



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 6/19/2018

Agenda Placement: 6AA

## 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:** Patrick Ryan, Engineering Manager - PBES - (707) 253.4892

**SUBJECT:** Agreement to extend, fund and administer the Napa Countywide Stormwater Pollution Prevention Program

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#### **RECOMMENDATION**

Director of Planning, Building and Environmental Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 8347 with the Napa County Flood Control and Water Conservation District (District) increasing by \$422,000 for a new maximum amount of \$922,000 and extending the term to June 30, 2021 to continue the implementation of the Napa Countywide Stormwater Pollution Prevention Program.

#### **EXECUTIVE SUMMARY**

Napa County participates in the federally mandated National Pollution Discharge Elimination System (NPDES) by obtaining and maintaining permit coverage under the State Water Resources Control Board (SWRCB) Waste Discharge Requirements. In February 2013, the SWRCB adopted a new Phase II Municipal Separate Storm Sewer System (MS4) permit, Water Quality Order No. 2013-0001-DWQ (WQO), which became effective on July 1, 2013. The County along with the Cities of American Canyon, Calistoga, Napa, St. Helena, and the Town of Yountville, established a Cooperative Joint Powers Agreement (CJPA) to combine resources and facilitate the implementation of the Napa Countywide Stormwater Pollution Prevention Program (NCSPPP) required by the WQO. The parties anticipate that the SWRCB will administratively extend the General MS4 Permit until June 30, 2021. The proposed amendment to the CJPA would extend the term through Fiscal Year 2020-2021, to cover the time period in which the SWRCB is anticipated to administratively extend and re-issue the General MS4 Permit. Annual fiscal year maximum amounts will be determined by the District and included in the PBES and Public Works Departments annual budget to provide the County's share of the costs of administering the NCSPPP.

#### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Planning, Building and Environmental Services Public Works
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Contracting with the Flood Control District is the most economical and efficient way to provide these services which are mandated through the National Pollution Discharge Elimination System, a program of the Federal Clean Water Act.
Is the general fund affected?	Yes
Future fiscal impact:	Cost of coordinating the implementation of the Napa Countywide Stormwater Pollution Prevention Program are projected to increase over the extended permit term as implementation of new provisions of the Water Quality Order are required.
Consequences if not approved:	The violation of any permit condition of the General MS4 Permit exposes Napa County to the risk of monetary civil penalties.
Additional Information:	

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION. Consideration and possible adoption of the following Categorical Exemptions: 14 CCR §15301. Existing Facilities (Class 1: Operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses.); 14 CCR § 15302. Replacement or Reconstruction (Class 2: Replacement or reconstruction of existing structures or facilities on the same site having substantially the same purpose and capacity.); 14 CCR §15304. Minor Alterations to Land (Class 4: Minor alterations in the condition of land, such as grading, gardening, and landscaping, that do not affect sensitive resources.); 14 CCR 15306. Information Collection (Class 6: Basic data collection, research, experimental management, and resource evaluation activities that do not result in major disturbances to an environmental resource.); 14 CCR 15307. Actions by Regulatory Agencies for Protection of Natural Resources (Class 7: Certain actions taken by regulatory agencies to maintain, restore, or enhance natural resource other than construction activities, where the regulatory process includes procedures to protect the environment.); 14 CCR 15308. Actions by Regulatory Agencies for Protection of the Environment (Class 8: Certain actions by regulatory agencies to maintain, restore, or enhance the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.); 14 CCR 15309. Inspections (Class 9: Inspections to check for performance of an operation, or for quality, health, or safety of a project.); 14 CCR 15322. Educational or Training Programs Involving No Physical Changes (Class 22: Actions related to educational or training programs involving no exterior physical changes.)

### **BACKGROUND AND DISCUSSION**

The National Pollutant Discharge Elimination System (NPDES) program was authorized by Congress under the Clean Water Act. Its main purpose is to control water pollution by regulating point sources that discharge pollutants into waters of the United States, including discharges from municipal separate storm sewer systems (MS4). The NPDES program was delegated to the State for implementation through the State Water Resources Control Board

(SWRCB) and its 9 Regional Water Quality Control Boards. In 2003, the SWRCB adopted the first Phase II NPDES permit for small municipal dischargers. The term "Phase II" refers to the fact that it applies to small municipalities, i.e. those with populations less than 100,000, including unincorporated Napa County.

### **Establishment of the Napa Countywide Stormwater Pollution Prevention Program**

Napa County has been implementing the Phase II NPDES Permit since it was first adopted by the SWRCB in 2003. The County prepared a Storm Water Management Plan (SWMP), filed a notice of intent (NOI) along with the cities of Napa, St. Helena, Calistoga and Town of Yountville, and established the Napa Countywide Stormwater Pollution Prevention Program (NCSPPP) under an agreement dated July 1, 2003. The SWRCB approved the County's SWMP in mid-2004.

Subsequently, the Board of Supervisors adopted Ordinance No. 1240 on June 22, 2004, adding Chapter 16.28 to the Napa County Code which established procedures with regard to storm water management and discharge control, and implementing the County's SWMP. Under the SWMP, Napa County implemented program elements such as: public education and outreach, public involvement and participation, Illicit Discharge Detection and Elimination, construction site runoff control, post-construction runoff management, and pollution prevention/good housekeeping (e.g, street sweeping and storm drain maintenance).

The City of American Canyon joined the NCSPPP on November 15, 2005 when the NCSPPP program agreement was amended for the third time.

### **Recent History**

The SWRCB adopted a "new" Phase II NPDES permit (the Permit) on February 5, 2013 (Water Quality Order No. 2013-0001-DWQ). It went into effect on July 1, 2013 and contained a 5-year implementation period making it effective through June 30, 2018. The 2013 Permit maintained the original elements noted above and added many new elements including monitoring and extensive reporting and modified development thresholds to require implementation of storm water management emphasizing low impact development. The SWRCB anticipates re-adopting the Permit in 1 to 3 years and has administratively extended it for the interim period.

Napa County is implementing the Permit through continued collaboration with the cities of American Canyon, Calistoga, Napa, St. Helena and the Town of Yountville under Cooperative Joint Powers Agreement No. 463 FC (the Agreement).

The Agreement allows the municipal partners to share in the cost of implementation, build proactive relationships with the State and Regional Water Quality Control Boards, build partnerships with other large and small municipalities in the greater Bay Area, and manage the continually evolving NPDES program. NCSPPP municipalities have successfully implemented all elements of the Permit to date and are planning for re-adoption of the permit in the near future. The group's work included retaining the Napa Resource Conservation District to assist with Total Maximum Daily Load (TMDL) and outfall monitoring, public education, updating elements of the storm water management program, developing standardized guidelines, and revising ordinances to meet the Permit requirements. Collaboration through the NCSPPP has reduced compliance costs and built a program that is consistent throughout our region, which is beneficial for both design professionals and the State and Regional Water Quality Control Boards.

The NCSPPP's total contract amount for the current fiscal year (FY2017-2018) is \$574,044 of which \$115,419 is the County's portion. Exhibit 'B' of the Agreement provides the details of the cost sharing arrangement. The costs include consultant assistance with preparing stormwater management manuals, public outreach and information,

performing outfall sampling and inspections, TMDL monitoring, training of municipal staff, and development of an Effectiveness Assessment and Improvement Program.

**Recommended Action**

Staff last brought the Agreement to the Board for approval in October 2015. The Director of PBES requests approval and authorization for the Chair to sign Amendment No. 1 to Agreement No. 463 FC which would extend it for an additional 3 years (through June 30, 2021) during which time the SWRCB is expected to re-adopt the Permit. PBES will continue to include appropriate funding amounts in their recommended annual budgets.

In FY 2018-2019, the NCSPPP total contract amount is \$524,132 of which \$106,037 is the County's portion and which has been budgeted for the upcoming fiscal year. This is an 8% decrease over the current year. While costs have generally risen steadily over the 5-year implementation period, next year's budget decrease is due to the fact that permittees will be continuing with the status quo until the SWRCB re-adopts the Permit. Moreover, some costs have been offset through receipt of grant funding. To date, approximately \$90,000 in grants have been received to help NCSPPP municipalities implement post construction and program effectiveness requirements and begin planning for compliance with trash requirements. Program costs have also been offset by contributions from the County Watershed Program in the amount of approximately \$100,000 per year.

Once the Permit is re-adopted (anticipated in 1 to 3 years), costs are expected to rise in response to compliance with State's trash reduction requirements and potential new requirements related to new mercury and polychlorinated biphenyl (PCB) TMDLs.

This item is specifically exempt from the voting requirements of Article XIIC of the California Constitution because it is a charge imposed as a condition of property development. (Planning, CEQA, building permit fees, construction permits, development impact fees, mitigation)

**SUPPORTING DOCUMENTS**

A . Amendment\_Flood Control CJPA Agreement\_NCSPPP

CEO Recommendation: Approve

Reviewed By: Helene Franchi