2008/09. The big question is: *How is the County to continue to provide the existing level of services (and expand some services to meet increased regulatory requirements) in an environment where our revenue has decreased and our costs continue to increase?* In addition to the constraints discussed in previous annual reports, the prolonged severe downturn in the economy in general (and in construction in particular) coupled with the decrease in property values and the number of foreclosed (and tax delinquent) homes has resulted in significant pressure on the CWP and our ability to fund the various activities that are necessary to maintain compliance with our NPDES permit. The County budget, in general, and the PWD budget, in particular, are running in a deficit, and this has in turn placed further constraints on the CWP budget. With the County and the PWD being forced to make significant layoffs, every effort is being made to keep the remaining staff employed. This places additional pressure on existing revenue sources (such as the SUA) to fund staff positions.

In this environment, the CWP has continued to explore various options that may be available to us to increase our program's funding. One key option is seeking new funding sources that include going to the voters with a ballot measure (pursuant to Proposition 218) to approve an increase to the \$30 per parcel maximum annual SUA assessment, continuing to work with state legislators to seek legislative assistance or relief (e.g., an exemption from the Proposition 218 requirements for water quality funding).

In an attempt to gauge the likelihood of being able to increase our SUA, we have continued to participate in the "Branding Campaign" with the Contra Costa Clean Water Program (CCCWP), and have budgeted significant resources in anticipation of a future County-wide ballot measure (pursuant to Proposition 218). This Proposition 218 election, if successful, would enable us to increase our current SUA from its current maximum of \$30 per year to a higher rate (most likely \$40/yr). More significantly, the ballot measure would hopefully include an inflation factor so that the SUA would include a mechanism allowing assessments to keep up with increased costs due to inflation. Since the vast majority of the CWP budget comes from the SUA, this would be of significant benefit to the County's NPDES permit compliance program. However, based on the continued and prolonged downturn in the economy, the date for the actual vote has been delayed and, as of the date of this report, is undetermined.

We also continue to seek and apply for Grants that can be used to help us meet and/or exceed our MS4 permit requirements. Currently, we are working on obtaining a grant to help us pay for the retrofitting of an existing stormwater pump station. The retrofitting would increase the efficiency of the pumps and divert the low flows (which contain higher concentration of pollutants) to the Sanitary Sewer for treatment.

ADMINISTRATIVE/OVERVIEW OF CHANGES

As in past years, this PY 2008/09 has been dynamic, with many changes to the CWP. In addition to challenges due to the personnel and funding shortages, we were again required to spend significant time and resources in responding to and working with the Regional Water Quality Control Board (RWQCB) in an attempt to ensure that the new Municipal Regional Permit (MRP) would be as implementable and effective as possible for the County.

The overall idea of an MRP is very good. The prospect of having one NPDES permit that applies to all the Bay Area communities should provide opportunities to address some of its provisions on a regional basis, hopefully resulting in increased benefits to the environment and cost savings to the individual municipalities. Also, it should be helpful to the regulated individuals and business in that there would be consistency throughout the Bay Area region. The problem with the MRP lies with the actual provisions and the fact that the “one size fits all” permit that the RWQCB continues to promote in many respects definitely does not “fit” the CWP (and presumably numerous other municipalities). Another major problem with the MRP is that it appears to have been “written in a vacuum.” The MRP seems to have been written with no consideration for cost. As already discussed, cost continues to currently be a major challenge for the County (and most, if not all, other local municipalities). The newest addition of the MRP (that was released in February 2009) is an improvement over the previous version (December 2007), but is still far from workable. As it is currently written, I am fearful that the County would be out of compliance with the MRP “from day one.” This is not because we are opposed to meeting the MRP’s provisions, but it is because we already have difficulty paying for our current MS4 permit and we estimated that **our compliance costs under the MRP, as currently written, would increase several fold!** Although it is appropriate for municipalities to expend portions of budgets (and substantial effort) to comply with NPDES Permit provisions, the MRP must provide more flexibility so that municipalities can leverage their creativity to meet MRP goals in a way that is cost effective and appropriate to each municipality’s characteristics. For a detailed discussion of issues with this most recent version of the MRP that have been identified by the CWP, please refer to the [MRP Report](#).

Administrative Goals for Fiscal Year 2009/2010

Our most pressing goal for this next year is (to the extent possible) to stem the tide of loss of CWP staff, and if possible, hire our own “Stormwater Inspector” to help us meet NPDES permit requirements more efficiently.

Another goal is to continue to seek additional funds to pay for the NPDES compliance work, including exploring the possibility of increasing our SUA via a ballot measure (and/or other avenues that may be available to the County) and seeking grant opportunities that may help us to protect the environment and fulfill our permit requirements. However, grants have limited terms and amounts, and securing consistent funding remains integral to the County's ability to comply with the NPDES permit on an ongoing basis.

The CWP will continue to commit the resources necessary to work with and respond to the RWQCB in the development of the MRP. It is critical that this MRP be adopted in a form that will be possible and reasonable to implement.

In addition to the above-mentioned CWP administrative changes, challenges, accomplishments and goals, there is a set of challenges, accomplishments and goals specific to each section of the CWP. The following sections present highlights of the past year's accomplishments within each of the subprograms comprising the CWP.

New Development and Construction Controls (NDCC) Highlights

During this fourth year of C.3 compliance, the CWP has continued to work closely with numerous departments within the County to ensure C.3 compliance for both public and private projects. Many of the major New Development and Construction Controls (NDCC) accomplishments during PY 2008/09 resulted from focused work on developing implementation strategies for the NPDES Permit's provision C.3 requirements, which began on February 15, 2005. This work continues to include participation in CCCWP work groups and committees; Public Works Department meetings to identify the best ways to implement requirements; and working with the Developer Liaison Group, individual developers, and other County departments, in order to address questions and problems that surface with the implementation of C.3 requirements.

Staff from the Public Works Department's Transportation Planning, Design, and Construction Divisions have continued to receive training with regards to the requirements of the C.3 provision, as well as training in implementing mitigation measures for projects that are not subject to the C.3 provisions, but should nevertheless be required to implement Best Management Practices (BMPs) to the Maximum Extent Practicable (MEP).

The NDCC Program continues to work toward resolving outstanding issues with regards to conflicts between C.3 compliance and other departments' and agencies' practices and policies, as well as State and Federal regulations. Substantial progress continues to be made in integrating C.3 compliance into the overall development process. As the County has continued to process an increasing number of applications that are subject to provision C.3, improvement is evident in both the quality of the applications' measures to comply with provision C.3 and in the County's processing of these applications.

The NDCC Program was integral in developing the fourth edition of the Stormwater C.3 Guidebook. This newest edition provides further guidance on helping projects meet the requirements of provision C.3 as efficiently as possible.

Please refer to the NDCC section of this report for a more thorough reporting of accomplishments and goals for this section of the program.

Municipal Maintenance (MUNI) Highlights

We continue to update our inventory of storm drain markers while replacing damaged markers with the new storm drain markers (developed in PY 2005/06). To date, 4,845 new storm drain markers have been installed.

In addition, our continuing Municipal Maintenance (MUNI) operations have resulted in the following:

1. A total of 453 curb miles were swept per month.
2. 1,920 cubic yards of material were removed through street sweeping work.
3. Contaminants removed through street sweeping work:
 - Copper: 241.5 pounds
 - Lead: 87.6 pounds
 - Total petroleum hydrocarbons: 4701.8 pounds
4. The following storm drainage facilities were inspected:
 - 8,293 drainage inlets
 - 287 culverts
 - 28.5 miles of v-ditches/roadside ditches
 - 26.3 miles of constructed channels
 - 2.1 miles of natural watercourse
 - 123 trash racks
5. Storm drain facility cleaning included:
 - 794.8 cubic yards from inlets
 - 9799.5 cubic yards from v-ditches/roadside ditches
 - 1926 cubic yards from constructed channels
 - 1083 cubic yards from natural watercourses
 - 61.9 cubic yards from trash racks
6. Contaminants removed from storm drain facility cleaning:
 - Copper: 826.8 pounds
 - Lead: 1780.4 pounds
 - Total petroleum hydrocarbons: 37906.9 lbs

Inspection (INSP) Highlights

During PY 2008/09, the County performed 297 inspections of commercial/industrial facilities. Facility inspections targeted restaurants, marinas, and other businesses that have filed a Notice of Intent (NOI). Nearly all of the businesses were found to be in compliance. The common problem areas resonating throughout the inspection reports are dumpster and grease management.

Number of priority/non-priority inspections conducted – 297

- Priority: 8
- Non-priority: 246
- Number of enforcement actions taken: 19
- Notices of violation: 11
- Warning notices: 8
- Referrals: 8

Illicit Discharge Control (IDCA) Highlights

The CWP continues to work with the County's Code Compliance Committee, Public Works Department field maintenance personnel, and Inspectors from the Health Services Department's Hazardous Materials Division and Environmental Health Division. We have also continued our cooperative alliance with the District Attorney's (DA's) Environmental Crimes Unit. These collaborative efforts are intended to reach out to and educate the community (both individuals and businesses), and to help to eliminate illicit discharges throughout the County. Moreover, the DA has significant police powers that can be utilized with much greater efficiency than is available to the CWP (and with much less effort). We continue to support the 1-800-NO DUMPING hotline, which allows the public to report on illicitly discharged materials dumped in their neighborhood.

1. Total number of illicit connections/discharges eliminated: 45
2. Total number of enforcement actions taken: 37
3. Chart of total discharge type seen throughout unincorporated County by Land Use:

Type	Industrial	Commercial	Residential	Total
Construction Materials/Debris	1	4	13	18
Sewage	0	5	9	14
Food Wastes	0	2	0	2
Automotive Fluids	5	6	26	37
Yard Wastes	0	0	7	7
Unknown	0	0	0	0
Other	4	4	9	17
Other: Grey Water	2	7	8	17
Other: Marine-Related	1	0	0	1
Total	13	28	72	113

Public Education and Industrial Outreach (PEIO) Highlights

The Public Education and Industrial Outreach (PEIO) section of the CWP was busy as always this past year, and some highlights of the work accomplished under this section of the permit include:

Developing a “**Living with Creeks**” brochure to assist property owners that live along creeks in helping to ensure the creeks are maintained as naturally and pollution free as possible. We mailed out over 6,000 copies to affected property owners.

Continuing the Community Watershed Stewardship Grant Program, which provides funding for local watershed stewardship activities. To date, this program has provided over \$500,000 to local grass root watershed groups.

Developing the “**2009 Contra Costa County Watershed Calendar**,” which was published and distributed to all single-family designated parcels in the unincorporated portion of the County (more than 56,000 copies).

Revamping our website, making it more user friendly, and providing more information that will help assist our property owners with their clean water/environmental questions and guidance.

Developing and mailing 9,856 “**Oil Spill Notification postcards**.” These postcards were developed to assist property owners adjacent to open waterways (in particular, the Delta) as to whom and how to notify if there is an oil spill to help ensure more timely responses and cleanups.

After investigating several complaints of less than environmentally friendly at home auto repair practices, the CWP completely revamped an informational brochure related to at-home auto repair. “**Keeping it all in Tune – Preventing Stormwater Pollution During Auto Repair**.” We then mailed 8,770 copies of this brochure to areas of the County that seemed to have the higher incidences of do-it-yourself/at-home auto repair and maintenance.

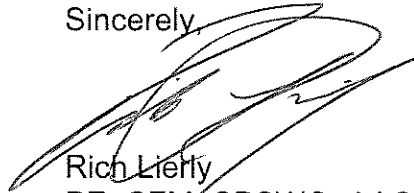
Unfortunately, as previously mentioned, the state funds associated with Proposition 40 have been frozen for over six months now, and as a result, we have had to layoff our consultants on Phase II of the Keep the Delta Clean Program “You Play In It, You Drink It Too!” (KDC II) project. However, we have so much invested in the success of this program that we have continued to move forward (just at a slower pace and without the help of consultants). CWP continues to partner with the California Coastal Commission, California Department of Boating and Waterways, California Bay-Delta Authority, Contra Costa Resource Conservation District, Contra Costa Water District, San Francisco Bay Conservation and Development Commission, the State Water Resources Control Board and several private marinas and recreational boating groups, as well as other Delta counties, including the Counties of Solano, San Joaquin, Sacramento, and Yolo. The CWP is also working closely with the Cities of Sacramento and Stockton and is hopeful that the state funds will be unfrozen in time to complete this very important project.

CONCLUSION

Despite significant challenges, including loss of key personnel and reduction in available funds (including a freeze of state grant funds), and pressure due to increased costs and regulatory requirements, the CWP continues to maintain compliance with the Federal Clean Water Act and our current Municipal Stormwater NPDES permit. Moreover, we continue to provide a valuable service to our citizens by protecting our natural resources and environment.

For more details on each of these particular sections of the CWP, please refer to that section of this annual report. Should you have any questions with regards to this report or the direction or administration of the CWP (unincorporated Contra Costa County NPDES compliance program), in general, please don't hesitate to contact me at (925) 313-2348 or e-mail at rlie@pw.cccounty.us.

Sincerely,



Rich Lierly
PE, CFM, CPSWQ, AAGG