

Regional Water Board Staff

Response to
Public Comments

on the
2011 Triennial Review

of the
Water Quality Control Plan for the
North Coast Region

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INTRODUCTION

During the 2011 Triennial Review of the *Water Quality Control Plan for the North Coast Region* (Basin Plan), comments were received from thirteen interested stakeholders. This document presents the North Coast Region Water Quality Control Board (Regional Water Board) staff's response to the public comments on the proposed 2011 Triennial Review. Comments, and the associated response, are presented in four basic categories, including issues related to:

- objective development or revisions;
- implementation actions;
- policy development; and
- miscellaneous issues.

Many of the issues presented in the comments submitted could reasonably be presented in more than one category. For example, issues related to the *Stream and Wetlands* Policy could be reasonably categorized under the objectives, policy or implementation headings. Categorization is provided for the reader's ease. Regardless of the heading under which the issues are categorized all comments were responded to by staff. Attachment 1 contains copies of the eleven written comment letters submitted to staff. Summaries of the two verbal comments provided at the June 24, 2011 workshop are also included in this.

Comments Related to Water Quality Objectives

Three stakeholders provided comments related to the development of new objectives or the refinement of existing objectives.

1) Comment

In a six page letter, dated January 31, 2011, Jim Flugum, the Deputy Public Works Director for the City of Healdsburg offered to provide "technical services to assist the Regional Water Board in revising the Upper Russian River objectives for specific conductance (SC) and total dissolved solids (TDS)". The letter provided background information, a proposed approach to revise the existing objectives and a tentative schedule. In closing, the City requested that the revisions to the Upper Russian River SC and TDS objectives be included with the proposed Basin Plan amendment currently under way for groundwater and surface water protection which was scoped in July 2010.

Response

Consideration of revisions to the existing SC and TDS objectives is included on the proposed 2011 Triennial Review list.

2) Comment

In a four page letter, dated August 23, 2011, Neil Manji, Regional Manager for the Northern Region of the California Department of Fish and Game (CDFG), submitted comments relative to their continuing support in the development or refinement of four objectives, including refinements to the existing dissolved oxygen objective and development of water quality objectives for instream flows, nutrients and chlorine.

Response

All four of these issues will continue to be included on the proposed 2011 Triennial Review list.

3) Comment

GEI Consultants (Robert Gensemer, Senior Toxicologist) submitted a three page letter dated August 24, 2011 requesting that the aquatic life criteria for copper be updated to include the “latest recommended EPA national criteria for copper”.

Response

At the commenter’s request, this issue was added to the proposed 2011 Triennial Review list.

Comments Related to Implementation Actions

As part of the 2011 Triennial Review process, six stakeholders submitted comments related to potential implementation actions.

4) Comment

On June 1, 2011, Alan Levine submitted a four page letter on behalf of the Coast Action Group. Three of the issues presented in his comment letter are categorized as related to implementation actions. These issues include re-engagement in the development of the sediment prohibition, and addressing the TMDLs for the Russian River, including low temperature, pathogens, nutrients, and invasive exotic hydrophytes. A general comment was also submitted relative to the policy implications on the relationship between stream flows and impaired waterbody status.

Response

Staff has proposed that future development of the “sediment prohibition” be broadened to include the unpermitted discharge of all waste, not just sediment related waste discharges. This is the approach the Regional Water Board adopted for use in the Klamath River TMDL. Staff is developing this proposed waste

discharge prohibition as part of the proposed Basin Plan amendment associated with proposed 2011 Triennial Review Task 3.

Development of the pathogen TMDL for the Russian River is included as part of proposed Task 1. Work on the other TMDL related implementation actions are included as part of proposed Task 20.

Staff has recommended the addition of Task 20 to capture the concern relative to stream flow and impaired waterbody status. This task includes effects on the Russian River as a result of lower stream flows which may be mandated by the State Water Resources Control Board (State Water Board) as part of pending revisions to water rights Decision 1610.

5) Comment

HydroScience Engineers (Steve Ferry, Senior Project Manager) submitted a one page email on June 2, 2009 requesting that recycled water storage management be consistent with the statewide Recycle Water Policy, adopted by the State Water Board in 2009. The state policy requires that recycled water reservoirs be managed to prevent discharges due to storm events of lesser intensity/duration than the 24-hours, 25 year storm.

Response

Staff has added this issue (Task 18) to the proposed 2011 Triennial Review list.

6) Comment

On June 16, 2011 Stephen Fuller-Rowell submitted a three page comment letter on behalf of the Sonoma County Water Coalition, a group of thirty-two organizations representing about 24, 000 citizens. The letter contained two issues that Regional Water Board staff has characterized as implementation related. These include setting new standards for TMDLs for the Russian River and its tributaries and developing new implementation programs that address pollutant input issues, with enforceable monitoring standards.

Support for the sediment prohibition was also expressed as a means of providing support for the “new County policies on vineyard construction”.

Response

See response to Comment 4.

7) Comment

Jim Christian, on behalf of the Summer Home Park Wastewater Committee submitted a one page email (June 17, 2011) requesting that “low flow” on the lower Russian River be included on the proposed 2011 Triennial Review list as a factor effecting TMDL development and implementation. The commenter is concerned that a reduction in flows of up to 44% (as proposed under revisions to State Water Board water rights Decision 1610) will affect the pollutant carrying capacity of the Russian River.

Response

See response to Comment 4.

8) Comment

At the June 24, 2011 public workshop on the proposed 2011 Triennial Review list, Brenda Adelman, representing the Russian River Watershed Protection Committee, provided verbal comment on low flows in the lower Russian River in relation to State Water Board Decision 1610 and the effects of decreased flows on pathogens and nutrients.

Response

See response to Comment 4.

9) Comment

In a four page letter, dated August 23, 2011, Neil Manji, Regional Manager for the Northern Region of the California Department of Fish and Game (CDFG), submitted comments relative to their continuing support for the development of TMDLs and to provide clarification that the proposed waste discharge prohibition being developed under Task 3 will apply to surface water as well as groundwater beneficial uses.

Response

Continued work on watershed specific TMDL actions are included as proposed Tasks 1 and 20. In addition, other recommended tasks such as development of a temperature implementation policy (Task 3), an aquatic ecosystem restoration policy (Task 5) and a stream and wetland policy (Task 6) will also provide mechanisms to support implementation of TMDLs across the region.

The description of proposed 2011 Triennial Review Task 3 has been revised to clarify that the waste discharge prohibition under development will apply to surface waters as well as groundwater.

Comments Related to Policy Development

Many of the comments received on the proposed 2011 Triennial Review list can best be categorized as related to policy development. Consideration and support for the following policy development were received by staff:

10) **Comment**

On June 1, 2011, Alan Levine submitted a four page letter on behalf of the Coast Action Group. Four of the issues presented in his comment letter are categorized as related to policy development. They include: development of a Stream and Wetlands Policy, a Policy for Narrative Objectives, a Temperature Implementation Policy and a Groundwater Protection Policy.

Response

All of these issues are included on the proposed 2011 Triennial Review list. The development of a Temperature Implementation Policy is proposed as Task 2, with the continued development of the proposed Stream and Wetlands Policy included as Task 6. The proposed Policy for Application of Narrative Objectives and the proposed Groundwater Protection Policy are both included as part of Task 3.

11) **Comment**

On June 16, 2011 Stephen Fuller-Rowell submitted a three page comment letter on behalf of the Sonoma County Water Coalition. Four actions related to policy development were recommended for inclusion on the proposed 2011 Triennial Review list. These issues include development of a Stream and Wetlands Policy, a Policy for Narrative Objectives, a Temperature Implementation Policy and a Groundwater Protection Policy.

Response

See response to Comment 10.

12) **Comment**

The Trinity River Restoration Program (Brandt Gutermuth, Environmental Specialist) submitted a one page email, dated June 17, 2011, expressing support for maintaining the Restoration Policy on the proposed 2011 Triennial Review.

Response

The Aquatic Ecosystem Restoration Policy is included on the proposed 2011 Triennial Review Short List as Task 5.

13) Comment

On August 10, 2011 Denise Conners on behalf of Larry Walker Associates submitted a one page email querying staff on the placement of the proposed "Mixing Zone for Human Health Related Constituents" on the proposed 2011 Triennial Review list and the tentative adoption date.

Response

Staff has recommended that the Mixing Zone Policy be included on the proposed 2011 Triennial Review list as Task 8. This rank will likely result in the postponement of the development of this policy until after 2014.

14) Comment

In their August 23, 2011 letter, Neil Manji, Regional Manager for the Northern Region of the California Department of Fish and Game (CDFG) submitted comments relative to the development of three policies. The comments included a statement of support for the Stream and Wetlands Policy, a request that the State Implementation Plan (SIP) requirements for conditions regarding aquatic life be applied in the Mixing Zone Policy, and the support for maintaining temperature objective work as a high priority.

Response

The Mixing Zone Policy as envisioned by staff would not affect aquatic life as only human health related constituents and contaminant levels would be permitted in the zone. In other words, if aquatic life criteria are more stringent than human health related criteria, the application of a mixing zone would not be authorized.

Comments Related to Miscellaneous Issues

15) Comment

On May 12, 2011, Felice Pace submitted a one page email recommending that Regional Water Board staff develop a proposal to pay for the implementation of TMDL, timber and agricultural programs with user fees.

Response

This comment is outside the scope of a basin planning issue and was not recommended for inclusion on the proposed 2011 Triennial Review list.

16) Comment

In their June 1, 2011 letter, Coast Action Group recommended that non-industrial timber management plans (NTMPs) be suspended from the WDR and waiver programs and that assessment and decisions on compliance be made promptly.

Response

This comment is outside the scope of a basin planning issue and was not recommended for inclusion on the proposed 2011 Triennial Review list.

17) Comment

In their June 16, 2011 letter, Sonoma County Water Coalition recommended that non-industrial timber management plans (NTMPs) be suspended from the WDR and waiver programs and that assessment and decisions on compliance be made promptly.

Response

See response to Comment 16.

18) Comment

In their August 23, 2011 letter, Neil Manji, Regional Manager for the Northern Region of the California Department of Fish and Game (CDFG) submitted a comment relative to the development of road management plans.

Response

This comment is outside the scope of a basin planning issue and was not recommended for inclusion on the proposed 2011 Triennial Review list. However, staff agrees that the development of road management plans is an important tool in the control of sediment in the North Coast Region. Regional Water Board staff is working on development of road management plans through a number of different avenues, including ownership and/or watershed waste discharge requirements (WDRs), development of waiver of WDRs for county roads that are managed in conformance with the Five County Coho Program and a waiver for lands managed by the US Forest Services.

19) Comment

At the June 24, 2011 public workshop on the 2011 Triennial Review, Daniel Myers, representing the Redwood Chapter of the Sierra Club informed the Regional Water Board that the staff reductions over the past few years have resulted in the inability of staff to accomplish many necessary actions.

Response

Staffing issues are outside the scope of a basin planning amendment and consequently was not recommended for inclusion on the proposed 2011 Triennial Review list.

20) Comment

In a four page letter, dated August 24, 2011, Daniel Myers, on behalf of the Redwood Chapter of the Sierra Club again raised the issues of a lack of staff resources to accomplish needed work and the perception that litigation (or a court order settlement) is needed to get watershed work accomplished.

Response

Staffing issues are outside the scope of a basin planning amendment and consequently were not recommended for inclusion on the proposed 2011 Triennial Review list.

21) Comment

In their letter dated June 1, 2011, Coast Action Group stated that work in impaired waterbodies should direct staff workload and that all work should be in conformance with antidegradation policies.

Response

Staff agrees work in impaired watersheds should be a high priority and that implementation of antidegradation provisions should inform all staff and Regional Water Board actions. This issue is outside the scope of a basin planning amendment and consequently was not recommended for inclusion on the proposed 2011 Triennial Review list.