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NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Cathy Gruenhagen for Hillary Gitelman - Director
Conservation, Development & Planning

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

SUBJECT: Regional Water Quality Control Board staff to present and discuss sediment and pathogen technical reports in support of Total Maximum Daily Load (TMDL) allocations for the Napa River Basin.

RECOMMENDATION

Presentation and project report by staff of the San Francisco Bay Regional Water Quality Control Board (RWQCB) regarding Total Maximum Daily Load (TMDL) Technical Reports addressing sediment and pathogens in the Napa River Basin and possible direction to County staff regarding preparation of County comments.

EXECUTIVE SUMMARY

The RWQCB is currently circulating technical reports for public review which assess and allocate both sediment and pathogen loading (i.e., pollution) in the Napa River basin. Staff of the RWQCB will present a summary of the reports to the Board of Supervisors on July 19, 2005. The RWQCB is actively seeking input from interested stakeholders such as Napa County; and, the Board of Supervisors may wish to direct staff regarding preparation of County comments.

The RWQCB's technical reports provide an initial opportunity for interested parties to comment on the scientific bases and scopes of the Total Maximum Daily Loads (TMDLs), or action plans, intended to address sediment and pathogen impairment and improve fish habitat in the Napa River. The reports will be revised in response to public review and comment and independent scientific peer review. No regulatory action is being considered at this time. However, the RWQCB will ultimately consider adoption of a Basin Plan amendment that may in turn require adoption of regulations and/or prioritization of expenditures by the County. The RWQCB is also developing a report to address nutrient allocations in the Napa River (in addition to sediment and pathogens), but that report is not available for circulation and comment at this time.

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 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.

California's list of impaired water bodies identifies the Napa River as impaired due to nutrients, pathogens, and sedimentation/siltation, and the RWQCB is charged with developing TMDLs, or action plans, for each of these pollutants. At present, the RWQCB is circulating two TMDL Technical Reports which summarize the sediment and pathogen issues, analyze potential sources, suggest numeric targets and allocations for each source category, and contain recommended implementation plans.

Staff of the RWQCB will summarize the two Technical Reports in a presentation to the Board of Supervisors on July 19, 2005, and have indicated their desire for stakeholder review and comment. The RWQCB staff expects that subsequent drafts of the TMDL reports will be enhanced as a result of input received at this time, as well as independent scientific peer review. The final reports will provide a foundation for recommended policy actions by the RWQCB and the State Water Resources Control Board (State Water Board), although no specific regulatory action is being considered at this time.

Ultimately, RWQCB staff will propose draft policies -- in the form of a Basin Plan amendment -- to be considered by the State Water Board. Those draft policies could lead to new State regulations and/or could require local agencies such as Napa County to adopt new regulations or to prioritize capital expenditures aimed at achieving water quality objectives. As an interested stakeholder, Napa County may wish to provide comments on both Technical Reports presented.

SUPPORTING DOCUMENTS

- A . Draft Napa River Sediment TMDL Technical Report
- B . Draft Napa River Pathogen TMDL Technical Report

CEO Recommendation: Approve

Reviewed By: Andrew Carey