



CALIFORNIA ENVIRONMENTAL QUALITY ACT
Notice of Exemption

2024-00388

FILED

November 6, 2024
KRISTIN B. CONNELLY
CLERK-RECORDER

By *M. Neat*

M. Neat
Deputy Clerk

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: Contra Costa County
Department of Conservation and
Development
30 Muir Road
Martinez, CA 94553

County Clerk, County of Contra Costa

Project Title: Adoption of Stormwater Ordinance 2024-20, Project #: WO7087, CP#: 24-24

Project Applicant: Contra Costa County Public Works Dept., 255 Glacier Drive, Martinez CA 94553
Main: (925) 313-2000, Contact: Claudia Gemberling, (925) 313-2192

Project Location: Unincorporated communities in Contra Costa County

Lead Agency: Department of Conservation and Development, 30 Muir Road, Martinez, CA 94553
Main: (925) 655-2705, Contact: Syd Sotoodeh (925) 655-2877

Project Description: The County plans to adopt an Ordinance to amend Division 1014 of the County Ordinance Code (Stormwater Management and Discharge Control) to enact new stormwater source control, site design, and stormwater treatment requirements required by the new National Pollution Discharge Elimination System (NPDES), Municipal Regional Stormwater Permit (MRP) issued by the California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB), Order No. R2-2022-0018, NPDES Permit No. CAS612008 and adopt a Resolution to approve a new C.3 Guidebook to assist new development projects to comply with the requirements of the new NPDES permit and Division 1014 of the County Ordinance Code.

The federal Clean Water Act (33 U.S. C., § 1251, et seq.) and the state Porter-Cologne Water Quality Control Act (Cal. Wat. Code, § 13000, et seq.) prohibit discharges of stormwater without a permit from the appropriate RWQCB issued under the NPDES program. The RWQCB issued two prior Orders under NPDES Permit No. CAS612008 regulating stormwater discharges by the County – Order No. R2-2009-0074 issued October 4, 2009, and Order No. R2-2015-0049 issued November 19, 2015 as amended by Order R2-2019-0004, issued February 13, 2019. The Orders regulated stormwater discharges by the County and required the County to impose discharge requirements on developments. After each Order was issued, the County amended Division 1014 of the County Ordinance Code (Stormwater Management and Discharge Control) to impose stormwater management and discharge requirements on new developments consistent with the Permit requirements.

In 2020, the Contra Costa Clean Water Program, which includes the County, the Flood Control District, and all municipalities in the County, applied to the RWQCB for a new MRP to discharge stormwater runoff from storm drains and watercourses in the jurisdiction of the County and municipalities. On May 11, 2022, the RWQCB issued a new Order under NPDES Permit No. CAS612008 for the MRP (Order No. R2-2022-0018) to regulate discharges of stormwater by the County and other members of the Contra Costa Clean Water Program. Section C.3 of the MRP requires the County and other members of the Contra Costa Clean Water Program to impose new source control, site design, and stormwater treatment requirements on new development projects that meet specified criteria. Generally, Ordinance No. 2024-20 makes the following changes to Division 1014 of the County Ordinance Code:

- Clarifies what constitutes prohibited discharges.
- Requires the following new development projects to comply with Section C.3 of the MRP:
 - New development projects, previously undeveloped that create 5,000 square feet or more of impervious surfaces,
 - Development projects on previously developed sites that create or replace 5,000 square feet or more of impervious surface. Some exceptions are: individual single family home projects less than 10,000 square feet, interior models, routine maintenance, public road and trail projects, public works projects less than 5,000 contiguous square feet of impervious surface, and some pavement maintenance practices,
 - Construction of new streets or roads, except sidewalks or bicycle lanes in the project that direct stormwater to adjacent vegetated areas, certain impervious trails, sidewalks, bicycle lanes or trails built as pervious pavement systems, state of California highway projects,
 - Public and other streets or roads that create or replace one contiguous acre or more of impervious surface, and

- Single-family homes projects with just one home, including an accessory dwelling unit that create or replace 10,000 square feet or more of impervious surface and are not part of a larger development or redevelopment plan.
- Exempts certain unpolluted discharges from complying with the requirements. Unpolluted discharges include discharges from residential foundation, crawl space, or footing drains, and groundwater pumped for drinking water purposes, among others.
- Clarifies that developments approved earlier are required to comply with the requirements in effect at the time the developments were approved.

Adoption of Ordinance No. 2024-20 is anticipated to be introduced to the County Board of Supervisors in November 2024 along with adoption of a Resolution to approve a new C.3 Guidebook, which will assist development applicants with complying with the MRP and the new requirements enacted by Ordinance No. 2024-20.

Exempt Status:

- | | |
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| <input type="checkbox"/> Ministerial Project (Sec. 21080[b][1]; 15268) | <input type="checkbox"/> Categorical Exemption (Sec. 15306) |
| <input type="checkbox"/> Declared Emergency (Sec. 21080[b][3]; 15269[a]) | <input checked="" type="checkbox"/> General Rule of Applicability (Sec. 15061[b][3]) |
| <input type="checkbox"/> Emergency Project (Sec. 21080[b][4]; 15269[b][c]) | <input type="checkbox"/> Other Statutory Exemption (Sec.) |

Reasons why project is exempt: The proposed Ordinance and Resolution to amend Division 1014 of the County Ordinance Code (Stormwater Management and Discharge Control) is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) which is the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. The proposed actions would impose new source control, site design, and stormwater treatment requirements on new development projects to comply with the RWQCB MRP to improve water quality in our waterways, and approval of a Guidebook that would assist development applicants. No specific project is approved with this Ordinance Amendment. Any future projects would each be separately reviewed under their own subsequent CEQA analysis. Thus, it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, pursuant to Article 5, Section 15061(b)(3) of the CEQA Guidelines.

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: *Sybil Sotwaddh* Date: Oct. 17, 2024 Title: Senior Planner

Contra Costa County Department of Conservation and Development

- Signed by Lead Agency Signed by Applicant

AFFIDAVIT OF FILING AND POSTING

I declare that on 11/6/24 I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

[Signature]
Signature

Deputy Clerk
Title

Applicant

Public Works Department
255 Glacier Drive
Martinez, CA 94553
Attn: Claudia Gemberling
Environmental Services Division
Phone: (925) 313-2192

Department of Fish and Wildlife Fees Due

- De Minimis Finding - \$0
- County Clerk - \$50
- Conservation and Development - \$25

Total Due: \$75 Receipt #: _____