



Agenda Date: 8/15/2006  
Agenda Placement: 6D

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**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 Sediment Total Maximum Daily Load (TMDL) and Basin Plan Amendment.

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### **RECOMMENDATION**

Director of Conservation, Development and Planning and Director of Public Works 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 proposed Amendment to the San Francisco Bay Water Quality Control Plan (Basin Plan) addressing sedimentation in the Napa River watershed.

### **EXECUTIVE SUMMARY**

The San Francisco Bay Regional Water Quality Control Board (RWQCB) has circulated draft policy documents proposing amendments to the Water Quality Control Plan for the San Francisco Bay Basin including Total Maximum Daily Loads (TMDLs) and Implementation Measures to regulate sediment discharge(s) to the Napa River and its major tributaries. The TMDLs and Implementation Measures are intended to improve water quality by assessing and allocating sediment loading (i.e., pollution discharge) from various identified sources. This is the second of three possible Basin Plan amendments affecting the Napa River basin -- a proposed amendment addressing pathogens was adopted by the RWQCB on June 14, 2006 and a plan amendment for nutrients is under development, but not yet circulated for public review.

Written comments on the sediment TMDL and Basin Plan Amendment are due to the San Francisco Bay RWQCB by close of business on August 15th and County staff is seeking authorization for the Chair to sign a letter to be submitted on that date.

### **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 circulated draft policy documents proposing amendments to the San Francisco Bay Water Quality Control Plan (Basin Plan) and proposed TMDLs and Implementation Measures to regulate sediment discharges (pollution loading) into the the Napa River.

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

On July 19, 2005, staff of the RWQCB presented a sediment Technical Report 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 currently proposed Basin Plan Amendment addresses some of the County's earlier comments but not all, and includes Implementation Measures and an economic analysis of the proposed actions required.

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 Board of 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.

RWQCB staff presented the Basin Plan Amendment and Implementation Measures for sediment reduction to the WICC Board on July 27, 2006. Accompanying RWQCB's presentation was staff's analysis of the proposed Amendment and a draft set of comments for the WICC Board's consideration and recommendation. Following RWQCB's presentation, the WICC Board questioned RWQCB staff, considered the draft comments and recommended the Board of Supervisors send a letter to the RWQCB that embodies the draft comments and additional comments from WICC Board heard during the meeting, as well as any provided to WICC staff by July 31,

2006.

Based on staff analysis, concerns expressed by the Department of Public Works, WICC Board discussion and comments, County staff has prepared the attached comment letter for signature by the Chair.

**SUPPORTING DOCUMENTS**

A . Public Works Comments 7.31.06

B . Draft Letter for Consideration

CEO Recommendation: Approve

Reviewed By: Andrew Carey