



Agenda Date: 9/13/2005
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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: Approval of and authorization for the Chair to sign a comment letter to the San Francisco Bay Regional Water Quality Control Board (RWQCB) regarding Total Maximum Daily Load (TMDL) Technical Reports

RECOMMENDATION

Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign a comment letter to 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.

EXECUTIVE SUMMARY

The Regional Water Quality Control Board (RWQCB) has circulated 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 presented a summary of the reports to the Board of Supervisors on July 19, 2005, and explained that the technical reports provide an initial opportunity for the public and interested parties such as Napa County to review the scientific bases and scope of the TMDLs, or action plans intended to improve water quality.

Following the RWQCB's presentation to the Board on July 19, 2005, the Board directed staff to prepare a draft comment letter for transmittal to the RWQCB before their revised deadline of September 15, 2005. Staff has prepared a comment letter (attached) for the Board's consideration and approval.

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 two preliminary TMDL Technical Reports which summarize the sediment and pathogen impairments, analyze potential sources, suggest numeric targets and allocations for each source category, and propose recommended implementation plans.

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 RWQCB staff expects that subsequent drafts of the preliminary reports will be enhanced as a result of public input and independent scientific peer review.

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.

Conservation, Development, and Planning staff, with input and assistance from the Departments of Environmental Management and Public Works, has prepared a County comment letter on the Technical Reports for review and approval by the Board. The end of the comment period is September 15, 2005.

SUPPORTING DOCUMENTS

- A . Draft Letter for Consideration
- B . Comments from 5/20/05
- C . PW Comments 5/19/05
- D . PW Comments 9/1/05
- E . EM Comments 5/20/05
- F . EM Comments 9/1/05

CEO Recommendation: Approve

Reviewed By: Britt Ferguson