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CHAIRMAN MULLER: Moving on to Item 7, and 7 and 8 are fairly close, right?

MR. WOLFE: Right. Items 7 and 8 are distinct but nonetheless similar than they are -- this is the first hearing for the proposed Basin Plan Amendment that would adopt TMDL and implementation plan for pathogens in, under Item 7, Sonoma Creek watershed and Item 8, the Napa River watershed. Since they are relatively similar, I'll be -- we do have a need to make the distinction in the comments. And there are, indeed, two separate watersheds. We'll have the parties commenting relative to each watershed. But nonetheless I've asked Dyan Whyte to initiate the staff presentation, and we'll have Peter Krottje and Tina Low then working specifically on the items to continue with the staff presentation, as a whole. And then after that, then we will split the comment -- take comments separately between the two TMDLs.

MR. WALDECK: Could I make a comment?

MR. WOLFE: Sure.

MR. WALDECK: This was really interesting to look at these two things, because I didn't realize how far up our northern borders of our jurisdiction goes. Because

I think it -- if you draw a parallel line across, when you're in Sonoma County, there’s a lot of -- it’s kind of like, this stuff is up here and then the north region comes down more south of that. I mean, the north region comes down like somewhere around --

MR. WOLFE: Well, the North Coast Regional Board’s boundary is essentially the grade on 101 just north of Petaluma. So as you top that grade you go down the hill into Cotati and Rohnert Park. That’s all North Coast, and so that all flows to the Russian River watershed. That’s North Coast. Everything that flows to Petaluma River and Sonoma Creek watershed. And again, in the Sonoma Creek watershed, it’s basically right up to the east side of -- the west side drains towards Russian River, and Oakmont and all those boundaries -- that one’s less subtle because it’s fairly flat through there.

In Napa County, the Napa River watershed, as you go north of Calistoga across 128 you reach a peak, and then you cross down the back side into the Russian River watershed. So we do get further north, I think one of the slides will point that out. But these are our northern watersheds.

CHAIRMAN MULLER: We have the better Appalachians (phonetic) of the wine world, of our region.

MR. WOLFE: Well, you may get some dispute, then. We don’t need to get into that, put that dispute --

CHAIRMAN MULLER: Region 2, we have the better water than all of the rest of the regions in the state. And we make better wine. Maybe. Dyan, we’ve got you all confused here.

MS. WHYTE: Good morning, Board Members. My name is Dyan White and I’m the TMDL Section Leader of the Water Board and today we'll be presenting two pathogen TMDLs. But I can’t help myself from giving Mr. Waldeck a quick follow-up from a geologic perspective, just because I thought you might find this interesting.

In geologic time, the Russian River actually drained into San Francisco Bay through the Napa and Sonoma valleys, so we have a very different peak here. But due to volcanic activity -- those are all volcanic deposits up there -- and seismic uplift, the Russian River took a shift and then started heading back up north. So it’s kind of an interesting little piece of information.

MR. WOLFE: But that was even before Larry was working here.

MS. BRUCE: But he remembers it from his youth.

MS. WHYTE: So in February we public noticed two Basin Plan Amendment packages that when adopted, will establish TMDLs and implementation plans to control pathogen discharges in the Napa River and the Sonoma Creek watershed, and protect the public from exposure to water-borne diseases.

The basic premise of these TMDLs is that people have to take responsibility for keeping animal and human waste out of the waters in which we boat, swim and recreate. We also need to remember that threats to human health posed by pathogens are not limited to surface waters. Pathogens can also seep into ground water, contaminate local drinking water supplies. And so therefore, preventative approach is essential for protecting water quality.

The proposed Basin Plan Amendments are similar to the Tomales Bay Pathogens TMDL you adopted last fall, and we used the implementation plan for Tomales as a template. One key difference is that the water quality targets for Tomales were more protective, or more

restrictive because they were aimed at protecting the beneficial use associated with shellfish harvesting, in addition to protecting people who swim in these waters.

Since the problems of the two watersheds are very similar, we’ve developed these TMDLs on parallel tracks, and to make efficient use of your time today we will be combining the staff presentation portions of both these hearings.

For today’s hearing I've asked Peter Krottje to review water quality threats associated with pathogens, and our efforts in these watersheds to identify sources. Tina Low will then discuss our proposed water quality targets and implementation plans. And then I will conclude the staff presentation with an overview of our public process, comments received and our preliminary response to comments.

At the end of the presentation, we’d be happy to answer any general questions you have about the TMDLs, and then after that I encourage you to invite stakeholders to come up and specifically comment on Item 7, which is the Sonoma Creek Pathogen TMDL. We’d be happy to answer any questions you have on that item, and then we'll move on to Item 8, which is the Napa River Pathogen TMDL.

So we can now turn it over to Peter.

CHAIRMAN MULLER: Yes, sir.

MR. WALDECK: I was just going to ask a little side question, but I'll ask it probably -- why is one a river and why is one a creek? Is that just

CHAIRMAN MULLER: You're getting too green on us, Clifford. It's a crick [sic], not a creek.

MR. WOLFE: I -- we just go with the names. We're not the final --

MR. KROTJE: It actually has to do with flood control-related stuff. I think the distinctions were made historically, with the Corps of Engineers, actually.

MR. WOLFE: And there is a Napa Creek that actually flows from the west into Napa that's distinct from Napa River. So, again, it's nomenclature.

MR. KOLB. So the same (inaudible) and that's usually a different name from a creek.

MR. WALDECK: So it’s a lot like California cities, where some people like to call themselves towns and other ones want to call them cities.

MR. KROTJE: Well, good morning. I’m Peter Krottje, an environmental scientist with the TMDL section. I've been working on the Sonoma Creek and Napa River watersheds since 2002, and I for one wish they were both either rivers or creeks, because I had to stumble over them on --

So today, I’ll be giving you a little background on these watersheds, and the work that we’ve done to assess the pathogen problem and to identify significant pathogen sources in these watersheds.

So you can see from the map here, the Sonoma River and the -- the Napa River and Sonoma Creek watersheds are adjacent to one another on the north edge of San Pablo Bay. Sonoma Creek to the west is the smaller watershed, and the larger watershed to the east is -- somewhat larger, is the Napa River watershed. Both of these are relatively flat valleys flanked by steep mountains, and both run north to south discharging into the north end of the San Pablo Bay.

The watersheds have also similar land use patterns, and therefore similar water quality problems. And we find it very efficient, both due to their proximity and similar problems to address them concurrently.

So for a little bit of a review, and probably a lot of review for some of you who were here for the Tomales Bay Pathogen TMDL, what are pathogens? They're basically any kind of micro-organism that can make you sick. Water-borne pathogens almost always enter the water through fecal contamination from either animals or humans.

There are many different types of water-borne pathogens. Some of the more notorious pathogens are listed here. Because water-borne pathogens are a very biologically diverse group, many are impossible to detect in creeks and for this reason we monitor for pathogen indicators. Indicators are easily identifiable bacteria found in the intestines of warm-blooded animals.

Pathogen indicators are signs of fecal contamination and the potential presence of pathogens in organisms. Among the commonly used bacteria groups that are indicators are fecal coliforms, e coli and enterococcus. For these TMDLs we are using e coli,

which are considered the most appropriate indicator for fresh waters.

We've known for decades that both the Napa River and the Sonoma Creek have higher pathogen levels than are considered safe for water contact recreation, which is a beneficial use designator for both watersheds. Both watersheds have a number of popular swimming areas, and really gets popular in the southern portions of both watersheds.

And perhaps more importantly there's an extensive residential development in both watersheds. As we know, creeks are magnets for children living nearby, and we don't want our children risking their health while they play in these waters. The good news is that the level of impairment is generally moderate. We currently see indicator levels from 10 to about 1,000 percent above our water quality objectives, and we only see this in about a quarter of each watershed.

Our efforts to identify specific pathogen sources began with watershed-wide sampling in both watersheds in 2002 and 2003. We followed up in 2004 and 2005, focusing sampling around hot spots identified in earlier sampling. The purpose of hot spot sampling was to clarify the locations and nature of these pathogen

sources. I’ll explore that in the next couple of slides.

So based on our sampling data and other factors such as land use patterns, souls and typography, we applied a weight of evidence approach to sources listing. That is, no single bit of information conclusively proves a specific source and specific location. The information taken as a whole provides a very compelling argument for our.

Pathogen indicator levels were consistently high at several locations in both watersheds. All of these hot spots -- shown by yellow circles here -- were associated with either residential development, grazing lands or confined animal facilities. The hot spots were most evidence during dry season sampling, because during wet season sampling, widespread pathogen loading from municipal runoff tended to obscure these sources. However, the hot spots were very consistent from year to year, and this consistency demonstrates that the hot spots represent real, persistent problems.

We sampled in three different state parks and in many natural areas where human impacts are expected to be minimal. All were low in pathogens. This indicates that wildlife are not a (inaudible) pathogen source in

either (inaudible). Hot spots in the Sonoma watershed include Kentwood, which is the largest community in the Sonoma Valley that continues to be served by septic tanks. (inaudible) appears to be a very major source of nutrients in this watershed. Further south you have Nathanson Creek and a (inaudible) of the City of Sonoma. And still further south, Shell Creek, in an area where cattle grazing is the dominant land use.

In the Napa Watershed we have Murphy Creek, which is in a low-density residential area and septic tanks, with soils that are especially ill-suited for septic tanks. We have Browns Valley Creek in a residential area portion of that (inaudible) sanitary sewer lines and septic systems. South of our creek is in the (inaudible) portion of Napa. Sheehy Creek, further south, is downstream from a fairly large grazing operation, and this is also a considerable source of nutrients in this watershed. And lastly, American Canyon Creek, downstream of small horse stables, poultry operations and other small (inaudible).

To summarize our source assessment work, we've identified five primary categories of pathogen sources, municipal runoff is a widespread problem in most urban areas during flood season, septic systems and sewer lines are somewhat more localized. The failure rate

for these (inaudible) quite low, because pathogen levels and raw sewage are very high, it takes only a few minor problems to impair the entire creek. Grazing lands, in contrast to the situation in the Tomales Bay Watershed, are a relatively localized problem. Cattle (inaudible) densities are generally along these watersheds, and we recognize many grazing operations in these watersheds already have sufficient management practices in place. However, it’s apparent that some problems still remain.

Pathogen problems from animal facilities are also localized, some of them stemming from a limited number of facilities, mostly horse stables and the like. The river (inaudible) in the areas of the Napa watershed and the Sonoma watershed are currently regulated by our dairy program and do not appear to be a water quality problem at this time.

Another primary pathogen source categories of concern -- I’ll turn it over to Tina, who will describe how our team plans to address those problems.

MS. LOW: Thank you, Peter. Good morning. My name is Tina Low, and I’m a Water Resources Control Engineer in the TMDL Section. I’m the Lead Technical Staff for the

Sonoma Creek Pathogen TMDL, and today I'll present our plan to solve the problems that Peter has identified.

What you see on the screen here is a shot of Sonoma Creek at Sugar Loaf State Park, and we're very fortunate that we get to visit these places during the course of our work. Our first step in solving the problem is to establish what pathogen levels are safe for the most restrictive beneficial use in these watersheds, which is contact recreational use. We do this by setting water quality targets.

The risk of waterborne illness is measured by the number of bacteria per volume of water. In other words, by concentration, but then by mass or the number alone. Therefore our targets, which are based on (inaudible) criteria as well as our Basin Plan, are in terms of bacteria concentration. The targets are an e coli density on the average below 126, with a 90 percentile below 320, 90 percentile meaning that no more than 10 percent of samples can exceed this number.

In some locations in the hot spots that Peter talked about, the numbers were as high as 10 times the target. In addition to numeric targets we had a target of zero discharge of human waste. This is consistent with our Basin Plan's prohibition against discharging any

inadequately treated human waste, and recognizes that human waste poses a greater health risk.

With targets established, the next step is to allocate the acceptable levels of pathogens to each of the sources that we've identified. You will note that although municipal waste water treatment plants of wildlife are not significant sources of concern, they also receive an allocation. Allocations tell each source category how much pollutant they can discharge and achieve a target if all allocations are met by the sources.

Generally, sources of human waste such as faulty septic systems and sanitary sewer lines have an allocation of zero, consistent with the target of zero discharge of human waste. An exception to this is domestic waste water treatment plant discharges, which have an allocation equal to its target, because there's treatment and disinfection of the human waste at that (inaudible). Municipal runoff and sources of animal waste such as confined animal facilities, wildlife and grazing operations also have allocations equal to the target.

To meet the allocation and address the targets, the TMDL requires responsible parties to undertake measures

to reduce discharges of both animal and human waste. And Dyan pointed out, the basic idea here is that people have to take responsibility for keeping fecal waste out of waters where we recreate. The proposed implementation plan capitalizes on existing efforts, relying upon regulatory programs that are already in place.

For example, municipal storm water runoff, sanitary sewer overflows and waste water treatment plants are already regulated by the Board. The non-point source program requires the Water Board to regulate all non-point sources via waste discharging permits, waiver conditions or prohibitions, and the TMDLs implement the non-point source program by addressing grazing land issues and requiring additional measures to address septic system discharges.

And our approach to implementation allows each responsible party to propose methods and strategies that will allow them to meet their allocations. We'll go into this in more detail as we talk about actions to address human waste discharges.

For septic systems, the implementation plan calls for Napa and Sonoma counties to develop and implement prioritized plans for evaluating systems and correcting

problems. The counties are already responsible for permitting and inspecting septic systems. Currently their programs focus on new or non-standard systems, and on investigating resident complaints. However, we believe a significant number of existing leaking septic systems may be going unnoticed or unaddressed. When we talk about prioritizing and evaluation of a repair program, we mean focusing on identifying hot spots, (inaudible) for systems that are close to water lines, or other indications that it’s a high-risk area.

To address sanitary sewer system failures, we refer to instances where raw sewage is not contained within a collection system, such as that occurs with leaks, breaks or flows out of manholes. The plan points to the Water Board’s existing sanitary sewer overflow program, and this program requires responsible allegations to develop an inspection and repair program to address problems.

Municipal waste water treatment plants are already permitted by NPDES permits, and their effluent limits are well below those targets, so their responsibility here is to continue to comply.

And now onto animal sources. For grazing lands, confined animal facilities and dairies, the operator’s

responsibility is to identify and implement measures that will reduce animal waste runoff. Some examples of waste-reducing measures include putting in water troughs so that the cows stay out of creeks, fencing, providing a vegetative bunker area between pasture land and creeks, and operating waste ponds correctly. As was the case in the Tomales Bay pathogen TMDL, grazing lands are a source category that the state’s non-point source program requires us to regulate, and we’re currently working with stakeholders to develop waste discharge requirement conditions.

Municipal runoff sources also have responsibilities here. Municipal runoff sources are required to comply with their existing approved storm water management plans, and also update those plans as necessary to include specific measures to reduce pet and human waste discharges. Such measures may include public education campaigns, installing more public restrooms and putting up pick up after your pet signs to remind people to clean up after their pets. As we see here, this puppy’s (inaudible) because her owner has clean-up (inaudible) to clean up after her.

And we'll be evaluating our programs through monitoring and adaptive management. As you'll notice in our proposed Basin Plan Amendment, we propose a water

quality monitoring plan that will allow us to track pathogen levels and trends at several baseline sites. The monitoring plan will help evaluate how effective implementation measures are, and which areas need more effort and attention. As consistent with other TMDLs you've adopted, our proposed adaptive approach allows action to take place now, while we continue to gather information. In this adaptive process we will continue to review relevant scientific data about pathogens and assess what actions, whether it's outreach technical assistance for regulatory oversight are necessary to achieve our goal in ensuring that Sonoma Creek and the Napa River are safer to swim in.

And now I'll turn it over to Dyan, who will discuss issues that are important to our stakeholders.

MS. WHYTE: Before I complete the Staff's presentation, I'd like to review our public participation process, and discuss stakeholder concerns and (inaudible) recommendations on revisions and response to comments received.

Last year we held a number of stakeholder meetings in the two watersheds. We conducted a town hall meeting in Napa, met with the county staff and gave a presentation to the County Board of Supervisors. We

also conducted the required scoping meetings. In February, we distributed for public review the proposed Basin Plan Amendment and staff reports, and in response we received 10 comment letters, six from Napa and four for Sonoma. We are now in the process of formally responding to these letters.

Some of the local agencies requested more time to comment, although we did receive comment letters from them by the deadline. We encouraged them to come to the meeting today and express any additional comments that they may have, and we've also let them know that we'd be happy to meet with them to further discuss refining the implementation plan.

Napa and Sonoma agencies suggested that additional studies should be conducted to verify sources. Specifically, they questioned whether septic tanks and leaking sewer lines are a problem. However, as Peter pointed out in his presentation, our data clearly shows that septic tanks and sewer lines are a problem. In fact, in summer months when there's no rain or runoff to dilute these sources, we see the highest concentration of pathogens at the hot spots (inaudible) location. And as the summer progresses, the water quality signal from these areas gets stronger, and this

is also the time of year when people are out recreating in the water.

We spent a considerable amount of staff time and contact resources conducting water quality studies in these two watersheds, and we certainly understand the problem well enough to justify the actions required in the implementation plans.

The county septic systems permitting agencies expressed fiscal concern, both for the homeowners who may be required to make repairs on their systems, and for the county to improve their septic tank permitting program. Part of the problem, as Tina mentioned, is that there’s low or no oversight for existing septic systems. In their comment letter, Napa County acknowledges that half of the approximate 9,000 septic tanks in that watershed are unknown in location and construction.

The majority of soils in both of these watersheds are not well-suited for septic tanks, and therefore some of these older tanks are prone to failure. You'll notice in the implementation plans that what we’re asking the county to do over the next two years is to evaluate their existing programs, and propose plans and schedules for addressing deficiencies.

In regard to homeowners, we'd like to emphasize that no one, of course, will be asked to upgrade or repair a septic tank that is not failing. So it's really that the actions are aimed at identifying failing systems. As you may recall, with the Tomales Bay watershed, the Marin County Environmental Health Department and local stakeholders are setting the example of some creative ways to address these problems. And we're really encouraging Napa and Sonoma to do the same.

You may have heard it mentioned in the comments about forthcoming septic tank regulations, AB885 (phonetic), and we did get some comments requesting us to wait until these regulations move forward before adopting or developing these TMDLs. In 2000, the California Water Code was amended requiring the State Board to develop statewide regulations for standards, permitting and operations of septic tanks. And the recently held statewide scoping meeting we received a wide range of comments on this.

We are involved in the stakeholder process associated with this, and we're confident that the State Board is not going to adopt regulations that will be in conflict with what we're putting forth in these TMDLs. In fact, a key comment that was expressed at this statewide meeting was that state regulations should acknowledge

or specifically recognize TMDL efforts, efforts that are underway and consistent with TMDLs that have been adopted for pathogens in this watershed.

EPA had a number of constructive comments which we will address in our TMDLs. A key one that I'd like to bring to your attention is they asked us to revise our targets and allocations. And let me clarify what they were getting at here. We have several water quality bacteria objectives in our Basin Plan, and a statewide project is underway to revise basin -- bacteria standards for all the regional boards basin plans at once. These new standards will be based on recent EPA guidance and criteria.

In our TMDLs we relied on these new numbers, and in specific, using e coli bacteria, (inaudible) a more accurate predictor of the presence of pathogens in human and animal waste. And while EPA does agree with this approach, they're telling us that we can't ignore our outdated objectives which are still in our Basin Plan. A similar issue came up with the San Francisco Bay Mercury TMDL, as you may recall.

So what we're proposing to do is add these outdated objectives into the TMDL, but add a sunset clause so that when the new objectives come into play, the old

objectives and associated targets will go away at the same time. This is consistent with approaches that have been used throughout the states. We think that will work.

Now, the Napa River, Sierra Club and the Sonoma Ecology Center all express support for the TMDLs. These groups confirm that the residents in these watersheds do swim, fish and boat in these creeks, and they are concerned about water quality. So we certainly appreciate these comments, and I think they tell us that we're setting the right priorities and reinforce the importance of our work here.

So I'll conclude by saying that we're doing our best to address the concerns of stakeholders and residents in these watersheds as part of developing these TMDLs. We've offered to meet with interested parties to further discuss possible solutions in the next month or so, and with some minor revisions we believe that these TMDLs will meet all state and federal requirements.

Our plan is to respond to all comments in writing, and revise the Basin Plan Amendments illustrating changes made as a result of the comments received. We publicly noticed an adoption hearing for June and plan to have documents ready for review at that meeting. Our

overall goal is to set forth a clear and affordable plan for restoring our (inaudible) uses in the Napa and Sonoma watersheds, and move on to implementation. And I think, overall, the good news is that, as Peter mentioned, the impairment is localized and pathogen problems can be corrected in a relatively short period of time. And that if we all work together we can confidently say that people are safe to recreate in thee waters.

So with that, I'll take a seat at the table and we'll be happy to take your questions.

CHAIRMAN MULLER: Thank you, Dyan. Any comments, questions? We have a number of cards and so we'll work our way back through. I guess the best one to go through is Sonoma first, with Don?

MR. WOLFE: Right. Let's make it clear that at this point, we're separating between Sonoma with this Item 7.

CHAIRMAN MULLER: Okay, so we have just one for seven at this time, Don. And there's another one for seven, just go ahead. And then, eight, I have the General Manager for Napa. We have Jill (phonetic) from Napa County Environmental Management, and then Sandra from

Farm Bureau and Cathy from North Bay Association (inaudible), and that is the order we'll go.

MR. SEYMOUR: Great. Good morning, Mr. Chairman, and Members of the Board. My name is Don Seymour (phonetic), and I'm Principal Engineer for the Sonoma County Water Agency. First of all, I would like to thank the Regional Board and Staff for taking comments regarding the proposed Basin Plan Amendment and the pathogen TMDL. The water agency's (inaudible) in addition to written comments we provided in our March 29th letter.

As a stakeholder and consumer in the Sonoma Creek watershed, as the operator of a Sonoma Valley treatment plant and collection system, on behalf of the Sonoma Valley County Sanitation District, and a co-permittee under the Phase 2 General Permit for Small Municipal Septic Storm Sewer Systems, the Sonoma County Water Agency is highly supportive of the measures that will improve the water quality of the watershed.

However, at this time our agencies do not support the proposed TMDL, and has significant concerns regarding its development and implementation. The Water Agency does not believe the essential components of the TMDL have been adequately addressed. The study conducted

jointly by Regional Board Staff and San Francisco Estuary Institute and referenced in the staff report clearly indicates that there are several locations in the watershed with moderately (inaudible) concentrations of e coli. However, the (inaudible) program does not sufficiently define or describe one, the maximum amount of pathogens as indicated by the presence of e coli that can be assimilated or tolerated by the watershed, the sources of e coli, or, three, the allocation of e coli loading. It appears the allocation and the numeric targets are the same.

The Water Agency believes the study program described in the staff report needs to built on in order to develop a realistic conceptual model regarding how pathogens enter and move through the watershed. Without an accurate conceptual model, it is unlikely that the effectiveness of the TMDL can be evaluated or measured.

As an example of the pathogen TMDL that’s been developed through a study program that adequately describes and defines the watershed, the Water Agency would like to reference the TMDL that’s developed by the Central Coast Regional Water Quality Control Board for the San Luis Obispo Creek watershed. Along with significant stakeholder reachout, the TMDL was

developed using a study program that thoroughly describes the watershed, both spatially and seasonally. The study program clearly identified where loading was occurring and produced a model that predicted how the loading was assimilated by the system downstream. The study also utilized microbial source tracking in order to assess the proportion of pathogen loading attributable to human activities, versus the proportion of loading resulting from wildlife in the watershed.

As a stakeholder in the watershed, the Water Agency believes it will be more appropriate at this time to develop and implement a study program that would accurately describe pathogen loading and its life cycle in the watershed, in order to develop a scientifically-based TMDL that can be implemented and (inaudible) evaluated through a monitoring program. The Water Agency would be a willing participant in the development and implementation of such a study program. Thank you.

CHAIRMAN MULLER: Thank you, Don. Any questions? Now, we can get you back. Randy, we'll go with you next, please.

MR. LEACH: Good morning. My name’s Randy Leach. I’m the Division Manager for the Well and Septic Program

for the County of Sonoma, Permit and Resource Management Department. Give you a little idea of what we do. We issue over 1,000 septic permits, many in Sonoma watershed, many which are non-standard systems with pretreatment units, disinfection units, nitrate (inaudible) units. We issue over 2500 renewable operating permits every year.

These operating permits require homeowners to monitor their systems, to take samples to monitor -- monitoring levels. I'm a little nervous.

CHAIRMAN MULLER: Don't be nervous, please. We're all trying to get to the right conclusion.

MR. LEACH: Anyway, we have a pretty good idea of what's going on with septic systems in Sonoma County. We have one of the most advanced programs in the state. And the Resource Management Department does appreciate this opportunity to provide the Regional Board with comments regarding the Basin Plan Amendment. We've provided a summary listing of key issues that we feel should be more thoroughly in our written comments submitted on March 27th.

We welcome the opportunity to discuss these issues with the appropriate Board staff prior to consideration of

adoption. Ultimately, we feel that the Regional Board has to address these issues in order to provide the reviewing public with a complete understanding of what is being proposed, and to satisfy the requirements of CEQA.

While we believe there’s clearly a need to improve water quality in Sonoma Creek, we also know that individual property owners and local regulatory agencies have limited resources to devote to this effort. Thus, we believe that both public and private efforts must be focused in areas that will achieve the greatest result. For this reason, we believe that the Regional Board should conduct a more frequent analysis of contamination of Sonoma Creek before asking that the government and individual homeowners devote financial resources and staff to what appears to be a very broad and expensive program.

In other words, a more comprehensive investigation and sampling protocol needs to be done to conclusively determine that elevated e coli contamination in Sonoma Creek is a result of septic system discharge or other human sources, rather than naturally occurring contamination from wildlife or other sources.

We feel that this can be accomplished by using microbial source testing or genetic fingerprinting to more conclusively determine the source of the e coli. The Staff Report mentions that the microbial source testing was not used due to costs and time. We feel it's important that it is used, and to illustrate the importance of identifying the source of e coli, I obtained a copy of the final interim report from the Bodega Bay/Campbell Cove Tidal Circulation Study and Water Testing (inaudible) Project that was completed in January of 2004.

The lead agency for this study was the Sonoma County Department of Health Services, Division of Environmental Health, the Agency of the Bodega Marine Laboratory, the North Coast Regional Board and the State Department of Parks and Beaches. I'll provide you with a copy of this study for your consideration.

One purpose of the study was to determine the source of e coli contamination of the tidal beaches in Sonoma County, and we believe it illustrates the importance of identifying sources of contamination before time and effort and expense is incurred in (inaudible) sources of contamination that may not turn into a problem. The study identified, through phytotyping, avian and marine

animals as the source of e coli bacteria contamination, and was not of human origin.

Again, it is critical that microbial source testing and a more complete detailed and comprehensive study of the Sonoma Creek watershed be conducted before you consider setting a TMDL for pathogens for Sonoma Creek. Sonoma County remains committed to assisting the Regional Board in any way we can to establish a science-based TMDL with goals that are effective, comprehensive and achievable. And I'll leave my copy of the interim report with your staff. Thank you.

CHAIRMAN MULLER: Thank you, Randy. I just have a quick observation to make about this wonderful area that we all live in up there. There's some very, very expensive homes, naturally, with the wonderful area there, being built. And there's some of those -- and remember, this is a land use issue, not a (inaudible), but I just had to comment that they're building these seven-figure homes so close to a sewer line but yet are still being permitted for septic systems. That just, you know, it's bewildering to me that that's going on so close to the (inaudible) or whatever. And I just -- I understand it's not our regulation, it's not our rules.

And along that line, as I understand it, that they don’t have enough area for a leach field, that there’s a permitting process up there where you're actually are mounding and then pumping and recirculating back and forth the drain field in the back yards of the properties. Is that kind of a --

MR. LEACH: Well, we have several (inaudible) of non-standard septic systems, and you're referring to a mound system. And they're an alternative system that are put (inaudible) to get the separation between groundwater -- or if you don’t have adequate soil depth, to get treatment of the sewage before it encounters any type of ground or surface water.

CHAIRMAN MULLER: See, our way of thinking of a leach field is always that the water would go down and it would be, you know, six, seven feet with the drain rock and all that. And I’m just trying to kind of set my mind at ease here with all that.

MR. LEACH: There’s all sorts of systems. We know now that there are septic systems and cesspools and whatever scattered throughout the whole county, and we don’t allow people to remodel their homes on septic system use, old septic systems, even with their (inaudible) we make them upgrade them through our

reutilization policy. We require people to put mounds in with disinfection units, with nitrate removal units, we maintain the -- at least a 100-foot setback from streams and -- but there are problems with some of them. When we find out about them, we correct them.

But like I said, you have 2500 removal operating permits where people are monitoring their systems, and we're just not really seeing a problem with them, with the ones that we're monitoring, anyways. And we'll be happy to provide you with the annual report, which we do every year and we have been doing for the last 15 years.

CHAIRMAN MULLER: Good. Thanks. I think, Kathy, did you want to speak on Item 7, also? Okay, so Kathy Hates, Government Affairs Director for the North Bay Association of Realtors.

MS. HAYES: Mr. Chair and Members of the Board, thank you for the opportunity to comment. This is a new process for me, and it's something that I probably am going to get very good at. But this is my first TMDL, so you know, I feel I'll get better with time.

The North Bay Association of Realtors had the pleasure of working with two watersheds in our territory in

Napa, Sonoma, and part of Lake and Mendocino counties. So you know, trying to follow everything that's going on in the two watersheds can get a little funky. I'm here to support the comments of the Water Agency and the Environmental Health folks from Sonoma County, and I'm also here to represent a group of individuals that up to this point have not been in the stakeholder's process in the Sonoma Creek watershed. And those are folks that are residential homeowners that have no clue of what the TMDL is, what it stands for, what it means, and the impact or proposed impact on their homes.

And certainly would encourage, if the Board decides to move this process forward, to figure out ways to include them in the process. Because, quite frankly, there's a lot of fear among homeowners, there's a lot of fear about regulations from Regional Water Quality Board, a lot of fear about the regulations ending up taking their homes away from them. Either because they don't have the ability to pay for the repairs they're asking, or because of where their homes were originally sited along some of these streams and creeks, they have no ability to meet today's water quality standards and septic standards. And that you, by virtue of this TMDL, this regulatory process, are going to be taking their homes away from them.

And there’s also the same dialogue and discussion during the whole process of AB885. These are very, very real fears and I just need to be here as one individual, because no one else knows that this is going on, to acknowledge it and plop it on the table.

It is interesting, because I have both Sonoma Creek watershed and Napa, I have had the pleasure of reading (phonetic) both TMDLs side by side, and there’s a lot of mays, possibles, could bes, assume that, some contribution that we don’t totally know. And I appreciate all those kinds of words, but then when it gets down to the TMDL standard, it’s zero for septic and individual property owners absolutely have no slack. And I appreciate the reasons why, but that’s the standard. And that in five years, you all will review whether this standard is appropriate.

But in the meantime, the act, to both the county and individual property owners, may be massive. So, you know, five years from now you might recalibrate the standards, but we’re going to ask both the county to put up all kinds of financial resources, and property owners at some level to -- do some level of testing, and at most do goodness knows what.

Now, looking at kind of the number figures in the economic section -- and again, because I have the ability to compare side by side -- the numbers -- you know, when I look at the numbers for Napa County and the number of potential homes in (inaudible) categories, and look at the number of homes in Sonoma Creek, the jump is not that great between the two of them. And the jump in the number of homes that potentially could be included is significant. So I would encourage Staff to look at that.

There also is no doctor (phonetic) associated with dairies being WDRs, and at the very least there should be some number figures in them. And again, go back to the concept -- and it’s very quaint, but what’s the ask? What’s the ask to the county, in real costs, because the counties are not going to be bearing those costs, it’s going to be the folks that have to avail themselves of the service. What’s the ask of property owners, and what are we going to do with property owners that can’t meet the standard? And what financial resources are in place to both help the county and help property owners? And if there aren’t financial resources, where do you get them?

Now, I know there was mention in the report about the (inaudible) program, and obviously you have all had

experience with going down this road. And so you may not be as fearful as I might be, and so, you know, certainly it would be very interesting to learn about how to (inaudible) some of these hurdles. And I also -- and maybe it's because of personal experience -- but at one point in my career, I worked for a legislator, and I had the experience of homeowners in the legislator's office in tears over some of the leaking underground storage tank stuff, because they were going to lose their home and their property because they didn't have the ability to meet those demands. And it's pretty heart wrenching when you've got those folks in there, in your office.

And so I just need to say you need to, of course address whatever water quality issues are out there, make sure that the folks that are going to be impacted are involved in the process, figure out ways to have all the -- provide the resources, or help to folks that need it. But make sure that the regulations make sense. Thank you so much for your time.

MR. WALDECK: What legislator?

MS. HAYES: I worked for Senator Mike Thompson, before he became a Congressman.

CHAIRMAN MULLER: Thank you. You know, just from my perspective, and I'm sure there's not one of us up here that's going to be wanting to take anyone's home or property away. That's not our goal. I think the TMDL process, from my perspective, is just the beginning of -- to see where we can find these problems and work towards a solution. I always believe in -- and trust me, I live with regulations like all of us do, every day. It's just something that we need to have time to get up to -- to meet these regulations. I don't think we're going to come in and hit anybody over the head and kick them out of their house. That's not the goal of any regulation.

But I do appreciate you're being involved and the realtors being involved, and I don't think we've had too many realtors speak before this Board before. So I compliment you on that, and continue to share information with your constituents, and I know our staff will be working towards that goal, also.

On Item 7, we did not have any more cards; on eight we have a number of cards.

MR. WOLFE: Unless there's some specific questions or comments from the Board relative to Item 7, I'd

recommend moving on to Item 8, and then we can try to tie it all together.

CHAIRMAN MULLER: And there will be no action taken on these two, so it’s just -- we'll move on to eight, then.

MR. WOLF: I'm sorry, my comment’s on Item 7, but they apply to eight as well, so I can hold the comments until the end.

CHAIRMAN MULLER: It’s up to. If you're fresh with them now, you can give them now, or you can give them at the end. Okay. All right, so we'll just jump over to eight. And we'll just go to the cards?

MR. WOLFE: Yeah, yeah.

CHAIRMAN MULLER: Okay. Michael, General Manager for Napa Sanitation, would you like to come forward? And then we'll have Jill and Sandra and Kathy, if you need to say a few more words, you can. We do have to talk to the state and Rei, to see if we can get these clocks -- the state’s a little behind schedule. I know they’ve never been that way with you employees. Sort of like your pay, they're a little behind, right?

MR. WOLFE: Right.

CHAIRMAN MULLER: Off the record, please. Go ahead, please.

MR. ABRAMSON: Thank you, Mr. Chairman, Members of the Board. My name is Michael Abramson, I'm the General Manager of the Napa Sanitation District. My address is P.O. Box 2480, Napa, California, 94558. I want to deviate from my prepared remarks just for a moment to thank you, Mr. Chairman, for your nice comments about Napa Valley wine, specifically. So, thank you. I don't know as much about Sonoma County wine, because I haven't drank as much of that.

CHAIRMAN MULLER: Make sure you state you didn't bring us any.

MR. ABRAMSON: No, sir. No, sir. I'd like thank you today for the opportunity to speak on the proposed pathogen TMDL for the Napa River watershed. I'm going to read from some prepared remarks, just because I also get a little nervous up here, and I want to be sure I say these clearly.

First, a little about Napa Sanitation District. We provide waste water collection, treatment, disposal and

some significant amounts of water recycling for the population of the City of Napa and surrounding areas. And we are actually in the midst of -- a large part of my time is working now on expanding our recycling program in the future.

As far as the proposed pathogen TMDL, this is a topic of some great interest to us. We've met with your staff, attended your meetings, had several discussions with staff, and we have submitted written comments which you have. I want to emphasize this point now, our most significant comment is this comment here: to the extent that sanitary sewers in the Napa River watershed are a contributing factor to the pathogens found in the river and its tributaries, we are supportive of using the new requirements of the sewer system management plants, known as SSMPs, as the vehicle for our participation in this.

You'll see in our comment letter we've proposed some changes to some of the tables, and your staff has indicated that this seems like a viable approach. And we're understanding that those changes will be put forward.

We believe that leveraging the SSMP program is an efficient and effective use of all of our scarce

resources of government, and is an example of good government that you can and should be proud of. So we thank you in advance for that. Our written comments for the most part are intended to clarify that intent of your proposed, staff's proposed amendments to the Basin Plan, and as necessary to the staff report. We're looking forward to continuing our discussions with your staff over the next few months. We'll probably be back in June at the next public hearing, and with that I again thank you for your time, and I'm available to answer any questions or provide further information as you desire. Thank you.

CHAIRMAN MULLER: Thank you. Questions? You're welcome, and hopefully we won't have to see you again too soon.

MR. ABRAMSON: Hopefully not, sir.

CHAIRMAN MULLER: I think this is your first time, right?

MR. ABRAMSON: Yes, I've been with the District for 18 months. So all the heavy lifting was done, I guess, before I got there, which Bruce well knows.

CHAIRMAN MULLER: That word, Napa Sanitation, brings back memories to this Board, right, in the past?

MR. ABRAMSON: Well, let’s look forward, then.

CHAIRMAN MULLER: Thank you. Okay, Jill, please?

MS. PAUL: Good morning, Chair and Board Members. I’m Jill Paul, I’m the Acting Director for Napa County (inaudible) Management. Kathy brought up the notion of fear, and I think at the governmental level we have a bit of that fear, too. The TMDL was very, very broad. It talked about the adaptive implementation, but I've been adaptively implemented on some other programs that lasted forever, and we’ve never seen the end of them. So I’d like to be able to put some kind of -- put my arms around this a little bit better, to limit the scope.

In Napa we have the luxury that we don’t have that many types have been noted so far. We’ve got three specific hot spots, very few septic systems in those areas. I've done a little research already to see what we have, and I think that we’re going to be able to eliminate septic systems from the three hot spots that we’ve identified for those areas pretty quickly, if we

can get some time and human resources to put into them. So that fear is there.

I've got some additional comments to what we proposed before, and I think that’s why our prior letter was so long and so broad, is because the scope was so broad. And it really doesn't -- you can’t see where the end is, what the TMDL has now proposed. Our goal is if there are leaking septic systems, if there are other sources of pathogens being in the Napa River, we actively, proactively want to go after those sources and control those.

So I think we have the same goal here, I just don’t feel that some of these sources that have been indicated are as strong a potential as the TMDL and the Basin Plan indicate. And I think we can probably use some best management practices, some similar controls to really reduce the pathogen levels, or determine that those are naturally occurring in the Napa areas, too.

EPA’s letter -- you know, Napa being it’s not very severe and that widespread, and EPA’s letter actually addressed the use of the river, and the river is a beautiful river but it’s not very heavily used, especially during the cold parts of the year, non-rainy, which would be never. And again, we took that

broad swipe at first, but in our offer now -- and I have a letter to give to staff if you'll consider it, of ways to kind of narrow down the scope of the TMDL would be anticipated. It’s actually (inaudible) the start of the implementation plan. I feel that we can, with a little bit of resources and time, identify and survey the septic systems within 100 feet of any of the hot spot areas that are within 100 feet of those rivers, or the tributaries.

And, really, because all those three areas have high-clay soils, unless I’m (inaudible) daylighting out to the river, it’s very unlikely that it’s making its way to the surface (inaudible). So we should be able to narrow down that -- to maybe 100 different parcels or so pretty quickly, just by identifying the septic systems that we know, and can spot where they are, do some dry-weather creek climbing and look to see if there are any specific sources that are daylighting into the creek, too.

We, of course, will work with all of our failing septic system operators and owners and residents inside there, to identify problems. There’s probably also more (inaudible) about which we can do. We haven't really identified a program like the Marin Septic Manager, is that what it’s called? We have a ‘Living in the

Country’ brochure that could be updated and renewed, and actually take a little more of a proactive approach to sending out to residents along those areas, and if we identify any future areas, too, we’d have something that -- a good tool to hopefully prevent them from becoming problems, which is also a much easier way to deal with having to do clean-ups if you can prevent it in the first place.

Napa has a variety of different agencies and nonprofits and others doing (inaudible) already, and part of the broad scope that still is a little unsettling is that we’re going to be looking at additional tributaries, four more each year, and well, what if we find something there? And so maybe there’s a way that we can focus on these other (inaudible) activities that are happening out there, and include our -- you know, enhance the (inaudible) activities by including it with these other species, type of sampling or other things that are going on in the river that are -- several of them are also water quality oriented.

So we’re offering to (inaudible) the sampling done by (inaudible) different agencies -- I can think of five right off the top of my head right now. And try to coordinate those to look at the future areas. Because I think the sooner we can say this isn't part of the

problem, the more comfort that we will have at our level.

And I agree that the existing sanitary sewer, municipal wastewater permits and their discharge conditions, including the non-point discharge elimination permits, all are very thorough and this really should be just in recognizing them as attractive programs, not adding anything additional onto those programs and resources. So no additional implementation measures would be needed if those plans, permits are working appropriately. If they aren't, then they should be adjusted, not the TMDL or the Basin Plan.

The grazing lands and confined animal spaces is still go to -- you know, Napa's not noted for its (inaudible), it's noted for its wine, as we've talked about already. And we have more recreational grazers or animal owners. There's even a spot that's mentioned, one of the newer inns that is paying someone -- there are kids who do their 4-H and raising animals, so that they have the view of some animals out in this country. And so that's what we're looking at in Napa. We aren't looking at high-level uses out there.

And as mentioned in the first letter in March, there’s positive things with having animal grazing that go beyond water quality.

CHAIRMAN MULLER: We'll let Sandra address those.

MS. PAUL: Okay. All right.

CHAIRMAN MULLER: We need you to conclude, though.

MS. PAUL: Okay. So we’re hoping that those educational efforts or implementation of best management plans for the grazing lands and animal facilities would be an appropriate balance, or appropriate addition for implementation. Our main concern is not to have a (inaudible) that just blooms out and grows forever. We want to see his problem, we follow it, and get to that end. So I appreciate your time this morning, and I will leave my letter up here and hope that you consider it.

CHAIRMAN MULLER: Now, is this letter from the Board of Supervisors chair?

MS. PAUL: This is from the Board of Supervisors chair, and they send their regards, and it was just a little too (inaudible) to come today.

CHAIRMAN MULLER: Okay. It’s a new letter, so we will give it to -- Yuri, how do you want to handle this?

MS. WON: Because the comment deadline has passed, and it’s the Board’s practice not to accept late written testimony, or late materials -- however, it’s within the Board Chair’s discretion to accept it.

MR. WOLFE: By and large, though, since we’ve gotten an earlier version of the letter -- I see that that essentially she’s read through the points raised in the letter. So I think it appropriate to --

CHAIRMAN MULLER: If it’s okay with the Board, then we can accept it. Is that all right with you, Mr. Wolf?

MR. WOLF: Can we read it before we decide to accept it or not?

CHAIRMAN MULLER: Um --

MR. WOLF: No, I’m joking.

CHAIRMAN MULLER: As you stated, the Executive Officer said that she just about hit all the points of the letter. So that just about covers us for our accepting it after public comment. I just want to make sure that

we are legally in the right and, again, with respect to elected official (inaudible). Okay, moving on to Sandra?

MS. ELLIS: Thank you, Mr. Chairman and Board Members. I'm Sandi Ellis, representing the Napa Community Farm (inaudible), 811 Jefferson Street in Napa, California. First of all, I want to say that we're very appreciative to you and your staff for taking on this issue of addressing pathogens in the Napa River watershed.

As a professional representative of the farming community, we really respect and need to improve our water quality, and individually, as a kayaker frequently on the Napa River watershed, I also understand that issue.

Let me give you a little bit of background about the activity, the impact of -- these regulations that could impact us. We are a county of 500,000 acres, approximately half of those acres are within Region 2 and your jurisdiction. The other half in the eastern part of the county is within the Central Valley Regional Board jurisdiction. We are very proud of our agricultural heritage in Napa, as you know, with our world-class winery industry. We have an agricultural

preserve and a watershed district that comprises 90 percent of that acreage. And we have various (inaudible) and rules that protect that agricultural production and heritage into the future.

We're also very proud of our commitment to sustainability. We have very strict -- probably the strictest in the nation -- conservation standards on pollution control measures. They've been in place for 10 years and they work very well for us. We also have a very strong commitment to sustainability in Napa, and by sustainability we mean that the policies and our farming practices are economically robust, they're environmentally wise and they're socially equitable. And as we talk about the TMDL I'd like to (inaudible) regulation and the implementation measures that are projected on the activity within that sustainability framework. And each of those legs are the three E's, whether it's environment, equity or economics, they stand on its own. But we (inaudible) on the other two.

For the last six years, our community -- and I've been in my job for about five or six years -- we've been very committed to the sustainable approach, and we have several very innovative practices including Napa (inaudible) certification, fish-friendly farming which you may or may not be aware of, a code of sustainable

non-point practices -- that’s a statewide program -- and also a very ardent group of people that lead and have sustainable (inaudible) that includes education and outreach.

Now, you might recognize that it’s all about wine. I’m here talking about cow patties, but I really know more about cabernet. In (inaudible) we have a crop value in Napa of $360 million, $2.2 million or one-half of one percent, is in grazing. One half of one percent. So when I read the TMDL, my reaction and most other people in the county’s reaction was, ‘what grazing.’ What are you identifying as the source assessment here for the pathogen contribution and pathogen levels?

Simply put, I don't believe that we have enough grazing operation within our county that we’re going to -- that we would target the need to have a grazing implementation plan and set of standards. And, again, getting back to that sustainable viewpoint, the staff report says that the implementation issues that are identified could cost anywhere from a low of $60,000 a year to a high of $250,000 a year, over 10 years.

Now, remember when I said we had $2.2 million worth of gross value in our county. More than half of that, I’m sure, is in Region 5. So if you look at the cost to

those few producers, I would say that’s not reasonable or economically sustainable. And I also have to tell you that on our few grazing operations, their margin or profit margin is either nonexistent or extremely slim. So if you think about putting a 20 percent cost of implementation on the gross value of our product, it’s not going to work.

And the end result may be that (inaudible) these grazing operations, and what little diversity we have in Napa County, and whatever little diversity we have we want to save, and we also want to grow. So keep that in your mind as you think about this.

I had the fortune, I think it was in February in Sacramento, at a state farm bureau event -- and I got to meet your new head of the State Water Board, Tam -- I think I’m saying her name right. And Tam was a breath of fresh air, and she spoke to a large group for a few minutes. At a reception she talked with her, and she said, “I know we can’t address every single issue of water quality in the state, and my role as the leader will be to identify our priorities and efficiently address those priorities.” And I would say to you that the grazing issue, it doesn't fall into the realm of these priorities or sustainability proficiency.

But we do know that there is a need to address some of those impacts, and we do come to the table with an offer of how we can help work together, how we can partner with the Regional Board, how we can partner with our Natural Resources Conservation Service, our UC Cooperative Extension advisors, and our Resource Conservation District at the county. And what we believe is a very appropriate approach for the grazing lands and the (inaudible) confined animal is an education and outreach program.

We have, we saw that this would be an issue for our few producers. And again, when I say few, I can count them on one hand. And then on both hands I can count the -- we see them as they come in, seasonally. We have two commercial operations that are literally (inaudible) Nebraska beef, and they are struggling. They're struggling, and we want to keep them in business. And then we have a few people that have 30 head of cattle or 80 head of cattle. Our tax assessor has 30 head of cattle on 1300 acres, and the intensity of that grazing I think also goes back to the impact.

So what we come and offer today is to partner with you as a regional board, and our other NGO partner on a very broad educational and outreach program, on water quality management, on best management practices, and

(inaudible) being done and to improve. I keep identifying one very clear thing on Sheehy Creek that had a great (inaudible) is very appropriate. But to put onerous regulations and costly regulations on everybody else in the county is probably not appropriate. So look at the site-specific problems and then develop an education and outreach program, and continue to monitor. And if we find other site-specific problems, then it draws back.

Having worked with the Central Valley Regional Board on the (inaudible) I can tell you that if it’s not well thought-out, if it starts -- if the way the program starts before the conditions are known and the definitions are set -- and I heard a discussion earlier about what is the definition -- there is not only a definition of what’s in the (inaudible) report, we don’t have hog farms. We have backyard (inaudible) and 4-H projects. We have people raising six cows, 10 pigs, a small little boutique sheep herd. Put it in perspective.

CHAIRMAN MULLER: We get your point.

MS. ELLIS: And that is my conclusion. I definitely offer to work with you, and I hope that we can develop a sustainable program that’s really (inaudible) the

Water Code Section 13000 says that the regulations have to be reasonable. And I do have these comments summarized in a letter, and I don't know if it’s appropriate to hand out at this point. I did submit a letter back in September, on a project report that I did not (inaudible) the comment period, written, closed before that public hearing.

CHAIRMAN MULLER: Well, I think you were pretty clear in your summation. I don't think you need to hand out, I think we’re all right.

MS. ELLIS: Thank you very much.

CHAIRMAN MULLER: Thank you for the support for sustainability. And Kathy, if you could offer something new, I think we could --

MS. HAYES: Very quickly, and completely related to this watershed. I just needed to acknowledge that there was more community outreach with this particular TMDL. Although the residential property owner piece, I didn’t see any big outreach to that community, but I needed to acknowledge that (inaudible) a larger community outreach.

As a non-scientist, in reading the TMDL, I felt like there were more mays, could, shoulds, mights than even the Sonoma Creek one. And in some ways, as related to septic, there were times I felt like this is a process looking for a problem. So I just needed to put that out there.

Again, I'm representing the realtors association, and we, too, offer our support in helping to provide opportunities for outreach to the community. It's important for homeowners to understand, whether it's a septic system or whether it's a sewer lateral, that they have some responsibility to upkeep it and to look at it and make sure that it's working appropriately, and we're always looking for ways to help communities. Thank you.

CHAIRMAN MULLER: Thank you. That concludes the number of cards that I have here.

MR. WOLF: I had a question for staff. The question for staff is where do you envision measurement and compliance with the (inaudible) application in (inaudible)? So, for example, when (inaudible) system, zero e coli density, what are we (inaudible) measuring?

MS. WHYTE: For the --

MR. WOLF: Well, for example, for an on-site sewage disposal system, it has an e coli allocation of zero. That’s zero where, at the property line (inaudible) surface water?

MS. WHYTE: Zero relates to the no discharge of human waste, and we can determine compliance within that allocation based on the operation of the system itself, in addition to monitoring down to (inaudible) water body.

MR. WOLF: So if you see visual -- the visual discharge, you can see the water flowing out (inaudible), and that’s obviously a violation. But in wet weather or after a spring storm or something that (inaudible) and you find violations (inaudible) nearby, how do you know which property it came from? Maybe it came from upstream.

MS. WHYTE: I think that’s when we work with the county on taking a look at the systems themselves that are upstream and downstream of that location. Look at the construction. There are tests that can be done on the individual systems to see how old they are, whether they're functioning, what kind of lines (inaudible), depth to ground water, depth to bedrock, soil permeability. And that’s when we talk about the weight

of evidence approach, to try to narrow down and focus on where exactly is the problem.

MR. WOLF: Okay. I don't understand, but I -- and I understand better the fears that would be expressed by some people. You know, I think the fear is perhaps larger than it needs to be, but on the other hand there certainly is a real basis for the fear because it’s not clear how compliance will be measured.

Now, the plan doesn't have to spell all that out. Because compliance will really be determined under plans that are submitted later, et cetera, conditions of waiver and all those things. But by the time we get there we have to spell all those things out, or no one really knows what it means to be compliant. So I just wanted to raise that issue in the beginning. But I think that where the rubber meets the road is how will we determine compliance, because that’s what drives people’s concerns as to spending, et cetera.

And then I had a couple other general comments. One is with regard to the context towards this TMDL. Actually, let me go back. On the pesticide TMDL I was looking for five things. I got two and a half of them then, and another one now -- and I want to congratulate you and thank you for that half of one now, which is

that these TMDLs have subheadings, they're templated, in my opinion. There’s a structure to them, and it’s very helpful to me. I think it was Sunday night that I was reading them, and reading them and watching TV, and I could actually figure out what was going on. And I remembered, ‘oh yeah, it was in some heading section.’ And so template is good, the whole thing.

That leaves me with one and a half to go. The half is the context. For example, pesticides, we were told that 70 percent of (inaudible) is pesticide-related, and my concern there was, okay, if we solve the pesticide problem, maybe we still have a problem, because (inaudible) 130 percent is (inaudible) context. But here, the context I’m looking for are the other impairments in the water shed. So I know we’ve got nutrients and we’ve got sediments. I think for both of them, it would be helpful in the staff report, maybe next month, to explain that to us. So if the question comes up about ranchlings in -- or maybe pathogens from them aren’t a problem, but maybe sediments are, and therefore including them in (inaudible) because the same measures that control pathogens will control sediments.

And so by breaking it up in this way we sort of -- we lose that context (inaudible) to explain why we’re

doing something. So I need that context, and that’s the half and I think you can give me that next month. It won't be hard.

And the last item is this one about some of the strategic adjustments over time. One of the big strategic decisions -- I think we’re going to hear from all the dischargers that -- all the stakeholders that it’s not clear how we’re going to comply with this. And they have raised concerns and so forth. And in particular they’ve raised the issue of watershed (inaudible), and how do we understand how a watershed - how we prioritize (inaudible) watershed, maybe there’s a certain cost of that area that should be addressed first. Maybe certain types of land use issues are a priority, at least for the first five years.

And this sort of strategic unfolding isn't addressed in the TMDL. I think we'll do it in that number section that talks about alternatives to the property by property regulatory approach. Because this approach is (inaudible) property by property approach. Every property owner is responsible, whatever common land use they have (inaudible). But still, every property owner is responsible for giving something (inaudible) property. And no place in here does it say if a bunch of property owners get together and prioritize for

their whole watershed or something, that they can do that. They can (inaudible) prioritize investments, and they can get preferential treatment when it comes down to enforcement (inaudible). And this kind of watershed approach has been encouraged in the past.

In the Central Valley (inaudible) they've got actually a two-tiered system, so if you join the watershed group you're subject to essentially different regulations than if you go it alone. I think we ought to open up that door, and so that in those places where people say, you know, we want to (inaudible), we want to work with our neighbors or the county, or the water board agency, or whatever -- and have an idea about how to do that. They could do that, and it would be consistent with TMDL, but we would open a pathway for them to succeed along those lines. And for us to not come down on individual property owners who maybe can't comply or don't comply, so long as bigger problems are being solved. I think we need to open that up strategically.

And (inaudible) be another section of the TMDL, something about watershed, under watershed approach, watershed compliance, I don't know what. It would be a soft section, if we just say if people do (inaudible) along the following lines, we would be prepared to

consider this and that. Just opening that door, as a planning guide.

And then as a last comment, just to the audience, I think that a number of comments were quite valid, but I'm not sure you give yourself enough credit or give the documents enough credit for the power they give you. So, for example, with respect to septic systems, you know, it was a year and a half to go through these, for each of the counties to come forward with a plan for how you're going to test and verify your septic systems (inaudible). And then there's three years after that before the first progress report is due.

So you're being given four and a half years, basically, to go out there and see if there is or isn't a problem. And if you're sure there isn't a problem in four and a half years, you can document that and you can be done. And you know, it's not (inaudible) report. So, and I think that's true of most of these requirements, there's significant time (inaudible) and I think the ranch lands planning requirement is 2010, the year 2010, so that's four and a half years.

So there's a lot of time given in here, and a lot of authority given to the parties in the watershed to try to figure this out yourself and report back to us. So

I think if we can address a revision for next month, some of these issues about enforcement and the fear around enforcement, I don't think it’s nearly as bad as (inaudible) today.

CHAIRMAN MULLER: Very good. Anyone else?

MR. WALDECK: Yes. I would, I liked the planning document. It’s comprehensive and I think what staff should be doing is addressing the concerns, because I think it’s a communication issue with the differences that come across there. And I would encourage the board and the staff to not relax any of the requirements come forward. And speaking to the farm side of things, hearing people that have a few sheep, a few cows in their backyard, that concerns me a lot more than a large ranch. Because the same way we all pick up after our dogs there, people with a few head in their backyard, they don’t have poop bags for cows and things like that. So I would want extra strong regulations on people that do that, because it’s -- you know, it could add quite a bit, and if it turns into the cool thing to have, you know, take some of your vineyard land and raise llamas on it, you know, I want to have the regulations that are in place to protect the watershed.

CHAIRMAN MULLER: Okay, do you have any comments, Bruce, to bring this to a conclusion here? Again, this will be brought back to us, and I think there’s been a few new observations brought forward and I’d like to get -- we and staff consider them and look at them closely with more and more of the stakeholders. You know, again, I don't think this is something we’re going to run down everyone’s throat, we want to just get going off of this so we can do the right thing the first time.

MR. WOLFE: Right. I think, in fact, that’s the whole goal of having these hearings, is to make sure that even though we’ve got a number of written comments, that we’re broadening as much as possible to get comments from the stakeholders. And we do fully intend to go back and review all comments, not only the written ones but the ones we received today. But everything we’ve heard today from both the public, but also from you on the board, we'll go through and see how we can improve this, because in our mind the real need is the implementation. And getting clarity, as Gary said, making sure that it’s clear what the expectations are, so to move forward.

I think many of the comment letters focus on the common desire to ultimately have both these creeks and rivers

attaining water quality standards but faster, so they can come off the impaired water quality list. That's our real goal here, as one of those who grew up playing in the summer in the Napa River, I know that there is that need to protect the river. And so we want to work with the stakeholders. Both these watersheds do have very active stakeholder groups and we want to work with them, to ensure that we're getting the appropriate implementation.

CHAIRMAN MULLER: Right. And I think anyone that's ever lived on a septic system, trust me, when there's a failure you're the first ones to know it in your house. It's just something that we live with, and so I think we're aware of that. That we're all contributing to these issues and I think the grazing land comments were hopefully well-taken, that -- I do that sometimes as a visual thing, too, when we're looking at communities and grazing land TMDLs in the future. I mean, they're not only serving for fire protection, but they're a visual thing, too. It's an open space issue, it's a growth issue.

You know, do we want a few cows on the hill or in the back yard, or do we want more houses? I'd prefer to have a few cows out there. So that's just my perspective.

So I think we can bring this to a conclusion. We have some --

MR. WOLFE: Right. Just as a final comment, we recognize we have a lot of work to do, but our goal is to come back in June. And I do appreciate Gary's comment about how can we make sure we tie this together with some of the other drivers in these watersheds. Because we do have TMDLs for nutrients and sediment in both these watersheds that we need to address. And I think we do want to make sure that we're clear on -- that there are opportunities to -- for similar measures for all three TMDLs. We're not trying to, you know, reinvent the wheel for each TMDL. So we'll work on making that clear, and plan to come back to you.

CHAIRMAN MULLER: And I appreciate Napa and Sonoma coming down, and we have to look closely at -- those are districts that are serving a lot of people up there, and doing a fine job, I'm sure. So we have to make sure that we include that on this, and they're very close to us. So I think at this time we're going to have to clear the room. We're going into closed session.

[Whereupon, testimony was completed for Items 7 and 8.]