

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, September 6, 2018
Regional Water Board Office
5550 Skylane Blvd, Suite A
Santa Rosa, CA

ITEM: 7

SUBJECT: Public Hearing to Consider Adoption of Proposed Resolution No. R1-2018-0030 Approving the 2018 Triennial Review of the *Water Quality Control Plan for the North Coast Region* and the Planning Program Workplan for Fiscal Years 2018 through 2021 (Alydda Mangelsdorf).

BOARD ACTION: The Board will consider adoption of Proposed Resolution No. R1-2018-0030

BACKGROUND: Water quality control plans (Basin Plans) provide the basis for protecting water quality in California. Basin Plans are mandated by both the federal Clean Water Act (CWA) and the State Porter-Cologne Water Quality Act (Porter-Cologne). Sections 13240-13247 of Porter-Cologne specify that the regional basin plans shall include the following:

- 1) Water quality objectives which, in the judgment of the Regional Water Board, will ensure the reasonable protection of beneficial uses and the prevention of nuisance.
- 2) The program of implementation for achieving water quality objectives (objectives), including a description of the nature of actions that are necessary to achieve the objectives, time schedules for the actions to be taken, and a description of surveillance (i.e., monitoring) to be undertaken to determine compliance with objectives.

Section 13250 of Porter-Cologne and Section 303 (c)(1) of the federal Clean Water Act require a review of basin plans at least once each three-year period to keep pace with changes in regulations, new technologies, policies, and physical attributes within the region. The Regional Water Board's role in the Triennial Review process is to determine if Basin Plan revisions are needed, and to set forth a priority list and schedule for consideration of the needed Basin Plan revisions. The Regional Water Board is responsible for this review and is required to: 1) identify those portions of the Basin Plan that are in need of modification or new additions; 2) adopt standards as appropriate; and 3) recognize those portions of the Basin Plan that are appropriate as written.

DISCUSSION: Draft 2018 Triennial Review documents were made available for public review beginning May 5, 2018 with the written public comment period ending June 22, 2018. The draft 2018 Triennial Review documents included: 1) the *Draft Staff Report for the 2018 Triennial Review of the Water Quality Control Plan for the North Coast Region* (Draft Staff Report), the draft Planning Program Workplan for 2018-2021, and draft Resolution No. R1-2018-0030. A public workshop was held before the Board on May 17, 2018. Most comments made orally at the workshop were also provided in written form during the written public comment period. As an exception, it was suggested during the workshop that the Russian River Sediment TMDL be identified as a high priority project, pending approval of a new staff position and funding adequate to hire a Russian River Watershed Steward.

Staff received a total of sixteen (16) public comment letters from environmental advocacy organizations, county and tribal governmental bodies, a private laboratory services company, and interested individuals. A majority of the comments were focused on one or two items in the Triennial Review relevant to the commenters' jurisdiction, and a minority covered a wider range of issues. Though generally applicable to Regional Water Board programs, some comments were not relevant to the Triennial Review, which is limited to consideration of potential revisions to the Regional Water Board's regulations included in the Basin Plan. Nearly half of individual comments addressed Sections 2.2.3 (Designate Outstanding Natural Resource Waters with an initial focus on the Smith River) and 2.2.5 (Develop Instream Flow Criteria) of the Staff Report. With respect to the Outstanding Natural Resource Waters section (ONRWs), the Del Norte County Board of Supervisors were unsupportive of ONRW designation as a priority project. While all other commenters supported the ONRW project, many suggested that the Regional Water Board expand its list of eligible water bodies beyond the Smith River, as the project was defined in 2014. The instream flow objective project received numerous comments recommending the Regional Water Board expand the project to other water bodies beyond the Navarro River for the development of flow objectives, and some commenters requested developing a narrative flow objective. Remaining substantive comments covered the following projects: seasonal discharge prohibition exemption for the Eel River; ongoing TMDL watersheds such as the Laguna de Santa Rosa; groundwater protection strategy; updates to Basin Plan chapters detailing Beneficial Uses and water quality objectives; and new recommendations for basin planning projects (e.g. beaver management policy for hydrologic and ecological benefits). The attached Responses to Comments document provide detailed responses to all substantive comments.

While only minor revisions to the staff report have been made, the following revisions have been to the Planning Program Workplan for FY 2018-2021:

- Increased staff resources for the the Laguna de Santa Rosa TMDL project
- Balanced staff resources the Groundwater Protection Strategy project across different FYs
- Added a new priority project for a Russian River Sediment TMDL and Action Plan
- Added developing a narrative flow objective into the instream flow objectives project

These revisions to the Planning Program Workplan for FY2018-2021 are shown in ~~strikeout~~ and underline text.

As a separate matter, an Information Item to discuss draft Resolution No. R1-2018-0030 was presented at the July 11, 2018 Board meeting. Specifically, the Board was interested in providing feedback on a series of policy statements staff originally had recommended be included in the draft adopting resolution. Staff received considerable, valuable feedback during the July 11, 2018 Information Item. To complete the task of updating the recommended policy statements, staff must review the feedback offered by Board members and revise the draft policy statements, accordingly. Additional outreach with Board members may be necessary to finalize this work. To accommodate continued thoughtful work on the policy statements, Resolution No. R1-2018-0030 has been revised to eliminate the policy statements and narrowly address adoption of the 2018 Triennial Review, only. A separate resolution containing the updated policy statements will be brought to the Board separately, at another time.

RECOMMENDATION: Adopt Resolution R1-2018-0030, as proposed.

**SUPPORTING
DOCUMENTS:**

1. Proposed Resolution No. R1-2018-0030, including Attachment - Planning Program Workplan for Fiscal Years 2018 through 2021 (clean version)
2. Proposed Resolution No. R1-2018-0030, including Attachment – Planning Program Workplan for Fiscal Years 2018 through 2021 (strikeout/underline version)
3. Staff Responses to Comments
4. Final Staff Report for the 2018 Triennial Review of the Water Quality Control Plan for the North Coast Region (clean version)
5. Final Staff Report for the 2018 Triennial Review of the Water Quality Control Plan for the North Coast Region (strikeout/underline version)
6. Public comment letters