

Watershed Information Center & Conservancy OF NAPA COUNTY

Members

Diane Dillon
Mark Luce
Eric Sklar
Steven Rosa
Mark Van Gorder
Karen Slusser
David Graves
Jeff Reichel
Phill Blake
Donald Gasser
Kate Dargan
Jeffrey Redding
Robert Steinhauer
Charles Slutzkin
Marc Pandone
Richard Camera

Alternates

Harold Moskowitz

AGENDA

REGULAR BOARD MEETING

Thursday, March 23, 2006 at 4:00 p.m.
2nd Floor Conference Room, Hall of Justice Building,
1125 Third Street, Napa CA

Staff Representatives

Patrick Lowe,
Secretary
Deputy Director,
Conservation Div., CDPD

Jeff Sharp,
Watershed Coordinator
Planner III,
Conservation Div., CDPD

Laura Anderson,
Counsel
Attorney IV,
County Counsel's Office

1. **CALL TO ORDER & ROLL CALL** (Chairman/Staff)
2. **APPROVAL OF ACTION MINUTES** (Chairman)
3. **PUBLIC COMMENT**
In this time period, anyone may comment to the Board regarding any subject over which the Board has jurisdiction, or request consideration to place an item on a future Agenda. No comments will be allowed involving any subject matter that is scheduled for discussion as part of this Agenda. Individuals will be limited to a three-minute presentation. No action will be taken by the Board as a result of any item presented at this time. (Chairman)
4. **ANNOUNCEMENTS** (Board/Staff)
 - a. Councilman **Leon Garcia from the City of American Canyon has been, nominated to the WICC Board**, pending formal appointment by the County Board of Supervisors in early April (Staff)
 - b. **County Board of Supervisors signs letter of support and authorizes WICC collaboration in "Water for Fish and Farms," grant proposal** submitted by the Napa County Resource Conservation District's to CalFed Watershed Program (Staff)
 - c. Others (Board/Staff)
5. **UPDATES/REPORTS:**
 - a. Update on **County General Plan Update and Steering Committee activities** (Board/Staff)
 - b. Update on the **Rutherford Dust Restoration Team's (RDRT) efforts** to enhance riparian and aquatic habitat along the Rutherford Reach of the Napa River (Staff)
 - c. Update and report on **WICC Board Member's terms of office** (Staff)
 - d. Others (Board/Staff)

6. **ANNOUNCEMENT, DISCUSSION AND POSSIBLE DIRECTION BY THE BOARD REGARDING SUPPORT AND SPONSORSHIP OF MAY 2006 AS “CELEBRATE YOUR WATERSHED” MONTH:**

An announcement, discussion and possible direction by the Board regarding WICC support and sponsorship of May 2006 as “Celebrate Your Watershed” month, supporting a range of activities and events modeled after “Watershed Awareness Month” in May 2005 (RCD/Staff)

7. **UPDATE AND REPORT ON THE SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD’S TOTAL MAXIMUM DAILY LOAD (TMDL) SCHEDULE AND PROCESS TO MANAGE SEDIMENTS IN THE NAPA RIVER WATERSHED:**

An update and report on the San Francisco Bay **Regional Water Quality Control Board’s (RWQCB) Total Maximum Daily Load (TMDL) schedule and process for addressing sediment** pollution in the Napa River watershed and its tributaries (RWQCB/Staff)

8. **PRESENTATION, DISCUSSION AND POSSIBLE ACTION BY THE WICC BOARD RECOMMENDING THAT THE CHAIRMAN OF THE COUNTY BOARD OF SUPERVISORS SIGN A COMMENT LETTER TO THE SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD REGARDING PROPOSED TOTAL MAXIMUM DAILY LOAD ALLOCATION AND A BASIN PLAN AMENDMENT ADDRESSING PATHOGENS IN THE NAPA RIVER WATERSHED:**

A presentation, discussion and possible **action by the WICC Board recommending that the Chairman of the County Board of Supervisors sign a comment letter to the San Francisco Bay Regional Water Quality Control Board (RWQCB)** regarding proposed Total Maximum Daily Load (TMDL) allocations and a Basin Plan Amendment **addressing pathogen pollution in the Napa River Basin** (RWQCB/Staff)

9. **PRESENTATION, DISCUSSION AND POSSIBLE ACTION BY THE WICC BOARD ON REQUEST BY THE INSTITUTE FOR CONSERVATION, ADVOCACY, RESEARCH AND EDUCATION (ICARE) FOR A LETTER TO BE USED IN SUPPORT OF THEIR FUTURE GRANT APPLICATIONS:**

A presentation, discussion and possible action by the WICC Board on **request by The Institute for Conservation, Advocacy, Research and Education (ICARE) for letter of support to be used for their future grant applications** for biological monitoring and surveys in the Napa River watershed; prior work by ICARE includes fish and aquatic insect surveys, as well as oak savannah mapping (ICARE/Staff)

10. **FUTURE AGENDA ITEMS** (Board/Staff)

11. **NEXT MEETING:**

Regular Board Meeting of April 27, 2006 – 4:00 PM

Hall of Justice Building, 2nd floor Conference Room, 1125 Third Street, Napa

12. **ADJOURNMENT** (Chairman)

Note: If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability. Please contact Jeff Sharp at 707-259-5936, 1195 Third St., Suite 210, Napa CA 94559) to request alternative formats.





PAMELA A. MILLER
Clerk of the Board

COUNTY of NAPA

BOARD OF SUPERVISORS

1195 Third Street, Suite 310, Napa, CA 94559
Office (707) 253-4386 FAX (707) 253-4176

March 14, 2006

Department of Water Resources
Division of Financial Assistance
Evaluation Committee- CALFED Watershed Program
901 P Street, 2nd Floor
Sacramento, CA 95814

Subject: Support for Napa County Resource Conservation District's *Water for Fish and Farms* grant proposal to CALFED Watershed Program and Intent of the Watershed Information Center & Conservancy Board to partner in project (Project ID 18559sha)

Dear Evaluation Committee:

The Napa County Board of Supervisors supports the Napa County Resource Conservation District's (RCD) grant proposal to the CALFED Watershed Program, entitled *Water for Fish and Farms* (WFF). The proposal is well aligned with the mission of the Watershed Information Center and Conservancy (WICC) of Napa County, which is to guide and support community efforts to maintain and improve the health of Napa County's watershed lands. The WICC Board, which serves as an advisory committee to the County Board of Supervisors, has recommended County support for the proposal and requested County authorization to participate in the proposal's implementation.

The proposed WFF program is an integral part of fostering community efforts for watershed-based monitoring and assessment efforts that will ultimately lead to improved watershed management practices and address a resource issue which has been identified as limiting native fish populations in the Napa River watershed. Should funding be awarded, the WICC, which is supported by the County's Conservation, Development and Planning Department, is prepared to be a collaborating partner in the proposed work effort. The role of the WICC would be to participate in the program's technical and community advisory committee, to contribute "real-time" stream flow data through enhancement of the WICC WebCenter, and to provide review of hydrologic modeling efforts.

Napa County has continually shown its dedication to matters that address watershed health and is committed to supporting locally led efforts that promote adaptive watershed management. The grant application submitted by the RCD for your consideration is complementary to several on-going watershed efforts already underway and funded by the County.

BRAD WAGENKNECHT
DISTRICT 1

MARK LUCE
DISTRICT 2

DIANE DILLON
DISTRICT 3

BILL DODD
DISTRICT 4

HAROLD MOSKOWITE
DISTRICT 5

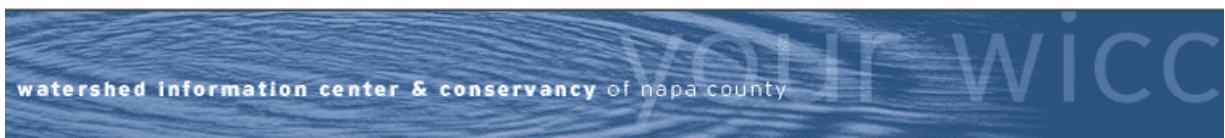
Water for Fish and Farms will provide an innovative way to capture the experience and knowledge of local, State and Federal resource agencies; local land/water managers; and private industry within an existing community process (i.e., WICC) to address one of the factors that has been identified as limiting fish populations in the Napa River watershed. Napa County supports the *Water for Fish and Farms* grant proposal, as well as the WICC Board's participation in the project, and requests your favorable consideration of it.

Sincerely,



Bill Dodd
Chair,
Napa County Board of Supervisors

cc. WICC Board of Directors
Nancy Watt, County Executive Officer
Hillary Gitelman, Director of Conservation, Development & Planning
Patrick Lowe, Deputy Director, Conservation Division
Bob Zlomke, District Manager, Napa County RCD



<u>Board Member</u>	<u>Representing</u>	<u>Date of Last Appointment</u>	<u>Term Expires</u>
Phil Blake	Natural Resource Conservation Service	08/31/2004	08-Aug
Richard Camera	Public at Large	08/31/2004	08-Aug
Kate Dargan	Public at Large	08/26/2003	06-Aug
Diane Dillon	Board of Supervisors	01/07/2003	06-Dec
Donald Gasser	Napa County Resource Conservation District	07/13/2004	06-Aug
David Graves	Conservation, Development and Planning Commission	08/13/2002	06-Dec
Mark Luce	Board of Supervisors	01/11/2005	08-Dec
Harold Moskowitz	Board of Supervisors, Alternate	01/11/2005	08-Dec
Marc Pandone	Public at Large	09/13/2005	09-Aug
Jeffrey Redding	Public at Large	09/13/2005	09-Aug
Jeff Reichel	Napa County Land Trust	01/11/2005	08-Aug
Steven Rosa	Town Council – Yountville	01/24/2006	08-Aug
Eric Sklar	City Council – St. Helena	02/07/2006	06-Aug
Karen Slusser	City Council - Calistoga	08/31/2004	06-Aug
Charles Slutzkin	Public at Large	09/13/2005	09-Aug
Robert Steinhauer	Public at Large	09/13/2005	09-Aug
Mark Van Gorder	City Council - Napa	07/26/2005	08-Aug
Vacant	American Canyon		06-Aug

Board of Directors

Chair:

Charles Slutzkin

Vice Chair:

Don Gasser

Members:

Diane Dillon

Mark Luce

Eric Sklar

Karen Slusser

Steve Rosa

Mark Van Gorder

David Graves

Jeff Reichel

Phill Blake

Kate Dargen

Jeffrey Redding

Marc Pandone

Robert Steinhauer

Richard Camera

County Alternate:

Harold Moskowite

Staff Representatives

Secretary:

Patrick Lowe,

Deputy Director, CDPD

Watershed Coordinator:

Jeff Sharp,

Planner III, CDPD

Legal Counsel:

Laura Anderson,

County Counsel's Office

1195 Third Street,

Suite 210

Napa, California

94559

Telephone:

707-253-4417

Fax:

707-253-4336

Date: March 16, 2006

To: Watershed Information Center & Conservancy Board Members

From: Patrick Lowe, Secretary to the Board

Subject: Regional Water Quality Control Board proposed Total Maximum Daily Load allocations and Basin Plan Amendment addressing pathogens in the Napa River Basin

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 the County is seeking WICC discussion and recommendation for the Chair of the County Board to sign a letter to be submitted by that date. Attached is a list of issues for discussion by the WICC Board at their March 23rd meeting. A final letter including these issues will be prepared for signature by the Chair of the County Board of Supervisors following the WICC Board meeting of March 23rd.

Background

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 County 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 of the County Board of Supervisors following the WICC Board meeting of March 23rd.



COUNTY of NAPA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

JILL PAHL, R.E.H.S.
Acting Director

MEMORANDUM

TO: Board of Supervisors

FROM: Jill Pahl, Environmental Management Acting Director and
Hillary Gitelman, Conservation, Development and Planning Director

DATE: March 13, 2006

SUBJECT: PATHOGENS IN THE NAPA RIVER THRESHOLD MAXIMUM DAILY LOAD
(TMDL) AND PROPOSED BASIN PLAN AMENDMENT

While the County has the same overall goal as the Regional Water Quality Control Board (RWQCB) “to minimize exposure to waterborne disease-causing pathogens and to protect uses of water for recreational activities”, the Environmental Management and Conservation, Development and Planning Departments believe the proposed TMDL measures to meet the goal are too broad and potentially confine the County to unattainable implementation measures.

The Departments have reviewed the subject report and have significant concerns regarding the report including the proposed implementation actions to reduce pathogens in the Napa River Watershed. The conclusions reached are based on a small number of samples. The impact to individual septic system owners has not been addressed adequately. The impact to the County will be significant to oversee the implementation.

There seems to be a very large jump to conclude septic systems are a significant pathogen source. This has not been the Environmental Management Department’s experience. The County’s sewage disposal system code requirements, and the Department’s procedures and practices that are in place have many controls to assure the installation of appropriate systems that should not result in contamination of the watershed. The report indicated faulty on-site sewage treatment systems (septic systems) as a significant, controllable pathogen source. This assumption is made on very little data.

The Environmental Management Department typically issues very few septic systems repair permits annually. For aesthetic and other reasons, homeowners typically find it uncomfortable to live with a failing septic system and will seek out a remedy through a repair permit. Considering this, and lacking other data to more conclusively support the report’s conclusion, it is difficult to support the conclusion that septic systems are a significant pathogen source. It is acknowledged that not all failing systems will result in visual or odorous impacts.

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The inference that septic systems are a controllable pathogen source is true, but only to a point. The Environmental Management Department has issued construction permits and/or overseen construction of septic systems for the past thirty to forty years. We have in our database for the last twenty years about 4,500 permits that have been issued. This is approximately half of the suspected septic systems in the County. The remaining systems are unknown in location and construction.

The report states that each source must assess and monitor themselves, as well as take all corrective action necessary. To locate and assess these unknown sources would be a monumental task and probably unachievable. The sampling, monitoring and enforcement of just the known systems is well beyond the current resources in the Environmental Management Department.

In addition to the County and other public agencies, costs and responsibility will be placed on private property owners. The timeline to complete the recommended goals could be a hardship on private property owners to raise the funds to implement the plan. Efforts should be concentrated to achieve the most cost effective results for the potential reduction in pathogen loading. If after five years no change has occurred, a significant amount of money and resources would have been wasted for nothing.

The use of the Sediment TMDL stakeholders group(s) as a means to outreach and an avenue to proceed with the Pathogen TMDL was flawed. Major stakeholders such as the Environmental Management Department and Publicly Owned Treatment Wastewater Facilities were not engaged until last summer. The Environmental Management Department was the first to engage those who are also major stakeholders in the TMDL process. Lack of adequate contact by the RWQCB raises concerns about future communication with stakeholders as the implementation plan proceeds.

In addition to the following concerns it needs to be noted that the assumptions regarding the impairment of the Napa River due to excess pathogens is derived from the small amount of sampling that has been done, which leads to concerns about future new/additional tributary sampling and the expectations from those results. Above all, the future liability for the County and the citizens of the Napa River is not explicitly stated.

PROPOSED BASIN PLAN AMENDMENT CONCERNS

- RWQCB staff has inferred that a nutrient TMDL will not be pursued if the pathogen TMDL is adopted. Confirmation of this assertion will help all parties focus on the primary objectives of RWQCB efforts and those of the County.
- The Salvador Creek area of concern has not been determined to have potential septic system sources. But that potential is inferred without the presence of septic systems in the area of concern.
- The impact of wildlife was dismissed except for site specific instances. We don't believe this has been reviewed thoroughly to substantiate its dismissal on a wider basis.
- The County needs to confirm that if the other responsible parties fail to act/implement the necessary actions, that the County will not be held liable or responsible to act in the presence of their inaction.
- The report is unclear as to the extent of On-Site Sewage Disposal System (OSDS) review and/or monitoring that will be required and who will be responsible. The specifics of this program need to be established in order to fully evaluate the mitigation and implementation costs. Somewhere between 70 to 860 existing systems are identified, with the potential of all OSDS in the County (approximately 9000) to be included. The cost of staff time to identify

and evaluate these systems is ignored. Implementation of the program goals will require a great deal of staff oversight.

- The failure to abate septic problems may result in a taking of the property if no alternatives/options for repairs are available to the landowner. Small parcels created over 50 years ago, may require an eviction if the septic system failure cannot be abated.
- State issued Individual Waste Discharge Requirements (WDR) or waivers would essentially bring new development to a halt. Napa County is very slow growth, but these additional requirements would stop any new growth. The implementation of this would be a paper monster that would effectively stop all development. The County should retain its flexibility to accommodate local land use desires and the use the local knowledge and expertise in this area.

SANITARY SEWER SYSTEMS

- The Cities and Town of Napa County have limited knowledge of the RWQCB's TMDL process and timeline, not to mention the proposed implementation requirements and associated costs. Program success requires the Cities and Towns to be brought into the process and become part of the solution..
- The existing Countywide NPDES permit should cover the pathogen TMDL and Basin Plan concerns.

GRAZING LANDS

- Since the proposal for State issued WDR's or waivers is under development, the specifics of these should not be included in the Basin Plan amendment. Language such as "Upon completion of the grazing lands WDR protocol, such measures will be considered and incorporated into the Basin Plan at that time" should be used.
- It is very unlikely that livestock grazing (in the traditional sense) has a significant impact on pathogen levels in the Napa River. Grazing that does occur in the watershed is very distant and scattered in upland areas and is not likely to impact pathogen levels due to the present management of those operations and the degree to which the land is utilized (known operations maintain very high levels of residual matter).
- Grazing has been successfully used in Napa County to manage fuel loading in the urban-rural wildfire interface; a preferred alternative to controlled burns in these high-risk areas. Regulating grazing will effectively remove grazing as a tool to suppress the likelihood and catastrophic force of fire in the County.
- Targeted grazing has also been successful in controlling noxious weeds in the County. Again, if grazing is regulated through the State, a tool to control local weed infestations will be lost.
- Use of exclusion fencing along "blue-line" streams as a solution in a "worst case" scenario is neither practical nor effective at meeting the program's goals; particularly when other means of livestock management are available and proven effective.
- A few rigid standards burdening grazing operators to comply with a State mandated WDR or waiver requirements would likely close what limited grazing operations exist in the Napa River watershed. Closure of these operations (i.e., non-renewal of grazing leases) would further reduce the diversity of agriculture in Napa County.

CONFINED ANIMAL FACILITIES

- Again, since the proposal for WDR's or waivers is under development in this area, the specifics of these should not be included in this amendment. In addition, other than disperse family/hobby livestock husbandry and a handful of horse boarding facilities; there are no "Confined Animal Facilities" in the Napa River watershed. The widespread impact of these "facilities" is questionable and likely highly localized at worst.

MUNICIPAL RUNOFF

- The pathogen reduction measures are not due to be incorporated until 2008. It is difficult to assess these future measures or associated costs in the present proposal.

MUNICIPAL WASTEWATER DISCHARGES

- As point sources of discharge are more easily identified and controlled/regulated, this section seems straight forward.

COST ANALYSIS

- Local costs were not included for new program implementation, management and oversight.
- Costs prior to completion of repairs were not considered. Weather, funding, scheduling, etc. could all postpone the repair completion. At a minimum pumping and hauling of wastewater should be considered.
- The identification of new monitoring sites in future years has an unknown impact on the County's resources. How those monitoring sites are identified and concurred with by the stakeholders is of issue. How will the four additional tributaries be determined and their associated implementation plans be developed and implemented? (Table 7-g)

PATHOGENS IN THE NAPA RIVER WATERSHED TMDL, STAFF REPORT CONCERNS

All of the above concerns also apply to the Staff Report used to support the Pathogen TMDL, but will not be repeated below.

- In the introduction it refers to Chapter 4 amendments but the Basin Report indicates it is Chapter 7 that is amended. What other changes in Chapter 4 are needed?
- We object to the use of dated sampling from the 60's, 70's and 80's, at best 25 years ago. Much improvement has been achieved since that time. This old data is not relative in a current context and programs.
- Under Numeric Targets, it's noted that "septic tanks provide minimal primary treatment" but septic tanks are accompanied by leach fields that should provide adequate treatment except in the case of failure. For rural areas, septic systems are adequate means of sewage disposal. (Page 15)
- The City of American Canyon Wastewater Treatment Plant is on Mezzetta, not Elliot Drive. (Page 17, Table 6)
- 5.2 fails to mention the potential of sewer transmission systems which have a higher probability in urban areas versus septic systems.
- 5.2.3 suggests that the primary cause is sewer transmission lines. Due to the limited septic systems in this area, we suggest that septic systems are not the cause of pathogen exceedence.
- 5.2.3 indicates that sewer line failure is the source for Salvador Channel exceedences, but elsewhere septic systems are included as sources, which is highly unlikely.
- 5.3 suggests that in Browns Valley, Murphy and Salvador septic systems are the primary concerns, but the samples indicate that only Murphy Creek may have septic concerns, while the other two are likely sewer transmission line issues.
- 9.4 states that "a public entity with the financial and legal capability to assure that the system provides protection to the quality of the water of the State for the life of the development project" is responsible. We have many systems that were installed prior to 1978. Who is responsible in those cases?
- Napa is unique with its parcel size limitations for parcel splits. This large minimum parcel sizes addresses many of the concerns of more urban counties.
- It needs to be determined that if a TMDL is in place, but more restrictive regulations from the AB885 process are finally enacted, that the TMDL is the guiding document since it is more site specific. The Environmental Management Department is on the verge of completion of a

local sewage ordinance upgrade that incorporates many water quality improvements that parallel the AB 885 process and provide enhanced protection of water quality.

- 9.4, page 38 fails to mention the City of American Canyon in the Municipal runoff discussion.
- 9.5 suggests that operating permits be required for all 9,000 OSDS's. The cost and feasibility of this is unsubstantiated. This is not a practical or feasible additional regulation. It is not focused to reducing pathogens to the Napa River watershed.
- Table 14 again does not indicate if all OSDS would be included in this or only a subset that could impact the watershed directly. Even if it is a subset, that group is not clearly defined.
- 10.2 indicates that "stakeholders in the Watershed will collaborate to monitor selected water quality..." which would be a cost to stakeholders that is not included in the cost analysis.
- 10.2 indicates that an analysis will be done that includes review of county files. No county staff is allocated for this project. Who will be conducting this review, and even if it is not county staff, the validity of the data will need to be confirmed by county staff, due to the possibility for incorrect interpretation.
- Table 19 refers to "four additional tributaries to be determined" which leads one to be concerned if this is a never ending analysis of the watershed rather than a plan to achieve delisting of the watershed.
- 10.3 suggests that it will "provide opportunities for stakeholder participation" which has been not done to date for this Pathogen TMDL. What are the assurances that it will be done by RWQCB in the future?
- What is the true probability that once a TMDL standard is set that after valiant attempts to achieve the standard that it would truly be reduced?
- Please scan for "Tomales Bay" and remove the incorrect references.
- 11.4, Municipal Runoff Cost Estimates fail to mention the City of American Canyon.
- When the costs for OSDS are estimated, they fail to include the need to pump and haul prior to repair completion as well as staff time for overseeing these activities. In addition, many parcels may be of a limited capacity that easements or community solutions that will require much more time will be necessary. The impacts of these circumstances need to be included.
- Page 49 does not include OSDS in the discussion for Salvador which is consistent with the sample findings.
- Cost estimates are made from Marin and Sonoma County staff statements which may not reflect Napa's costs. (Smith and Ng) The \$500 to \$1,000 for a minimum is not probable for the situation in Murphy Creek. This lower end is well under the potential need.
- The scope of OSDS needs to be delineated. If it is all parcels (860) within 15 meters versus the 70+/- in the study areas the magnitude of concern/effort is 12 times higher.
- The Environmental Management Department's existing Alternative Sewage Treatment Systems monitoring program costs are much higher than those stated in the report. Future research on these costs is needed.
- Again the low range estimate of \$7,000 is not realistic. It incorporates no staff costs, which will at least equal it for this level of effort if not triple it.
- Implementation should be balanced with the achievement of additional funding to provide for the services. The County does not have additional funds to implement these programs. If no outside funds are available, there is no mechanism to provide these services.

The private and public burden has not been adequately addressed. The balance of this program with other programs for Napa County's limited resources needs further review. While some minor concerns from previous letters have been addressed the major concerns are still not resolved.

The Environmental Management and Conservation, Development and Planning Departments have significant concerns with the TMDL Technical Report and proposed Basin Plan Revision. The financial impacts to the County and the Public of implementing the goals and recommendations as presented have not been adequately addressed.



Alan C. Lloyd
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

San Francisco Bay Region



Arnold Schwarzenegger
Governor

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February 10, 2006

NOTICE OF PUBLIC HEARINGS
NOTICE OF DRAFT ENVIRONMENTAL DOCUMENTS
AVAILABLE FOR PUBLIC REVIEW
concerning
Proposed amendments to the
Water Quality Control Plan for the San Francisco Bay Basin,
establishing a Total Maximum Daily Load (TMDL) for
PATHOGENS IN THE NAPA RIVER WATERSHED

The San Francisco Bay Regional Water Quality Control Board (Water Board) will consider adoption of an amendment to the Water Quality Control Plan for the San Francisco Bay Basin ("the Basin Plan") during public hearings on April 12 and June 14, 2006. The proposed amendment would:

- Establish a Total Maximum Daily Load (TMDL) and numeric targets for pathogens in the Napa River watershed
- Incorporate an implementation plan to achieve and support the TMDL

There will be two hearings to discuss the proposed Basin Plan amendment:

DATES: April 12, 2006
June 14, 2006

TIME: 9:00 a.m. (approximate)

LOCATION: Elihu M. Harris State Building
Auditorium, first floor
1515 Clay Street
Oakland, CA 94612

STAFF CONTACT: Peter Krottje
Environmental Scientist
510.622.2382
pkrottje@waterboards.ca.gov

Document Review

The proposed Basin Plan Amendment and supporting Staff Report will be available online on February 10, 2006 at

<http://www.waterboards.ca.gov/sanfranciscobay/napariverpathogentmdl.htm>.

Hard copies may be obtained by contacting Terry Adams, 510.622.2306, tadams@waterboards.ca.gov. The written public comment period for these documents

Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years

ends on Monday, March 27, 2006. In order to be considered, written comments on the proposed amendment and Staff Report must be received in the office of the Water Board by 5 p.m. on that day.

Public Hearings

The Water Board will receive oral public testimony on the proposed amendment at the April hearing. All evidence, testimony, and exhibits proposed to be offered at the hearing (except rebuttal testimony, non-evidentiary policy statements, general vicinity maps, and large, non-technical photographs) must be submitted to Water Board staff no later than April 10, 2006, in order to be considered by the Board. At the conclusion of the April hearing, the Board may recommend that staff make changes to the proposed amendment for consideration at the June hearing. Changes may be based on written comments received or testimony at the April hearing.

The Board will not take action until the June adoption hearing. Staff will release any proposed changes to the proposed amendment prior to the June hearing date. Written comments and oral public testimony at the June hearing will be limited to comments on changes to the proposed amendment made after the April hearing.

The public hearings will be conducted in accordance with 23 Cal. Code of Regulations, Section 649.3. Time limits may be imposed on oral testimony; groups are encouraged to designate a spokesperson. All exhibits presented at the hearing, including charts, graphs, and other testimony will become property of the Water Board, as they will become part of the official record of the proceedings.

Action on the proposed amendment will be taken in accordance with the Basin Planning process, a regulatory program certified under Section 21080.5 of California's Public Resources Code as exempt from the requirement to prepare an environmental impact report under the California Environmental Quality Act (CEQA; PRC section 2100 et seq.), and with other applicable laws and regulations.

Directions and special arrangements

A map and directions to the hearing are available online at <http://www.waterboards.ca.gov/sanfranciscobay/direction.htm>. The hearing venue is accessible to persons with disabilities. Individuals who require special accommodations should contact Mary Tryon, 510.622.2399, mtryon@waterboards.ca.gov, at least five business days before a meeting. TTY users may contact the California Relay Service at 1.800.735.2929, or voice line at 1.800.735.2922.

Pathogens in the Napa River Total Maximum Daily Load (TMDL)

Proposed Basin Plan Amendment

February 10, 2006

**California Regional Water Quality Control Board
San Francisco Bay Region**

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Proposed Basin Plan Amendment

The following text is to be inserted into Chapter 7:

Napa River Pathogen Total Maximum Daily Load (TMDL)

The Napa River and its tributaries are impaired by pathogens. The overall goal of this TMDL is to minimize human exposure to waterborne disease-causing pathogens and to protect uses of water for recreational activities such as wading, swimming, fishing, and rafting.

The most common sources of pathogens are wastes from warm-blooded animals, including humans, livestock, domestic pets, and wildlife. The following sections establish a density-based pathogen TMDL for the Napa River and its tributaries, and identify actions and monitoring necessary to implement the TMDL. The TMDL defines allowable density-based bacteria concentrations and prohibits discharge of raw or inadequately treated human waste. The implementation plan specifies actions necessary to protect and restore water contact recreation beneficial uses.

This TMDL strives to achieve a balance that allows ongoing human activities including agriculture and recreation to continue, while restoring and protecting water quality. As outlined in the adaptive implementation section, the effectiveness of implementation actions, results of monitoring to track progress toward targets, and the scientific understanding of pathogens will be reviewed periodically, and the TMDL may be adapted to future conditions as warranted.

In addition to pathogens, both animal and human wastes contain nutrients that in excess pose a threat to aquatic ecosystem beneficial uses; the Napa River is also listed as impaired by nutrients. By eliminating the discharge of human waste and controlling the discharge of animal waste, this TMDL will also protect the beneficial uses of the Napa River watershed's aquatic ecosystem, such as cold and warm freshwater habitat, and wildlife habitat. Controlling human and animal waste discharges will also reduce risks from other harmful constituents such as pharmaceuticals and steroids.

Problem Statement

Due to the presence of pathogens in the Napa River and its tributaries, the beneficial uses of water contact and noncontact recreation are impaired. Waterborne pathogens pose a risk to human health. In ambient waters, the presence of human and animal fecal waste and associated pathogens is inferred from high concentrations of fecal coliform and *E. coli* bacteria. Bacteria levels in the Napa River and its tributaries are higher than the bacteria water quality objectives established to protect people who swim, wade and fish in these waters (Tables 3-1 and 3-2). Consequently, humans who recreate in the Napa River and its tributaries are at risk of contracting waterborne disease.

Sources

The following source categories have the potential to discharge pathogens to surface waters in the Napa River watershed:

- On-site sewage disposal systems (septic systems)
- Sanitary sewer lines
- Municipal runoff
- Grazing lands
- Confined animal facilities
- Municipal wastewater treatment facilities

Water quality monitoring data indicate that on-site sewage disposal systems are potentially a significant pathogen source, primarily in the Murphy Creek, Browns Valley Creek, and Salvador Channel subwatersheds. Sanitary sewer lines are a likely source, primarily in the Browns Valley Creek and Salvador Channel sub watersheds. Municipal runoff is a significant source in all urban areas, and livestock grazing and confined animal facilities are considered to be potential sources throughout the watershed.

Both discharger monitoring reports and in-stream water quality monitoring indicate that municipal wastewater treatment facility discharges are not significant pathogen sources in the Napa River watershed. These facilities are considered potential sources due to the possibility of spills or treatment system malfunction.

Wildlife are not a significant, widespread pathogen source, as evidenced by low indicator bacteria levels at sites that contain wildlife but are minimally impacted by human activities. Wildlife may be a significant source on a limited, localized basis.

Numeric Targets

The numeric water quality targets listed in Table 7-a are derived from water quality objectives for coliform bacteria in contact recreational waters, and from U.S. EPA's recommended bacteriological criteria (Tables 3-1 and 3-2). The third target, "zero discharge of untreated or inadequately treated human waste," is consistent with Discharge Prohibition 15 (Table 4-1). The zero human waste discharge target is necessary because human waste is a significant source of pathogenic organisms including viruses; and attainment of fecal coliform targets alone may not be sufficient to protect human health. The *E. coli* bacteria targets, in combination with the human waste discharge prohibitions, are the basis for the TMDL and load allocations, and fully protect beneficial uses.

Table 7-a Water Quality Targets^a for the Napa River and Its Tributaries	
<i>E. coli</i> density: Geometric mean < 126 CFU/100 mL ^b	
<i>E. coli</i> density: 90 th percentile < 320 CFU/100 mL ^c	
Zero discharge of untreated or inadequately treated human waste	
^a These targets are applicable year-round. ^b Based on a minimum of five consecutive samples collected at approximately equal intervals over a 30-day period ^c No more than 10% of total samples during any 30-day period may exceed this number.	

Total Maximum Daily Load

The TMDL, as indicated in Table 7-b, is expressed as density-based *E. coli* bacteria limits.

Table 7-b Total Maximum Daily Loads of Pathogen Indicators for the Napa River and Its Tributaries	
Indicator	TMDL (CFU/100 mL)
<i>E. coli</i>	Geometric mean < 126 ^a 90 th percentile < 320 ^b
^a Based on a minimum of five consecutive samples collected at approximately equal intervals over a 30-day period. ^b No more than 10% of total samples during any 30-day period may exceed this number.	

Load Allocations

Density-based pollutant allocations for pathogen source categories are shown in Table 7-c. Table 7-d presents wasteload allocations for individual municipal wastewater dischargers. Each entity in the watershed is responsible for meeting its source category allocation.

All discharges of raw or inadequately treated human waste are prohibited. All sources of untreated or inadequately treated human waste have an allocation of zero.

Discharging entities will not be held responsible for uncontrollable discharges originating from wildlife. If wildlife contributions are found to be the cause of exceedances, the TMDL targets and allocation scheme will be revisited as part of the adaptive implementation program.

Table 7-c Density-Based Pollutant Load Allocations ^a for Dischargers of Pathogens in the Napa River Watershed		
Categorical Pollutant Source	<i>E. coli</i> Density (CFU/100 mL) ^b	
	Geometric Mean	90 th Percentile
On-site sewage disposal systems	0	0
Sanitary sewer systems	0	0
Municipal runoff	<126	<320
Grazing lands	<126	<320
Confined animal facilities	<126	<320
Wildlife ^c	<126	<320

^aThese allocations are applicable year-round. Wasteload allocations apply to any sources (existing or future) subject to regulation by a NPDES permit.
^bBased on a minimum of five consecutive samples collected at approximately equal intervals over a 30-day period.
^cWildlife are not believed to be a significant source of pathogens and their contribution is considered natural background; therefore, no management measures are required.

Table 7-d Density-Based Wasteload Allocations ^a for Municipal Wastewater Treatment Facilities			
Facility	<i>E. coli</i> Density (CFU/100 mL) ^b		NPDES Permit #
	Geometric Mean	90 th Percentile	
Napa Sanitation District	<126	<320	CA0037575
Town of Yountville	<126	<320	CA0038121
City of St. Helena	<126	<320	CA0038016
City of Calistoga	<126	<320	CA0037966
City of American Canyon	<126	<320	CA0038768
Napa River Reclamation District #2109	<126	<320	CA0038644

^a These allocations are applicable year-round. Wasteload allocations apply to any sources (existing or future) subject to regulation by a NPDES permit.
^bBased on a minimum of five consecutive samples collected at approximately equal intervals over a 30-day period.

Implementation Plan

This plan builds upon previous and ongoing successful efforts to reduce pathogen loads in the Napa River and its tributaries, and requires actions consistent with the California Water Code (CWC Section 13000 et seq.); the state's Nonpoint Source Pollution Control Program Plan (CWC Section 13369) and its Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program; and the human waste discharge prohibition.

Table 7-e contains the required implementation measures for each of the source categories listed in Table 7-c and 7-d. These measures include evaluation of operating practices; development of comprehensive, site-specific pathogen control measures and a corresponding implementation schedule; and submittal of progress reports documenting actions undertaken. Progress reports may be submitted directly to the Water Board or to third parties if designated. These reports will serve as documentation that source reduction measures are being implemented.

It is important to note that the numeric targets and load allocations in the TMDL are not directly enforceable. To demonstrate attainment of applicable allocations, responsible parties must demonstrate that they are in compliance with specified implementation measures and any applicable waste discharge requirements (WDRs) or waiver conditions.

The state's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program requires that current and proposed nonpoint source discharges be regulated under WDRs, waivers of WDRs, Basin Plan prohibitions, or some combination of these tools. Table 7-f specifies the regulatory framework for each discharger source category. The Water Board intends to work with stakeholders to develop conditions for waiving WDRs for grazing lands by 2009.

**Table 7-e
Trackable Implementation Measures for the Napa River Pathogen Total Maximum Daily Load**

Source Category	Action	Implementing Party	Completion Dates
On-Site Sewage Disposal Systems (OSDS)	Submit to the Water Board Executive Officer for approval a plan and implementation schedule for evaluating OSDS performance and correcting deficiencies in OSDSs identified as potentially discharging to surface waters. Priority should be given to the Browns Valley Creek, Murphy Creek, and Salvador Channel subwatersheds	Napa County	January 2008
	Report progress on implementation of OSDS evaluation and repair program		January 2011 and biennially thereafter
	Comply with applicable County, Water Board, or State Board requirements	Septic system owners	As specified in applicable requirements
Sanitary Sewer Systems	Comply with applicable Waste Discharge Requirements (WDRs)	Napa Sanitation District, City of Calistoga, City of St. Helena, Yountville Joint Treatment Plant, City of American Canyon, Napa River Reclamation District #2109	As specified in the applicable WDRs
	Submit to the Executive Officer for approval a plan and implementation schedule for evaluating sanitary sewer line performance and correcting identified deficiencies ^a . Priority should be given to the Browns Valley Creek and Salvador Channel subwatersheds		January 2008
	Report progress on inspection and evaluation of sewer systems ^b		Annually
Grazing Lands	Submit a Report of Waste Discharge ^c to the Water Board that provides the following: a description of the facility; identification of necessary site-specific grazing management measures to reduce animal waste runoff; and an implementation schedule for identified management measures	Ranchers (landowners and lessees). These reports may be submitted individually or jointly or through a third party ^d .	January 2010
	Comply with applicable WDRs, waiver conditions, or prohibitions	Ranchers (landowners and lessees)	As specified in WDRs or waiver conditions
	Report progress on implementation of grazing-management measures that reduce animal waste runoff	Ranchers (landowners and lessees). These reports may be submitted individually or jointly or through a third party ^d .	As specified in applicable WDRs or waiver of WDRs

Source Category	Action	Implementing Party	Completion Dates
Confined Animal Facilities	Submit a Report of Waste Discharge ^c to the Water Board that provides the following: a description of the facility; identification of necessary site-specific management measures to reduce animal waste runoff; and a schedule for implementation of identified management measures	Confined animal facilities. These reports may be submitted individually or jointly or through a third party.	January 2010
	Comply with applicable WDRs or waiver conditions	Confined animal facilities -	As specified in applicable WDRs or waiver of WDRs.
	Report progress on implementation of management measures that reduce animal waste runoff	Confined animal facilities. These reports may be submitted individually or jointly or through a third party.	As specified in applicable WDRs or waiver of WDRs
Municipal Runoff	Comply with approved stormwater management plans. Update/amend storm water management plans as needed to include specific measures to reduce discharge of human and animal wastes	Napa County, City of Napa, Town of Yountville, City of St. Helena, City of Calistoga	As specified in approved stormwater management plan and in applicable NPDES permit
	Report progress on implementation of human and animal waste runoff reduction measures		
Municipal Wastewater Discharges	Comply with applicable NPDES permits	Napa Sanitation District, City of Calistoga, City of St. Helena, Yountville Joint Treatment Plant, City of American Canyon, Napa River Reclamation District #2109	As specified in applicable NPDES permits
^a Plans may be incorporated into approved Sanitary Sewer Management Plans (SSMPs). ^b Reports may be incorporated into annual SSMP audit reports. ^c WDRs waiver conditions may allow for other submittals in lieu of a Report of Waste Discharge. ^d While third parties may provide valuable assistance in TMDL implementation, the discharger is the entity responsible for compliance with the specified regulations and regulatory controls.			

Table 7-f Regulatory Framework for Discharges by Source Category	
Source Category	Regulatory Tool
On-site Sewage Disposal Systems	General Waste Discharge Requirements (WDRs), Individual WDRs, or Waiver of WDRs, as appropriate ^a Prohibition of Human Waste Discharge
Sanitary Sewer Systems	General WDRs or Individual WDRs, as appropriate Prohibition of Human Waste Discharge
Grazing Lands	Waiver of WDRs ^b
Confined Animal Facilities	Waiver of WDRs ^b
Municipal Runoff	NPDES Permit
Municipal Wastewater Treatment Facilities	NPDES Permit
^a Regulatory tool(s) employed will be consistent with State Board regulatory actions.	
^b Water Board retains the option of requiring general or individual waste discharge requirements or compliance with a discharge prohibition, as appropriate.	

Cost estimate: Agricultural Water Quality Control Program

Because the implementation measures for grazing lands constitute an agricultural water quality control program, the cost of that program is estimated below, consistent with California Water Code requirements (Section 13141).

The average annual program implementation cost to agricultural dischargers is estimated to range between \$60,000 and \$250,000 for the next 10 years. These costs will be shared by Napa River watershed grazing lands operators (approximately 20). This estimate includes the cost of implementing animal waste controls and grazing management measures, and is based on costs associated with technical assistance and evaluation, installation of water troughs, and livestock control fencing along up to 25 percent of streams in grazing lands. Besides fencing, other acceptable methods of managing livestock access to streams are not included in this cost estimate due to variability in costs and site-specific applicability. In addition to private funding, potential sources of financing include federal and state water quality grants and federal agricultural grants.

Evaluation and Monitoring

Beginning in 2011 and approximately every five years thereafter, the Water Board will evaluate site-specific, subwatershed-specific, and watershed-wide compliance with the trackable implementation measures specified in Table 7-e. In evaluating compliance with the trackable implementation measures, the Water Board will consider levels of participation for each source category as well as for individual dischargers (as documented by Water Board staff or third parties).

In addition to the programmatic monitoring described above, Water Board staff, in collaboration with stakeholders, will conduct water quality monitoring to evaluate *E. coli* concentration trends in the Napa River and its tributaries. Five years after TMDL adoption, the Water Board will evaluate monitoring results and assess progress made toward attaining TMDL targets (Table 7-a) and load allocations (Table 7-c). The main objectives of the Monitoring Program are to:

- Assess attainment of TMDL targets
- Evaluate spatial and temporal water quality trends
- Further identify significant pathogens source areas
- Collect sufficient data to prioritize implementation efforts and assess the effectiveness of source control actions

Table 7-g presents locations for baseline water quality monitoring. Each site will be sampled for *E. coli* ten times each year. Five samples will be collected weekly during one 30-day period in each wet season (November through March) and one 30-day period in each dry season (May through September). All water quality monitoring (including quality assurance and quality control procedures) will be performed pursuant to the State Water Board’s Quality Assurance Management Plan for the Surface Water Ambient Monitoring Program. Additional monitoring will be conducted as needed if funds are available.

Table 7-g Baseline Monitoring Sites
Napa River at Third Street, Napa
Napa River at Zinfandel Lane
Napa River at Calistoga Community Center
Browns Valley Creek at Browns Valley Road
Browns Valley Creek at Borrette Lane
Murphy Creek at Coombsville Road
Murphy Creek at upstream location to be determined ^a
Salvador Channel at Solano Avenue
Salvador Channel at Dry Creek Road
Four additional tributaries to be determined ^a , rotated each year
^a Sites will be determined by Water Board staff in coordination with stakeholders.

If source control actions are fully implemented throughout the watershed and the TMDL targets are not met, the Water Board may consider whether the TMDL targets are attainable, and re-evaluate or revise the TMDL and allocations as appropriate. Alternatively, if the required actions are not implemented or are only partially

implemented, the Water Board may consider regulatory or enforcement action against dischargers not in compliance.

Adaptive Implementation

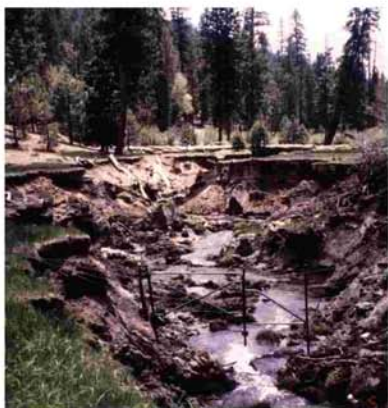
Approximately every five years, the Water Board will review the Napa River Pathogen TMDL and evaluate new and relevant information from monitoring, special studies, and the scientific literature. At a minimum, the following questions will be included in the reviews. Additional questions will be developed in collaboration with stakeholders during each review cycle.

1. Are the river and the tributaries progressing toward TMDL targets as expected? If progress is unclear, how should monitoring efforts be modified to detect trends? If there has not been adequate progress, how might the implementation actions or allocations be modified?
2. What are the pollutant loads for the various source categories (including naturally occurring background pathogen contributions and the contribution from open space lands)? How have these loads changed over time, how do they vary seasonally, and how might source control measures be modified to improve load reduction?
3. Is there new, reliable, and generally accepted scientific information that suggests modifications to targets, allocations, or implementation actions? If so, how should the TMDL be modified?

Reviews will be coordinated by the Water Board's continuing planning program, with stakeholder participation. Any necessary modifications to the targets, allocations, or implementation plan will be incorporated into the Basin Plan via an amendment process. In evaluating necessary modifications, the Water Board will favor actions that reduce sediment and nutrient loads, pollutants for which the Napa River watershed is also impaired.

FACT SHEET

POLICY FOR THE IMPLEMENTATION AND ENFORCEMENT OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM (NPS Implementation and Enforcement Policy)



Why Is The NPS Implementation And Enforcement Policy Necessary?

- California's most serious water quality problem is NPS pollution. Polluted runoff from nonpoint sources accounts for more than 76 percent of the water bodies where Total Maximum Daily Loads (TMDLs) are required.
- The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) was amended in 1999 to require the SWRCB to develop guidance to enforce the state's NPS pollution control program. The SWRCB complied by adopting the NPS Implementation and Enforcement Policy on May 20, 2004. The Office of Administrative Law approved the policy on August 26, 2004.

What Does The Policy Require The RWQCBs To Do?

- The RWQCBs must regulate all nonpoint sources of pollution, using the administrative permitting authorities provided by the Porter-Cologne Act.

The permitting authorities include but are not limited to:

- Basin Plan prohibitions
- Waste Discharge Requirements (WDRs)
- Waivers of WDRs. In addition, Porter-Cologne requires that:
 - Waivers must be conditional and may be terminated at any time.
 - Waivers must be consistent with the public interest and any applicable state or regional water quality control plan.
 - Waivers may not exceed five years, but may be renewed following consideration of the necessity for issuing WDRs.
 - Waivers must be enforced.

What Are Dischargers Required To Do?

- Dischargers must comply with the administrative permits issued by the RWQCBs by participating in the development and implementation of NPS pollution control programs, either individually or collectively as participants in third-party coalitions.
- NPS pollution control implementation programs may be developed by a RWQCB, an individual discharger, or a discharger coalition in cooperation with a third-party representative, organization or government agency. The third-party role is restricted to entities that are not actual dischargers under RWQCB/SWRCB permitting and/or enforcement jurisdiction.

POLICY FOR THE IMPLEMENTATION AND ENFORCEMENT OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM

- All NPS pollution control programs must meet the requirements of the following (Five) Key Elements described in the NPS Implementation and Enforcement Policy. Each implementation program must be endorsed or approved by the appropriate RWQCB.
- **Key Element 1:** A NPS control implementation program's ultimate purpose must be explicitly stated and at a minimum address NPS pollution control in a manner that achieves and maintains water quality objectives.
- **Key Element 2:** The NPS pollution control implementation program shall include a description of the management practices (MPs) and other program elements expected to be implemented, along with an evaluation program that ensures proper implementation and verification.
- **Key Element 3:** The implementation program shall include a time schedule and quantifiable milestones, should the RWQCB so require.
- **Key Element 4:** The implementation program shall include sufficient feedback mechanisms so that the RWQCB, dischargers, and the public can determine if the implementation program is achieving its stated purpose(s), or whether additional or different MPs or other actions are required.
- **Key Element 5:** Each RWQCB shall make clear, in advance, the potential consequences for failure to achieve an NPS implementation program's objectives, emphasizing that it is the responsibility of individual dischargers to take all necessary implementation actions to meet water quality requirements.

What Kind Of Enforcement Does The Policy Require?

- Individual dischargers, including both landowners and operators, continue to bear ultimate responsibility for complying with a RWQCB's water quality requirements and orders. All RWQCB enforcement actions taken will be taken against non-compliant individual dischargers, not third-party representatives. All enforcement actions taken shall be consistent with the SWRCB Enforcement Policy (SWRCB 2002).

**Find out more about the
Nonpoint Source Pollution Control Program
www.waterboards.ca.gov/waterquality**



Sharp, Jeff

From: Chris Malan [cmalan@starband.net]
Sent: Friday, December 16, 2005 10:27 AM
To: Sharp, Jeff
Subject: WIC
Attachments: ICARE LETTER FROM DFG.pdf



Hi Jeff,

Dr. Dewberry is the president of the Institute for Conservation Advocacy, Research and Education (ICARE). He is leading a team of biologist and community volunteers with local collaborative partners in biological and other monitoring in the Napa River watershed. This project team has been doing serious biological monitoring of the Napa River for 6 years. The project team has irrefutable data that has been given to the WIC in the past 5 years- such as:

- 1) Two years of snorket survey data for steelhead
- 2) Five years of BMI data
- 3.) Savannah oak overlay

I understand that the WIC meets on the third Wednesday of the month. ICARE would like to make a presentation about our work and get a letter of support from the WIC for grant writing purposes.

Please see a similar letter from regional DFG.

Please Advise.

Thank You,
Chris Malan
Executive Director
255-7434



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500



December 15, 2005

To Whom It May Concern:

This letter is in support of the Institute for Conservation, Advocacy, Research and Education's (ICARE) funding proposal for continuation of their benthic macro-invertebrate (BMI) monitoring and watershed education program.

The proposed BMI monitoring will utilize the California Stream Bioassessment Protocol, a regional adaptation of the Federal Environmental Protection Agency's Rapid Bioassessment Protocol. This adaptation was developed by California Department of Fish and Game (DFG) scientists. This method for assessing water quality is a well-founded and widely accepted tool for watershed assessment, stressor identification, and stream restoration project evaluation because it is a standardized and cost effective measure of aquatic health.

DFG staff participated in the scientific oversight and field data collection during the initial five years of the BMI monitoring project as conducted by Friends of the Napa River. We expect that the continuation of this project by ICARE will produce a similar high quality of work.

The BMI monitoring project fills a critical knowledge gap. Until this project began, no such information had been developed for this watershed. The project will continue to provide information about the relative health of the Napa River watershed system, provide indications as to what habitat quality factors may be limiting for anadromous fish and other stream species, and provide a basis for detecting future changes.

Education is an important component of conservation. Factors affecting aquatic habitat health, such as natural watershed processes and feeding relationships, are complex and often not well understood by the public. By providing educational opportunities, this program will promote informed citizen involvement now and in the future. The ICARE education program materials are well-prepared and convey contemporary scientific understanding of watershed biology and ecology.

Sincerely,

Robert W. Floerke
Regional Manager
Central Coast Region

cc: ICARE
Attention Chris Malan
2945 Atlas Peak Road
Napa, CA 94558
cmalan@starband.net

