



## Legislation Text

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**File #:** 16-204, **Version:** 1

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**SUBJECT:** Municipal Separate Storm Water Sewer System (MS4) Enforcement Response Plan

### REPORT IN BRIEF

Request to adopt the MS4 Enforcement Response Plan.

### RECOMMENDATION

**City Council** - Adopt a motion adopting **Resolution 2016-19**, a Resolution of the City Council for the City of Merced, California, adopting a municipal separate storm sewer system enforcement response plan.

### ALTERNATIVES

1. Approve, as recommended by Staff; or,
2. Approve, subject to modifications as conditioned by Council; or,
3. Deny; or,
4. Refer to Staff for reconsideration of specific items; or,
5. Continue to a future meeting.

### AUTHORITY

Title 15 of the Merced Municipal Code Division III Storm Water System

### CITY COUNCIL PRIORITIES

As provided for in the 2016-17 Proposed Budget.

### DISCUSSION

The City of Merced is subject to the State Water Resources Control Board's (SWRCB) National Pollution Discharge Elimination System (NPDES) Water Quality Order No. 2013-0001-DWQ for Small Municipal Separate Storm Sewer Systems Phase II Permit (Phase II MS4 Permit). As a result, the City is required to develop and implement an Enforcement Response Plan (ERP). The ERP is to address storm water and non-storm water discharges with pollution potential.

The City's objective is to maintain compliance with the Phase II MS4 Permit; it is not the City's intent or desire to pursue punitive enforcement action when compliance is more readily achieved through mutual cooperation and assistance. Nevertheless, it is the City's obligation to investigate and respond to instances of noncompliance. The ERP is intended to assist City personnel in using their own enforcement expertise to develop a flexible and appropriate enforcement response based upon the particular situation.

## **IMPACT ON CITY RESOURCES**

No appropriation of funds is needed.

## **ATTACHMENTS**

1. Resolution