



Agenda Date: 1/8/2008
Agenda Placement: 6H

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Steven Lederer - Director
Environmental Management

REPORT BY: Steven Lederer, Director of Environmental Management, 253-4471

SUBJECT: Approval of and authorization for the Director of Environmental Management to sign a letter to the San Francisco Bay Regional Water Quality Control Board (RWQCB) regarding Pathogen Total Maximum Daily Load (TMDL) and Basin Plan Amendment.

RECOMMENDATION

Director of Environmental Management requests approval of and authorization for the Director to sign a letter to the San Francisco Bay Regional Water Quality Control Board (RWQCB) regarding the County's proposed implementation plan for minimizing contamination from on-site sewage disposal systems located near impacted creeks.

EXECUTIVE SUMMARY

The Regional Water Quality Control Board (RWQCB) and State Water Quality Control Board (SWQCB) have adopted amendments to the Water Quality Control Plan for the San Francisco Bay Basin including a Total Maximum Daily Load (TMDL) for pathogens in the Napa River watershed. The TMDL, or action plan, is intended to improve water quality, assess, and allocate pathogen loading (i.e., pollution) in the Napa River basin. This is the first of three possible plan amendments affecting the Napa River basin; the other two are sediment and nutrients. The Conservation, Development, and Planning Department are working with the RWQCB on those other two TMDLs.

An implementation plan specifically dealing with on-site sewage disposal systems (OSDS), typically called septic systems, is due to the RWQCB by close of business on January 31, 2008 and County staff is seeking authorization for the Director to sign a letter to be submitted by that date.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Section 303(d) of the 1972 Federal Clean Water Act requires that states develop a list [known as the 303(d) list] of water bodies that do not meet water quality standards, establish priority rankings for waters on the list, and develop action plans, called Total Maximum Daily Loads (TMDLs), to improve water quality. The State's Water Resources Board (SWRQCB) and regional boards such as the San Francisco Bay Regional Water Quality Control Board (RWQCB) are the agencies taking the lead in these endeavors.

The Napa River is on California's 303(d) list of impaired water bodies for excess nutrients, pathogens, and sedimentation/siltation. As a result, the RWQCB is charged with developing TMDLs for each of these pollutants. The State and Regional Boards completed adoption of a TMDL for pathogens in the Napa River watershed in September, 2007. The other two TMDLs are still progressing through the approval process and are being managed at the County level by the Conservation, Development, and Planning Department.

The Pathogens TMDL is intended to improve water quality, assess, and allocate pathogen loading (i.e., pollution) in the Napa River basin. The Water Board's approval, including copies of the TMDL document and supporting documents, can be obtained via their web site at waterboards.ca.gov. (September 4, 2007, Item 9). An implementation plan specifically dealing with pathogens source, on-site sewage disposal systems (OSDS), typically called septic systems, is due to the RWQCB by close of business on January 31, 2008 and County staff is seeking authorization for the Director to sign a letter to be submitted by that date.

The pathogen TMDL summarizes pathogen impairment, analyzes potential sources, assigns numeric targets and allocations for each source category, and establishes an implementation plan. It further requests that the County submit a more detailed implementation plan specifically addressing OSDS located near three identified impacted creeks. These creeks are Murphy Creek (located in the Coombsville area), Browns Valley Creek, and Salvador Channel. The implementation plan was designed to be focused on only those parcels which might be affecting an impacted creek, and not on creating broad regulations that would affect other property owners unnecessarily. As such, the plan focuses on identifying those key parcels, educating property owners, providing resources for voluntary action by those property owners, and using our existing ordinances to eliminate pollution only when the above actions indicate that it is necessary.

There is a funding request included in the plan, which the Board will need to consider as part of the next budget cycle. The requested funds (approximately \$50,000) will be proposed during the upcoming FY 2008-2009 budget hearings. No funding is requested for the current fiscal year. The proposed implementation plan is expected to cover a 3 to 5 year period, with a similar financial impact in each of those years. Failure to act on this request could make the County susceptible to enforcement actions by the RWQCB.

The attached plan has been reviewed by various County Departments, Napa Sanitation District staff, and has received a preliminary review from the RWQCB with no concerns yet identified.

SUPPORTING DOCUMENTS

A . Pathogens TMDL Implementation Plan

CEO Recommendation: Approve

Reviewed By: Helene Franchi