



Agenda Date: 7/17/2007
Agenda Placement: 6E

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Michael Stoltz for Robert Peterson - Director
Public Works
REPORT BY: Todd Adams, Stormwater Program Specialist, 253-4823
SUBJECT: Amendment No. 3 to Agreement No. 6054 to increase funding for the County-wide Stormwater Program.

RECOMMENDATION

Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 6054 with the Napa County Flood Control and Water Conservation District increasing the County's cost by \$4,746 for a new maximum of \$28,476 for development of an updated Napa County Stormwater Management Program.

EXECUTIVE SUMMARY

The Napa County Stormwater Management Program (NCSWMP), developed and implemented by the Napa County Flood Control and Water Conservation District (District), County, and Cities to comply with the Phase II Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) General Permit, expires on April 30, 2008. This necessitates the development of a new NCSWMP to be approved by the Regional Water Quality Control Board (RWQCB) in accordance with the NPDES regulations. There is the need to increase the proportional cost reimbursement obligations set forth in Agreement 6054 by \$18,400 to fund additional staff time to facilitate the development of a new NCSWMP and to increase public education efforts. These costs are shared by formula between the cities of Napa, St. Helena, Calistoga, American Canyon, the Town of Yountville and the County. The County's share of this increased cost is \$4,746.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Public Works
Is it Mandatory or Discretionary?	Mandatory

Is the general fund affected? Yes

Future fiscal impact: None

Consequences if not approved: The increase in funding for Agreement No. 6054 is to develop a new Stormwater Management Program for the next Municipal Stormwater NPDES permit term. Failure to comply with the provisions of the NPDES permit is punishable by fines of up to \$27,500 per day.

Additional Information:

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

On December 8, 1999, Phase II rules were published in the Federal Register requiring Napa County and the City of Napa to obtain an NPDES permit for stormwater discharges by March 10, 2003. Subsequently, the San Francisco RWQCB added Yountville, St. Helena and Calistoga to the list of Phase II agencies required to obtain the permit.

The City of American Canyon was not initially included in the Phase II regulations because it was issued a Phase I permit in 2000, but the City was granted Phase II status by the RWQCB in 2005.

As required by the Phase II General Permit, the NCSWMP was developed and submitted to the RWQCB by March 10, 2003. The NCSWMP consists of Local Programs implemented by the County and Cities and a County-wide Program implemented by the District. The District provides \$30,000 from the Maintenance and Watershed Programs Project No. 96-1 fund to cover part of the County-wide Program costs. The remainder of the County-wide program costs are paid for by the NCSWMP co-permittees according to a cost-share formula based on fifty percent (50%) assessed on population size and fifty percent (50%) assessed on Benefit Assessment Units (BAUs). BAUs are based upon land use and impervious surface area and are used by the District for the purpose of determining property assessments to fund the Watershed Maintenance Program.

The Phase II General Permit and the current NCSWMP will expire on April 30, 2008. This necessitates the development of a new NCSWMP to be approved by the RWQCB in accordance with the NPDES regulations. Based upon RWQCB comments over the past two years, it is anticipated that the updated plan will need to provide a greater level of effort in the areas of public education and outreach and construction site runoff control to reduce the discharge of pollutants to storm drains to the maximum extent practicable.

On February 8, 2007 the Public Works Directors from the cities and County met with Flood District staff to discuss the need to develop an updated NCSWMP. Based upon this discussion, there was agreement that this amendment was necessary to provide appropriate funding for this effort.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi