



Agenda Date: 3/21/2006
Agenda Placement: 6H

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: Approval of and authorization for the Chair to sign a comment letter to the San Francisco Bay Regional Water Quality Control Board (RWQCB) regarding Pathogen Total Maximum Daily Load (TMDL) and Basin Plan Amendment.

RECOMMENDATION

Director of Conservation, Development and Planning and Acting Director of Environmental Management request approval of and authorization for the Chair to sign a comment letter to the San Francisco Bay Regional Water Quality Control Board (RWQCB) regarding proposed Total Maximum Daily Load (TMDL) allocation and a Basin Plan Amendment addressing pathogens in the Napa River Basin.

EXECUTIVE SUMMARY

The Regional Water Quality Control Board (RWQCB) has circulated draft environmental documents proposing amendments to the Water Quality Control Plan for the San Francisco Bay Basin including a Total Maximum Daily Load (TMDL) for pathogens in the Napa River watershed. The TMDL, or action plan, is intended to improve water quality, assess, and allocate pathogen loading (i.e., pollution) in the Napa River basin. This is the first of three possible plan amendments affecting the Napa River basin; the other two -- addressing sediment and nutrients -- have not yet been circulated for public review.

Written comments are due to the RWQCB by close of business on March 27th and County staff is seeking authorization for the Chair to sign a letter to be submitted by that date. Pursuant with prior Board direction, the attached list of issues will be discussed by the Watershed Information Center/Conservancy at their meeting of March 23rd, and incorporated into the final letter for signature after that discussion.

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 bodies for excess nutrients, pathogens, and sedimentation/siltation. As a result, the San Francisco RWQCB is charged with developing TMDLs for each of these pollutants. Presently, the RWQCB is circulating draft environmental documents proposing amendments to the Water Quality Control Plan for the San Francisco Bay Basin including a TMDL for pathogens in the Napa River watershed. The pathogen TMDL, or action plan intended to improve water quality, assess, and allocate pathogen loading (i.e., pollution) in the Napa River basin. The pathogen TMDL summarizes pathogen impairment, analyzes potential sources, assigns numeric targets and allocations for each source category, and establishes an implementation plan.

On July 19, 2005, staff of the RWQCB presented the sediment and pathogen Technical Reports to the Board of Supervisors and indicated their desire for community and stakeholder review and comment. The Board subsequently authorized the Chair to sign a comment letter which was forwarded to the RWQCB. The current draft proposal regarding pathogens addresses some but not all of the County's earlier comments.

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 apprise the Board of Supervisors of opportunities in the TMDL process for local input and participation. At their August 25, 2005 meeting, the WICC Board received an update from staff on the Board of Supervisor's direction and discussed opportunities and possible actions to assist the Supervisors and public to better understand and participate in the TMDL process. The WICC Board, representing a breadth of community and stakeholder interests, confirmed that the WICC is an appropriate forum in which to encourage public engagement on this matter. Following their discussion, the WICC Board directed staff to place the TMDL issue as a standing item on their agenda for the near term, and on March 23rd, the WICC will discuss the draft proposal regarding pathogens and related outreach to the Cities and agricultural interests regarding components of the pathogen TMDL.

Based on staff analysis, discussions with City representatives, and outreach to agricultural (in this case grazing and confined animal enclosure) interests, County staff have developed the attached issues to be addressed in the County's comment letter. A final letter including these issues will be prepared for signature by the Chair following the WICC's meeting on March 23rd.

SUPPORTING DOCUMENTS

A . Memorandum Regarding Pathogen TMDL

CEO Recommendation: Approve

Reviewed By: Helene Franchi