

North Coast Regional Water Quality Control Board

Response to Comments on the 2014 Triennial Review of the Water Quality Control Plan for the North Coast Region

This document presents comments and/or summarizations of comments provided by stakeholders during the public comment periods for the Triennial Review of the Water Quality Control Plan for the North Coast Region along with Regional Water Board staff responses to comments. The formal public comment period began upon public release of the Staff Report on November 21, 2014 with comments due by close of business on January 9, 2015.

Commenter Name	Organization	Date	Attachments
Mr. Felice Pace		December 01, 2014	None
Mr. Tim Erikson, PE, Director of Public Works	The City of Ukiah	December 12, 2014	None
Mr. Fred Krieger		December 27, 2014	2014 Triennial Review Draft Priority List
Mr. Mark Landman, Chair, RRWA Board of Directors	Russian River Watershed Association	January 2, 2015	None
Mr. Neil Manji Regional Manager Region 1-Northern	State of California Department of Fish and Wildlife	January 07, 2015	None
Ms. Crystal Robinson, Environmental Director	Quartz Valley Tribe	January 08, 2015	None
Mr. Grant Wilson, Outreach and Policy Coordinator	Earth Law Center, Awakening to Earth Rights	January 09, 2015	Letter from ELC to NCRWQCB June 18, 2014 includes Letters from U.S. EPA Region 4, Nov. 19, 2012 and U.S. EPA Region 1, June 25, 1996
Mr. Grant Davis, General Manager	Sonoma County Water Agency	January 09, 2015	None

Mr. Leaf Hillman, Director Department of Natural Resources	Karuk Tribe	January 09, 2015	None
Ms. Eileen Cooper, Vice President	Friends of Del Norte	January 09, 2015	NCRWQCB letter dated July 8, 2014 to Oregon Water Resources Dept. re. Limited License 1533 Application for proposed Cleopatra Project
Dr. Robert W. Gensemer, Senior Ecotoxicologist	GEI Consultants, Inc	January 09, 2015	References
*Mr. Gordon R. Lyford		January 11, 2015	
*Mr. Alan Levine	Coast Action Group	January 16, 2015	
*Ms. Kara Brundin- Miller Tribal Chair person	Smith River Rancheria	January 20, 2015	
*Ms. Wendy Bertrand		January 21, 2015	

*Several letters were received after the comment deadline of January 9, 2015. The Regional Water Board is under no obligation to respond to comments received after a duly noticed public review comment period has ended. As a courtesy, comments contained in these letters were considered and responses are included in this document.

2014 Triennial Review List of Priority Basin Planning Projects Response to Public Comments

General Comments

GENERAL-1 California Department of Fish and Wildlife (CDFW)

The Regional Water Board should consider coho salmon recovery as a high priority when prioritizing Basin Plan tasks.

GENERAL -1 Response

Regional Water Board staff agrees. Many of the proposed high priority tasks are specifically aimed at coho recovery, listed species protection, protection of aquatic habitat/conditions necessary to support listed species, and/or protection of ecosystem functions necessary to support listed species. Staff hopes to continue building upon the collaboration of our two agencies with the goal of leveraging our agency goals, implementation tools, and resources to expand upon our combined effectiveness.

GENERAL-2 Coast Action Group (CAG)

In general, CAG supports the projects that Regional Water Board staff has designated as "high priority."

GENERAL-2 Response

Thank you.

GENERAL-3 Coast Action Group (CAG)

TMDL development and TMDL Implementation Program development should be of High Priority.

GENERAL-3 Response

Staff agrees. For this reason, the development of specific TMDLs is identified as the #1 priority for basin planning, including the development of Action Plans describing their means of implementation.

The triennial review process establishes the basin plan amendment priorities for the Region. Not every high priority effort of the Regional Water Board, however, requires a basin plan amendment to accomplish. The development and implementation of permits and waivers, for example, are actions taken by the Board outside of the Basin Plan and does not show up on the 2014 Triennial Review list of priorities.

The following comments and responses are organized by the priority ranking in the draft 2014 Triennial Review of the Water Quality Control Plan for the North Coast region, Proposed Basin Planning Project Priorities.

#1a, Comments related to Russian River Pathogen TMDLRUSSIAN RIVER-1 Sonoma County Water Agency

The Water Agency supports the ongoing High Priority effort of the Regional Board to develop a TMDL to address pathogens in the Russian River and to address nutrient, dissolved oxygen, temperature, and sediment issues in the Laguna de Santa Rosa.

RUSSIAN RIVER-1 Response

Thank you for the support.

#1b, Comments related to Laguna de Santa Rosa TMDLs for nutrients, dissolved oxygen, temperature and sedimentLAGUNA-1 Sonoma County Water Agency (SCWA)

The Water Agency supports the development of an implementation plan for the Laguna TMDL that would include a nutrient credit trading program to help offset nutrient and sediment inputs into the Laguna de Santa Rosa and provide for a reduction in eutrophic conditions that contribute to low dissolved oxygen concentrations and high temperatures.

LAGUNA-1 Sonoma County Water Agency (SCWA) Response

Thank you for your support.

LAGUNA-2 Coast Action Group (CAG)

The Laguna historically provided habitat for salmonids. Changing beneficial use designation to only consider warm water fish species is not supported by historical evidence. Such change in beneficial use designation would alter water quality objectives that should support the cold water fishery that historically existed in the Laguna.

LAGUNA-2 Response

Regional Water Board staff agrees that there is ample evidence that the Laguna de Santa Rosa historically supported cold water species such as salmonids. Indeed, several of the tributaries to the Laguna de Santa Rosa continue to support salmonid spawning. The tributary streams are appropriately designated with the COLD beneficial use and their water quality conditions must be protected to ensure restoration and maintenance of cold water spawning, as well.

What is in question, however, is the historic nature of the Laguna de Santa Rosa mainstem channel. Regional Water Board's own historical analysis indicates that the Laguna de Santa Rosa mainstem channel has always been a low gradient channel, dominated by a fine sediment substrate, and historically functioning as a wetland/lake complex. This analysis was confirmed by a multi-agency technical advisory group composed of local fishery experts who determined that the Laguna de Santa Rosa mainstem provides and has historically provided excellent rearing and feeding habitat for salmonids. But, it has never provided the gravel-bottomed, riffle-pool habitat suitable for salmonid spawning. For this reason, staff has recommended that the beneficial use (BU) designation now made wholesale across

the Laguna watershed, be refined to indicate more precisely where these individual uses more appropriately are applied.

The refinement of BU designations is proposed to be a companion action associated with the Laguna de Santa Rosa TMDLs. There will be an opportunity for the public to review the compiled evidence and provide comment on the specific facts, prior to any action of the Regional Water Board.

LAGUNA-3 Coast Action Group (CAG)

As noted by CAG comments on previously approved nutrient trading programs, we believe that:

- 1) Nutrient sources that are existing violations should be treated as such and be subject to Clean-up and Abatement (in a prompt and judicious manner) – and not subject to or able to be qualified for the Nutrient Trading Program.
- 2) Restoration of non-functional aspects of the Laguna system should be the sole basis of any Nutrient Trading program. Restoration and protection (via Basin Planning and WDRs) will yield the most efficient recovery process. We believe the use of multiple strategies (Regional Board toolbox of authorities and actions – including restorative process) can yield better results – instead of relying solely on trading programs.

LAGUNA-3 Response

The goal of the Laguna de Santa Rosa TMDLs and implementation strategy is to restore the Laguna de Santa Rosa watershed to the highest ecological function that is possible, given the dramatic alterations of the landscape that occurred over the last century. Regional Water Board staff plans to develop an implementation strategy that allows for full use of all of the available tools, regulatory and non-regulatory, in a manner that efficiently and successfully accomplishes the overarching goal of recovery. Staff agrees with the commenter that the nutrient trading program concept offers a unique opportunity to fund restoration efforts that might otherwise be difficult to fund. As such, staff strongly supports the use of a nutrient trading program for this purpose. Staff also agrees that other regulatory tools, including enforcement tools, are sometimes the preferable, most appropriate tool in a given circumstance. But, staff also proposes that the implementation strategy be developed with enough imbedded flexibility so as to allow the application of the most appropriate, expeditious, successful tool to accomplish each of the identified recovery actions.

#1c, Comments related to ocean beaches and freshwater streams bacteria TMDLs

BACTERIA TMDL-1 Quartz Valley Tribe, Karuk Tribe

In regards to the Ocean Beaches and Freshwater Streams Bacteria TMDL Action Plan, we support the high priority assigned to indicator bacteria in the Triennial Review. We request that to the extent possible, the bacterial plan be developed in such a way that it can be readily adapted to new areas (e.g., Scott and Shasta valleys) if, as we anticipate, the geographic extent of bacterial impairment listings expand in the future.

BACTERIA TMDL-1 Response

Staff agrees that the Ocean Beaches and Freshwater Streams Bacteria TMDL should assess a multitude of settings and sources and establish an implementation strategy that can be replicated wherever it's needed and appropriate throughout the region.

BACTERIA TMDL-2 Coast Action Group (CAG)

We agree with the Regional Water Board staff that an ocean beaches and freshwater streams bacteria TMDL and action plan should follow completion of the Russian River pathogen TMDL and action plan. We agree that it would allow staff to refine the approach developed for the Russian River, offering staff the ability to derive efficiencies from replicating those elements of the analysis and load allocations that result from the thorough and detailed work associated with the Russian River TMDL.

BACTERIA TMDL-2 Response

Thank you.

#2, Comments related to the Water Quality Objectives Update Amendment (Phase I of the Ground/Surface Water Quality Objectives and Implementation project)WQO-1 Sonoma County Water Agency (SCWA)

SCWA agrees that updating and clarifying water quality objectives should remain a high priority for the Regional Water Board. SCWA encourages the Regional Water Board to clearly describe the process it will use when translating the proposed narrative water quality objectives into numeric limits for specific uses in permits, orders or other Board actions to provide greater consistency and certainty to the permitting process. SCWA also supports the effort to update the dissolved oxygen objectives and establish life cycle requirements for the protection of sensitive salmonid species, while also recognizing that site-specific objectives may be appropriate in areas where natural conditions do not allow dissolved oxygen concentrations to support life cycle requirements.

WQO-1 Response

The draft WQO Update Amendment is scheduled to go before the Regional Water Board in a hearing in June 2015. The draft basin plan amendment language includes substantial new language in Chapter 4 of the Basin Plan that describes of the policies and programs the Regional Water Board implements and tools it uses to control the discharge of or promote the cleanup of chemical constituents, including toxic constituents. Included in this new language is a description of the process the Regional Water Board uses when translating narrative water quality objectives into numeric limits.

WQO-2 California Department of Fish and Wildlife (CDFW)

CDFW recommends development of numeric targets for endocrine disrupters for surface water be added to the Ground/Surface Water Quality Objectives. Endocrine disrupters have been linked to developmental, reproductive, behavioral, immunological, and physiological changes in various fish and wildlife species.

WQO-2 Response

Regional Water Board staff shares CDFW interest in and concern about endocrine disruptors as chemicals with the potential to impact aquatic species. As chemicals of emerging concern, the State Water Board and the Regional Water Boards are still investigating the development of appropriate sampling methods, analytical methods, and appropriate targets to protect human health and aquatic species. The State Water Board has taken the lead for the state on addressing these questions. In the meantime, the Regional Water Board is embarking on an ambient water quality monitoring program in the Russian River, as a pilot study to determine the extent to which chemicals of emerging concern, such as endocrine disruptors, may be an issue in our region. We welcome CDFW's active involvement in this project and its assistance in evaluating the forthcoming data for the purpose of determining next steps.

WQO-3 Coast Action Group (CAG)

The Regional Board should note that there are non-governmental organizations, with expertise, that are supportive of the effort to better recognize the interaction of surface and groundwaters. These parties should be considered in the development of the outreach process.

WQO-3 Response

Thank you for this recommendation. Staff will ensure there is substantial stakeholder outreach on this issue.

#3a, Comments related to development of criteria for the exemption from the seasonal discharge prohibition on point sources of wasteEXEMPTION-1 Sonoma County Water Agency (SCWA)

SCWA supports the development of criteria to allow for exemptions from seasonal discharge prohibitions and the potential for flow augmentation benefits. SCWA is interested in working with other dischargers and the Regional Water Board to develop criteria to allow for exemptions from the seasonal discharge prohibition in the Russian River Basin. A collaborative effort similar to that utilized in the development of technical information to support preparation of a mixing zone policy may be an effective way to address this project. Benefits of exemptions from the seasonal discharge prohibitions could allow dischargers greater operational flexibility, especially in the late spring and early fall rain events when land disposal is not an option and streamflows are adequate for discharge.

EXEMPTION-1 Response

Thank you for your support. Staff welcome collaboration with the SCWA and others on the development of this project.

EXEMPTION-2 Sonoma County Water Agency (SCWA)

With regard to the potential for flow augmentation benefits, the Water Agency would like to ask that the Regional Water Board take into consideration the ongoing effort of the Water Agency, US Army Corps of Engineers, and the National Marine Fisheries Service and

the issuance of the Biological Opinion in 2008 that requested modifications to Upper Russian River instream flows requirements to address rearing habitat conditions when considering the development of numeric flow objectives for the Russian River. The Biological Opinion identifies the need to establish lower summertime flows in the mainstem Russian River and Dry Creek for the benefit of salmonids.

EXEMPTION-2 Response

The initial effort associated with this project will be focused on the Eel River and the point source discharges in that basin, considering the low summer flow conditions in the Eel that may benefit from flow augmentation. An assessment of whether or not an exemption to support flow augmentation is appropriate in the Mad and the Russian rivers will also be evaluated and considered. Staff are envisioning an assessment of the degree to which highly treated wastewater can provide a *benefit* to the aquatic environment.

#3b, Comments on the development of numeric flow criteria to address low flow conditions in the Eel, Mad, and Russian rivers.

EEL FLOW CRITERIA-1 Quartz Valley Tribe

We strongly support the development of numeric flow objectives to protect instream beneficial uses, but we are disappointed that no Klamath Basin waterbodies are included in the initial list of priority waterbodies. Why are the Scott and Shasta not included in the initial list of priority rivers?

EEL FLOW CRITERIA-1 Response

As an ancillary effort, the development of an exemption from the seasonal restrictions on point source discharge in the Eel River will require assessment low flow requirements for the protection of beneficial uses. As a placeholder, staff proposes that such an assessment could be used to develop flow criteria. We anticipate expanding this effort to the Mad and Russian rivers, if through the development of exemption criteria, staff recommends the criteria as appropriate for use in those waterbodies, as well. In that case, an assessment of flow requirements for those waterbodies may also be appropriate.

Regarding the Scott and Shasta, the TMDLs for those watersheds include actions to address summer low flows as they relate to impairments. Further, efforts to develop flow criteria for the Scott are underway through the leadership of California Department of Fish and Wildlife (CDFW). As a result, Regional Water Board staff did not see it as a priority to duplicate that effort; but instead, will collaborate with CDFW on that effort. Because of limited staff resources, staff proposes the Regional Water Board turn its attention to a waterbody where flow criteria are needed, are not yet under development, and where significant information already exists. The Navarro fits this bill.

#4, Comments related to the development of a Groundwater Protection Policy (Phase II of the Ground/Surface Water Quality Objectives and Implementation project)

GROUNDWATER PROTECTION-1 The Sonoma County Water Agency (SCWA)

SCWA supports the development of the Groundwater Protection Policy, including the policy to promote recharge and the programmatic approach to manage salts and nutrients in groundwater, and agrees with the high priority status. The proposed policy to promote groundwater recharge should build upon the existing Basin Plan's recognition of groundwater recharge as a beneficial use for much of the surface water resources within the North Coast Region, including those within the entire Russian River Hydrologic Unit. Such beneficial use of surface water is defined in the existing Basin Plan as "Uses of water for natural or artificial recharge of groundwater for purposes of future extraction, maintenance of water quality, or halting of saltwater intrusion into freshwater aquifers".

In addition to promoting stormwater recharge, the proposed policy should also promote the conjunctive management of surface water and groundwater supplies, such as in-lieu recharge and groundwater banking programs that utilize drinking water for recharge, storage and recovery. Such programs are encouraged in recent local and State initiatives and policies, including the Santa Rosa Plain Watershed Groundwater Management Plan (2014), the Sustainable Groundwater Management Act of 2014, and the Governor's California Water Plan. SCWA also supports development of a programmatic approach to managing salt and nutrients in groundwater that recognizes the purpose of the Recycled Water Policy, which is to increase the appropriate use of recycled water from municipal wastewater sources.

GROUNDWATER PROTECTION -1 Response

Thank you for your support of this project, including: a policy to promote recharge, programmatic approach to salt and nutrient management, focus on groundwater recharge beneficial use, promoting appropriate stormwater recharge, promoting appropriate recycled water use, and promoting conjunctive groundwater management. Our agencies have collaborated on many of these topics already and we look forward to continuing and expanding this collaboration.

Regional Water Board staff is supportive of identifying and considering all available tools for sustainable groundwater and surface water management, with the goal of protecting existing and potential beneficial uses. SCWA has specifically highlighted groundwater banking as a tool that is encouraged for use in the Russian River Plain groundwater basin. Regional Water Board staff is supportive of groundwater banking, where appropriate. As you are aware, one of the beneficial uses requiring protection in many groundwater basins in the North Coast Region, including the Russian River Plain groundwater basin, is the water supply used without treatment by private well owners. Protection of untreated water supplies will require assessment of the potential for the chlorine byproducts from injected treated drinking water to impact the high quality water currently used by many domestic users. SCWA proposes a pilot study for this purpose.

GROUNDWATER PROTECTION-2 California Department of Fish and Wildlife (CDFW)

CDFW believes adding groundwater recharge to Phase II acknowledges the importance of groundwater supply in providing for adequate surface flows. CDFW also supports adding beneficial uses to the groundwater objective and is willing to work on these with Regional Water Board staff.

GROUNDWATER PROTECTION-2 Response

Thank you for your support for this project and the promotion of groundwater recharge, in particular. Regional Water Board staff looks forward to further collaboration with CDFW on this subject.

GROUNDWATER PROTECTION-3 California Department of Fish and Wildlife (CDFW)

While Phase II is proposed to be retained as a high priority, Phase I is not. To adequately protect groundwater surface waters from contamination and low-flows, CDFW supports the Regional Water Board retaining Phase I and Phase II as high priority tasks in the Basin Plan.

GROUNDWATER PROTECTION-3 Response

Regional Water Board staff have proposed that Phase I be identified as priority # 2 while Phase II be identified as priority #4. Both of these fall within the “high priority” category. The draft amendment for Phase I is currently scheduled to go before the Regional Water Board in a hearing in June 2015.

GROUNDWATER PROTECTION-4 Coast Action Group (CAG)

It should be noted that the nutrient issues related to dairy and agriculture are a significant aspect of the issues/threats to both surface and ground waters. And – that current Dairy and Agricultural land use WDRs are not sufficient to protect surface and ground water resources.

GROUNDWATER PROTECTION-4 Response

Development of a Groundwater Protection Policy is intended to begin with a region-wide assessment of available spatial and chemical data to identify areas and/or factors contributing to high, medium, and low risk of groundwater contamination by key constituents, including nutrients. This information, in addition to program-effectiveness data collected under the existing Dairy Program permits and future agricultural lands discharge program permits, will be useful to revising and updating our waivers and WDRs as necessary. It will also be useful in identifying places in the region where additional measures or actions are necessary to protect and restore groundwater quality.

GROUNDWATER PROTECTION-5 Karuk Tribe

We support the priority assigned to developing a groundwater protection policy. We also support the concept of developing a policy to promote groundwater recharge, given that in most of the North Coast there is not a scarcity of water at an annual time scale, but rather primarily a scarcity during the dry summer season. We encourage the development of policies that make effective groundwater recharge projects easier to implement.

GROUNDWATER PROTECTION-5 Response

Thank you for your support of this project and priority. Staff looks forward to your collaboration on this and other projects.

GROUNDWATER PROTECTION-6 Quartz Valley Tribe

We support the priority assigned to development of a groundwater protection policy. We also support the concept of developing a policy to promote groundwater recharge. Enforceable numeric objectives for instream flow and effective regulation of surface and groundwater withdrawals are also critically important elements of an effective strategy to protect instream beneficial uses.

We would also like to emphasize the need for this policy in the Scott basin. We have a high level of support for this policy and request to be involved with staff in the development.

GROUNDWATER PROTECTION-6 Response

Thank you for your support of this project. Staff looks forward to collaborating with you and others in its development. We agree that effective regulation of surface and groundwater withdrawals are critically important to protecting instream beneficial uses.

The Sustainable Groundwater Management Act of 2014 aims at establishing sustainable groundwater management plans for every medium and high priority groundwater basin in the State (as defined by Department of Water Resources) primarily so as to ensure sustainable groundwater extraction. The basins to be addressed in the North Coast Region include: Shasta River Valley, Santa Rosa Plain, Smith River Plain, Tule Lake, Ukiah Valley, Eel River Valley, Scott River Valley, and Butte Valley.

#5, Comments related to the development of instream flow objectives for the Navarro RiverNAVARRO-1 Mr. Pace; Quartz Valley Tribe

The Navarro River is included as a task (#5) separate from the Eel River task (#2) for unexplained reasons. What is the rationale for prioritizing the Navarro River, rather than another river? We strongly support the development of numeric flow objectives to protect instream beneficial uses, but we are disappointed that no Klamath Basin waterbodies are included in the initial list of priority waterbodies. Why are the Scott and Shasta River not included in the initial list of priority rivers?

NAVARRO-1 Response

Please see Eel Flow Criteria 1- Response.

NAVARRO-2 California Department of Fish and Wildlife (CDFW)

CDFW believes numeric low-flow objectives must be developed for flow-impaired tributaries within the watershed. CDFW looks forward to working with the Regional Water Board staff on the Navarro River flow objectives and hopes this task will remain a high priority for the Basin Plan.

NAVARRO-2 Response

Regional Water Board staff look forward to collaborating with CDFW on this high priority project.

#6, Comments related to the development of a policy to address the effects of climate change on water qualityCLIMATE-1 Coast Action Group (CAG)

CAG supports Regional Water Board efforts to identify all of the factors associated with climate change with the potential to impact water quality and beneficial uses. We commend you on speculating that resulting Basin Planning efforts could include the development of: seasonal beneficial uses and objectives, a natural conditions clause, policy for the protection of groundwater recharge, policy for the sustainable management of floodplain and riparian function, Outstanding National Resources Waters, and others.

CLIMATE-1 Response

Thank you.

#7, Comments related to the designation of Outstanding National Resource Waters (ONRW)ONRW-1 Friends of Del Norte; the Smith River Rancheria; Mr. Gordon R. Lyford; Ms. Wendy Bertrand

Please elevate to a high priority the Outstanding National Resource Waters (ONRW) designation of the three forks of the Smith River (including tributaries), as a high priority.

Designation as an ONRW would safeguard the outstanding national values that include protection of critical habitat for California's endangered coho salmon, enjoyment of a recreational treasure, the longest stretch of National and State Wild and Scenic Rivers (over 300 miles), and an aesthetic focal point for both the Redwood National and State Park (a UNESCO world heritage site), as well as Smith River National Recreation Area. Also included in a long list of beneficial use is supplying most of Del Norte County residents with the highest quality drinking water, and an important cultural heritage resource of the Tolowa Native American Tribes.

ONRW-1 Response

Regional Water Board staff agrees that the Smith River is an excellent candidate for designation as an Outstanding National Resource Water. Public and Board member comment has convincingly indicated the need to move the designation of ONRWs in the North Coast Region up as a high priority, with the Smith River as the first. The draft 2014 Triennial Review List of Priority Projects has been revised accordingly.

ONRW -2 Quartz Valley Tribe and Karuk Tribe

The Triennial Review states that staff preliminarily concluded that the Salmon River would be a good candidate and that it could potentially be designated during the renewal of the U.S. Forest Service waiver in 2015. We support the designation of the Salmon River as an

ONRW. We expect this designation to be discussed during government to government consultation in regards to the USFS waiver renewal. We also encourage staff to consider other high-quality waters within the Klamath Basin for ONRW designation. For example, Middle Klamath tributaries such as Clear Creek and Dillon Creek are unique due to their critical importance for summer steelhead habitat, or perhaps even all waters within designated wilderness areas could be suitable for ONRW designation.

ONRW -2 Response

Regional Water Board staff agrees that the Salmon River, Clear Creek and Dillon Creek are all good potential candidates as Outstanding National Resource Waters. Public comment has convincingly indicated the need to move the designation of ONRWs in the North Coast Region up as a high priority, though focusing on the Smith River as a first priority. The draft 2014 Triennial Review List of Priority Projects has been revised accordingly.

ONRW -3 Mr. Pace

I would like to receive: an electronic copy of the document that presents or summarizes the results of "preliminary scoping." I would like to get electronic copies or links to SWRCB and EPA guidance on how to determine if a waterbody is an ONRW.

ONRW -3 Response

The preliminary scoping that Regional Water Board staff conducted has not resulted in any formal written material. We are in the process of evaluating the designation process and criteria of existing ONRWs. Having reprioritized this project as a high priority, staff will collaborate with other regions, the State Water Board, and U.S. EPA Region 9 to determine what guidelines, if any, should be considered in the execution of this project.

ONRW-4 Coast Action Group (CAG)

CAG supports the designation of Outstanding National Resource Water. This would require assessment of waters that would qualify for ONRW designation. We think this action is worth the effort, over time.

ONRW-4 Response

Thank you.

#8, Comments related to the development of a Mixing Zone Policy for human health-based constituents

MIXING ZONE-1 City of Ukiah

As the Board considers its work plan for the triennial review, we encourage you to prioritize completion of a policy for Mixing Zone Credits for Human Health Constituents. By capitalizing on the good work done to date, the Board, its staff and the regulated community can provide an important and economically viable compliance pathway for utilities like ours.

The City concluded that the capital cost of complying with its nitrate limit would exceed \$12 million (or approximately \$4 million per million gallons treated). This level of expenditure would cause our already high rates to exceed 3% of the Median Household Income.

At the same time, we are working, in partnership with the local agricultural community, to use our recycled water for beneficial irrigation uses. We've secured several grants and hope that our limited local resources can be used to bring this reuse project to reality and reduce the amount of water that is discharged.

MIXING ZONE-1 Response

It is Regional Water Board staff's recommendation that the issues presented by the City of Ukiah be addressed as a site-specific issue through other regulatory tools, instead of an amendment to the Basin Plan. Regional Water Board staff looks forward to continuing to work with the City of Ukiah directly on identifying appropriate site-specific solutions for the issues it raises. Regional Water Board staff also supports the City's efforts to use recycled water, consistent with existing permits.

MIXING ZONE-2 Russian River Watershed Association and City of Ukiah

In 2011, the regulated community completed a document titled Evaluation of a Mixing Zone Policy for Human Health Related Constituents that specifically reviewed seven alternative Mixing Zone Policy approaches and included an environmental analysis and the economic justification for such a policy. This document was also developed in consultation with the Regional Water Board and provides a strong basis for completing the proposed policy within this triennial review cycle.

The economic analysis focused on six small treatment facilities with average dry weather flows of under 3 million gallons per day. It described the potential compliance costs if mixing zone credits, specifically for nitrate, were not implemented. In 2011, these capital costs were estimated to be over \$3 million per million gallons treated or nearly \$20 million total. Providing regulatory relief in an environmentally sound manner is an important strategy for supporting small utilities, which already have rates that burden disadvantaged customers.

MIXING ZONE-2 Response

Regional Water Board staff agrees that the referenced report provides a strong basis for developing a Mixing Zone Policy. Staff from the Regional Water Board and the City met and agreed to explore other options to address the issues that have re-initiated consideration of this project. Please see MIXING ZONE-1 Response above.

MIXING ZONE-3 Sonoma County Water Agency (SCWA)

The Water Agency supports the development of a mixing zone policy as a way to provide greater clarity to dischargers and regulators to delineate and designate allowable levels of effluent entering a surface water system and would like to request that this item be moved from medium priority to high priority. The Water Agency recognizes that a mixing zone

policy would support and provide additional clarity to the process of establishing exemptions to seasonal discharge prohibitions, which has been identified as a high priority Basin Plan amendment project. For this reason, the Water Agency would suggest both policies be developed in a coordinated effort as high priorities.

MIXING ZONE-3 Response

Regional Water Board staff proposes that the development of an exemption from the seasonal discharge criteria for the Eel River (with the potential to extend it to the Russian and Mad rivers, as well) be ranked as a high priority due to the potential environmental benefits associated with flow augmentation during summer low flow conditions. On the contrary, the application of a mixing zone allows for the use of ambient flows to dilute pollutant concentrations through mixing of the discharge with receiving waters. As such, staff does not see the two projects as sharing similar water quality protection goals.

Please see MIXING ZONE-1 Response above.

MIXING ZONE-4 Mr. Fred Krieger

Mixing zones and the associated dilution factors will likely become more important in the future and not just for POTW discharges.

MIXING ZONE-4 Response

Thank you for your comment. Regional Water Board staff agrees that the issues of water quality and water quantity are integral and will become more important as water demands grow.

MIXING ZONE-5 Coast Action Group

We oppose the Mixing Zone policy. We ask that this task be removed from consideration and not retained. Mixing zones should only be considered if conflicts with recovering ESA listed species are not an issue.

MIXING ZONE-5 Response

Thank you for your comment. Regional Water Board staff agrees that protection of recovering ESA listed species is a key goal of the Water Board's water quality protection efforts. Please note that the Mixing Zone Policy project is intended to address only those constituents associated with protection of human health. Constituents (and concentrations of constituents) with the potential to cause adverse effects on aquatic receptors are not under consideration.

#9a, Comments related to the development of a Stream and Wetland System Protection Policy (SWSP)

SWSP-1 Coast Action Group (CAG)

Historically, the Regional Water Board considered Stream and Wetland Protection and Sediment Basin Plan amendments (with prohibitions) as actions necessary to protect and recover water quality resources. These actions never came to fruition. But, it is suggested

here that aspects of these actions be integrated into the proposed projects and processes discussed as high priorities in the triennial review, including prohibitions.

SWSP-1 Response

Staff believes that the commenter is referring to a prohibition that is currently applied in the Klamath River watershed. The commenter appears to be suggesting that this same prohibition be applied throughout the region, as was proposed in one of the drafts of the SWSP. The Klamath prohibition reads: "Discharges of waste that violate any narrative or numerical water quality objective that are not authorized by waste discharge requirements or other order or action by the Regional or State Water Board are prohibited."

As presently defined, Phase II of the Ground/Surface Water Objectives – Implementation Plan includes consideration of a region-wide prohibition like the one currently applicable in the Klamath River watershed. The Staff Report includes mention of this item on page 16.

#9b, Comments related to the development of a watershed hydrology objective

HYDROLOGY-1 Earth Law Center

Considering the dire need for more flow in a number of North Coast waterways, the numerous benefits of the watershed hydrology objective, the strong legal impetus of the Clean Water Act, and the clear precedent set by other states, tribes, and U.S. EPA regions, we ask that the Regional Water Board recognize the watershed hydrology objective as a "high priority" item in the 2014 Triennial Review and apply Clean Water Act concepts in development and implementation of the objective.

HYDROLOGY-1 Response

Regional Water Board staff agrees that a narrative Watershed Hydrology Objective, applicable throughout the Region, would provide a general description of appropriate flow-related goals. But, as you are aware, implementation of the water right program in the State of California is under the purview of the State Water Resources Control Board's Division of Water Rights. To determine the timing and amount of water otherwise available for human use in a river or stream, the Division of Water Rights must assess the flow requirements of that specific river or stream, with or without a Watershed Hydrology Objective as their guide. As such, Regional Water Board staff has prioritized the development of numeric flow criteria as a higher priority than the development of a narrative Watershed Hydrology Objective and propose a pilot project in the Navarro River.

HY1ROLOGY-2 California Department of Fish and Wildlife (CDFW)

Address water quality impairment affected by low-flows through the Instream Flow Water Quality Objective. Consider Instream Flow Objectives as a high priority task because without adequate flows, dissolved oxygen levels may become too low to support listed salmonids. Develop Regional Water Board numeric targets for specific streams affected by low-flow and low-dissolved oxygen.

HYDROLOGY-2 Response

Regional Water Board staff agrees with CDFW's description of the relationship between flow and DO. The Water Quality Objective Update Amendment, scheduled for Regional Water Board hearing in June 2015, includes proposed revisions to the DO objective that expand protection of aquatic life through objectives designed to protect against chronic effects of low DO. As a backstop, it provides a method for calculating natural background DO concentrations based on percent saturation and natural temperatures, thereby addressing CDFW's concerns with respect to low flow-related effects on DO.

Please see responses to Development of numeric flow criteria to address low flow conditions in the Eel, Mad, and Russian rivers (#3b) and Development of instream flow objectives for the Navarro River (#5), above.

HYDROLOGY-2 Coast Action Group (CAG)

The need to maintain adequate instream flow has been identified in several TMDLs and is supported by State Board Policy. It is not entirely clear the causal relationship with current low flow issues and historic flow values. Making specific determinations to get at the basis of cause and effects of low flow (including land use and climate) is necessary for policy development and implementation. We support the development of a watershed hydrology objective (such as is in the draft Stream and Wetlands System Protection Policy) that describes the importance of 4-dimensional hydrologic functionality, including hillslope to valley, headwaters to estuary, groundwater to surface water, and annual/seasonal connectivity in a manner that mimics the natural pattern and range of flows necessary to support beneficial uses and prevent nuisance.

HYDROLOGY-2 Response

Thank you for your comments. Please see HYDROLOGY-1 Response.

#10, Comments related to revising the biostimulatory substances objectiveBIOSTIMULATORY SUBSTANCES-1 Quartz Valley Indian Reservation, Karuk Tribe, Coast Action Group

We support the revision of biostimulatory substances objective since it reflects current science and it establishes a link amongst multiple variables, including nutrients, temperature, flow and others.

BIOSTIMULATORY SUBSTANCES-1 Response

Thank you for your support of this project.

#13, Comments related to updating Table 2-1 to include FISH and CUL beneficial usesCUL-1 Karuk Tribe

The Shasta and Scott Rivers are vital tributaries to the health of the Klamath River, and therefore, these tributaries are vital to the health of culturally significant species for the

Karuk Tribe, we request that CUL be added for the Shasta and Scott River Hydrologic Area in the Basin Plan's Table 2-1.

CUL-1 Response

Thank you for your recommendation. Updating Table 2-1 with CUL and FISH designations is currently listed as project priority #13. Regional Water Board staff looks forward to collaborating with you and others on identifying appropriate CUL and FISH designations in the Klamath River watershed and elsewhere, when other project priorities are accomplished and staff time can be devoted to this endeavor.

CUL-2 Quartz Valley Indian Reservation

Given the location of Quartz Valley Indian Reservation we request that CUL be added for the Scott River Hydrologic Area in the Basin Plan's Table 2-1.

CUL -2 Response

See CUL-1 Response above.

#15, Comments related to the revision of ammonia objectives

AMMONIA-1 Quartz Valley Indian Reservation

The Water Quality Objectives Update Amendment is already in- progress (project rank #2), and it seems like it should be a relatively simple matter to include the U.S. EPA's recently updated ammonia criteria as part of that update.

AMMONIA-1 Response

Thank you for your recommendation. The content of the Water Quality Objective Update Amendment is based on project scoping and two rounds of public review. The draft proposed amendment will be out for final public review this spring with an adoption hearing tentatively scheduled for June 2015. Protection of beneficial uses from elevated ammonia concentrations and ammonia toxicity via application of the most current criteria (e.g., USEPA criteria) occurs through the development of permits, orders and other regulatory mechanisms, as clarified by the proposed Water Quality Objective Update Amendment.

#16, Comments related to the development of numeric flow objectives to address low flow conditions in impaired waters

FLOW CRITERIA-1 Karuk Tribe; Quartz Valley Tribe

We are supportive of the numerical flow objectives being developed for the Navarro River and addressing low flow conditions on the Eel, Mad, and Russian rivers. It will not be feasible to develop flow objectives from scratch for every watershed in the North Coast Region. Therefore, we request that an approved methodology for determining flow objectives for waterbodies in the North Coast Region be added to the high priority list.

When the Scott River TMDL was adopted in 2005, flow impairment was linked to instream temperature impairment. However, there were no numerical flow recommendations or objectives to address flow impairment and its impact on water quality impairment and beneficial uses. With newer information now available, we recommend that the Regional

Water Board add, "Develop numeric flow objectives for the Scott River" to the high priority list.

When the Shasta River TMDL was adopted in 2006, the Regional Water Board recommended minimum flows of 45 cfs to address temperature impairment. However, since this flow recommendation was based only off of temperature impairments it is not protective for all beneficial uses. We request that the Regional Water Board add, "Develop numeric flow objectives for the Shasta River" to the high priority list.

FLOW CRITERIA-2 Response

Regional Water Board staff agrees that identifying, compiling and testing methodologies for determining appropriate flow criteria for individual waterbodies is a critical element to successfully establishing flow objectives. Establishing flow criteria for the Navarro River is intended to be a test case, within which evaluation of available methodologies will be a natural outcome. As such, a separate project with this as a goal is unnecessary at this time.

Please see Eel River Flow Criteria-1 Response for a discussion of the Scott River watershed. With respect to the Shasta River, please know that once Regional Water Board staff have evaluated available methodologies and tested their use in the Navarro River watershed, other waterbodies will be identified and prioritized for the development of flow criteria. Staff acknowledges your recommendation to include the Shasta River as a high priority.

FLOW CRITERIA-2 Coast Action Group (CAG)

We support allocation of staff resources to be used in the assessment and consideration of flow, as it relates to water quality, including its evaluation for potential listing on the 303(d) or 304(c) list of impaired waters. We support efforts to identify only a few specific waters as a high priority for numeric flow objective development, moving other individual waters up from low to high priority, depending on the disposition of other higher ranked projects.

FLOW CRITERIA-2

Regional Water Board staff proposes beginning with the Navarro River. Development of numeric criteria in the Eel River may be necessary to serve other project purposes. After this pilot effort, staff proposes it revisit the list of flow-impacted waters to identify the next priority candidate waterbodies.

#18, Comments related to the development of water quality objectives for endocrine disrupters

Endocrine Disruptors-1 Coast Action Group (CAG)

We support Regional Water Board staff's decision to commit to a pilot monitoring project in the Russian River that will be initiated in 2015-2016 with the goal of investigating the occurrence of select Chemicals of Emerging Concern (CECs) in the watershed, determine the prevalence of select CECs in sport fish, and to develop a list of priority pesticides for monitoring.

Endocrine Disrupters-1 Response

We believe this effort will further our understanding of CECs, their prevalence in the environment, and help establish future planning priorities.

See also WQO-2 comment and response above.

#24, Comments related to the revision of the copper objective

COPPER-1 GEI Consultants, Inc

We are encouraged to see the Board's inclusion of the updating their copper standards to incorporate the Biotic Ligand Model (BLM) on their list of property issues. While this has been ranked as a low priority issue, we would like to offer our support in keeping this issue on the priority list and suggest the Board consider revising their copper standards in this current review.

Incorporation of the BLM as the basis for copper standards has already been adopted, or is being considered, by over half the states across the country, while the current aquatic life criteria in the California Toxics Rule (CTR), used to derive freshwater copper aquatic life standards, only take into account hardness as a factor that modifies toxicity. Using only hardness as a modifying factor for metals criteria is an outdated approach that excludes a substantial body of peer-reviewed scientific literature demonstrating that additional modifying factors can and should be incorporated into regulatory benchmarks or standards, while providing the same levels of aquatic life protection required under the Clean Water Act (USEPA 1985, 1994, 2001, 2007).

Please let us know how we can assist the Board in its consideration of the BLM during this review. GEI or CDA could help in a variety of ways, including preparation of written or oral testimony supporting the technical basis of the BLM, or providing guidance on application of the BLM to water quality criteria and what type of implementation approach would best fit your available datasets.

COPPER-1 Response

Thank you for your offer of help on this project. We look forward to collaborating with you and others when this issue rises in order of priority. Unfortunately, at this time, we are insufficiently staffed to be able to address all of the issues that come to our attention as important. We acknowledge your interest in this project.

Statewide Plans-1, Comments related to the update of freshwater bacteria objectives

STATEWIDE BACTERIA-1 Quartz Valley Indian Reservation

The Water Quality Objectives Update Amendment is already in- progress (project rank #2), and it seems like it should be a relatively simple matter to include the new bacteria objectives as part of that update. The current Basin Plan includes objectives for fecal coliform; however, as noted in the *Triennial Review*, since 1986 (28 years ago) the U.S. EPA has recommended the use of *Escherichia coli* (*E. coli*) and *enterococci* rather than fecal coliform for the protection of primary contact recreation.

STATEWIDE BACTERIA-1 Response

The State Water Resources Control Board is taking the lead on establishing bacteria standards appropriate for the protection of REC-1 beneficial uses. The Regional Water Board will rely on the State Water Board's effort, rather than duplicate the effort at this time. Please see the State Water Board's website for the scoping document and timeline associated with their project.

Please also note, however, that the bacteria objectives under development at the State Water Board are for the protection of REC-1 beneficial uses, only. They are not for the protection of SHELL (shellfish harvesting). As such, staff has revised the 2014 Triennial Review List of Priority Planning Projects to re-incorporate revision of the bacteria objective to update SHELL protections.

Miscellaneous

MISC-1 Mr. Fred Krieger

I went to the website and it wasn't immediately evident how to get to the Triennial Review materials. It might be useful to put it in the announcements.

MISC-1 Response

Thank you for your suggestion. Materials for the March 2015 adoption hearing have been placed prominently on the website.

MISC-2 Quartz Valley Tribe

Regarding editorial changes to Chapter 5 (Plans and Policies) of the Basin Plan. The State Board web link proposed by the *Triennial Review* for Chapter 5 is http://www.waterboards.ca.gov/waterboards_map.shtml, which is a map showing the nine regional boards. The proposed text in Chapter 5 accompanying the link is: "The Regional Water Board is required to implement the provisions of several statewide plans and policies. These can be found on the State Water Resources Control Board website at:", therefore it would be more appropriate to link to the main State Board page at <http://www.waterboards.ca.gov/>, or to the State Board's programs and policies page at http://www.waterboards.ca.gov/plans_policies/, rather than the map.

MISC-2 Response

Thank you for alerting us to this issue. We will correct the problem.