



Agenda Date: 7/19/2005
Agenda Placement: 6D

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Jill Pahl for Trent Cave - Director
Environmental Management

REPORT BY: Jill Pahl, Asst Dir of Environmental Management, 253-4410

SUBJECT: Approval of Agreement with the City of Calistoga for inspection services related to illicit discharge detection and elimination components of Phase II NPDES Municipal Stormwater General Permits

RECOMMENDATION

Director of Environmental Management requests approval of and authorization for the Chair to sign an agreement with the City of Calistoga for the term July 17, 2005 through June 30, 2006, with an automatic annual renewal provision, for the County to provide inspection services related to illicit discharge detection and elimination components of Phase II National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater General Permits.

EXECUTIVE SUMMARY

The Napa County Stormwater Management Program action plan for illicit discharge detection and elimination includes an inspection program for food facilities and businesses that handle hazardous materials and waste. The Napa County Department of Environmental Management currently conducts health inspections of retail food service facilities such as restaurants, bars and grocery stores. Additionally, the Napa County Department of Environmental Management is the Certified Unified Program Agency (CUPA) for Napa County, including incorporated cities. As the CUPA, Napa County Environmental Management conducts inspections of all facilities that store threshold planning quantities of any class of hazardous material.

There are approximately 44 food facilities and 18 business plan facilities in the City of Calistoga. It is proposed that the stormwater compliance inspections and education for these facilities be added to the existing Napa County Environmental Management food facility and business plan inspections. By combining the stormwater inspections with the other routine inspections conducted by the County, business owners will interact with one inspector instead of multiple inspectors, and will have more consistency with the regulators.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Environmental Management
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	If the County does not sign the Agreement, the City of Calistoga will be responsible for conducting their own stormwater inspections of the food facilities and business plan facilities in the City. This would result in one additional inspector visiting each facility. By signing the Agreement, the business owners will have more consistency with the regulators as well as reduced governmental contact. Environmental Management has expertise in inspection and enforcement which is something the City of Calistoga does not currently have in this area.
Is the general fund affected?	No
Future fiscal impact:	Additional revenues of \$3,300 per year.
Consequences if not approved:	If the County does not sign the Agreement, the City of Calistoga will be responsible for conducting their own stormwater inspections of the food facilities and business plan facilities in the City. This would result in one additional inspector visiting each facility. By signing the Agreement, the business owners will have more consistency with the regulators as well as reduced governmental contact. Environmental Management has expertise in inspection and enforcement which is something the City of Calistoga does not currently have in this area.
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

In 1987 Congress enacted a two-phased program under the Clean Water Act Section 402 that requires National Pollutant Discharge Elimination System (NPDES) Permits for stormwater discharge. In California, the State Water Resources Control Board, through the Regional Water Quality Control Board (RWQCB), administers the Federal NPDES program and can mandate even more requirements such as expensive water quality monitoring. Phase 1 of this program applied to municipalities with populations greater than 100,000. On December 8, 1999 Phase II rules which apply to smaller municipalities, were published in the Federal Register and required Napa to obtain a NPDES permit before stormwater by March 10, 2003.

Napa County staff worked with the City of Napa, City of American Canyon, Town of Yountville, City of St. Helena, City of Calistoga and RWQCB to develop the Napa County Stormwater Management Program (NCSWMP). The implementation of NCSWMP is a requirement of the Phase II Municipal Stormwater NPDES permit. Napa received

coverage under the State General Permit on May 20, 2004.

As this is an unfunded mandate, staff have tried to implement the program with as few additional resources as possible, taking advantage of existing staff and resources to the maximum extent possible. The Napa County Department of Environmental Management currently conducts health inspections of retail food service facilities such as restaurants, bars, and grocery stores. Additionally, Napa County Department of Environmental Management is the Certified Unified Program Agency (CUPA) for Napa County, including the incorporated cities. CUPA was created by Senate Bill 1082 (1993) to consolidate and make consistent the administrative requirements, permits, inspections and enforcement activities for the Business Plan program, the California Accidental Release Prevention program, the Underground Storage Tank Program and the Above Ground Storage Tank program. As such, Napa County Environmental Management also conducts routine inspections of businesses that store threshold planning quantities of any class of hazardous material.

As this is a new program, the City of Calistoga is not currently conducting these business facility stormwater inspections. The plan is for Environmental Management to include this as a component of the inspections they are already conducting. There will be no direct cost to the City for this agreement. The facilities will be billed directly for this service by the County, according to the fee resolution previously adopted by the Board of Supervisors. These fees are expected to fully cover the costs of this additional inspection component. This process is currently in place for those facilities in the County unincorporated area and the City of Napa and is working well. This is an efficient use of staff that minimizes the financial impact on our customers. The City approved the agreement at their July 5, 2005 Council meeting.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey