

Alameda County Unincorporated Area

CLEAN WATER PROTECTION FEE

ANNUAL REPORT FISCAL YEAR 2022/2023

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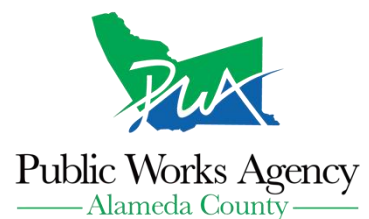


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I. INTRODUCTION

The Alameda County Unincorporated Area Clean Water Protection Fee Annual Report (Report) is presented to the Alameda County Board of Supervisors (Board) annually for review and public hearing in compliance with Ordinance O-94-36.

This Report describes the Clean Water Protection Fee's background, objectives, proposed fee rates, and explains how the fees are calculated for fiscal year 2022/2023 (July 1, 2022 through June 30, 2023).

For more information and to view this report online, visit the Document Library/Annual Report page of the Alameda County Public Works Agency website, www.acpwa.org or click here [2022-2023 Annual Clean Water Protection Fee Report](#)

A hard copy of the Report may be reviewed and/or purchased at the following location: Alameda County Public Works Agency, 399 Elmhurst Street, Room 113, Hayward, CA, 94544. Please contact the Alameda County Public Works Agency receptionist at 510-670-5480 to make arrangements.



II. BACKGROUND

Stormwater runoff has been identified as one of the largest sources of pollutants reaching San Francisco Bay and many other water bodies throughout the nation. Because stormwater runoff flows in volumes that are orders of magnitude larger than sanitary sewage, it is prohibitively costly to remove pollutants by using the kinds of technologies that are applied to sanitary sewage.

The most cost-effective means to improve the quality of stormwater runoff is to take actions that prevent it from becoming polluted in the first place. This is the approach taken by the County of Alameda through its Unincorporated Area Clean Water Program.

Regulatory Requirements

Pursuant to the Federal Clean Water Act of 1972, as amended in 1987, the US Environmental Protection Agency (USEPA) finalized regulations in November 1990 requiring municipalities with storm drainage systems to apply for a National Pollutant Discharge Elimination System (NPDES) permit to discharge stormwater. The California Regional Water Quality Control Board (RWQCB) administers the NPDES stormwater permits in California. The NPDES permit requires that permittees effectively prohibit the discharge of non-stormwater into storm drain systems and watercourses, prohibit any type of solid wastes into surface water that would eventually drain to surface waters, and adhere to the receiving water limitations set forth in the permit.

The County of Alameda, together with 16 other co-permittees (all of the cities within Alameda County, the Alameda County Flood Control and Water Conservation District (District), and Zone 7 of the District), was issued its first five-year NPDES stormwater permit by the RWQCB on October 16, 1991. Beginning with the 2009 5-year NPDES permit, the RWQCB combined the individual NPDES permits into one single Municipal Regional Stormwater NPDES Permit (MRP) for all of the 76 Phase 1 municipalities and local agencies within the San Francisco Bay Region, RWQCB Region 2. The current Municipal Regional Stormwater NPDES Permit No. CAS612008 (“MRP”) was adopted by the RWQCB at their hearing on October 16, 2015. The County along with other Bay Area municipalities have been taking part



in negotiation with the RWQCB for the next 5-year MRP. Adoption by the RWQCB is expected in early FY2022/2023.

The Alameda County Unincorporated Area Clean Water Protection Fee provides funding that enables the County of Alameda to fulfill its requirements of the MRP for the unincorporated area of Alameda County. Following public hearings on May 24, 1994 and June 14, 1994, the Board adopted Ordinance O-94-36 which provided for an annual fee, levied against property owners in the unincorporated area of Alameda County, to fund those activities associated with NPDES permit requirements. The Alameda County Public Works Agency administers these funds and manages the Alameda County Unincorporated Area Clean Water Program.

Objectives of the Unincorporated Area Clean Water Program

The Alameda County Unincorporated Area Clean Water Program is designed to efficiently satisfy the NPDES permit requirements. Program tasks follow the outline of the NPDES permit and include the following components:

- Municipal operations
- New develop and redevelopment
- Industrial and commercial site controls
- Illicit discharge detection and elimination
- Construction site control
- Public information and outreach
- Water quality monitoring
- Specific pollutant control for pesticide toxicity, trash, mercury, PCBs, copper, legacy pesticides, Selenium, PDBEs, and bacteria

While a major portion of the activities to comply with NPDES permit requirements are implemented at a local level, the County of Alameda works collaboratively through the Alameda Countywide Clean Water Program to identify and implement tasks that can most effectively be accomplished jointly, with other NPDES co-permittees.

The Alameda Countywide Clean Water Program (ACCWP) is a consortium of the 17 co-permittees of the NPDES permit within Alameda County and was formed under a



memorandum of agreement approved by your Board of Supervisors on May 7, 1991. A portion of the Alameda County Unincorporated Area Clean Water Protection Fee is used to fund the County’s cost allocation for collaborative efforts implemented through the ACCWP (10.77%). The ACCWP Management Committee, comprised of representatives from each of the 17 co-permittees, has oversight of the activities and administration of the ACCWP.

III. BASIS OF FEES CHARGED TO PROPERTY OWNERS

Alameda County Ordinance O-94-36 stipulates the way fees are levied for the Alameda County Unincorporated Area Clean Water Program. Authorization for the fee is California Government Code Sections 25825, 25830, 54309, 54344 and other appropriate sections.

The fee is based on the benefit received by each parcel. Benefits relate directly to the amount of stormwater that runs off each parcel, and are based on the assumption that the pollution each property contributes to the storm drainage system is directly related to human activity (as represented by land use) and the size of the property generating the stormwater runoff.

The Board established four categories of land use for purposes of the Clean Water Protection Fee (Table 1).

TABLE 1: Land Use Categories

GROUP A	Commercial and Industrial
GROUP B	Institutions (churches, schools, colleges, hospitals, etc.) and Multiple Residential Units of five or more units (apartments, condos, townhomes, mobile home parks)
GROUP C	Single Family and Small Multiple Residential Units (apartments, condos, townhomes, mobile homes) two to four units
GROUP D	Vacant Land (used for agriculture, farming, vineyards, crops, parks, open space, etc.)



Because vacant land is considered to contribute few pollutants to stormwater, no per-acre charge is levied for that category; rather, a minimum fee is applied. Similarly, large (greater than 0.25 acre) single family residences are levied a minimum fee and no per-acre charge.

Benefit assessments are levied and collected concurrently with County property taxes. They are subject to the same fines, penalties and forfeitures. A similar fee structure is used by the majority of cities in Alameda County to fund their NPDES permit obligations.

IV. PROPOSED FEES

Fees are based on land use and land area. Land use categories are assigned by the County Assessor’s Office. Land area is the size of the parcel measured in acres. One acre is 43,560 square feet.

The runoff factors used by Alameda County to establish the Clean Water Protection Fee are nationally accepted by the civil engineering profession. They are consistently used on hydrology and watershed studies as an accurate measure of stormwater runoff.

Table 2 lists the recommended Clean Water Protection Fees for parcels in the unincorporated areas of Alameda County. These rates have remained the same since fiscal year 1994, when the fee was originally established.

Table 2: Clean Water Protection Fee Rates, Fiscal Year 2022/2023

Land Use		Minimum Yearly Charge: Parcels 0.25 Acre or Smaller	Yearly Per-acre Charge: Parcels Larger than 0.25 Acre
GROUP A	Commercial and Industrial	\$14.20	\$56.80 per acre
GROUP B	Institutions	\$10.66	\$42.60 per acre
GROUP C	Single Family Residential	\$7.10	None



GROUP D	Undeveloped	\$3.56	None
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Table 3: Sample Fee Calculations

Group/Land Use Category	Parcel Area	Clean Water Protection Fee	Notes
A Industrial property	0.23 acre	\$14.20	Less than 0.25 acres; use minimum yearly charge
A Commercial property	3.5 acres	\$198.80	3.5 acres x \$56.80/acre
B Six-unit apartment building	1.28 acres	\$54.60	1.28 acres x \$42.66/acre
B Assisted living facility	0.23 acres	\$10.66	Less than 0.25 acres; use minimum yearly charge
C Single family home	1.3 acres	\$7.10	Use minimum yearly charge
C Single-family home	0.18 acres	\$7.10	Use minimum yearly charge
D Horse ranch	4.7 acres	\$3.56	Use minimum yearly charge