Proposed Amendment to Provide Exemptions to Point Source Prohibitions for Low Threat Discharges CEQA Scoping Meeting

Summary of Public Comments

Introduction

The North Coast Regional Water Quality Control Board (Regional Board) conducted a Public Workshop and California Environmental Quality Act (CEQA) Scoping Meeting on a proposed Basin Plan amendment in Santa Rosa, on August 4, 2005. The purpose of the proposed amendment is to address 1) 'Incidental Runoff' and 2) 'Low-threat discharges' as they relate to the current Basin Plan prohibitions. The existing language contained in the Basin Plan seasonal prohibitions does not make any allowance for cases such as these; therefore, unintentionally reducing the likelihood that recycled water will be used for irrigation and other uses due to the potential liability to dischargers. The proposed amendment should result in clearly defined exemptions to the prohibitions and should prevent degradation of waters of the North Coast Region so that beneficial uses are supported and water quality objectives are attained and maintained. The comments received during and following the meeting are summarized below.

Comments on Process

Agency Interaction

- State Agencies:

  A participant urged the Regional Board to look at other Regional Board's existing permits and programs to avoid creating redundant or contradictory regulations.

- State Legislature

  A participant asked that staff continue to mention that this proposed amendment would support the State Board's Water Reclamation Policy. In addition, they asked that staff also recognize that the legislature has passed a number of laws supporting water recycling and that the State's goal is to recycle 1 million acre feet per year.

Comments on Proposed Policy Framework

Use and Definition of Terms

- How will the term" incidental" be defined?
- What is meant by the term "urban runoff systems"?
- Where will the terms unintentional, of minimal flow and of minimal duration be defined, in the Basin Plan language or individual permit?
- Changing the name of wastewater to "recycled water" won't change its essence; it's the same substance that falls under extensive regulation because the risks are many and great.

Implementation

- How will incidents of runoff be regulated (i.e. reporting\and monitoring)?
- How will incidents be determined to be truly 'incidental'?
- Will each 'incident' be examined in a box?
- Urban irrigation projects are infamous for their run off problems. Most current control methods have been unsuccessful. How would the amendment address this?
- How can summer run off incidents be regulated under storm water permits? As it is, I have heard staff express difficulties in getting construction workers, in particular, to be sensitive to the problem.
- Also, the recent survey conducted by Data Instincts for the Russian River Watershed Association indicated that people are careless with irrigation and fail to see the importance of preventing runoff. It states on p. 6, "This is particularly a concern in regard to runoff after fertilizing, wherein 63% of those who have noticeable runoff after fertilizing are aware that it is hazardous for the environment---yet they continue the practice."
- It is highly questionable whether the adoption of best management practices will effectively address the issue unless individual NPDES permits are issued and carefully monitored.
- How will the potential cumulative impacts of 'low threat discharges' be fully addressed with consideration of the following circumstances:
    - Summer draught conditions and very low flow including:
        - increased draw downs of local water supply by urban areas;
        - legal and illegal agricultural withdrawals;

- dismantling of Potter Valley Project or decreased diversions;
- potential water exports to other areas;
- global warming;
- interaction with other Basin Plan regulations that exist or are being developed, such as sediment control, dissolved oxygen requirements and temperature limits;
- exacerbation of potential toxic discharges in low flow conditions;
- impact on Ludwigia problem?

Compliance with the California Toxics Rule:

- What pesticides and fertilizers are likely to enter surface waters as a result of irrigation runoff? How might this contribute to and exacerbate the Ludwigia and vector (West Nile) problems?
- Will there be a precedent setting impact on the mixing zone issue? (When, where and under what circumstances they will be allowed.)
- What is the potential for concentrated toxic accumulations under low flow conditions?
- How will you control such things as atrazine entering surface waters? This chemical is known to have more dire impacts on amphibians at low levels rather than high. What about pthalates that are often present in treated wastewater?
- What role might additional bacteria from incidental runoff play in the metholization of mercury occurring in ambient waters?
- Address issues of unregulated emerging pollutants such as pharmaceuticals and personal care products being discharged into waters with minimum assimilative capacity during summer.
- Unresolved mixing zone issue can exacerbate situation.

Comments on CEQA Analysis and Environmental Factors

Environmental Factors

- Aesthetics: No comments received.
- Agricultural Resources: No comments received.
- Air Quality: No comments received.
- Biological Resources:
  - Incidental runoff is just one more threat to the Russian River which is so precious to us all.

- Request to tighten regulations so as not to allow further degradation of the Laguna and Russian River and to protect the salmonids and wildlife.

- Treated sewage contains detergents like nonyl phenoly that that have been shown to disrupt the Salmonid breeding cycle by mimicking hormones.

- Incidental Runoff is not incidental. Runoff is one of the principal reasons the Ludwidgia is thriving in the Laguna.

- Please address the issue of salts in wastewater and its impact on the environment and agriculture.

- Cultural Resources: No comments received.
- Geology and Soils: No comments received.
- Hazards and Hazardous Materials:
  - Would like to see a tightening of regulations so that any amount of harmful substances entering a waterbody would constitute a violation of a permit.

- Hydrology and Water Quality:
  - Allowing such an amendment would constitute “backsliding” and make enforcement of water quality standards more difficult.

  - The cumulative effects of runoff may lead to significant pollution of the Russian River.

  - The proposed amendment would lead to further eutrophication of the Laguna de Santa Rosa, perpetuating the West Nile Virus problem.

  - Non-point source pollution is a huge problem that demands all of us to rethink our habits. No discharges have been allowed in the Russian River between May and October for more than 30 years, resulting in an improvement in water quality. Let’s keep the river as healthy as we can during these months of increased tourism and river activity.

  - The Basin Plan Amendment would simply legalize runoff violations and possibly give motivation to more careless practices.

  - It is highly questionable whether the adoption of best management practices will effectively address the issue unless individual NPDES permits are issued and carefully monitored.

- Land Use and Planning: No comments received.
- Mineral Resources: No comments received.
- Noise: No comments received.
- Population and Housing: No comments received.
- Public Services:
    - The proposed amendment would eliminate any incentive for the Sonoma County Water Agency to prevent its repeated violations.
- Recreation: No comments received.
- Transportation/Traffic: No comments received.
- Utilities and Service Systems: No comments received.

Alternatives

- The focus should fall on much more stringent conservation measures in the private and public sector.
- it would be far wiser policy to achieve consistency by PROHIBITING irrigation runoff throughout the State.

Contact Information

For more information about the proposed amendment, or to submit comments, you can contact Lauren Clyde at LClyde@waterboards.ca.gov or 707-576-2674. Additional information can also be found on the Regional Board website at http://www.waterboards.ca.gov/northcoast/ programs/basinplan/