



## Legislation Text

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**File #:** 2021-1482, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** County Administrator's Office

**Staff Name and Phone Number:** Christina Rivera 707-565-2431

**Vote Requirement:** 4/5th

**Supervisorial District(s):** Countywide

**Title:**

Total Maximum Daily Load Requirements Implementation Resources

**Recommended Action:**

- A) Approve adjusting the FY 2021-22 County Administrator's department Position Allocation to convert the existing limited-term Department Analyst assigned as the Total Maximum Daily Load (TMDL) Ombudsperson to a permanent Administrative Analyst position that will support both TMDL action plan implementation, as well as Climate Action and Resiliency initiatives.
- B) Approve use of current year Contingencies and General Fund to finance cost of the ongoing permanent position allocated to the CAO's Climate Action and Resiliency Division.

(4/5<sup>th</sup> Vote Required)

**Executive Summary:**

Since FY 2019-20 the County Administrator's budget, which programs operating expenses for the Board of Supervisors and County Administrator's Office divisions, included resources supporting lower Russian River community planning and implementation activities for the TMDL Program. To date, the funding is from a portion of the Reinvestment and Revitalization (R&R) fund assigned by Board policy to continue financing the former Russian River Redevelopment Area project, Monte Rio Wastewater Feasibility Studies project. Resources include 1.0 term limited Department Analyst, which has functioned as both the county project lead and ombudsperson keeping the lower Russian River area constituents, informed of the North Coast Regional Water Quality Control Board (RWQCB) Russian River Pathogen TMDL Action Plan.

Initial review of the proposed regulations was estimated to mostly affect upper and lower Russian River areas of our county. As staff has worked with state partners, we now recognize that the Laguna de Santa Rosa is the largest tributary to the Russian River and drains a 254 square mile watershed in Sonoma County. Major tributaries to the Laguna de Santa Rosa include Windsor Creek, Mark West Creek, Santa Rosa Creek, Blucher Creek, and Copeland Creek, which expand RWQCB regulation across the whole county. See attached map.

Regulations require the repair, upgrade or replacement of on-site water treatment systems, which do not meet current standards and/or are contributing pathogens to ground or surface waters by 2035 for individual septic system improvements; and by 2040 for community-based solutions. Therefore, staff recommends establishing a permanent Administrative Analyst position dedicated to both TMDL project lead/ombudsperson tasks and climate resiliency support projects within the CAO's Climate Action and Resiliency Division including water quality and recycle resiliency efforts.

The recommendation to revise the position assumes funding will be from ongoing General Fund. Therefore, releasing the Reinvestment and Revitalization aside for lower Russian River community projects, which has a \$434,370 balance.

### **Discussion:**

#### What is TMDL?

A TMDL, or Total Maximum Daily Load, establishes the maximum amount of a pollutant allowed in a body of water, and serves as the starting point or planning tool for restoring water quality. Federal law mandates that each state maintain a list of impaired water bodies and set water quality objectives, supported by an Action Plan, to protect uses of the water. Water quality studies conducted by the state in the Russian River and Laguna de Santa Rosa, as well as its tributary creeks, indicate a pathogen impairment, which represents a potential threat to the health of the river ecosystem and to the people who visit it. The North Coast Regional Water Quality Control Board (Regional Board) adopted the Russian River Pathogen Total Maximum Daily Load Action Plan in August 2019 to address the impairment and to reduce the sources of pathogens in the watershed.

The State Water Board adopted its Onsite Wastewater Treatment Systems (OWTS) Policy in March 2014, but excluded the Russian River Watershed. Since the major pathogen sources in the Russian River include individual onsite wastewater treatment systems (septic systems), as well as animal waste, recreational use, urban runoff, and homeless encampments, the OWTS Policy became effective for the Russian River Watershed in August 2019. Along with the OWTS policy, the Regional Board established a 15-to-20-year implementation timeline for OWTS in the Russian River Watershed to become compliant with new regulations.

#### Current Resources Authorized by the Board for TMDL Action Plan Implementation

The FY 2018-19 revised budget added a Lower Russian River Ombudsperson (Department Analyst) to help inform lower Russian River property owners of the new OWTS requirements and to provide resources and assistance to affected property owners to help them achieve compliance. In addition, the position responsibility includes working with public entities and organizations to minimize the discharge of pathogens into the River and its tributaries deriving from homeless encampments, recreational activities, livestock and pets, runoff, and other identified pathogen sources; as well as developing potential community long term solutions (i.e., water treatment infrastructure). The position funding was financed from a portion of the Reinvestment and Revitalization (R&R) fund.

The R&R fund was the result of the State of California abolishing redevelopment agencies (RDA) in February 2012 and thus releasing tax apportionments back to taxing jurisdictions, which were intended to finance RDA identified community projects. In Sonoma County RDAs included the Springs area of the Sonoma Valley, Roseland, and the Russian River. On May 14, 2013, the Board established the Reinvestment & Revitalization fund and use policy

[https://sonoma-county.granicus.com/MetaViewer.php?view\\_id=2&clip\\_id=339&meta\\_id=113496](https://sonoma-county.granicus.com/MetaViewer.php?view_id=2&clip_id=339&meta_id=113496)

One of the Fund Policy primary uses was to finance former Sonoma County Redevelopment Agency projects previously approved by the Board of Supervisors acting as the Commissioners of the Redevelopment Agency,

which included the Monte Rio Wastewater Feasibility Work at \$1.2 million.

In addition, during the FY 21/22 Budget hearings, the Board approved \$350,000 to develop a septic infrastructure mapping tool to identify areas within Sonoma County with low, moderate and high densities of septic infrastructure. See PDF page 24 of this Budget Hearing document <https://sonomacounty.ca.gov/CAO/Public-Reports/Budget-Reports/PDFs/TAB-2-3---Community-and-Board-Budget-Requests/> With the mapped data county staff will be able to create a geographical inventory of Total Maximum Daily Load Requirements imposed by the State Water Quality Control Board. This will support evaluation of existing and potential new or modified special service districts and/or wastewater management districts to determine their geographic, political and economic feasibility to allow for the management and support of community wastewater needs; community needs may include but not limited to, sewer conveyance and treatment, individual and shared septic systems, and alternative wastewater treatment technologies. A portion of the \$350,000 will also be used for community engagement to assess the level of support for and concerns expressed by communities and individuals impacted by state septic regulations related to various wastewater management alternatives.

### County's Waterways Impacted by TMDL Regulations

The federal Clean Water Act (CWA) was established in its current form in 1972 and provides the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The CWA relies on a complimentary set of programs to protect national waters, including technology-based control requirements and quality criteria and plans. Technology controls are equipment and facilities that produce a minimum uniform level of pollution control, whereas quality criteria establish performance objectives with plans developed to achieve those objectives. Initial implementation of the CWA focused on technology: getting sewage treatment plants built and operating at the minimum desired levels. More recently, attention has turned to compliance with other requirements of the Act, including TMDLs.

The Impaired Waters and Total Maximum Daily Load Program is comprised primarily of a two-part process. First, states identify waters that are impaired or in danger of becoming impaired (threatened) and second, for these waters, states calculate and allocate pollutant reduction levels necessary to meet approved water quality standards. This program builds on the existing technology requirements and allows states to tailor new requirements based on the condition of a specific waterbody, and the actions needed for it to meet quality objectives. The State of California maintains a program to manage sewage treatment and other point sources, and through the RWQCB has begun to address the TMDL requirements within Sonoma County.

Two major watersheds are part of RWQCB sewage treatment management program: the Russian River Watershed and the Laguna de Santa Rosa Watershed.

- Russian River Watershed [Map](https://www.waterboards.ca.gov)  
<https://www.waterboards.ca.gov>

The Russian River drains a 1,485 square mile watershed in Mendocino and Sonoma counties, California. The two major dams in the watershed create Lake Mendocino and Lake Sonoma. Major tributaries to the Russian River include Forsythe Creek, Big Sulphur Creek, Dry Creek, Austin Creek, and Laguna de Santa Rosa. The Laguna de Santa Rosa is the largest sub-watershed draining to the Russian River and the largest urban center in the North Coast Region.

- Laguna de Santa Rosa Watershed [Map](https://www.waterboards.ca)  
<https://www.waterboards.ca>

The Laguna de Santa Rosa is the largest tributary to the Russian River and drains a 254 square mile watershed in Sonoma County, California. Major tributaries to the Laguna de Santa Rosa include Windsor Creek, Mark West Creek, Santa Rosa Creek, Blucher Creek, and Copeland Creek. See attached Sonoma Water Agency map of creeks with Supervisorial District layer.

Implementation of TMDL requirements in these watersheds will play an important role in restoring the health of the Russian River, on which many aspects of life in Sonoma County depend. When implemented, TMDL requirements will significantly reduce the discharge of pathogens into the Russian River, which will decrease threats to public health and support recreation and tourism industries that rely on the river. Implementation challenges/risks include: impacts to property owners from required OWTS upgrades and inspections; loss of affordable housing stock; increased energy and water consumption; ongoing operational and infrastructure costs; and impacts to ratepayers from sewer connection and usage fees.

#### County Administrator's Office Climate Action & Resiliency

An Interagency Team (IT) was formed to inform and advance implementation of the Lower Russian River TMDL action plan. The team consists of representatives from the County of Sonoma, North Coast Regional Water Quality Control Board, Sonoma Water Agency, and one representative from the Lower Russian River Wastewater Citizen's Advisory Committee. The Lower Russian River Wastewater Citizen's Advisory Committee was created as an advisory body to the IT.

Although Permit Sonoma and Sonoma Water are part of the IT, staff recommends establishing the revised position within the CAO Climate Action and Resiliency division. The ombudsperson is intended to interface between the different stakeholders while keeping residents informed. Since a centralized sewer has yet to be identified as the single solution for all TMDLs affected areas and because Sonoma Water's scope does not include OWTS (aka septic) management, the position is not contemplated within the agency's structure, and Permit Sonoma performs the enforcement role. The Climate & Resiliency division is actively engaged in planning for climate adaptation and resiliency of Sonoma County's natural systems, of which the River is a central part. Further, the future of recycled water sources for the sake of Climate Resiliency may include, after all other sources have been exhausted, toilet to tap recycled water measures to address limited water supply, which fits within the CAO's new division mission.

#### **Strategic Plan:**

N/A

#### **Prior Board Actions:**

- May 14, 2013, the Board established the Reinvestment & Revitalization fund and use policy
- FY 2018-19 revised budget added a Lower Russian River Ombudsperson (Department Analyst)
- FY 21/22 Budget hearings, the Board approved \$350,000 to develop a septic infrastructure mapping tool to identify areas within Sonoma County with low, moderate and high densities of septic infrastructure

#### **FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 21-22 Adopted</b>	<b>FY 22-23 Projected</b>	<b>FY 23-24 Projected</b>
Budgeted Expenses	\$53,500		
Additional Appropriation Requested		\$214,000	\$220,420
<b>Total Expenditures</b>	<b>\$53,300</b>	<b>\$214,000</b>	<b>\$220,420</b>
<b>Funding Sources</b>			
General Fund/WA GF		\$214,000	\$220,420
State/Federal			
Fees/Other			
Use of Fund Balance: <b>**Release**</b> Reinvestment & Revitalization Lower Russian River Projects Set Aside	(\$53,500)		
Contingencies	\$53,500		
<b>Total Sources</b>	<b>\$0</b>	<b>\$214,000</b>	<b>\$220,420</b>

**Narrative Explanation of Fiscal Impacts:**

Current fiscal year net funding impact is to switch the funding source from R&R set aside to General Fund via way of using current year available Contingencies. Subsequently, ongoing annual cost of approximately \$220,000 will be financed through increased general fund contribution to the County Administrator's Office - Climate Action & Resiliency division

**STAFFING IMPACTS:**

<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

Sonoma Water Agency map of creeks with Supervisorial District layer.

**Related Items "On File" with the Clerk of the Board:**

None