

**INITIAL
STAFF REPORT**

**for the
2007 Triennial Review
of the**

Water Quality Control Plan for the North Coast Region

June 18, 2007



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Table of Contents

INTRODUCTION	1
BACKGROUND	1
TRIENNIAL REVIEW PROCESS	2
TRIENNIAL REVIEW SCHEDULE	3
ASSESSMENT OF THE BASIN PLAN	3
A. STATUS OF 2004 PRIORITY LIST WATER QUALITY ISSUES PRIORITIZED BASIN PLANNING ISSUES BY CATEGORY	4
I. Stream Protection and Management	
II. Water Quality Standards	
III. Updates of Regulatory Programs	
IV. Non-Regulatory Changes	
B. IDENTIFICATION OF NEW WATER QUALITY ISSUES FOR CONSIDERATION OF THE 2007 PRIORITY LIST	22
I. Summary	25
APPENDICES:	
1. Resolution R1-2004-0071 adopting the 2004 Triennial Review Priority List	
2. Triennial Review Schedule 2007	
3. Triennial Review Issues Worksheet	
4. TMDL Information (4A - 4D)	

I. INTRODUCTION

This initial staff report for the 2007 Triennial Review of the *Water Quality Control Plan for the North Coast Region* (Basin Plan) is a preliminary assessment by staff of the North Coast Regional Water Quality Control Board (Regional Water Board) of the adequacy and inadequacies of the Basin Plan, as amended on January 2007. This report contains a brief background of basin planning, a description of the Triennial Review process, the schedule for the 2007 Triennial Review, as well as Regional Water Board staff's assessment of the Basin Plan.

The staff assessment is presented in two distinct sections. The first section describes the status of the 2004 Triennial Review Priority List issues. The issues included on the 2004 priority list have been categorized under the following headings:

- Stream Protection and Management
- Water Quality Standards
- Updates to Regulatory Programs
- Non-regulatory Changes

The second section identifies additional water quality issues that have been brought to staff's attention as important for the Regional Water Board's consideration during the 2007 Triennial Review.

The Regional Water Board staff is currently soliciting comments, recommendations and requests from interested stakeholders and the general public. The Triennial Review of the Basin Plan, associated public workshop, and final Regional Water Board hearing will all be publicly noticed.

The 2007 Priority List adopted by the Regional Water Board will direct the planning efforts of staff for the next three years. As staffing and budget allow, the Regional Water Board will consider each of the water quality issues identified on the Priority List for Basin Plan amendment. Subsequently, and separate from the Triennial Review process, the Regional Water Board will consider each proposed Basin Plan amendment using public hearings and the California Environmental Quality Act functional equivalent process. This will allow the Regional Water Board to consider each potential basin plan amendment on its own merits and to receive public input on specific issues.

II. BACKGROUND

Water quality control plans (basin plans) provide the basis for protecting water quality in California. Basin plans are mandated by both the Federal Clean Water Act (CWA) and the State Porter-Cologne Water Quality Act (Porter-Cologne).

Sections 13240-13247 of Porter-Cologne specify that regional basin plans shall include the following:

- Beneficial uses of waters in the region.
- Water quality objectives, which, in the judgment of the Regional Water Board, will ensure the reasonable protection of beneficial uses and the prevention of nuisance conditions.
- The program of implementation for achieving water quality objectives, including a description of the nature of actions which are necessary to achieve the objectives, time schedules for the actions to be taken, and a description of surveillance to be undertaken to determine compliance with objectives.

The North Coast Regional Water Board adopted its first interim basin plans in 1971. These were followed in 1975 by a comprehensive *Water Quality Control Plan for the Klamath River Basin (1A)* and a comprehensive *Water Quality Control Plan for the North Coastal Basin (1B)*. In 1988, the Regional Water Board combined and updated the two comprehensive plans and their abstracts into a single *Water Quality Control Plan for the North Coast Region*. The Regional Water Board has amended the Basin Plan numerous times between 1975 and 2007.

III. THE TRIENNIAL REVIEW PROCESS

Section 13240 of Porter-Cologne and Section 303 (c)(1) of the CWA require a review of basin plans at least once during each three-year period to keep pace with changes in regulation, new technologies, policies, and physical changes within the region. The Regional Water Board is responsible for this review, and is required to:

- 1) Identify those portions of the Basin Plan which are in need of modification or new additions;
- 2) Adopt standards as appropriate; and
- 3) Recognize those portions of the Basin Plan which are appropriate as written.

The review process includes a public workshop and a comment period to identify issues of water quality concern, which may be remedied by revision of the Basin Plan. After public input is received, the Regional Water Board's role in the Triennial Review process is to determine if Basin Plan revisions are needed, and to set forth a priority list and schedule for consideration of the needed Basin Plan revisions.

At the conclusion of the Triennial Review, the Regional Water Board will adopt a resolution which:

- 1) Summarizes those sections of the Basin Plan the Regional Water Board has determined to be appropriate and accurate; and
- 2) Sets forth a prioritized list of potential revisions to the Basin Plan.

Appendix 1 is the Regional Water Board Resolution No. R1-2004-0071, including the adopted priority list of issues that resulted from the Regional Water Board's 2004 Triennial Review.

IV. 2007 TRIENNIAL REVIEW SCHEDULE

The second step of the review process includes a public workshop, during which the Regional Water Board will receive recommendations for changes to the Basin Plan from the public. The public comment period will be open from the release of this Staff Report, on June 18, 2007, through September 21, 2007. A public workshop is scheduled to occur in Yreka on July 25, 2007. Appendix 2 contains the proposed 2007 Triennial Review Schedule.

Following the July workshop, Regional Water Board staff will prepare a final staff report and workplan which summarizes the input received from the public during the solicitation period. The final report will outline a proposed priority list of potential Basin Plan amendments and a work schedule for year 2007 through 2010 for the Regional Water Board's consideration. This report is scheduled for release to the public in late August 2007.

The adoption hearing is scheduled to be held during the October 2007 Board meeting. At that time, the Regional Water Board may adopt the 2007 – 2010 Priority List proposed by staff, adopt a revised priority list, or extend the public hearing for further consideration and adoption at a later date.

After the priority list is adopted, the Regional Water Board will submit it to the State Water Resources Control Board (State Water Board), which will in turn forward the results of the Triennial Review to the U.S. Environmental Protection Agency (USEPA) for approval.

V. ASSESSMENT OF THE BASIN PLAN

The regional Basin Plans are the most important and useful planning documents available to Regional Water Boards, their staff and external stakeholders. To be effective the Basin Plan has to remain relatively current and reflect changing needs through routine updates. The North Coast Basin Plan was last updated in January 2007 when the Shasta River TMDL Action Plan was added to the Basin Plan. However, due to limited contract funding and staff resources (currently 1.7 staff positions are available for planning activities in the North Coast Region)

some sections of the Basin Plan have not been updated since it was first adopted in 1971. In addition, high priority issues, including watershed level planning and the development of TMDL action plans, will continue to entail time-consuming amendments of the Basin Plan during the next three years.

A. STATUS OF 2004 PRIORITY LIST OF WATER QUALITY ISSUES

During the 2004 Triennial Review, the Regional Water Board identified and prioritized a total of thirty water quality control issues, which would require amendment of the Basin Plan. That list, included as Appendix 1, also set forth an estimated schedule of work to be completed by fiscal year 2007 as detailed in the Triennial Review Staff Report and Workplan, dated August 19, 2004.

The following sections of this report identify and categorize issues that were prioritized by the Regional Water Board during the 2004 Triennial Review. Each heading contains a brief summary of the issues and concludes with a recommendation (*in italics*) as to the appropriateness of maintaining the issue on the 2007 Triennial Review. Issues that are similar, or that have overlapping concepts may have been combined for the purpose of efficiency.

▪ STREAM PROTECTION AND MANAGEMENT

Regionwide Sediment Amendment (2004 Priority 1)

The development of a regional plan to control sediment waste discharges was identified as one of the highest planning priorities for the North Coast Region during both the 2001 and 2004 Triennial Reviews due to the widespread impairment of beneficial uses of water in the region from excess sediment. In 2001, staff began development and public outreach on a proposal to amend the Basin Plan by developing an effective regionwide sediment waste discharge prohibition and implementation plan. CEQA scoping meetings on the proposed amendment were held in October 2004. Staffing losses and rotations, as well as the significant public interest in the amendment language slowed the process. Staff and the Regional Water Board re-engaged in the proposed amendment in late 2006, in part due to direction from the State Water Board, as expressed in their resolution approving the Scott River Sediment Total Maximum Daily Load (TMDL). In this resolution, the State Water Board supported the North Coast Water Board's efforts to address sediment impairments through development of a region-wide sediment discharge control policy

Under Regional Water Board direction, staff has been working with a committee of Regional Water Board members to develop draft Basin Plan language. This draft proposal was distributed and discussed at the June 13, 2007 Regional Water Board meeting. Following the June meeting, and based on concurrence

from the Regional Water Board, staff proposes to hold a public workshop at the July 2007 Regional Water Board meeting to formally present the proposal to both the Board and the public. In late August 2007, staff intends to formally notice the release of the amendment language, staff report and other environment documents as well as a notice on the proposed adoption hearing date. The 45-day comment period required by law would result in an adoption hearing scheduled in October or December 2007.

Recommendation: *If the schedule described above is met, remove this issue from the 2007 Triennial Review consideration. If not, prioritize this issue as part of the 2007 Triennial Review.*

Complete a Basin Plan Amendment for the Protection of Cold Water Salmonid Habitat (2004 Priority 4)

To support the development of a new narrative objective for the protection of the cold water salmonid habitat (COLD) beneficial use, a literature review of instream salmon habitat requirements related to sediment was conducted by planning staff with funds provided under a contract with the Sonoma County Water Agency. The literature review, known as the *Salmonid Freshwater Habitat Desired Conditions for Sediment-Related Indices* or the Desired Conditions Report, was completed in July 2006. This report contains numeric desired condition values for benthic macroinvertebrates, embeddedness, large woody debris, pool distribution, percent fines, thalweg profile, and V*. Early staff work and research specific to the Russian River watershed, which was completed prior to the region-wide approach of the Desired Conditions Report, was compiled into the *Overview of the Russian River Watershed, its characteristics, salmonid populations, and sediment and salmonid habitat water quality concerns*.

This issue was originally considered as a Basin Plan Amendment; however, by keeping the desired conditions out of the Basin Plan, staff are able to update and revise them easily as new information and data become available. The utility of this is appreciated even now as staff is currently working on a second revision to the Desired Conditions Report. Second, staff would like to see more robust data sets collected over the next several years from reference streams before considering them as water quality objectives. Staff believes that this issue has been adequately addressed with the completion of the Desired Conditions Report. This issue will also be addressed by using appropriate numeric criteria in the interpretation of narrative objectives under the Narrative Water Quality Objectives Policy issue.

Recommendation: *Remove this issue from the 2007 Triennial Review.*

Amend Section 4. Implementation Plans to Include TMDL Implementation Strategies (Action Plans) for 303(d) Listed Waterbodies (2004 Priority 6)

Completed TMDLs and TMDL implementation plans need to be incorporated into the Basin Plan, even if they are initially adopted or established through a

regulatory process that is not a basin plan amendment. This is in compliance with Section 303(d)(2) and 303(e)(3) of the Clean Water Act and with the State Water Board's *Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options*. When TMDLs and TMDL implementation plans are incorporated into the Basin Plan, they are known as TMDL action plans.

There are five types of projects that will be discussed as part of this issue:

1. TMDLs Action Plans that have been completed by Regional Water Board staff (those with and without implementation plans) that need to be incorporated into the Basin Plan.
2. TMDL Action Plans that are currently underway, at the Regional Water Board level, that will need to be incorporated into the Basin Plan.
3. USEPA established TMDLs that still require development of an implementation plan, followed by addition to the Basin Plan.
4. TMDLs that have not been developed to date.
5. Completion of the *Workplan for Regional Water Board Tasks to Control Sediment Waste Discharges in Sediment-Impaired Watersheds, as required by the Sediment TMDL Implementation Policy (Resolution R1-2004-0087)*.

1. Completed TMDL Action Plans

Sediment TMDLs and TMDL implementation plans have been developed and adopted by the Regional Water Board for seventeen sediment-impaired waterbodies to date. These TMDLs and TMDL implementation plans need to be added to the Basin Plan. A list of these TMDLs can be found in Appendix 4-A.

The Basin Plan has already been updated to include the Garcia River Sediment TMDL Action Plan, the Scott River Sediment and Temperature TMDL Action Plan, and the Shasta River Dissolved Oxygen and Temperature TMDL Action Plan. Both the Scott and Shasta TMDL Action Plans were amended into the Basin Plan during the 2004 - 2007 planning horizon. The Salmon River TMDL is being implemented under a single permitting action (proposed memorandum of understanding with the U. S. Forest Service).

2. TMDL Development Underway

Regional Water Board staff are currently developing several TMDL Action Plans as basin plan amendments. A list of these TMDL Action Plans can be found in Appendix 4-B. Staff is currently on track with the TMDL schedule. However, the Klamath River Nutrient, Temperature, and Dissolved Oxygen TMDL Action Plan, which is currently being developed by Regional Water Board staff, was originally scheduled to be completed by the end of 2008 (under the court-mandated consent decree). Due to the complex nature of the Klamath River Basin, a time extension for this TMDL is being negotiated between USEPA and the plaintiffs. Staff from the TMDL and Basin Planning Units are currently working together on the development of the Klamath River TMDL and Implementation Plan.

3. USEPA Established TMDLs

TMDLs promulgated by the USEPA are not currently required under the Clean Water Act to include TMDL implementation plans. As such, none of the TMDLs developed by USEPA contain measures to ensure restoration and protection of beneficial uses. This includes the nutrient TMDL USEPA is developing for the Lower Lost River, a tributary of the Klamath River.

Seven TMDLs have been established by the USEPA, but implementation plans have not been developed for these waterbodies. TMDL implementation plans need to be developed and then added to the Basin Plan along with the TMDLs for these waterbodies. A list of these TMDLs can be found in Appendix 4-C.

4. Future TMDL Development

There are a large number of additional TMDLs and TMDL implementation plans which have not been developed to date. These TMDLs and TMDL implementation plans need to be developed and added to the Basin Plan. A list of these TMDLs can be found in Appendix 4-D.

The Regional Water Board has not yet provided direction to staff on development of implementation actions or strategies for most of the other non-sediment listed water bodies, such as the temperature impaired watersheds. Staff recommends that this issue be addressed at least in part, with the adoption of the regionwide stream and wetland systems protection policy currently under development by the North Coast and San Francisco Regions. The State Water Board also affirmed the need for such a regionwide policy in their resolution approving the Scott River Temperature TMDL (Resolution No 2006-0046).

5. Sediment TMDL Implementation Policy (Resolution R1-2004-0087)

Regional Water Board staff are currently developing the *Workplan for Regional Water Board Tasks to Control Sediment Waste Discharges in Sediment-Impaired Watersheds*, which will describe in detail the implementation actions needed for all the sediment impaired watersheds in the Region. The Regional Water Board adopted the Sediment TMDL Implementation Policy, Resolution R1-2004-0087, directing staff, in part, to develop this workplan to provide implementation strategies for all the sediment impaired TMDL water bodies that do not have Action Plans in the Basin Plan. The workplan will be released for Regional Water Board and public review in September 2007.

Recommendation: *Reaffirm the importance of the stream and wetland system policy as a temperature TMDL implementation strategy by maintaining policy as a high priority in the 2007 Triennial Review. Prioritize this issue for the other impairments, such as nutrients, during the 2007 Triennial Review.*

Stream and Wetlands System Protection Policy (2004 Priority 8)

Staff of the North Coast and San Francisco Bay Regional Water Quality Control Boards are developing proposed amendments to their respective Basin Plans that will provide protection to stream and wetlands systems, including riparian areas and floodplains. This project is funded under a multi-year grant from USEPA. A single Stream and Wetlands System Protection Policy will be proposed for Basin Plan adoption in the both the North Coast and San Francisco Bay Regions to improve regulatory consistency. The Policy is intended to serve as a model for other Regional Water Boards and for the state in the protection of water quality.

The State Water Board held CEQA scoping meetings in Sacramento and Los Angeles in April 2007 to receive public comment on four proposed alternatives regarding stream and wetland system protection. Staff from the State Water Board, the North Coast Region, and San Francisco Bay Region are collaborating on the development of a recommended approach which would describe the portions of the policy that will best be addressed at the statewide level and those best addressed at the regional level.

Recommendation: *Reaffirm the regional importance of this task by maintaining this project as a high priority in the 2007 Triennial Review.*

Russian and Eel River Priorities (2004 Priority 14)

At the Adoption Hearing for the 2004 Triennial Review Priority List, the Regional Water Board directed staff to add a priority category relative to consideration of Russian and Eel River priorities. The primary issues of concern are related to adoption of freshwater bacteria objectives for the Russian River and the issue of instream flows in both the Eel and the Russian Rivers.

This issue does not define a specific basin planning project and as such staff recommends removal from the list of issues to be considered as part of the 2007 Triennial Review process. These issues should be defined relative to each of the waterbodies and their specific issues

Recommendation: *Remove from 2007 Triennial Review consideration.*

Consider a Policy Addressing In-Stream Flow Issues (2004 Priority 15)

Maintenance, protection and restoration of beneficial uses of water require adequate in-stream flows during critical periods. This issue has been raised as a concern in TMDL stakeholder meetings and various other forums, including the 2001 and 2004 Triennial Reviews. Improved coordination between the Regional Water Boards and the Division of Water Rights remains a high priority for Regional Water Board staff and external stakeholders as express during the recent strategic planning session held for stakeholders and staff. The need to maintain adequate instream flow was identified in both the Scott and Shasta TMDLs adopted by the Regional Water Board during the last triennial review

period (2004 to 2007). This issue has also been identified as crucial to the development of the Klamath River TMDL for dissolved oxygen, nutrients and temperature and will likely be incorporated in the TMDL.

Recommendation: *Prioritize a regionwide narrative objective for instream flow as part of the 2007 Triennial Review.*

Amend the Basin Plan to Include Applicable Actions Plans, including an Action Plan for Gravel Mining (2004 Priority 24)

Activity-based or land use specific programs (as opposed to watershed scale TMDL Action Plans) can address a range of issues associated with the protection of water quality. Activity-based action plans can be a viable strategy in protection and restoration of water quality in the region's waterbodies. This approach could be useful in addressing a number of NPS activities such as agricultural activities (i.e. vineyards, orchards, or row crops), grazing, construction, and confined animal facilities. The Basin Plan would need to be updated to include these action plans once they were adopted by the Regional Water Board. As part of the proposed regionwide sediment amendment, staff is developing an action plan (or implementation plan) to address the discharge of excess sediment in the region.

During the 2004 Triennial Review, the consideration of developing an Action Plan for Gravel Mining was included as a priority. Regional Water Board staff is required to issue water quality certifications (CWA section 401) for in-stream gravel mining projects under the U.S. Army Corps Section 404 permitting process. These certifications include monitoring plans to measure turbidity, channel morphology changes, and other parameters. Staff believes that gravel mining is adequately addressed under the 401 Water Quality Certification Program.

An alternative strategy might be to develop land use specific waste discharge requirements (WDRs) or waivers of WDRs for those activities that met specified conditions.

Recommendation: *Evaluate the various strategies available (e.g. Action plans, waivers, WDRs) and prioritize as part of the 2007 Triennial Review.*

Consider Updating the Garcia River TMDL Implementation Plan (2004 Priority 30)

The language contained in the Basin Plan in the Garcia River TMDL Action Plan states that "Interested persons will have the opportunity to comment on the progress of the Action Plan at watershed meetings, and to the Regional Water Board at least once every 3 years, at which time the Regional Water Board shall determine if there is sufficient progress toward implementation of erosion control and management activities, as well as movement towards attainment of the Numeric Targets described in the Action Plan" (p. 4-52.00). Periodic updates by

both staff and interested parties have been given to the Regional Water Board since the TMDL was originally adopted. The Regional Water Board has not directed staff to revise the TMDL during any of the numerous updates as significant progress appears to be being made in achieving restoration of the beneficial uses of water.

Recommendation: Remove this issue from the 2007 Triennial Review.

▪ WATER QUALITY STANDARDS

Consider Revisions to the Water Quality Objectives for Dissolved Oxygen and Temperature (2004 Priority 4).

This issue was raised by Regional Water Board staff as a carry-over issue from the last four Triennial Reviews. Specific Water Quality Objectives for the North Coast Region are set forth in Table 3-1 of the Basin Plan. Objectives for Dissolved Oxygen (DO) and temperature may not be protective of the Cold Freshwater Habitat (COLD) beneficial use and are therefore, in need of update. A review completed under contract with Sonoma County Water Agency (SCWA) in August 2000, recommended updating the temperature and dissolved oxygen water quality objectives with biologically-based criteria that would be protective of salmonids. Under the agreement with SCWA, staff reviewed literature sources and developed draft temperature and dissolved oxygen objectives based on salmonid life stages. While this effort was initially targeted toward the Russian River watershed, staff found that the draft objectives are applicable to salmonids throughout the North Coast Region and efforts shifted toward adopting a regionwide amendment to the Basin Plan. The proposed regionwide objectives are anticipated to remain the same as those developed for the Russian River watershed. Staff plans to complete the regionwide amendment to revise the temperature and dissolved oxygen water quality objectives as time and priorities planning tasks allow. The work that will be completed to develop DO and temperature objectives for the Klamath River TMDL will also be useful toward developing objectives for other waterbodies in the region.

Recommendation: Prioritize this issue during the 2007 Triennial Review.

Update Freshwater Bacteria Objectives (2004 Priority 5)

The Basin Plan water quality standards include only total and fecal coliform bacteria as indicators. In 1986, USEPA published 304(a) water quality criteria for bacteria in which they recommend the use of *Escherichia coli* (*E. coli*) and enterococci rather than fecal coliform for the protection of primary contact recreation (REC-1) in marine/coastal waters. The epidemiological data, upon which the national criteria are based, suggest that these bacterial indicators are better correlated to water contact-exposure related health effects. In addition, USEPA's Action Plan for Beaches and Recreational Waters (EPA/600/R-98/079,

March 1999) required all states, by 2003, to adopt bacterial standards that are consistent with the USEPA guidance. The State Water Board began working on this issue in 2005. A sub-contractor recently completed a draft bacteria policy alternatives discussion document. The next steps will include two CEQA Scoping meetings, which State Board Staff expect to hold in late summer/early fall of 2007. A LYRIS email list has been set up for those who wish to receive information and notices on the development of the proposed standards. Contact Stephanie Rose (SRose@waterboard.ca.gov) at the State Water Board to be added to the LYRIS notification list.

Recommendation: *Prioritize this issue during the 2007 Triennial Review based on delay of State Water Board's work on this high priority issue.*

Add Water Quality Objectives for Ammonia (2004 Priority 9)

USEPA published the Update of Ambient Water Quality Criteria for Ammonia in 1999. This contains USEPA's most recent freshwater aquatic life criteria for ammonia, superseding all previous USEPA freshwater criteria for ammonia. The 1999 Ammonia Update pertains only to freshwater. It does not change or supersede the USEPA's aquatic life criterion for ammonia in salt water, published in Ambient Water Quality Criteria for Ammonia (saltwater) in 1989.

In July 2004, USEPA notified the public of their intent to re-evaluate the existing aquatic life criteria for ammonia to determine if a revision was warranted based on new toxicity data for aquatic organisms. They also solicited additional pertinent toxicity data or information that could be useful in re-evaluating those criteria. The fact sheet for the 2004 re-evaluation notice can be found on U.S. EPA's website at: www.epa.gov/waterscience/criteria/ammonia/.

The U.S. Fish and Wildlife Service (USFWS) determined that USEPA's 1999 ammonia criteria might not be fully protective of some aquatic organisms, specifically fresh water mussels. In response, USEPA and the USFWS formed a technical evaluation team. The evaluation process included a request for submittal of all available relevant data and information. USEPA is still in consultation with USFWS on this issue. Therefore, if USEPA is asked to act on a State's submission of ammonia criteria, they will defer to the Endangered Species Act consultation pending completion of the National Consultation.

Recommendation: *Prioritize this issue during the 2007 Triennial Review, as the North Coast Region is currently lacking water quality objectives for ammonia.*

Consider Specific Objectives for Nutrients (2004 Priority 10)

USEPA developed nutrient criteria for lakes, streams, and wetlands for several ecoregions in the United States. The North Coast Region lies largely within Ecoregion II. Nutrient criteria have been developed for this ecoregion. USEPA has also issued criteria development guidance for states and tribes to develop and adopt nutrient criteria, absent means for developing their own criteria. A Basin Plan amendment is necessary to adopt revised objectives for nutrients.

***Recommendation:** Prioritize this issue during the 2007 Triennial Review.*

Consider a Policy Describing Implementation of Narrative Water Quality Objectives for Surface and Groundwater (2004 Priority 11)

Currently, the Basin Plan has several narrative objectives for ground water. Aside from the Onsite Waste Treatment and Disposal System policy, there is very little language in the implementation chapter describing how the Regional Water Board will ensure protection of these objectives. The implementation chapter does contain discharge prohibitions and other specific language that limits waste discharge to surface waters within the Region. The result of this is that a wide variety of domestic, industrial, agricultural and other wastes are applied to land. These discharges have the potential to violate ground water objectives. As a result of development more and more land discharge of wastes will likely occur.

The Central Valley Regional Water Board adopted an amendment addressing this issue in 1998. Their amendment language clearly explains how staff implement narrative water quality objectives identifying numeric limits for receiving water to be considered in Board orders, through water quality standards, water quality criteria, implementation plans, and limits based on relevant numerical water quality criteria and guidelines from other agencies and organizations. Staff believes that this information would be very beneficial to the North Coast Region and should be considered as a Basin Plan Amendment.

***Recommendation:** Prioritize during the 2007 Triennial Review.*

Update the Water Quality Objectives for Groundwater (2004 Priority 13)

The Basin Plan currently contains four general water quality objectives for groundwater: taste and odor, bacteria, radioactivity, and chemical constituents. No groundwater objectives for toxicity or pesticides are currently contained in the Basin Plan. These objectives are applicable to groundwater (which may include uses such as municipal or domestic water supply, irrigation or aquaculture), as well as to surface waters, and should be amended in the groundwater objectives in the Basin Plan.

***Recommendation:** Prioritize this issue during the 2007 Triennial Review.*

Add Biocriteria Objectives (2004 Priority 18)

Development of biological criteria (biocriteria) was identified in USEPA's *Water Quality Criteria and Standards Plan* (EPA 822-R-98-003, June 1998) as one of six priority objectives for the water quality standards program for this decade. USEPA Region IX's Biocriteria Plan, consistent with these priorities, seeks to work with states through grants and technical assistance to ensure progress in realizing the full potential of bioassessments and biocriteria for managing water quality and protecting aquatic life in all water bodies. USEPA has indicated that the Regional Water Boards should develop bioassessment and biocriteria consistent with their technical guidance.

Recommendation: *Prioritize this issue during the 2007 Triennial Review.*

Update the Beneficial Use Chapter (2004 Priority 20)

The beneficial use Basin Plan Amendment, adopted by the Regional Water Board in June 2003, included definitions of five additional beneficial uses of water. However, an additional amendment to Chapter 2 of the Basin Plan is still required as staff resources were insufficient to complete a comprehensive update during that time. The following additional items remain to be completed.

- Add designations for the new Subsistence Fishing use to specific Hydrologic Areas (HAs) and Hydrologic Sub-areas (HSAs) (Table 2-1).
- Add additional designations for the new Native American Cultural use to specific HAs and HSAs (Table 2-1).
- Delineate wetlands in the region and add designations for specific wetland areas to Table 2-1.
- Delineate groundwater basins in the region and designate beneficial uses to the specific basins in Table 2-2.
- Participate in a statewide review of beneficial uses.

Recommendation: *Prioritize this issue during the 2007 Triennial Review.*

Develop Basin Plan Language Requiring Waste Discharges to Comply with the California Toxic Rule and Consider Revision to the Water Quality Objective for Toxicity (2004 Priority 21)

This issue was first raised by Regional Water Board staff during the 1998 Triennial Review. The Compliance Schedule Amendment addressed a portion of this issue, which was adopted by the Regional Water Board in March 2004 and approved by USEPA in November 2006. Several other issues contained under this topic can be addressed with the Editorial Basin Plan Amendment, as they are non-regulatory in nature. These non-regulatory issues include:

- Add a reference to the USEPA protocol for determining toxicity substituting the phrase "*using the most up to date lab procedures*" rather than citing a specific reference.
- Update the citation to "Standard Methods for the Examination of Water and Wastewater" (page 3 – 4.00).

- Include numeric criteria for the referenced priority pollutants. Language can be added to reflect criteria that are updated on a regular basis.

The remaining tasks associated with this issue would require a basin plan amendment. These issues include:

- Updating the narrative criteria for toxicity.
- Adding a discussion of chronic toxicity to explain that limits should be developed using both acute and chronic, bioassays. The current language states “effluent limits based on acute bioassays of effluents will be prescribed.” This language does not reflect the need to also consider the results of chronic toxicity bioassays. The language should be modified to reflect that effluent limits will be prescribed based on bioassays of effluent.

Recommendation: *Separate the issues into regulatory and non-regulatory categories. Prioritize regulatory issues during the 2007 Triennial Review. Transfer non-regulatory issues to the editorial amendment task.*

Review Chemical Objectives in Section 3. Water Quality Objectives (2004 Priority 21)

In reviewing the City of Santa Rosa’s comments in 1998, Regional Water Board staff recognized that the Title 22 limitations specified in Table 3-2 of the Basin Plan are outdated. In 1998, staff recommended that this section of the Basin Plan be revised to include a general reference to the tables in Title 22 that contain chemical objectives and to remove the specific objectives from the Basin Plan. Staff proposes to reference the extensive tables provided in the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, March 2, 2000*, which implements the California Toxics Rule. Staff does not see the need to duplicate the California Toxics Rule water quality numeric objectives within Table 3-2 of the Basin Plan. The term advanced waste treatment (AWT) should also be defined as part of this update.

The issue of outdated references and the need for general language to address the most recent version of Title 22 can be accomplished with the Editorial Amendment. Definition of terms can also be accomplished with the Editorial Amendment. The remainder of this issue could be accomplished under the Narrative Water Quality Objectives Policy issue.

Recommendation: *Transfer non-regulatory issues to the editorial amendment task. Remove from the 2007 Triennial Review consideration.*

Consider Seasonal Beneficial Uses and Objectives (2004 Priority 22)

This issue was added during the 2004 Triennial Review based on comments received from the California Department of Transportation (CDOT). CDOT requested consideration of an amendment to the Basin Plan to recognize the

inevitable water quality changes during wet weather. An approach suggested by CDOT was a different type of evaluation of compliance for storm water focusing on whether beneficial uses are being impacted rather than on numeric exceedance of objectives. CDOT suggested that a numeric exceedance could be used to trigger a subsequent evaluation of effects on beneficial uses.

Recommendation: *Prioritize this issue during the 2007 Triennial Review.*

Add Objectives for Total Residual Chlorine (2004 Priority 29)

USEPA's *Ambient Water Quality Criteria for Chlorine*, (USEPA 440/5-84-030) guidance was published in January 1985. State Water Board staff are working on proposed language to adopt USEPA's 304(a) total chlorine residual criteria for inland surface waters, enclosed bays and estuaries. Implementation measures to meet the objectives will also be proposed for adoption. In 2006 State Board staff developed a Substitute Environmental Document, including amendment language and a staff report, on this issue. The public and Regional Water Boards will be asked to provide written comments following completion of the economic review. A public hearing on the proposed policy was held on June 19, 2006. Staff is investigating continuous chlorine meter technology and potential alternatives to compliance determination for the policy. Limited on-site studies are being conducted to help determining feasible reporting limits for continuous chlorine and sulfite analyses. Contact Regina Linville at the State Water Board (RLinville@waterboards.ca.gov) for more information.

Recommendation: *Prioritize this issue during the 2007 Triennial Review as it will be necessary to update the Basin Plan once the state-wide objectives are approved by USEPA.*

▪ **UPDATES OF REGULATORY PROGRAMS**

Low Threat Discharge Amendment (2004 Priority 3)

Regional Water Board staff finds there are categories of periodic, low volume discharges to surface waters that have a low threat to water quality. The Low Threat Discharge Basin Plan Amendment is necessary to provide exceptions to the Basin Plan point source prohibitions for discharges that can be demonstrated as having a low impact on water quality and for which there are no other reasonable discharge alternatives.

The federal Clean Water Act requires that point source discharges of pollutants to waters of the United States be permitted in accordance with the National Pollutant Discharge Elimination System (NPDES). The Basin Plan contains seasonal prohibitions against all point source discharges to certain surface waters during the period May 15 to September 30 of each year. Year-round prohibitions are included for discharges to other specified waterbodies. There

are certain types of periodic, low volume discharges to surface waters that will pose a low threat to water quality. Examples of such discharges include, but are not limited to, incidental irrigation runoff of recycled or potable water, construction dewatering, groundwater well development discharges, and discharges resulting from disinfection of water supply infrastructure.

Recommendation: *An amendment to the Basin Plan to address this issue is underway and is tentatively scheduled to be considered by Board in March 2008.*

Consider Including a Policy Regarding Water Quality-Based Effluent Limitations and Mixing Zones (2004 Priority 7)

The Clean Water Act allows mixing zones at the discretion of the State, and USEPA recommends that States have a definitive statement in their standards on whether or not mixing zones are allowed. The State Implementation Policy (SIP) allows for the use of mixing zones as they relate to regulation of the priority toxic pollutants, at the same time recognizing that it is within the Regional Water Board's authority to allow the use of mixing zones in pollution control. This Regional Water Board has historically declined to allow the use of mixing zones for dilution of wastewater discharges.

As this issue was identified as a high priority during the 2001 Triennial Review, the Regional Water Board entered into a contract funded by the Water Recycler's (consisting of the City of Healdsburg, City of Santa Rosa, City of Ukiah, Town of Windsor, and the Sonoma County Water Agency) through a contract with the Association of Bay Area Governments to develop a Basin Plan policy related to mixing zones and possibly effluent limitations. This contract was dissolved in 2005 when the parties involved could not come to a mutual agreement on the direction of Policy development.

A new policy, more limited in scope, allowing for conditional mixing zones for point source discharges should be considered. The policy would be focused only on pollutant limits intended to protect municipal supply (nitrates, chlorine breakdown products, etc). Examples of where limitations would be set, might include: a mixing zone established at a wastewater outfall that would be of limited size and would not be located near any existing or potential drinking water intake. This amendment would be less staff intensive than the one explained above.

Recommendation: *Prioritize this issue (as detailed in the last paragraph), in place of the issue considered in 2004, during the 2007 Triennial Review.*

Develop a Road Management Policy (2004 Priority 16)

Staff believes that the development of a regional road management policy would provide useful guidance to both external stakeholders and Regional Water Board staff in protecting the beneficial uses of water from sediment waste discharges associated with road construction, maintenance and use. The policy should require that road construction, reconstruction, maintenance, decommissioning,

and temporary road abandonment be conducted in such a way as to: (1) prevent and minimize the discharge or threatened discharge of sediment waste to water bodies; and (2) retain natural hydrologic function.

This issue will be addressed generically under the proposed regionwide sediment amendment and the guidance documents Regional Water Board staff are tasked with completing as part of the Sediment TMDL Implementation Policy (Resolution R1-2004-0087). The Regional Water Board may still want to consider a Resolution describing their policy specific to roads in the region as a way of emphasizing the importance of proper road construction and use in water quality protection in this region.

Recommendation: *Prioritize this issue during the 2007 Triennial Review.*

Review the Policy on the Control of Water Quality with Respect to On-Site Wastewater Treatment and Disposal Practices (2004 Priority 17)

This Basin Plan Policy was last reviewed and updated by the Regional Water Board in May 1996. The On-site Systems Policy, outlined in Section 4 of the Basin Plan, includes provisions such as minimum site evaluation and construction standards for on-site wastewater treatment and disposal systems. The Regional Water Board also delegates, through a categorical waiver (Resolution No. R1-2002-0080), oversight of smaller on-site treatment and disposal systems to the local regulatory agency. The On-site Systems Policy provides the specific conditions under which the Regional Water Board delegates its authority to the local regulatory agencies.

Assembly Bill 885 (2000) added Chapter 4.5 (commencing with section 13290) to Division 7 of the California Water Code to require the State Water Resources Control Board to adopt regulations and minimum standards for onsite treatment systems by January 1, 2004. These new regulations would:

1. Consider minimum operating requirements (including siting, construction, and performance requirements).
2. Include requirements for onsite systems adjacent to impaired waters listed pursuant to 303(d) of the Clean Water Act.
3. Authorize a qualified local agency to implement the requirements developed by the State Water Board.
4. Include requirements for corrective action when onsite sewage treatment systems fail to meet the requirements or standards.
5. Include minimum requirements, when applicable, for monitoring used to determine system or systems performance.
6. Include criteria for determining that a system is subject to major repair.
7. Provide that these regulations or standards shall apply, six months after adoption, to systems that are newly constructed, replaced, pooling to the surface or can impair the beneficial use of state waters or the public health.

In March 2007, the State Water Board posted draft regulations to satisfy requirements in Chapter 4.5. Although the existing Basin Plan Policy contains some of the components of the draft regulations, it will be necessary for the Regional Water Board to amend the Basin Plan, once the regulations are finalized and adopted, to refer to the regulations and to incorporate provisions not already included in the existing Basin Plan Policy. Parties interested in this issue, are encouraged to submit their comments on the draft regulations to the State Water Board. The draft regulations can be downloaded at: <http://www.statewaterboard.ca.gov/ab885/index.html>.

Recommendation: *Prioritize this issue during the 2007 Triennial Review.*

Review Policy for Waivers of WDRs for Specific Types of Discharges (2004 Priority 19)

SB 390 (2000) amended the California Water Code to address the need for adequate reviews of waivers of waste discharge requirements. The legislation included the following:

- Sunset for all existing waivers by 2003
- Waiver policy terms must be reviewed at a public hearing
- Required Regional Water Boards to review all waivers every five years

The North Coast Regional Board has addressed the issue as it relates to timber harvest operations on both Federal and non-Federal lands by adopting general waste discharge requirements (WDRs) and categorical waivers for these activities. These actions were not amended into the Basin Plan. However, other waivers, such as those for individual on-site sewage systems and for herbicide wastes from silvicultural applications are included in the Basin Plan. The waivers in the Basin Plan were renewed by the Regional Water Board under a 2002 Resolution, as such these waivers are due for re-evaluation in 2007. In addition, some categories of waivers have been addressed by the State Water Board General Permits (i.e. small wastewater systems, WDRs for projects issued water quality certification, small isolated wetlands and riparian areas).

Due to the lengthy time frame for inclusion of waivers as Basin Plan amendments, staff recommends that the Regional Water Board adopt waivers and/or WDRs without including them as amendments to the Basin Plan.

Recommendation: *Remove from consideration as part of the 2007 Triennial Review.*

Consider Updating the Policy on Pesticide Application (2004 Priority 23)

The Basin Plan currently contains a Policy and Action Plan for Control of Discharges of Herbicide Wastes from Silvicultural Applications. The policy is specific to aerial application of herbicides following silviculture operations. Update and expansion of the applicability of this Action Plan to address changes in legislation and applicable water quality objectives may be useful.

Recommendation: Prioritize this issue during the 2007 Triennial Review.

Review the Issue of Endocrine Disrupters and Consider Water Quality Objectives (2004 Priority 26)

Disruption of endocrine systems in humans, wildlife and a wide variety of organisms that can be caused by substances including industrial chemicals, pesticides and biocides, and pharmaceuticals have become an important global issue. Recent research has led to compilation of a list of over 200 substances that have been found to cause or are suspected to cause endocrine disruption. The issue of xenobiotic endocrine disrupters as it relates to impacts on beneficial uses should be evaluated by Regional Water Board staff. The review should include discussion on the possibility of developing of water quality objectives for these substances.

Recommendation: Prioritize this issue during the 2007 Triennial Review.

Review the Seasonal Waste Discharge Prohibitions in Section 4 Implementation Plans (2004 Priority 25)

The seasonal discharge prohibitions contained in Section 4 of the Basin Plan have been through lengthy deliberations before the Regional Water Board. The seasonal discharge prohibitions provide extra protection to the Russian River and other North Coast streams and this extra protection is justified in light of the intensive demands placed on those waters (e.g., many human induced impacts; the need to protect beneficial uses such as drinking water, recreation, and threatened fisheries).

Recommendation: Remove from 2007 Triennial Review as this issue is being addressed, in part, under the proposed Low Threat Discharge Amendment currently under development by Regional Water Board staff.

Consider a Basin Plan Amendment Addressing Composting Operations (2004 Priority 27)

The State Water Board's General Conditional Waiver for Compost Operations has expired and has not been replaced. Several Regional Water Boards are pursuing the adoption of General Compost WDR's based on their own Basin Plan and rainfall conditions. These General Orders and accompanying CEQA documents may be very useful to the Regional Water Board, but may require some revision due to high rates of precipitation in the North Coast Region. The water quality impacts from composting sites can be significant, particularly for

high nutrient loading and turbidity. Staff from the Watershed Protection Division may be available to make minor necessary changes to strengthen documents for our rainfall conditions and to propose similar industry requirements.

Recommendation: *Prioritize this issue during the 2007 Triennial Review.*

▪ **NON-REGULATORY CHANGES**

Antidegradation Policy (2004 Priority 2)

The Antidegradation Basin Plan Amendment was adopted with a purpose of summarizing the existing state and federal antidegradation policies (objectives), within the Water Quality Objectives section (Chapter 3) of the Basin Plan. The amendment was completed in response to direction given by the Regional Water Board during the March 2004 Regional Water Board Meeting. Addition of the proposed language to Chapter 3 of the Basin Plan, results in making the Basin Plan more “user-friendly,” for the Board, staff and the public. The project was considered “non-regulatory,” as it is declaratory of existing law.

The Regional Water Board adopted the proposed amendment on November 29, 2004. The State Water Board adopted this Amendment on March 16, 2005. This Amendment has been incorporated into the Basin Plan.

Recommendation: *Remove from 2007 Triennial Review as the Basin Plan Amendment has been approved by USEPA.*

Review the Basin Plan for Editorial Revisions & Minor Clarifications (2004 Priority 12)

A review of the Basin Plan is necessary to confirm that it is consistent with, and makes reference to all pertinent Statewide Plans and Policies (i.e. Enclosed Bays and Estuaries Plan, Inland Surface Waters Plan, the Non-point Source Program Plan). The State Plans and Policies govern in the event of an inconsistency, but Basin Plan amendments are warranted in order to avoid confusion. On an as-needed basis, the Regional Water Board can make editorial changes that clarify or update regulatory program descriptions to be consistent with new laws, plans and regulations. These changes are needed for clarity and to ensure that the public is informed about the latest requirements to protect water quality. These types of Basin Plan amendments are non-regulatory (i.e., it would not impose new requirements on permittees), but rather clarify existing regulatory requirements or program descriptions not adequately addressed in the current version of the Basin Plan.

Chapter 5 of the Basin Plan describes plans and policies that direct Regional Water Board actions or clarify the Water Board’s intent, including those adopted by either the Regional Water Board or the State Water Board. This chapter will

be reviewed and updated as appropriate, based on consultation with the State Water Board.

Chapter 6 of the Basin Plan describes the surveillance and monitoring programs of the Regional Water Board. Since the chapter was written, major changes have occurred, including the initiation of the statewide Surface Water Ambient Monitoring Program (SWAMP), the dissolution of State Mussel Watch and Toxic Substances Monitoring Programs, the development of a statewide 303(d) impaired water body listing policy, monitoring by local jurisdictions, and the statewide citizen monitoring program (Clean Water Team), and the implementation of the Groundwater Ambient Monitoring and Assessment Program (GAMA). As such, this chapter should be revisited.

In addition to the issues mentioned above, areas of the Basin Plan that may require updating include:

- Adding recognition of the various programs and watershed efforts in the North Coast Region.
- Update the Introduction to Basin Plan (Chapter 1).
- Add “Antidegradation” to General Objective heading in Chapter 3.
- Correct text to state “designated for use as” in place of “used for” in the groundwater objectives section under the headings of Bacteria, Radioactivity and Chemical Constituents.”
- Update/clarify various definitions, including the definition of advanced wastewater treatment (AWT), (Implementation Plans, page 4-2.00).
- Remove updated references, such as WDRs which are no longer in effect.
- Update Table 3-1 in Section 3. Water Quality Objectives, to be consistent with the revised Beneficial Uses Table 2-1.
- Review the consistency of terms used such as “State Board” and “State Water Board.”
- Remove the “Action Plan for the Santa Rosa Area.”
- Update the “Policy on the Disposal of Solid Wastes.”
- Add narrative on the Alaska Rule (TMDL Program).
- Update NPS Enforcement Policy, 303(d) Listing Policy.
- Update to Reflect Loss of SWAT Program.
- Update SLIC Program Discussion.
- Update the reference to the Ocean Plan.
- Add Section numbers to the entire Basin Plan.
- Update Chapter 2, Beneficial Uses, as follows:
 - Move the BU Table 2-1 to the end of the Chapter 2,
 - Update the section header to refer to “Existing” instead of Present” beneficial uses,
 - Reference both statutes (Porter Cologne and Water Code).

Recommendation: *Prioritize this issue during the 2007 Triennial Review. Note that this issue was combined with 2004 priority 28, "Review BP for Consistency with State Plans and Polices," also dealing with non-regulatory revisions.*

B. IDENTIFICATION OF NEW WATER QUALITY ISSUES FOR CONSIDERATION ON THE 2007 PRIORITY LIST

In addition to those continuing issues identified in Section V.A. of this report, Regional Water Board staff has identified additional water quality issues that may be remedied by Basin Plan amendments. These issues will also be included on the 2007 proposed priority list of issues identified in the forthcoming staff report / workplan.

Mercury Load Reduction Program

The US EPA criterion to list waters for mercury under the federal Clean Water Act Section 303(d) is 0.3 mg methylmercury/kg wet weight in fish tissue in legal-sized game fish. The 303(d) listing is the trigger to produce a Mercury TMDL, in which the mitigation plan is aimed at reducing the mercury in fish tissue below that level. Mercury has been identified as a high-priority concern as: a) accumulation in game fish poses a threat to human health, and b) accumulation in all levels in the food chain poses a threat to predator species that eat fish. Due to elevated mercury levels in fish tissue three Russian River waterbodies, Lake Mendocino, Lake Sonoma, and the Laguna de Santa Rosa, have been included on the Section 303(d) list of impaired waterbodies as mercury impaired. The Clean Water Act mandates that the Regional Water Board develop load reduction programs to resolve these water quality problems through a TMDL allocation process. The high mercury levels in fish have also led the Office of Environmental Health Hazard Assessment (OEHHA) to issue health advisories for these waterbodies. Currently, a mercury TMDL development project is underway on Lakes Mendocino and Sonoma, as well as Lake Pillsbury (in the Eel River watershed). In addition, the East Fork of the Trinity River and Trinity River are also listed as impaired due to high mercury loads.

Methylmercury cycling in the aquatic environment and the accumulation process in aquatic organisms are less than wholly understood. Therefore, setting a reasonable goal for methylmercury levels in aquatic organisms and determining which sources are most important to control are not easy tasks. Studies are ongoing in California, and the best available information will be used to determine how to reduce methylation and control methylmercury sources. Regional Water Board staff is responding to legal requirements that are based on the 0.3 mg/kg criterion and developing plans intended to bring fish mercury within this criterion by developing TMDLs for the waterbodies currently listed on the 303(d) list.

Recommendation: *Prioritize this issue as part of the 2007 Triennial Review.*

Methylmercury Implementation Policy

State Water Board staff has developed initial criteria and implementation options for updating the CTR with a revised criterion for human health and a new criterion for wildlife. The proposed fish tissue criterion for human health (protective at the 1 meal/week level) is thought to also be protective of five of the seven sensitive species identified by the USFWS. A lower number is being considered for wildlife to be used in areas where the Least Tern and Yuma Clapper Rail are found (the two species that are not protected by the proposed human health number). A CEQA Scoping meeting was held in February 2007. A draft substitute environmental document is tentatively scheduled for release this summer. Future meetings will be held for public participation. Contact Tom Kimball (TKimball@waterboards.ca.gov) at the State Water Board with any questions on this issue.

***Recommendation:** Once this State Water Board Policy is completed, an amendment would be required to include it in the North Coast Basin Plan. Prioritize this issue as part of the 2007 Triennial Review.*

Revise Fluoride Water Quality Objectives to be consistent with Department of Health Service's Maximum Contaminant Level (MCL).

The fluoride water quality objective presently listed in the Basin Plan, specified as optimum fluoride concentrations for surface waters, are temperature based and range from 0.6 to 2.4 mg/l. In September 2003, the California Department of Health Services (DHS) implemented a maximum MCL for fluoride of 2.0 parts per million for the State. Therefore, the Basin Plan is in need of an update to reflect the DHS MCL.

***Recommendation:** Prioritize this issue as part of the 2007 Triennial Review.*

Develop Water Quality Objectives for Blue Green Algae

The Karuk Tribe has requested that water quality objectives for blue green algae (algal toxin microcystin and the algae *Microcystis aeruginosa*), in the Klamath River, be adopted by the Regional Water Board. In response to these conditions on the Klamath River and its tributaries, the Regional Water Board issued press releases with U.S. EPA warning the public of the serious potential health risks posed by these conditions. Further, Regional Water Board staff posted health advisory signs at key public access beaches on Copco and Iron Gate Reservoirs in 2005 and 2006. The Basin Plan currently includes two narrative objectives, the toxicity and nutrient objectives that apply and serve to assess and control impacts from the algae and associated toxins on beneficial uses. However, Regional Water Board staff concur that numeric water quality objectives would assist the Regional Water Board staff in evaluation and controlling adverse water quality impacts on the many beneficial uses of the Klamath River. In order for new objectives to be developed a formal Basin Plan Amendment is required.

***Recommendation:** Prioritize this issue as part of the 2007 Triennial Review.*

Salmon River TMDL

The Salmon River TMDL was adopted in June 2005 with an implementation strategy of relying on a single permitting action. In the case of the Salmon River TMDL, the single action involved development of a memorandum of understanding (MOU) between the US Forest Service and the Regional Water Board. Even though the Salmon River TMDL adoption process does not include the amendment of an Action Plan into chapter 4 of the Basin Plan, a description of the TMDL and associated actions should still be added to the Basin Plan to clearly document Regional Water Board action relative to the temperature impairment of the Salmon River. At some time during the 2007 to 2010 planning horizon, staff may develop a conditional waiver for those activities undertaken by the US Forest Service as part of their TMDL implementation actions.

***Recommendation:** Do not prioritize this issue during the 2007 Triennial Review. This issue can be addressed under the Editorial Amendment as it is a non-regulatory action.*

Republish Basin Plan with Updated Electronic Format and with Calwater Boundaries

The Basin Plan maps are in need of being updated with current Calwater information on boundary locations. An updated electronic format would allow increased access by the public. This is an issue that may be addressed statewide and is currently under discussion with the Basin Plan Roundtable.

***Recommendation:** Prioritize this issue as part of the 2007 Triennial Review.*

Revise the Policy on the Regulation of Fish Hatcheries, Fish Rearing Facilities, and Aquaculture Operations

An amendment should be considered to modify sections of the existing Policy on the Regulation of Fish Hatcheries, Fish Rearing Facilities and Aquaculture Operations (Basin Plan, Chapter 4, Implementation Plans, page 4-24.00). A potential amendment to the existing Policy, should clarify that the seasonal and year-round prohibitions against point source discharges do not apply to these facilities (see Basin Plan page 4-1.00, exempting point source discharge of waste as stipulated in Basin Plan policies from the prohibitions). The Policy should also be revised to require that the *prevention and minimization* of waste discharge, a strong monitoring and reporting program and strict effluent limits would be important permit conditions. The amendment would consider modifying the existing language, particularly the following two prohibitions:

- The discharge of waste resulting from cleaning activities shall be prohibited.
- The discharge of detectable levels of chemicals used for the treatment and control of disease, other than salt (NaCl) shall be prohibited.”

***Recommendation:** Prioritize this issue as part of the 2007 Triennial Review.*

Designate Wild as Scenic River Segments and Outstanding National Resource Waters (ONRWs)

The Environmental Law Foundation and several environmental organizations have formally requested, in the form of a petition, that the Regional Water Boards designate several river segments as ONRWs. The request includes river segments currently designated as "Wild and Scenic" under California's Wild and Scenic River Act (Public Resources Code § 5093.50 -.70). In a letter dated May 8, 2007, State Water Board staff replied on behalf of the regions, that these requests will be evaluated individually during each region's Triennial Review process.

Recommendation: *Prioritize this issue during the 2007 Triennial Review.*

I. SUMMARY

The issues listed above that have been recommended to be prioritized during the Triennial Review will be considered and ranked by Regional Water Board staff. A proposed prioritized list of issues will be released as part of the Staff Report and Workplan in late August 2007. Public comments are requested to be submitted to Regional Water Board staff by September 21, 2007. In late October 2007, the Regional Water Board will consider the proposed recommendations in the Staff Report and Workplan. Appendix 3 is a worksheet listing the Triennial Review issues. The worksheet is provided for the public as a tool to rank the various issues and can be submitted to Regional Water Board staff. Blank space is provided for additional issues that are not presented in the Staff Report. Comment letters are always welcome as well.

APPENDIX 1

California Regional Water Quality Control Board
North Coast Region

Resolution No. R1-2004-0071

ADOPTING A PRIORITY LIST AND WORKPLAN OUTLINING WATER QUALITY
ISSUES IN FULFILLMENT OF THE 2004 TRIENNIAL REVIEW OF THE
WATER QUALITY CONTROL PLAN FOR THE NORTH COAST REGION

- WHEREAS, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), adopted the Water Quality Control Plans (Basin Plans) for the Klamath River Basin (1A) and the North Coastal Basin (1B) and their abstracts on March 20, 1975. The abstracts of the Klamath River Basin Plan (1A) and the North Coastal Basin Plan (1B) were combined to form *the Water Quality Control Plan for the North Coast Region* (Basin Plan) on April 28, 1988, and the Regional Water Board updated and amended the Basin Plan on December 9, 1993. In 1994 and 1996 the State Water Resources Control Board (State Water Board) and the Office of Administrative Law approved the updates and amendments to the Basin Plan. The Basin Plan includes beneficial uses, water quality objectives, implementation plans for point and nonpoint source discharges, and statewide plans and policies; and
- WHEREAS, the Regional Water Board is responsible for adopting water quality standards and implementation plans, and for modifying such standards and plans, as appropriate, under the provisions of Sections 303(c), (d), and (e) of the Federal Clean Water Act and Section 13240, Division 7 of the California Code of Regulations; and
- WHEREAS, the Regional Water Board staff conducted public workshops on July 13th and 15th, 2004 and the Regional Water Board conducted a public hearing on October 6, 2004, for the purpose of soliciting comments regarding the review and revision of water quality issues appropriately contained in the Basin Plan, and has reviewed and carefully considered all comments and testimony received; and
- WHEREAS, the Regional Water Board has prepared the *2004 Triennial Review Priority List and Workplan* that will appropriately update its Basin Plan (Table 1-Attachment 1); and
- WHEREAS, the Regional Water Board has reviewed its water quality standards and implementation plans and finds them appropriate with the exception of those issues identified on the attached Priority List and Workplan (Table 1).

THEREFORE, BE IT RESOLVED that the Regional Water Board, in fulfillment of the requirements described in Sections 303(c), (d), and (e), of the Clean Water Act, and in Section 13240, Division 7 of the California Code of Regulations, hereby approves the Priority List of Water Quality Planning Issues which is incorporated herein and described in Table 1 of this Resolution.

ALSO, THEREFORE BE IT RESOLVED that the Basin Plan as it currently exists remain effective until such time as it is changed by formal Board action.

Certification

I, Catherine E. Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, on October 6, 2004.

ORIGINAL SIGNED BY

Catherine E. Kuhlman
Executive Officer

APPENDIX 2

2007 TRIENNIAL REVIEW SCHEDULE

Major Tasks	Dates
Regional Water Board Update	February 7, 2007
Public Release of Initial Staff Report	June 18, 2007
Public Comment Period	June 18, 2007 to September 21, 2007
Public Workshop	July 25, 2007
Release of Final Workplan & Staff Report	August 31, 2007
Regional Water Board Hearing	October 24 or 25, 2007

APPENDIX 3

Triennial Review Issues Worksheet

Issue (Action) (Task)	2004 (priority #)	2007-2010 Consideration	Tentative Ranking	Comments
Complete Regionwide Sediment Amend	1	Y		Underway. Rank if current schedule is not met.
Clarify Antidegradation Policy	2	N	NA	
Clarify Incidental Runoff/ Low Threat Discharge	3	N		Underway
Complete Cold Water Salmonid Habitat	4	N		Salmonid Habitat Desired Conditions Report
Complete DO and Temp Objectives	4	Y		
Revise Regional Bacteria Objective	5	Y		Discuss ranking as statewide project is delayed.
Amend Chapt. 4 to include TMDL Imp. Strategies	6	Y		
Consider Policy of Effluent Limits / Mixing Zones	7	Y		Alternative project is proposed.
Develop Wetland/ Riparian Policy	8	Y		Underway. Rank if current schedule is not met.
Add Objective for Ammonia	9	Y		
Consider Site Specific Nutrient Objective	10	Y		
Consider Narrative Objective for Groundwater - Surface Water	11	Y		

Complete Editorial Amendment	12	Y		
Update Groundwater Objective	13	Y		
Address Russian and Eel River Priorities	14	N		Issues to be addressed individually.
Consider Instream Flow Policy	15	Y		
Develop Road Management Policy	16	Y		
Review Onsite Wastewater Policy	17	Y		
Add Biocriteria Objectives	18	Y		
Review Policy on Waivers for Specific Types of Discharge	19	Y		
Update Beneficial Uses Chapter	20	Y		
Develop Language to comply with Ca. Toxics Rule	21	N		
Consider Seasonal Beneficial Uses and Objectives	22	Y		
Consider Revision to Pesticide Application Policy	23	Y		
Explore Activity-Based Action Plans	24	Y		Remove gravel mining issue.
Review Seasonal Discharge Prohibitions in Section 4	25	N		Addressed with Low Threat Discharge Amendment.
Consider Endocrine Disruptors and Objectives	26	Y		
Consider Amendment on Composting Operations	27	Y		
Review Basin Plan for Consistency with State Plans and Policies	28	Y		Combined with Editorial Amendment (2004 issue 12).

Add Chlorine Objective	29	Y		Once State Board has completed
Consider Updating Garcia River TMDL Action Plan	30	N		
Adopt Mercury Implementation Policy	NA	Y		Once State Board has completed.
Revise Fluoride Water Quality Objectives	NA	Y		
Develop Water Quality Objectives for Blue Green Algae	NA	Y		
Add Salmon River TMDL to the Basin Plan	NA	N		Address with Editorial Amendment.
Republish Basin Plan with Updated Electronic Format and Calwater Boundaries	NA	Y		
Revise the Policy on the Regulation of Fish Hatcheries, Fish Rearing Facilities, and Aquaculture Operations	NA	Y		
Designate Wild and Scenic River Segments as Outstanding National Resource Waters (ONRWs)	NA	Y		

APPENDIX 4

4-A

Completed TMDLs and TMDL Implementation Plans

The following is a list of adopted TMDLs and TMDL implementation plans which need to be added to the Basin Plan for the North Coast Region:

- Albion River Sediment TMDL
- Big River Sediment TMDL
- Middle Fork Eel River Sediment TMDL
- North Fork Eel River Sediment TMDL
- South Fork Eel River Sediment TMDL
- Gualala River Sediment TMDL
- Laguna de Santa Rosa Sediment and Nitrogen TMDLs
- Mattole River Sediment TMDL
- Navarro River Sediment TMDL
- Noyo River Sediment TMDL
- Redwood Creek Sediment TMDL
- Salmon River Temperature TMDL
- Stemple Creek and Estero de San Antonio Sediment and Nutrient TMDLs
- Ten Mile River Sediment TMDL
- Trinity River Sediment TMDL
- South Fork Trinity River Sediment TMDL
- Van Duzen River Sediment TMDL

4-B

Current Regional Water Board TMDL Development

The following TMDLs are already underway by North Coast Water Board Staff:

- Elk River Sediment TMDL Action Plan
- Freshwater Creek Sediment TMDL Action Plan
- Lake Mendocino Mercury TMDL
- Lake Pillsbury Mercury TMDL
- Lake Sonoma Mercury TMDL

4-C

EPA TMDL Development

The following seven TMDLs have been established by the USEPA for the North Coast Region, but implementation plans have not been developed for these waterbodies. TMDL implementation plans need to be developed and then added to the Basin Plan along with the TMDLs for the following waterbodies:

- North Fork Eel River Temperature TMDL
- Middle Fork Eel River Temperature TMDL
- South Fork Eel River Temperature TMDL
- Upper Mainstem Eel River Sediment and Temperature TMDLs
- Middle Mainstem Eel River Sediment and Temperature TMDLs
- Mattole River Temperature TMDL
- Navarro River Temperature TMDL

4-D

Future Regional Water Board TMDL Development

The following TMDLs and TMDL implementation plans need to be developed and added to the Basin Plan:

- Albion River Temperature TMDL
- Americano Creek Nutrients TMDL
- Big River Temperature TMDL
- Big Sulphur Creek Specific Conductivity TMDL
- Bodega Harbor Exotic Species TMDL
- Butte Valley Nutrients and Temperature TMDLs
- Lower Mainstem Eel River Sediment and Temperature TMDLs (the TMDLs are currently being developed by the U.S. EPA)
- Estero Americano Sediment and Nutrient TMDLs
- Gualala River Temperature TMDL
- Humboldt Bay PCB and Dixon TMDLs
- Jacoby Creek Sediment TMDL
- Klamath River Sediment TMDL
- Laguna de Santa Rosa Phosphorus, Dissolved Oxygen, Temperature, and Mercury TMDLs
- Lower Lost River Nutrients TMDL
- Mad River Sediment/Turbidity and Temperature TMDLs (the TMDLs are currently being developed by the U.S. EPA)
- Noyo River Temperature TMDL
- Pudding Creek Temperature TMDL
- Pocket Canyon Creek pH TMDL
- Redwood Creek Temperature TMDL
- Russian River Sediment and Temperature TMDLs
- Santa Rosa Creek Pathogens TMDL
- Ten Mile River Temperature TMDL
- South Fork Trinity River Temperature TMDL
- East Fork Trinity River Mercury TMDL
- Tule Lake and Lower KNWR pH TMDL