



Agenda Date: 3/13/2007
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NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Hillary Gitelman - Director
Conservation, Development & Planning

REPORT BY: Jeff Sharp, Planner III , 259-5936

SUBJECT: Status and update on Regional Water Quality Control Board (RWQCB) sediment and pathogen Total Maximum Daily Load (TMDL) allocations for the Napa River Basin.

RECOMMENDATION

Director of Conservation, Development and Planning to make a report on the status of the San Francisco Bay Regional Water Quality Control Board's (RWQCB) Total Maximum Daily Load (TMDL) allocation process addressing sediments and pathogens in the Napa River Basin and an update on related surface water quality policies under development at the state level.

EXECUTIVE SUMMARY

The San Francisco Bay Regional Water Quality Control Board (RWQCB) has recently approved amendments to the region's Water Quality Control Plan (Basin Plan) establishing Total Maximum Daily Loads (TMDLs) and Implementation Measures to regulate sediment and pathogen discharge(s) to the Napa River to address water quality impairment issues and to improve overall fish habitat and beneficial use of the river. The approved Basin Plan amendments are now under consideration by the State Water Resources Control Board (State Board), and if adopted may in turn require adoption of local regulations and/or prioritization of expenditures by the County to meet state regulatory requirements.

The RWQCB is also developing several other state policies, including a Stream and Wetland System Protection Policy, in conjunction with the North Coast RWQCB, an Instream Flow Policy, under direction by the State Board Division of Water Rights, and a Nutrient TMDL for the Napa River (in addition to sediment and pathogens).

Staff will provide the Board with an update on the RWQCB's Sediment and Pathogen Basin Planning/TMDL process and review of the Implementation Measures (i.e., regulatory tools) associated with each TMDL, and an overview of the other related state policies currently under development.

FISCAL IMPACT

Is there a Fiscal Impact? No

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

Section 303(d) of the 1972 federal Clean Water Act requires that states develop a list [known as the 303(d) list] of water bodies that do not meet water quality standards, establish priority rankings for waters on the list, and develop action plans, called Total Maximum Daily Loads (TMDLs), to improve water quality. The State's Water Resources Board and regional boards such as the San Francisco Bay Regional Water Quality Control Board (RWQCB) are the agencies taking the lead in these endeavors.

The Napa River is on California's 303(d) list of impaired (water quality limited) water bodies for excess nutrients, pathogens, and sedimentation/siltation. As a result, the San Francisco RWQCB is charged with developing TMDLs (discharge allocations) for each of these pollutants. Accordingly, the RWQCB has recently approved Sediment and Pathogen TMDL amendments to the San Francisco Bay Water Quality Control Plan (Basin Plan) and Implementation Measures to regulate sediment and pathogen discharges (pollution loading) into the the Napa River.

The proposed Basin Plan Amendments and associated Implementation Measures are intended to improve water quality by assessing and allocating loading (i.e., pollution) in the Napa River. The policy documents in support of these TMDLs summarize the water quality impairment, analyze the potential sources, assign numeric allocation targets for each (pollution) source category (vineyards, grazing lands, rural lands, public lands and roads), establish implementation measures (regulatory tools) for each source and sets a timeline for compliance.

On August 23, 2005 the Board of Supervisors directed the Watershed Information Center & Conservancy (WICC) Board to review draft materials associated with RWQCB's proposed TMDL allocations and inform the Board of Supervisors of opportunities in the TMDL process for local input and participation. The WICC Board, representing a wide range of community and stakeholder interests, confirmed that the WICC is an appropriate forum in which to encourage public engagement on this matter. As a result, the WICC Board has directed its staff to place the TMDL issue as a standing item on their agenda for the near term. Throughout the RWQCB's Basin Planning/TMDL process the WICC Board has received updates and draft documents from RWQCB staff. Accordingly, the WICC Board has advised the Board of Supervisors on the matter and provided the Board with recommendations. Based upon those recommendations and concerns identified by effected County departments, the County has submitted a number of comment letters to the RWQCB staff expressing the community's and County's concerns (attachments provided).

The RWQCB approved TMDLs for the Napa River to address Pathogens (bacteria) on November 13, 2006 and Sediment (siltation) on January 23, 2007. The approved Basin Plan amendments are now under consideration by the State Water Resources Control Board (State Board), and if adopted may in turn require adoption of local regulations and/or prioritization of expenditures by the County to met state regulatory requirements. Each of these TMDLs also requires/mandates various levels of landowner and local government and service district compliance where applicable.

The RWQCB is also developing several other policies, including a Stream and Wetland System Protection Policy,

in conjunction with the North Coast RWQCB, an Instream Flow Policy, under direction by the State Board Division of Water Rights, and a Nutrient TMDL (in addition to sediment and pathogens) for the Napa River.

Staff will provide the Board with an update on the RWQCB's Sediment and Pathogen Basin Planning/TMDL process and review of the Implementation Measures (i.e., regulatory tools) associated with each of the approved TMDLs. Staff will also provide an overview of other state policies currently under development.

SUPPORTING DOCUMENTS

- A . January 23, 2007 Sediment Hearing Letter
- B . August 15, 2006 Sediment Comment Letter
- C . April 11, 2006 Additional Pathogen Comment Letter
- D . March 24, 2006 Pathogen Comment Letter
- E . September 15, 2005 Draft Sediment & Pathogen Comment Letter

CEO Recommendation: Approve

Reviewed By: Andrew Carey