

# **Appendix B**

## **Comment Letters**

COMMENT LETTERS REGARDING FEBRUARY 2006 PUBLIC  
NOTICE OF PROPOSED BASIN PLAN AMENDMENT AND  
SUPPORTING STAFF REPORT

County of Sonoma Permit and Resource Management Department,  
Randy Leach

Sonoma County Water Agency, Don Seymour

Sonoma Ecology Center, Rebecca Lawton

U.S. EPA, Diane E. Fleck



# COUNTY OF SONOMA PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403-2829  
(707) 565-1900 FAX (707) 565-1103

## Fax Transmittal Sheet

To: Tina Low - Water Quality Control Board

Fax #: 510-622-2460

From: Randy Leach - County of Sonoma

Telephone Number: 707-565-3836

Date: 3/27/06 Time: ~12:00 Noon

Number of Pages: 4  
(Including this page)

MESSAGE: Source Comments - Also in  
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**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

2550 Ventura Avenue, Santa Rosa, CA 95403-2829  
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March 27, 2006

Tina J. Low, PE  
Water Resource Control Engineer  
Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, Ca. 94612

RE: Comments Regarding the Content of the Staff Report and Proposed Basin Plan Amendment - "Pathogens in Sonoma Creek Total Maximum Daily Load (TMDL)" as Proposed by The California Regional Water Quality Control Board San Francisco Bay Region (dated February 10, 2006).

Dear Ms. Low:

The Sonoma County Permit and Resource Management Department (PRMD) appreciates this opportunity to provide the Regional Water Quality Control Board with comments regarding the proposed Basin Plan Amendment. We have provided a summary listing of key issues that we feel should be more thoroughly addressed. We would welcome the opportunity to discuss these issues with appropriate Regional Board staff prior to consideration of adoption. Ultimately, we feel that the Regional Board must address these issues in order to provide the reviewing public with a complete understanding of what is being proposed and to satisfy the requirements of the California Environmental Quality Act (CEQA).

Key Issues:

1. Lack of Scientific Justification for Key Elements of the Proposed Regulations.

While we believe that there is clearly a need to improve water quality in Sonoma Creek, we also know that individual property owners and local regulatory agencies have limited resources to devote to this effort. Thus, we believe that both public and private efforts must be focused in areas that will achieve the greatest result. For this reason, we believe that the Regional Board should conduct a more critical analysis of the contamination of Sonoma Creek before asking local government and individual home owners to devote financial resources and staff to what appears to be a very broad and expensive program. Specifically, Microbial Source Tracking (MST), including host specific genetic finger printing, should be used to determine the likely source of the E. coli contamination. MST is more expensive and time consuming but it would allow for efforts to be focused on the area that will yield the greatest benefit. A more comprehensive investigation and sampling protocol needs to be done to conclusively determine that elevated E. coli contamination in Sonoma Creek is a result of septic system discharge rather

than naturally occurring contamination from wild life or other sources. Costs for MST are much lower today and more accurate than it was when the original sampling was completed.

## 2. Financial Impacts to Existing Homeowners and New Statewide Septic System Standards (AB 885).

The Regional Board should more thoroughly investigate the costs that will need to be borne by homeowners that are adjacent to 303(d) listed water bodies, specifically Sonoma Creek. The number of impacted homeowners needs to be more accurately estimated and the locations of impacted areas need to be more clearly described. The staff report must discuss the anticipated consequences if homeowners are unable to afford the requisite costs for compliance. Will noncompliant systems have to be abated with the consequent abandonment of homes? Providing grant application assistance to local government agencies and limited financial assistance to homeowners through loan programs is not a sufficient financial impact analysis, particularly given the increasing scarcity of state funds for such purposes.

General estimates for repair of septic systems based on personal conversations are presented in the staff report for the "typical" costs of installing/repairing conventional septic systems. Estimates were not included for repair and replacement of nonstandard systems with supplemental treatment, which are considerably more expensive than what is presented in the report. The staff report states that the cost estimates for repair and replacement are based on personal communication with two individuals without further substantiation.

The staff report must also address the relationship and mandates of the pending statewide standards for septic systems (AB 885) as they would relate to the new proposed basin plan amendment. We are concerned the new statewide septic regulations and the Basin Plan amendment will cause duplication of effort and be at cross purposes in terms of parcels adjacent to 303 (d) impacted waterways and repair and replacement of septic systems. It would seem to make sense to wait for the adoption and approval of the statewide septic regulations before adoption of the Basin Plan amendment.

## 3. Impacts on Local Government Resources.

Prior to adoption of the Basin Plan amendment PRMD staff would like to work closely with the Regional Board to better define local government responsibility. The staff report is unclear regarding the specific tasks required in development of an implementation plan and management plan. As you probably know, PRMD already administers a very comprehensive program for the regulation of septic systems. This not only includes permitting for new systems and upgrades to existing systems, but also an annual operational permit program for non-standard systems. We are very concerned about adding a significant new regulatory and/or monitoring component to this program.

The staff report needs to include a more complete and comprehensive assessment of the costs to local government to implement the proposed Basin Plan Amendment. This needs to include analysis of the resources needed to carry out all proposed implementation plans, management plans, sanitary surveys, and enforcement provisions. This assessment should also identify options for funding the increased costs that local governments will incur with the proposed project.

Sonoma County is highly supportive of improving the water quality in the Sonoma Creek

watershed and in all of our 303 (d) impacted streams. We look forward to working collaboratively with the Regional Board in establishing a reasonable science based Basin Plan Amendment and TMDL for the Sonoma Creek water shed.

Thank you for the opportunity to comment,



Randy Leach, REHS

Division Manager

Well and Septic Division

Sonoma County Permit and Resource Management Department

cc: Board of Supervisors  
County Administrator

# DRAFT

March 26, 2006

Tina Low  
California Regional Water Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

**RE: 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 Sonoma Creek Watershed**

Dear Ms. Low

The Sonoma County Water Agency (SCWA) has prepared this letter in response to the 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 Sonoma Creek Watershed. SCWA understands that public comment is due to the Regional Water Quality Control Board, San Francisco Region (Water Board) by March 27, 2006 and the Water Board will receive testimony regarding the proposed amendment at a public hearing scheduled for April 12, 2006.

SCWA is a Special District that provides wholesale water supply to approximately 570,000 people in Marin and Sonoma Counties. In addition, SCWA is responsible for operating the Sonoma Valley Wastewater Treatment Plant and collection system on behalf of the Sonoma Valley County Sanitation District. In cooperation with the City of Sonoma, SCWA participates with the County of Sonoma, as co-permittees under the Phase II General Permit for Small Municipal Separate Storm Sewer Systems (Small MS4s), to implement a Storm Water Management Plan (SWMP). SCWA is also a member of Bay Area Clean Water Agencies (BACWA). Participation in BACWA allows SCWA to stay engaged and inform on decisions affecting Publicly Owned Treatment Works and water quality.

Based on staffs review of the proposed basin plan amendment, SCWA would like to provide the following general comments:

- The proposed TMDL does not allocate loads. Load allocations and target concentrations appear to be the same. If calculated, load allocation should be the density of the pathogen multiplied by the volume of water released into a given volume of receiving water;

## DRAFT

- SCWA is unclear why separate TMDLs are being proposed for the Sonoma Valley Treatment Plant and the collection system. Pathogen loading resulting from untreated waste does not result in a greater health risk than pathogen loading resulting from the release of adequately treated effluent;
- More rigorous sampling and analysis is required to evaluate source identification. For example, the staff report prepared by the Water Board appears to assume that wildlife is not a significant source of pathogen loading to the watershed based on the limited data set. As stakeholders in the watershed, SCWA and the Sonoma Valley County Sanitation District would be willing to participate in additional studies that would better assess: (1) pathogen identification; (2) background pathogen levels in the watershed; and (3) the watershed's ability to assimilate pathogen loading. Additional information provided by these additional studies is essential for developing a realistic and scientifically based TMDL.
- In the section summarizing the Pollutant Source Assessment, homeless encampments have been associated with municipal runoff. While likely a significant source of waterborne pathogens, SCWA has no legal authority to address or mitigate this possible source;
- It would be helpful if the sampling procedures used during the study conducted cooperatively by the Water Board and San Francisco Estuary Institute were described in the staff report prepared by the Water Board;
- There is little or no data collected from the Sonoma Creek Watershed to support the validity of the Water Board's assumptions regarding pathogen die-off; and
- The Water Board's staff report assumes that during the dry season, pathogen transport is dominated by groundwater inflow. Although limited sections of creeks in the watershed may be gaining, seepage runs conducted as part of a multi-year hydrogeologic study of the Sonoma Valley performed cooperatively by the United States Geological Survey and SCWA indicates that Sonoma Creek is characterized by many losing reaches during the dry season.

We appreciate the opportunity to review and comment on the Water Board's proposed pathogen TMDL for the Sonoma Creek watershed. We will continue to review the proposed TMDL and will likely provide additional comments at the Board hearing scheduled for April 12. We look forward to cooperating with the Water Board to develop approaches that would result in reduced pathogen loading to the Sonoma Creek watershed.

Sincerely,

Don Seymour, P.E.



# **DRAFT**

Water Agency Principal Engineer

Cc: Pam Jeane, Kevin Booker, Randy Cullen, Jeff Church - SCWA

## Tina Low - Pathogen TMDL for Sonoma Creek

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**From:** "Becca Lawton" <becca@sonomaecologycenter.org>  
**To:** "Tina Low" <tlow@waterboards.ca.gov>  
**Date:** 3/27/2006 12:54 PM  
**Subject:** Pathogen TMDL for Sonoma Creek  
**CC:** "Richard Dale" <richard@sonomaecologycenter.org>

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Dear Tina,

Thanks for making the project report for the Total Maximum Daily Load for Pathogens in the Sonoma Creek Watershed (dated December 1, 2005) available for review. We at the Sonoma Ecology Center have had the opportunity to attend your presentation of preliminary results, as well as to read the report. These issues caught our attention.

1. Hotspots identified in the 2002-2003 study were confirmed by supplemental monitoring in 2004-2005 (page 18). This confirmation presents a strong case that the elevated E. coli densities found downstream of Kenwood are not anomalous and need to be addressed. Also, should a treatment facility be required for Kenwood, which could encourage growth in the area, associated impacts to the marsh, groundwater supply, and environmental quality (such as air pollution) would need to be addressed as well.
2. The source assessment summary on page 20 gives sound reasons, supported by detailed information throughout the report, that the sources most important to address first if Sonoma Creek is to become less pathogen impaired are septic systems, sanitary sewer system failures, municipal runoff, cattle grazing, and improperly managed dairies.
3. The implementation action tables that begin on page 34 seem reasonable and are thoughtfully presented. The actions spread the responsibility among the agencies best suited to address pathogen loading.

We're often asked by Sonoma Valley residents whether it's okay for their kids to swim in the creek. We'd like to be able to answer with a resounding "yes," but at the moment we feel we must qualify any response with the knowledge that we've gained through the pathogen TMDL. We also know first-hand how diligent the RWQCB and SFEI staff have been in gathering the data and analyzing the meaning of their findings; Sonoma Valley residents are extremely fortunate to have had such a well-qualified, committed team working on this study. The Sonoma Ecology Center would like to add its voice to the chorus of support for implementing the proposed actions.

Sincerely,

Rebecca Lawton  
Geologist, Research Program Manager  
Sonoma Ecology Center  
20 East Spain Street  
Sonoma, CA 95476  
707-996-0712, x116  
<mailto:becca@sonomaecologycenter.org>  
Act locally! Join us at <http://www.sonomaecologycenter.org>.



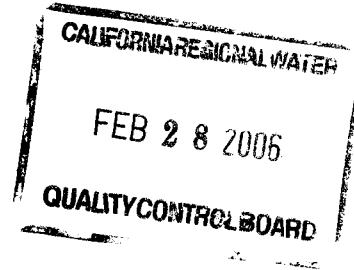
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION IX**

**75 Hawthorne Street  
San Francisco, CA 94105-3901**

February 27, 2006

Ms. Tina Low  
Mr. Peter Krottje  
California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Ste. 1400  
Oakland, CA 94612



Dear Ms. Low and Mr. Krottje:

Thank you for the opportunity to comment on the proposed Staff Report and Basin Plan Amendment for the Napa River Watershed Pathogens TMDL and the proposed Staff Report and Basin Plan Amendment for the Sonoma Creek Watershed Pathogens TMDL. We appreciate your hard work to develop these TMDLs. We have reviewed both proposed Staff Reports and Basin Plan Amendments, and our comments are below.

- 1) The proposed Staff Report and Basin Plan Amendment for the Napa River Watershed TMDLs, and the proposed Staff Report and Basin Plan Amendment for the Sonoma Creek Watershed TMDLs state that Napa River and its tributaries and Sonoma Creek and its tributaries, respectively, are listed on the 303(d) list as impaired for pathogens, and that these documents address those listings. However, a specific list of the water bodies that are on the 303(d) list and that are addressed by the documents is not included. Please include a list of the specific listed impaired water bodies for which TMDLs are to be adopted.
- 2) Since the Basin Plan objectives are in fecal and total coliform, we recommend for each set of documents that the numeric targets, TMDLs, load allocations, and waste load allocations be presented in terms of fecal coliform and/or total coliform, as well as E. coli. This makes the TMDLs straightforward and reduces uncertainty concerning whether or not the TMDLs will achieve water quality standards.

We appreciate your recognition that EPA currently recommends that states use E. coli as a preferred bacterial indicator. Your analysis suggests EPA guidance values for E. coli are at least as protective as the Basin Plan's fecal coliform objectives. Although there is significant uncertainty regarding the actual ratio of E. coli to fecal coliform in streams, the analysis provides a plausible rationale to support the conclusion that attainment of < 126 CFU/100 mL E. coli as a monthly geometric mean would also result in attainment of the Basin Plan objective of <200 MPN/100mL fecal coliform (log mean).

However, it is not clear that the target of < 320 CFU/100 ml E. coli (90<sup>th</sup> percentile) will be protective of the Basin Plan objectives and the (revised) EPA guidance values cited in the Basin Plan. The revised EPA guidance values for E. coli reflect a human health risk value associated with a single sample E. coli value. A value of 320 CFU/100 mL E. coli reflects the risk associated with water bodies designated for between moderately used areas (298 CFU/100 mL E. coli) and lightly used areas (406 CFU/100 mL E. coli). We recommend you either clearly designate the water bodies as moderately to lightly used areas (limited REC-1 uses), or use a target of 235 CFU/100 mL as a 90<sup>th</sup> percentile single sample value, EPA's default criteria recommendation, reflecting an appropriate risk for designated beaches (full REC-1 uses).

No discussion is provided to show that the proposed targets for E. coli will result in a TMDL that will attain the Total Coliform Basin Plan water quality objectives. This analysis should be included in each Staff Report.

- 5) The proposed Staff Reports and Basin Plan Amendments state that an implicit margin of safety exists that includes conservatively established targets. Based on the discussion concerning use of E. coli as

surrogates for fecal coliform, it is not clear that the targets are conservatively established. However, if the approach of expressing the TMDLs and allocations specifically in terms of the applicable standards is used, there will be little uncertainty regarding the relationship between the TMDL and the associated standards of concern. This would be sufficient to address margin of safety requirements.

6) In each of the proposed Basin Plan Amendments, at page 4, the sources of pathogens are listed, then discussed. Although the discussion includes wildlife, the list does not. For clarity and completeness, please add wildlife to the list of sources in each proposed assessment.

7) In each of the proposed Staff Reports, the source assessments qualitatively estimate loads for some of the source categories within the watershed, while other categories are not clearly defined. Some source categories are described as "significant," "potentially significant", or "not significant", while other categories are not qualitatively described. Source estimates should be quantified, if at all possible; if this is not possible, then all sources should be qualitatively assessed.

8) In the proposed Basin Plan Amendment for the Sonoma Creek Watershed, it is not clear in the Table of Allocations, which are load allocations and which are waste load allocations. Please clarify this.

Thank you for this opportunity to comment on the proposed Staff Reports and proposed Basin Plan Amendments. Please call me at 415 972-3480 if you have any questions or would like to discuss these comments further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane E. Fleck".

Diane E. Fleck, P.E., Esq.  
Water Division