



January 9, 2015

Alydda Mangelsdorf, Supervisor of the Planning Unit
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A,
Santa Rosa, CA 95403

RE: Comment Letter-Draft Staff Report for the 2014 Triennial Review

Dear Alydda, Staff of the Planning Unit, and Board Members,

Russian Riverkeeper ("RRK") is one of twelve Waterkeeper organizations within the California Coastkeeper Alliance ("CCKA") network. RRK works tirelessly to protect and enhance the 1484 square mile Russian River Watershed for the benefit of its inhabitants, its visitors and the ecosystems. On behalf of RRK, we appreciate the opportunity to provide comments on the North Coast Regional Water Quality Control Board's ("NCRWQCB") November 21st, 2014 *Proposed 2014 Triennial Review of the Water Quality Control Plan for the North Coast Region (Basin Plan) draft proposed Basin Plan amendment project priorities and editorial revisions to Chapters 1, 2, 4, and 5 of the Basin Plan.*

With regards to:

Chapter 2 Triennial Review Basin Plan Amendment Projects

2.1 2011 Triennial Review Of The Basin Plan

Task 1g. Laguna de Santa Rosa Nutrient, Dissolved Oxygen, Temperature, and Sediment TMDL Action Plan, beneficial use and water quality objective revision.

Paragraph 2, page 14...RRK thanks you for allocating resources to staff with the intent to clarify the geographic extent of the impairments and to remap the Laguna Watershed into smaller segments with mainstem reaches separate from tributary waterbodies in the 2015-2017 listing cycle. We look forward to reviewing and commenting on staff's findings.

RRK does not agree with the Technical Advisory Committee's (TAC) findings that the beneficial use designation of SPAWN in the mainstem Laguna de Santa Rosa be clarified to apply only to the habitat requirements of warm water fish. The fact that the TAC concluded that the mainstem "has never provided habitat suitable for salmonid spawning" is erroneous. Local, historical written accounts negate this fact. RRK is also opposed to the NCRWQCB's decision to clarify the SPAWN beneficial use for the mainstem to apply only to the habitat requirements of warm water fish as it will negate the need to consider revisions to the Dissolved Oxygen objectives being considered for the Laguna.



Task 1g. Laguna de Santa Rosa Nutrient, Dissolved Oxygen, Temperature, and Sediment TMDL Action Plan, beneficial use and water quality objective revision.

Paragraph 2, page 15... Your statement that “attention is being diverted to implementation actions, including the development of a nutrient trading program”. RRK believes that this trading program is speculative at best and should not have been listed without due process of stakeholder involvement, public participation and comments. NCRWQCB staff also mentioned that “the local Resource Conservation District has received a grant to help establish a trading program in which dairies can also participate”. While RRK is supportive of developing partnerships within the Laguna de Santa Rosa to assist in the development of the TMDL, RRK recommends that considering (none the less establishing) trading programs should be done in stakeholder group settings with the ability for public participation and comments. We believe that listing RCD’s or any other group whom receives grants to establish trading programs with in the TMDL environment is misguided and should not be included as implementation actions until they have gone through a proper public participation process and approved to be mentioned as such.

RRK encourages NCRWQCB staff to consider multiple strategies instead of relying solely on trading programs. From the evidence RRK has gathered from other Riverkeepers whose watersheds have implemented trading programs in similarly sized, similarly impaired watersheds, trading programs have done little to nothing toward meeting WQOs.

Task 3. Ground/Surface Water Objectives – Implementation Plan, includes editorial amendments to Chapters 3, 4, and 6.

Paragraph 2, page 16...RRK looks forward to commenting on this revised Staff Report item and the proposed Basin Plan language (the WQO Update Amendment) during the upcoming 45-day comment period scheduled for early 2015.

RRK would like to be considered as an entity with whom to build a collaborative relationship pertaining to groundwater protection in preparation for the development of the **Phase II Groundwater Protection Policy** especially considering our current monitoring of agricultural runoff with in the Russian River Watershed and the fact that RRK has data that can be used to assist in the development of “action plans for agriculture and other operations that can affect water quality.”

RRK appreciates NCRWQCB staff’s recommendations to retain Phase I and Phase II on the 2014 triennial review list as two separate high priority Basin Plan amendment projects.



Task 7. Instream Flow (Watershed Hydrology) Objective

Paragraph 1, Page 19...RRK concurs with the San Francisco Regional Water Board narrative watershed hydrology objective in the draft Stream and Wetlands System Protection Policy that describes the need to maintain and protect 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.

RRK agrees that improved coordination between the NCRWQCB and the Division of Water Rights should remain a high priority for staff and external stakeholders. The fact that staff has acknowledged a need to maintain adequate instream flow and that this has been identified in several TMDLs adopted by NCRWQCB staff is essential in moving the "Watershed Hydrology Objective" forward. RRK strongly advocates that at a minimum a narrative watershed hydrology objective be offered that supports the development of implementation measures which protect instream flows, until such time as numeric flow objectives can be developed for individual streams or watersheds.

As staff in the San Francisco Bay Region have developed a draft Substitute Environmental Document, including a proposed Basin Plan amendment toward a Stream and Wetlands System Protection Policy, RRK suggests that staff's recommendation that the "Instream Flow (Watershed Hydrology) Objective" should be retained on the 2014 triennial review list as a medium priority Basin Plan amendment should be upgraded to that of high priority.

Task 8. Adopt Policy for Mixing Zones

RRK completely opposes consideration of such a policy, no matter what the circumstances may be. The fact that Ukiah's WWTP upgrade project did not address the need for nutrient removal resulting in their plant not being able to achieve consistent compliance with ammonia and nitrate effluent limitations is by no means grounds for staff to waste time on developing a policy that is in direct opposition to regulations established by California Dept. of Fish and Wildlife as well as US Fish and Wildlife, the Endangered Species Act and others to protect various life stages of state and federal ESA listings of fish in the Ukiah reach of the Russian River.

RRK advises NCRWQCB staff to remove this task and to not retain this on the 2014 triennial review list or any future list at any priority level. Mixing zones should only be considered if conflicts with recovering ESA listed species are not an issue. Furthermore, if any of the discharge is entering perc ponds or infiltrating groundwater we understand that mixing zones do not apply to any groundwater discharges.



Task 10. Update Beneficial Uses Chapter (Table 2-1)

RRK appreciates NCRWQCB staff recommendations to update Table 2-1 with groundwater basin specific beneficial uses as part of Phase II—development of a Groundwater Protection Policy and to retain this update as a high priority project.

RRK also appreciates staff updating Table 2-1 with WET, WQE, FLD, CUL and FISH beneficial uses where information supports those designations and resources become available to do so.

Task 14. Low Flows in the Lower Russian River and other impaired waterbodies

RRK commends the NCRWQCB for allocating staff resources to this endeavor over the 2011-2014 period resulting in the assessment and consideration of flow, as it relates to water quality, including its evaluation for potential listing on the 303(d) list of impaired waters.

We appreciate staff's recommendation that "Low Flows in the Lower Russian River and other impaired waterbodies" be retained on the 2014 triennial review list. As NCRWQCB staff has indicated that it will be "identifying 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," RRK staff asks that we be involved in assisting you with identifying and prioritizing waterbodies we know to be impaired for low flows within the Russian River Watershed.

Task 17. Table 3-1 for Upper Russian River

In 2011, the City of Healdsburg requested that as part of the 2011 Triennial Review process staff make a high priority of relaxing the site specific total dissolved solids (TDS) and specific conductance (SC) objectives for the Upper Russian River, as listed in Table 3-1. Monitoring data from the City of Healdsburg's current NPDES permit requirement shows that the upgradient pond SC and TDS complies with the Basin Plan objectives while Basalt Pond TDS and SC are elevated above the water quality objectives. Effluent TDS and SC is higher than the concentrations in Basalt Pond. The data points to Healdsburg's effluent discharge as being the cause of elevated TDS and SC in Basalt Pond.

The City's current argument that Basalt Pond is a wetland and water quality standards appropriate to wetland protection should be applied should not be considered. The City of Healdsburg is in direct violation of the WQO's set forth in the Basin Plan for the Upper Russian River, as listed in Table 3-1. This should be addressed through other means such as a cease and desist order and or a time schedule to address this issue.



This task of relaxing site specific WQO's should be removed from the 2014 triennial review list and any other future triennial review list until such comprehensive scientific data exists to re-examine WQO's and ensure protection of the most sensitive uses. Similar to our comments above on Ukiah's request for a mixing zone for their nitrate and ammonia exceedances, RRK believes that relaxing water quality standards should be a last resort in every case where Water Quality Objectives are not being met. Efforts should first go to investigating other means to improve discharge quality or reduce impact of discharge on receiving waters.

If NCRWQCB staff is going to consider evaluating Basalt Pond using wetland delineation procedures to determine if Table 2-1 should be updated by designating Basalt Pond with WET, WQE, and/or FLD beneficial uses then the City of Healdsburg should be prohibited from discharging effluent anywhere near these newly designated beneficial uses.

Task 20. TMDL Action Plans for Impaired Waters, not included in Task 1

RRK acknowledges that large amounts of resources are required to implement a TMDL Action Plan, however, lack of staff or staff that has retired and not been replaced, are not acceptable reasons for continuing to allow the federal Clean Water Act (CWA) and your own Basin Plan WQO's to be violated.

Task 20 highlights the 303(d) list for 2012 and lists impairments associated with numerous waterbody segment-contaminant pairs. Of particular concern to RRK is that manganese, specific conductivity issues and altered pH are noted in reaches of the Russian River Watershed. This is in addition to sedimentation, elevated temperatures, dissolved oxygen issues and other impairments that are already well documented.

RRK asks that NCRWQCB staff reconsider your recommendation that addressing these impairments be retained as a low priority on the 2015-2017 triennial review. Instead, staff should immediately take action to address these CWA violations by placing the implementation of TMDL Action Plans as the highest of priorities by including Task 20 on the "short list" of the upcoming triennial review list. If staff resources are a constraint why aren't we working to increase the resources available to NCRWQCB? Wouldn't the proper response be requesting more budget to replace staff and develop TMDL's? What is NCRWQCB doing to address resource constraints, have you requested additional funding to accomplish your mandate under the Clean Water Act TMDL program?



Task 27. Consider Endocrine Disruptors and Objectives

RRK supports NCRWCQB 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. RRK would like to assist staff in the development of a list of priority pesticides for monitoring as we have conducted pesticide monitoring on the Russian River and its tributaries in the past.

We look forward to reviewing the data this monitoring project will provide as well as directing (through the public participation process) subsequent policy/regulations that will come out of these findings, particularly as it will relate to various water recycling practices, groundwater recharge/reuse, urban landscape irrigation and point source discharge prohibitions.

Task 28. Salt and Nutrient Management Plans

With the State Water Board adopting the Recycled Water Policy in 2009 and the requirement that all sixty-two of the North Coast Regions groundwater basins develop salt and nutrient management plans (SNMPs), RRK staff are encouraged as the Santa Rosa Plain groundwater basin took the lead by forming a local entity to develop a SNMP.

RRK looks forward to commenting on the proposed framework for salt and nutrient loading potential, groundwater contamination risk, and the thresholds necessary to ensure appropriate protections are developed and actions are taken to properly manage the identified risks associated with the use of recycled water from municipal wastewater sources, increased use of storm water, the conjunctive use of surface water and groundwater all with the desired outcome to improve and conserve the use of local water supplies.

RRK agrees with NCRWQCB staff recommendation that this task be retained on the 2014 triennial review list as a high priority.

Task 31. Editorial Revisions

Second Paragraph, page 31...Editorial revisions to Chapter 2 – Beneficial Uses

- “Removal of explanatory text, such as the discussion on water supply use, “Rare” beneficial use, and the various classes of water. It is staff intent to incorporate this type of “non-regulatory” information into Fact Sheets that will be posted on line and can be readily updated by staff as the situation warrants”



RRK would like you to clarify by example a situation where staff would readily update “non-regulatory” information “as the situation warrants” without any input from the public.

Bottom of page 31...Editorial revisions to Chapter 6 – Surveillance and Monitoring.
Proposed editorial revisions to Chapter 6.

RRK could not find the proposed editorial revisions to Chapter 6. We would like to review these proposed revisions prior to the Phase I Water Quality Objective Update Amendment tentatively planned to come before the Regional Water Board in a hearing in June 2015.

2.2.3.1 Exemption from the seasonal point source discharge prohibition

Why is NCRWQCB staff even considering this? The amount of taxpayer money that will be spent on evaluating the effluent for purposes of augmenting summer flows under the guise that it is critical to the success of endangered and threatened salmonid species? We are attaching a 2009 report by Swee Teh, UC Davis Aquatic Toxicologist and Pathologist that discusses how inappropriate the idea of using recycled water or treated effluent to augment streamflow to benefit salmon actually is. It discusses how slight changes in salinity, dissolved copper and other constituents present in recycled water will negatively affect zooplankton that are the basis of the foodweb that supports salmonids (Teh, 2009). By contrast spending time on flow studies to determine what flows are needed to support the various life stages of salmonids and ensuring diversions comply with those minimum flows is a far more appropriate task if your goal to ensure WQOs for RARE are met.

RRK advocates for spending that same money on water conservation measures, restoration of riparian forests, flood plain re-connectivity, reparation of degraded ecosystem services, and perhaps studying the possibility for WWTP effluent to be used to recharge ground water aquifers but to directly augment flows in any waterbody by direct point source discharge in the summer unless the effluent is being filtered at the nano scale in order to remove prescription drugs, endocrine disruptors, nutrients, CECs and the like from the waste stream is totally misguided and we believe unscientifically sound!

The fact that staff is recommending that this be added to the 2014 Triennial Review list as a high priority is disturbing.

2.2.3.4 Humboldt Bay dioxin and PCB TMDL Action Plan

RRK would like to comment on paragraph 2, page 34.

“Status: Up through 2010, Regional Water Board staff were involved in the Humboldt Bay Dioxin Workgroup. With the loss of staff to retirement in that year, the Regional Water Board’s involvement in the effort came to an end”.



Again, this is not an acceptable reason to allow the federal Clean Water Act (CWA) and your own Basin Plan WQO's to be violated.

2.2.3.5 Ocean beaches and freshwater streams bacteria TMDL and Action Plan

RRK agrees with NCRWQCB 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 resulted from the thorough and detailed work associated with the Russian River TMDL.

RRK agrees with staff's recommendation that this issue be added to the 2014 triennial review list as a high priority.

2.2.3.6 Policy to Address the Effects of Climate Change on Water Quality

RRK applauds your efforts to identify all of the factors associated with climate change with the potential to impact water quality and beneficial uses.

We look forward to participating and commenting on your recommendations regarding the need for regulation, policy, permit conditions, involvement with county planning agencies, and other outreach, as necessary to ensure adequate and timely action.

We commend you on speculating that resulting Basin Planning efforts could include the development of: seasonal beneficial uses and objectives, natural conditions clause, policy for the protection of groundwater recharge, policy for the sustainable management of floodplain and riparian function, Outstanding National Resource Waters, and others.

Thank you for adding this policy to the 2014 Triennial Review list as a high priority.

2.2.3.7 Policy to promote groundwater recharge

The Department of Water Resources (DWR) has identified 8 groundwater basins in the North Coast Region which will require the development of Sustainable Groundwater Plans by 2020-2022 under the Groundwater Sustainability Act of 2014. These 8 basins provide water supplies to approximately 60% of the North Coast Region's population.

RRK appreciates NCRWQCB staff addressing the interconnected relationship that exists between groundwater and surface water particularly as it relates to drought, over pumping, land subsidence and the necessity to establish a policy for preservation or



restoration of landscape conditions that naturally promote the slowing of runoff for increased infiltration and groundwater recharge, the preservation or restoration of natural groundwater recharge areas, the recharge of groundwater with captured stormwater, and the alteration of urban stormwater control measures to better retain stormwater on the land surface and allow for natural infiltration (e.g., Low Impact Development (LID) principles).

RRK looks forward to commenting on this “policy to promote groundwater recharge” under the Groundwater Protection Policy, Task 3, Phase II in mid-2015.

2.3.1 High Priority Projects

1b. Laguna de Santa Rosa TMDLs and Action Plan, including WQS review

“A nutrient credit trading program will augment the regulatory program to promote cost effective source control measures and provide a source of funding for restoration efforts”

RRK would like clarification as to what this “nutrient credit trading program” is. Is this the offset program initiated by NCRWQCB staff and the Laguna WWTP? Or is this the Water Quality Credit Trading Program that has yet to go through the public participation process?

See comments on page 2, Task 1g.

1c. Ocean beaches and freshwater streams bacteria TMDL and Action Plans

See comments on page 8, task 2.2.3.5

3. Develop criteria for exemption from seasonal discharge prohibition on point source waste discharge to Eel River, considering flow augmentation benefits. Evaluate applicability to Mad and Russian rivers.

See attached document “Dry Creek Watershed: Potential Effects on Contaminants and Emerging Pollutants to Food Web and Salmonids, April 2009.”

See comments on page 7, task 2.2.3.1

5. Develop instream flow objectives for the Navarro River

RRK applauds staff’s efforts to develop numeric flow objectives and agrees that the integration of water quality goals with flow requirements will promote healthy watersheds.



2.3.2 Medium Priority Projects

8. Develop a Mixing Zone Policy for human health-based constituents

RRK agrees with your statement regarding the development of a Mixing Zone Policy

“Nor does it promote healthy watersheds, in as much as it results in higher pollutant concentrations than would otherwise be allowed”

See comment on page 3, task 8.

9. Develop a Stream and Wetland System Protection Policy, including the development of a watershed hydrology objective, DO and pH objectives for wetlands, and the designation of WET, FLD, and WQE beneficial uses, where appropriate.

RRK supports any measure that establishes the water quality benefits of healthy riparian and wetland ecosystems and believe that the implementation of a Stream and Wetland System Protection Policy would strongly support healthy watersheds. We believe staff should place this as a high priority and not as a medium priority on the upcoming triennial review list.

10. Revise the biostimulatory substances objective to address biostimulatory conditions.

RRK supports this project recommendation and is encouraged that it will effectively respond to new science that establishes a link amongst multiple variables, including nutrients, temperature, flow and others, which in combination produce biostimulatory conditions. RRK concurs that revision of the objective would promote watershed health by promoting a more rational approach to assessing and controlling biostimulation.

The Russian Riverkeeper thanks you for the opportunity to comment on the “Proposed 2014 Triennial Review of the Water Quality Control Plan for the North Coast Region draft proposed Basin Plan amendment project priorities and editorial revisions to Chapters 1, 2, 4, and 5 of the Basin Plan” and looks forward to working with you and your staff in the future

Sincerely,

Bob Legge
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