



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 3/10/2015  
Agenda Placement: 9A  
Set Time: 9:10 AM PUBLIC HEARING  
Estimated Report Time: 15 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Nate Galambos, Engineering Manager - Planning, Building & Environ - 259-8371

**SUBJECT:** First Reading of Revised Napa County Stormwater Ordinance Modifying Chapter 16.28 of Napa County Code.

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### **RECOMMENDATION**

First reading and intention to adopt an ordinance amending the Napa County Stormwater Ordinance Chapter 16.28 to conform with the requirements mandated by the State Water Quality Control Board's Water Quality Order No. 2013-0001-DWQ National Pollution Discharge Elimination System (NPDES) General Permit No. CAS000004 Waste Discharge Requirements (WDRs) for storm water discharges from Small Municipal Separate Storm Sewer Systems (MS4).

**ENVIRONMENTAL DETERMINATION:** It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 7 ("Actions by Regulatory Agencies for Protection of Natural Resources") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15307 and Class 8 ("Actions by Regulatory Agencies for Protection of the Environment") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15308.]

### **EXECUTIVE SUMMARY**

The State Water Resources Control Board (State Board) adopted Water Quality Order Number 2013-0001-DWQ on February 5, 2013 modifying their National Pollutant Discharge Elimination System (NPDES) general permit for small municipal separate storm sewer systems (MS4). Napa County qualifies as a small MS4 and was required to apply for coverage under the State Board's NPDES permit by its effective date of July 1, 2013. Napa County is phasing in the new MS4 general permit over the five years from the effective date and is in the second year of coverage. The new MS4 general permit requires the County to establish adequate legal authority to effectively implement it. Napa County staff has worked with County Counsel to revise the County's Storm Water Ordinance (Napa County Code Section 16.28) to comply with the new MS4 general permit requirements. Napa County staff is requesting the Board of Supervisors adopt the proposed ordinance changes to Napa County Code Section 16.28.

**PROCEDURAL REQUIREMENTS**

1. Open Public Hearing.
2. Staff reports.
3. Public comments.
4. Close Public Hearing.
5. Clerk reads the Ordinance Title.
6. Motion, second, discussion and vote to waive the balance of the reading of the ordinance.
7. Motion, second, discussion and vote on intention to adopt the ordinance.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 7 (“Actions by Regulatory Agencies for Protection of Natural Resources”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15307 and Class 8 (“Actions by Regulatory Agencies for Protection of the Environment”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15308.]

**BACKGROUND AND DISCUSSION**

Mandated by Congress under the Clean Water Act, the National Pollution Discharge Elimination System (NPDES) storm water program is designed to address the non-agricultural sources of storm water discharges which adversely affect water quality. The program uses the NPDES permitting mechanism, through the U.S. Environmental Protection Agency (EPA), to require the implementation of controls designed to prevent harmful pollutants from being washed by storm water runoff into local water bodies.

On February 5, 2013, the State Water Quality Control Board (State Board) adopted Water Quality Order Number 2013-0001-DWQ revising its NPDES General Permit No. CAS000004 for small municipal separate storm sewer system (MS4 General Permit). The new MS4 General Permit is an update of the original permit adopted by State Board in 2003. Napa County meets the criterion that classifies it as a small municipal separate storm sewer system and therefore is subject the new MS4 General Permit.

Per the requirements of the MS4 General permit, Napa County filed a Notice of Intent in June 2013 with the State Board and began the phased implementation of the new MS4 General Permit. Since July 1, 2013 Napa County has been working through a Management Committee that includes the Counties of Marin, Solano and Sonoma, and the majority of the local cities and agencies in these Counties to develop a storm water pollution prevention program that complies with the new MS4 General Permit.

The new MS4 General Permit augments the existing permit by implementing additional project monitoring and reporting requirements; more intense monitoring of entities subject to total maximum daily loads (TMDL)

limitations (the TMDL of concern in Napa County is sediment); and lower thresholds of specific development elements, such as creating impervious areas that would trigger the application of storm water management practices with an emphasis on incorporating the concept of low impact development (LID).

To accommodate these changes the County, working in conjunction with the Management Committee, has developed the BASMAA Post Construction Manual, and the County has revised the Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance manual (collectively referred to as Guideline Manuals). The Guideline Manuals include the requirements of the new MS4 General Permit and are meant to assist developers and designers in complying with the new requirements. The strategy of implementing the same new guidelines by all the Management Committee's agencies is to provide a consistent storm water pollution prevention program throughout the region which will benefit developers, design professionals, and contractors as well as the Regional Water Quality Control Board in terms of implementing and monitoring the program.

The proposed changes to Napa County's current storm water ordinance (Napa County Code Section 16.28) will incorporate the new mandated requirements identified in the new MS4 General Permit providing Napa County adequate legal authority to achieve the State's goal of prohibiting non-storm water from entering the municipal separate storm sewer systems. The changes to the ordinance include:

- | clarification and addition of definitions,
- | changing of the name of the County department responsible for implementing the ordinance,
- | incorporates the new best management practices Guideline Manuals,
- | augments Napa County's enforcement authority when dealing with violations of the ordinance.

The changes to the proposed ordinance are required for Napa County to comply with the new MS4 General Permit. These proposed changes to the County's storm water ordinance will establish the appropriate legal authority for Napa County to meet the requirements mandated by the State Board. Staff anticipates that adoption of the proposed ordinance will not have a direct fiscal impact to the County. Staff recommends the Board of Supervisors adopt the proposed changes to Section 16.28 of Napa County Code to keep the County in compliance with the mandated requirements of the State Board's new MS4 General Permit.

### **SUPPORTING DOCUMENTS**

- A . Tracked Ordinance
- B . Clean Ordinance

CEO Recommendation: Approve

Reviewed By: Molly Rattigan