



The following information comprises the minutes for a special meeting of the City Council, a joint meeting of the Banning City Council and Banning Utility Authority and a joint meeting of the Banning City Council and the Banning City Council sitting in its capacity as the Successor Agency Board.

**MINUTES
CITY COUNCIL**

**9/26/2023
SPECIAL MEETING**

COUNCIL MEMBERS PRESENT: Council Member Sheri Flynn
Council Member Reuben Gonzales
Council Member Rick Minjares* Arrived at 4:38 p.m.
Mayor Alberto Sanchez
Mayor Pro Tem Colleen Wallace

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Doug Schulze, City Manager
Serita Young, City Attorney
Marie Calderon, City Clerk
Caroline Patton, Deputy City Clerk
Art Vela, Director of Public Works
Nate Smith, Deputy Director of Public Works/City Engineer
Laurie Sampson, Assistant City Manager
John Garside, Multimedia Specialist

1. CALL TO ORDER

Mayor Sanchez called the special meeting to order at 4:12 p.m.

1.1 Roll Call

COUNCIL MEMBER	PRESENT:	ABSENT
Flynn, Sheri	X	
Gonzales, Reuben	X	
Minjares, Rick*	X	
Sanchez, Alberto	X	
Wallace, Colleen	X	

*Arrived at 4:38 p.m.

2. PUBLIC COMMENT – Agenda Items

None

3. **WORKSHOP**


- 3.1. Workshop for the National Pollutant Discharge Elimination System (NPDES) Permit and Program Update

Nate Smith, Deputy Director of Public Works, presented the staff report.

4. **ADJOURNMENT**

The Special City Council meeting adjourned at 4:54 p.m.

Minutes Prepared by:


Caroline Patton, Deputy City Clerk

*These minutes have been prepared as **Action Minutes** in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).*

This entire meeting may be viewed here:

<https://banninglive.viebit.com/index.php?folder=City+Council+Meetings>

All documents related to this meeting are available here:

<https://banningca.gov/Archive.aspx?ADID=2901>

ATTACHMENTS:

Exhibit A – Agenda Item 3.1: Staff Presentation

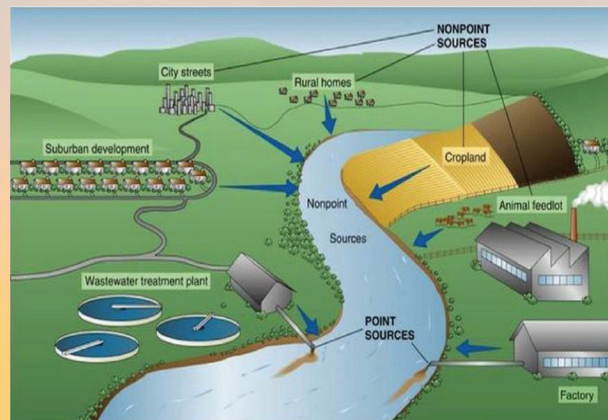
NPDES Permit and Program Update

1. Upcoming 2024 Permit Requirements
2. Impact on the City, fiscally and staffing wise
3. Questions



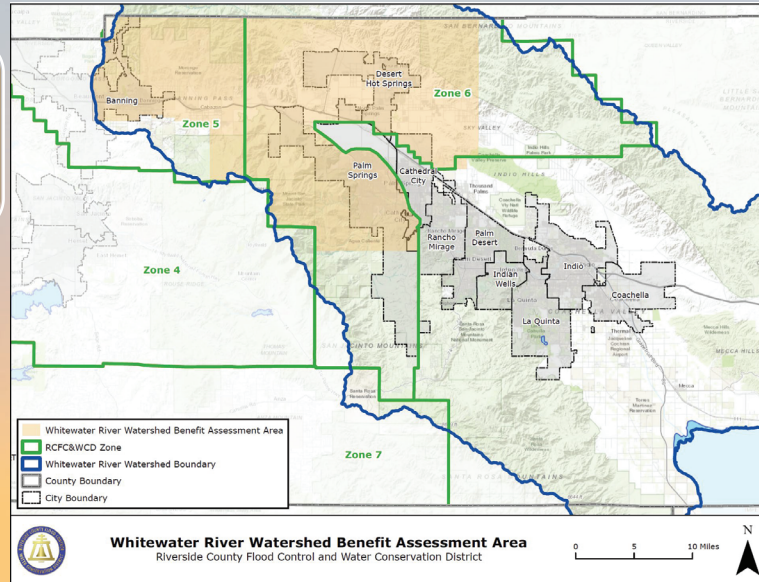
What is a NPDES Permit?

- A National Pollutant Discharge Elimination System (NPDES) Permit regulates point and nonpoint source discharges of pollutants into Waters of the United States
- The Federal Clean Water Act prohibits discharges of pollutants from point and nonpoint sources unless regulated by an NPDES Permit
- A joint NPDES Permit to discharge storm water into the various storm channels and washes throughout the Whitewater River Watershed area was issued by the Colorado River Basin Regional Board No. 7



Whitewater River Region

- Two Principal Permittees – RCFC&WCD and Riverside County
- Eleven Co-Permittees – Ten cities and the Coachella Valley Water District
- Designated as a Phase I MS4 in 1991
- Under the fourth term permit since 2013



Draft NPDES Permit Timeline

December 21, 2017
Report of Waste Discharge Submitted

June 19, 2018
Order R7-2013-0011 Expired

November 11, 2020
Regional Board provides draft structure of next Permit

July 10, 2023
Draft Permit distributed amongst Permittees and Regional Board

August 8, 2023
Comments due on Draft Permit

August 22, 2023
Draft Permit submitted to Regional Board for internal Review

October – November 2023
AB2108 Tribal/DAC Outreach

January - March 2024
Regional Board adopts the next NPDES Permit

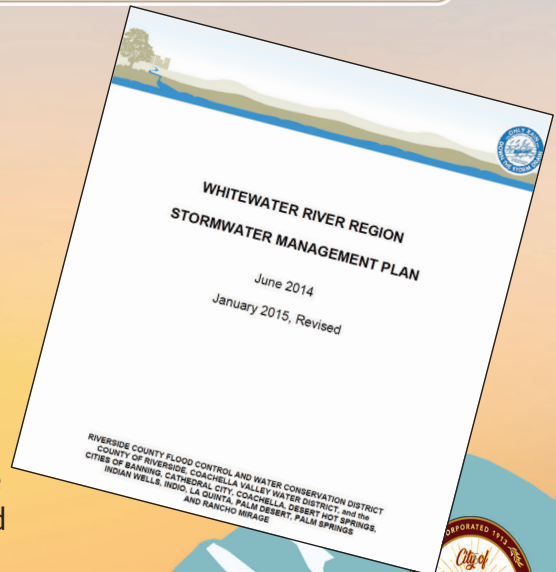
April – June 2024
The 2024 Whitewater NPDES Permit is Effective



New Provisions under the 2024 NPDES Permit

- The following **new** provisions will be incorporated into the 2024 NPDES Permit:
 1. Asset Management
 2. Fiscal Cost Analysis/ Cost Reporting
 3. Urban Pesticides
 4. Trash Amendment/Management
 5. New Construction General Permit
 6. Continued SB 205 Compliance re: Business Licenses

The WWR Stormwater Management Plan is the implementation document and it will be updated to incorporate these provisions and continuing provisions within 12 months of the effective date of the Permit.



Asset Management

40 CFR 122.41(e) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

- Permittees will develop an Asset Management Program:
 - Asset Inventory
 - Asset Management Plan



Asset Inventory

- Due twelve months following the effective date of the Permit
- Maintain a database consisting of:
 - Municipal Facilities
 - Municipal Storm Sewer Infrastructure (storm drains, basins, inlets, channels, outfalls)
 - Full Capture Systems (FCS), trash capture devices
- The Asset Inventory will require the following information:
 - Name or ID of the facility
 - Address or Coordinates
 - Inspection frequency based on prioritization
 - Last inspection date
 - For trash control devices, whether the device is a certified FCS



Asset Management Plan



- Complete 24 months following the effective date of the Permit
- The Asset Management Plan shall contain the following:
 - SOPs for routine maintenance of MS4 facilities, including visual monitoring, removal of trash and debris, reducing the discharge of contaminants during routine cleanouts, and proper disposal of waste
 - MS4 facility prioritization – establish the frequency at which each facility/asset is maintained and establish procedures for reprioritization
 - How to identify facilities/assets that require maintenance/repair
 - Establish a schedule when facilities are expected to be rehabilitated/replaced or when new facilities are established



Fiscal Cost Analysis

- Under the 2013 Permit, Permittees were not required to report on the costs of stormwater program implementation
- Under the 2024 Permit, Permittees will be required to report total stormwater program budgets for the preceding, current, and future fiscal years, and a description of the sources of funding
- Contingencies for asset failure or repair
- If the SWRCB adopts a new Order for Cost Reporting, extensive tracking of NPDES Permit costs including staff time, equipment and materials, amounting to about 100 categories, would be required
- Monthly reporting on storm water costs including street sweeping and storm drain cleaning and corresponding debris removed from the street, storm drains and catch basins would have to be measured

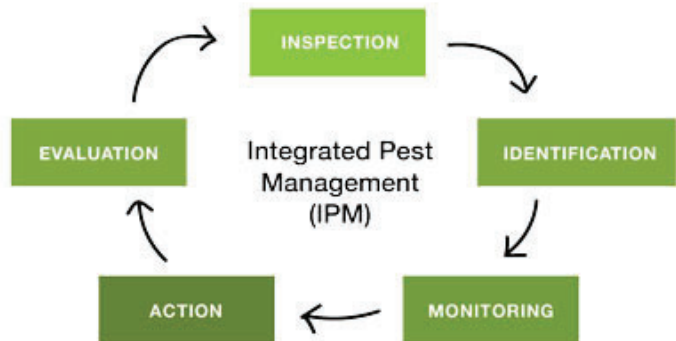
Category	Capital Expenditures ¹	Land Costs	Personnel Cost	Consultant (s) Cost	Overhead Costs	Construction Costs	Permit(s), Operation, and Maintenance (O&M) Costs	Total Expenditures for this Reporting Year	Program Budget for Next Reporting Year
(1) Program Management ²									
(2) NPDES MS4 Permit Fees									
PIPP									
(3) Minimum Control Measures (MCMs)									
Industrial / Commercial Facilities Program									
Planning & Land Development Program ³									
Construction Program									
Public Agency Activities Program									
IDDE Program									
Additional Institutional BMPs ⁴ "Enhanced" MCMs									
Category	Capital Expenditures ¹	Land Costs	Personnel Cost	Consultant (s) Cost	Overhead Costs	Construction Costs	Permit(s), Operation, and Maintenance (O&M) Costs	Total Expenditures for this Reporting Year	Program Budget for Next Reporting Year
(4) TMDL Implementation Plan / Watershed Management Program Development ⁵									
Distributed Projects and Green Streets									
Regional Projects									
Other Structural BMPs									
(5) Projects ⁶									
Trash TMDLs ⁸									
Discharge Prohibitions - Trash ⁷									
(6) Trash Compliance									
Category	Capital Expenditures ¹	Land Costs	Personnel Cost	Consultant (s) Cost	Overhead Costs	Construction Costs	Permit(s), Operation, and Maintenance (O&M) Costs	Total Expenditures for this Reporting Year	Program Budget for Next Reporting Year
(7) Monitoring									
Monitoring Plan Development ⁹									
Outfall and Receiving Water Quality Monitoring									
BMP Effectiveness Monitoring									
Regional Studies ¹⁰									
Special Studies ¹¹									
(8) Other ¹²									
TOTAL									



~100 cost categories

Urban Pesticides

- Each Permittee will develop and implement policies, procedures, and ordinances to reduce the use of pesticides and fertilizers
- Each Permittee will develop an Integrated Pest Management (IPM) Plan within 18 months of the effective date of the Permit.



IPM Plan

- Preventative Measures
 - Only use pesticides/fertilizers when needed
 - Use least-toxic alternatives
 - Prohibit banned/unregistered products
- Proper Application
 - Do not use during rain, and establish a routine application schedule
- Proper Storage and Disposal
 - Store indoors within secondary containment
 - List procedures to dispose of pesticides
 - Keep manifests as a "chain of custody"
- Applicator Management
 - Ensure Permittee staff are trained to apply pesticides
 - Pesticides application must be overseen by a certified pesticide applicator
 - Contractors must implement Permittee's IPM at municipal facilities/operations
- Education and Outreach



PREVENT
the build-up
of pests



MONITOR
crops for pests
and natural control
mechanisms

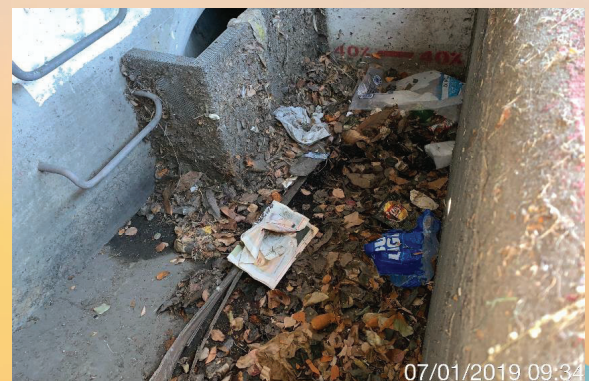


INTERVENE
when control
measures are
needed



Trash Amendment/ Management

- Trash larger than a diameter of 5 mm must be captured and removed from Priority Land Uses (PLUs) or designated land uses include:
 - High Density Residential
 - Industrial
 - Commercial
 - Mixed Urban
 - Public Transportation Stations
- Interim Compliance Deadline: 50% trash capture devices installed in about 40 City catch basins by 2027
- Requires full trash capture from PLUs by December 2, 2030
- Annual Reporting
 - Update Jurisdictional Map to show installed devices
 - Total area, debris removed & percentage area served by device



2022 Construction General Permit

- New Permit effective September 1, 2023
- The WDID number must be posted at the site
- Public construction projects now require QSD and QSP involvement
- WQMPs and post construction maintenance plans to be uploaded to SMARTS, allowing for public viewing
- Reissuance Training for QSDs and QSPs



Senate Bill 205

- Effective January 1, 2020
- Codified under California Business and Professions Code, Section 16000.3 and California Water Code 13383.10
- Requires Cities and Counties that have a business license program to:
 - Update business license permit applications to provide SIC codes and WDIDs, NEC identification numbers, or NONA numbers
 - Identify whether the business license applicant's provided SIC codes require IGP coverage (see IGP Attachment A)
 - Enforce SB 205 provisions, which may include withholding/suspending business licenses for facilities that require IGP coverage and do not have a WDID



Industrial General Permit (IGP)

- The IGP, adopted in 2014, and amended in 2015 and 2018, regulates industrial stormwater discharges and non-stormwater discharges from industrial facilities
- Industrial sites can contribute pollutants such as Nutrients (Nitrate, Nitrite, Ammonia) and Heavy Metals (Copper, Lead, Zinc) to receiving waters
- Attachment A of the IGP identifies 9 categories of facilities requiring coverage under the IGP. Those businesses are identified by their SIC Codes



Funding for the NPDES Program

- In 1994 the City Council approved the formation of Community Service Area (CSA) 152 within Riverside County, which assessed property owners in Banning an annual assessment of \$4.72 to help fund the NPDES Permit program
- The following year, the City Council elected not to participate in CSA 152 and instead used the reserve funds from the previous FY to fund the NPDES Permit
- It appears the City has not rejoined CSA 152 and therefore there are no revenue funds to pay for the program costs and it is now absorbed by the General Fund.



Questions?

Contact Information

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