



HILLARY GITELMAN
Director

COUNTY *of* NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH
Assistant Director

January 22, 2007

John Muller
Chairman,
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: RESPONSE TO COMMENTS AND ADOPTION OF NAPA RIVER SEDIMENT TMDL AND
PROPOSED BASIN PLAN AMENDMENT

Dear Chairman Muller:

Napa County has participated whenever possible in the RWQCB's Basin Planning Process as it relates to the Napa River and the County Board of Supervisors and staff has provided detailed comments in letters dated September 15, 2005, December 6, 2005 and August 15, 2006. In addition, County staff has met with you and your colleagues on numerous occasions, most recently on January 12, 2007.

While we respect the RWQCB's objectives and the professionalism of your staff, we are concerned that the County's comments have not been fully addressed. Elements of the proposed TMDL implementation plan and measures of compliance remain vague and implicitly assert responsibilities and suggest financial and programmatic impacts that cannot be fully determined nor planned for by the County as written.

One substantial concern is the required reduction of erosion and sediment discharge from public roads. The road erosion surveys cited in the Staff Report to support the TMDL were focused primarily on private unimproved roads, and suggest the main cause of road surface erosion is due to "the mechanical breakdown of the road surface from vehicle use," an erosion process that is not indicative of the paved surfaced roads under the County control and management. The County's public road network in the Napa River watershed is paved and results in very little road surface erosion. The most likely source of road-related erosion resulting from the County road network is at a stream channel crossings. In light of this, our Public Works Department continues to question the source analysis used and linkages derived with the County's public road contribution and remains very concerned about its ability and capacity to meet the discharge reduction retirements proposed (see attached Public Works Memo). Developing "site-specific erosion control measures" throughout the watershed in the timeframe requested is not feasible given the County's resources. In light of these concerns, we request that the RWQCB amend Table 4.4 of the TMDL Implementation Measures for Sediment Discharges associated with Municipal Public Works in the following ways:

Amend the implementation Actions to read:

"Submit a Report of Waste Discharge³ to Water Board that provides, at minimum, the following: a description of the road network and or segment(s) ~~description of the property~~; identification of programmatic or best management practice ~~identification of site-specific~~ erosion control measures to achieve ..."

"Adopt and implement best management practices for maintenance of unimproved (dirt/gravel) roads, and conduct a survey of stream-crossings associated with paved public roadways and develop a prioritized implementation plan for repair and/or replacement of high priority crossings/culverts to reduce road-related erosion and protect stream-riparian habitat conditions."

"Report progress on the development and implementation of site-specific best management practices adopted to control public road-related erosion ~~site-specific erosion control measures~~⁴."

Delete footnote 2, as it suggests a 50% reduction is required throughout the entire public roadway system:

~~"To achieve 50% reduction in road-related erosion, which we estimate average 500 yd³ per mile between 1994-2004."~~

Another concern relates to the narrow use and reference of only conditional waivers of WDR in the Implementation Plan. We request that footnote 3 in all Tables 4.1 – 4.4 be amended to read:

"Or compliance with applicable conditional waivers of WDRs that may be adopted by the Water Board, or other applicable regulatory mechanisms approved through a waiver development process as authorized under the Water Code."

We appreciate the RWQCB's acknowledgment of the effectiveness of the Napa Green Certification/Fish Friendly Farming Program. We suggest the RWQCB indicate acceptance of other comparable programs that may be developed in the future to address the goals outlined in the Proposed Basin Plan Amendment and indicate that property owners participating in such programs need not also obtain WDRs. Specifically we would like to request that last paragraph in the Source Performance Standards listed Table 4.1 read:

"Implement a farm plan certified under the Napa Green Certification/Fish Friendly Farming Program, or other farm or ranch plan certification program approved as a part a WDR waiver policy."

We believe that the RWQCB itself has responsibilities that must be discharged if we are to collectively address goals of the proposed Basin Plan Amendment. These include establishment of a streamlined permitting process for habitat restoration and road improvement projects and provision of substantial funding for planning, design, and implementation activities. We also believe our current understanding of the proposed requirements – fostered by your planning staff -- will be subject to future interpretation and misunderstandings unless there is continuity at the staff level and consistency in interpretation and implementation.

We hope the RWQCB considers and acknowledges our concerns before taking any adoption action. We look forward to working collectively with RWQCB staff on improving the proposed Basin Plan Amendment and the future development of appropriate and acceptable conditional WDRs. Please do not hesitate to contact Patrick Lowe (707) 259-5937 or Jeff Sharp (707) 259-5936 on our staff if you have any questions regarding these comments.

Very truly yours,



Hillary Gitelman
Planning Director



Robert Peterson
Public Works Director

pc: Dyan Whyte, TMDL Section Leader, RWQCB
Michael Napolitano, Environmental Scientist, RWQCB
Nancy Watt, County Executive Officer
County Board of Supervisors
Steven Lederer, Director of Environmental Management



COUNTY *of* NAPA

ROBERT J. PETERSON, P.E.
Director of Public Works
County Surveyor-County-Engineer
Road Commissioner

DONALD G. RIDENHOUR, P.E.
Assistant Director of Public Works

January 19, 2007

Jeff Sharp, Planner III
Conservation Development and Panning Department

RE: TMDL Report Comments

Dear Mr. Sharp:

The Public Works Department has reviewed the Response to Comments from the Regional Water Quality Control Board revising the Napa River Sediment Total Maximum Daily Load Technical Report (TMDL). The Regional Board sent out Response to Comments on January 11th and a meeting was held with staff from the Regional Board including representatives from various Napa County agencies on January 12, 2007. We are adding to and updating previous comments with this correspondence.

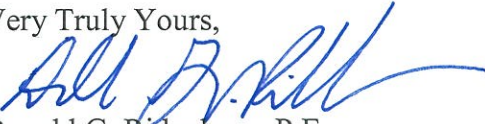
The Public Works Department continues to be concerned with the TMDL Report prepared by the RWQCB. Our concerns continue to be specifically those areas where Public Works has responsibility including public roads and other County owned and maintained facilities such as culverts, ditches and stream crossings. The Response to Comments identifies reports and studies prepared by consultants for other departments and agencies and it is still unclear what the true impact of the requirements proposed in the TMDL reports will be to the County Public Works Department and the Roads budget. The statements and references are broad and general with little specific information to determine what the impact will be to other County services.

The Response to Comments lists requirements of landowner, ranch operator, and vineyard owner in Tables 4.1, 4.2 and 4.3. What will the County's role be with requiring these Waste Discharge Reports from landowners? What is the level of effort required to develop these Waste Discharge Reports and who will be required to administer this proposed required program? Public Works is uncomfortable with the general language that does not clearly specify what this requirement entails so we cannot determine how it will impact private property owners and the County's operations financially.

The Public Works Department must reiterate its concern with the TMDL Technical Report and its goals and recommendations. The TMDL Technical Report makes very broad and general statements leaving the details and costs to be worked out at a later date by possibly new and unknown staff members from various agencies. This uncertainty leaves us imagining what the impact of these requirements will be and what the burden in cost and staff time will be at the local agency level. As I emphasized in earlier correspondence the funding shortfall over the next

25 years for County roadway maintenance is approximately \$7.3 million per year over and above our current funding levels of \$5.1 million per year. Additional financial burdens on the road system will result in roadway surface deterioration, lack of funds for safety projects, reduced funding for roadway drainage improvements, and a reduction in funding for emergency response and repairs due to mudslides, accidents, flooding, and storm damage. Thank you for incorporating these comments into a consolidated response to the RWQCB on behalf of the Public Works Department. Please contact me if you have any questions or need clarification of the concerns identified in the letter.

Very Truly Yours,



Donald G. Ridenhour, P.E.

Assistant Director of Public Works

cc: Robert Peterson, Public Works Director
Hilary Gitelman, Planning Director
Patrick Lowe, Deputy Planning Director