

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member \_\_\_\_\_

RESOLUTION TO ADOPT AMENDMENTS TO CHAPTER 11, ARTICLE 5,  
(STORMWATER MANAGEMENT AND URBAN RUNOFF CONTROL) OF  
THE HAYWARD MUNICIPAL CODE IN RESPONSE TO THE MUNICIPAL  
REGIONAL PERMIT (MRP 3.0)

WHEREAS, the National Pollution Discharge Elimination System (NPDES) program was established in 1972 by the Federal Clean Water Act (CWA) and the NPDES program was amended in 1986 to regulate stormwater runoff and established a permitting structure for municipal discharge to the waters of the state; and

WHEREAS, on October 14, 2009, the first regional stormwater permit, the Municipal Regional Permit or MRP, was adopted by the San Francisco Bay Regional Water Quality Control Board (Water Board) to regulate municipalities within the counties of Alameda, Contra Costa, Santa Clara, San Mateo as well as the cities of Fairfield, Suisun, and Vallejo and the Vallejo Sanitation and Flood Control District; and

WHEREAS, the second MRP, known as MRP 2.0, was adopted on November 19, 2015 and became effective on January 1, 2016; and

WHEREAS, MRP 2.0 was to expire on June 30, 2021, but was extended through July 1, 2022; and

WHEREAS, in May 2022, the Hayward City Council adopted a Strategic Roadmap identifying priority projects to meet regulatory requirements for zero trash in stormwater by installing trash capture devices by installing trash capture devices and performing related trash reduction activities; and

WHEREAS, the Water Board adopted a new permit known as MRP 3.0 on May 11, 2022, and it became effective July 1, 2022; and

WHEREAS, MRP 3.0 requires a 90% reduction in trash in the City's stormwater system by July 1, 2023, and a 100% trash reduction in the City's stormwater system by July 1, 2025; and

WHEREAS, private properties with private storm drains that bypass the City's storm drain inlets must prevent trash from reaching the City's stormwater system in order to allow the City to meet the MRP 3.0 mandate; and

WHEREAS, the City's existing stormwater inspection program is in need of additional enforcement tools to achieve trash reduction on private properties; and

WHEREAS, between October and December 2022, City staff conducted public outreach to solicit input on the draft ordinance amendments by including a letter with all water bills; and

WHEREAS, the City Council Sustainability Committee received reports and presentations on the draft MRP 3.0 January 10, 2022 and March 14, 2022; and

WHEREAS, on March 13, 2023, the City Council Sustainability Committee recommended adopting the draft amendments to the Stormwater Management and Urban Runoff Control Ordinance; and

WHEREAS, the provisions in the amended Ordinance are designed to allow City staff to require private property owners to either 1) keep their properties clean, or 2) install full trash capture devices; and

NOW, THEREFORE, BE IT RESOLVED that the aforementioned amendments to the Stormwater Management and Urban Runoff Control Ordinance are hereby adopted.

BE IT FURTHER RESOLVED that the City Council finds that this Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in a physical change to the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action would have no or only a de minimis effect on the environment. The Ordinance is also exempt from CEQA under CEQA Guidelines section 15308, because it is a regulatory action for the protection of the environment. The foregoing determination is made by the City Council in its independent judgment.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2023.

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward