
North Coast Regional Water Quality Control Board

NOTICE OF PUBLIC COMMENT PERIOD AND PUBLIC HEARING TO CONSIDER ADOPTION OF THE DRAFT TMDL ACTION PLAN FOR THE RUSSIAN RIVER WATERSHED PATHOGEN TOTAL MAXIMUM DAILY LOAD AND PROHIBITION OF THE DISCHARGE OF FECAL WASTE MATERIALS AS AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE NORTH COAST REGION

AND

NOTICE OF FILING UNDER CALIFORNIA CODE OF REGULATIONS, TITLE 23, § 3779 FOR DRAFT SUBSTITUTE ENVIRONMENTAL DOCUMENT

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) is proposing to amend the Water Quality Control Plan for the North Coast Region (Basin Plan) to establish a Pathogen Total Maximum Daily Load and Program of Implementation for the Russian River Watershed (TMDL Action Plan or Action Plan).

I. Background

A 2015 draft TMDL Action Plan for the Russian River Watershed Pathogen Total Maximum Daily Load and Prohibition of the Discharge of Fecal Waste Materials was posted for a 45-day public comment period in August of 2015. Based on significant public comment and substantive changes to the draft, a second version was posted for a 53-day public comment period in 2017. In 2018, the State Water Resources Control Board adopted statewide bacteria water quality objectives and implementation options to protect water contact recreational users from the effects of pathogens in California water bodies. This led Regional Water Board staff to re-analyze bacteria data in the Russian River Watershed through the lens of the new Statewide Bacteria Provisions. This re-analysis as well as alterations due to comments received in 2017, have initiated further changes to the draft TMDL Action Plan and associated Staff Report. This notice presents this updated version and requests public comment on the current changes.

II. Pathogen TMDL Staff Report

Staff have drafted the Staff Report for the Action Plan for the Russian River Watershed Pathogen TMDL (2019 Staff Report), which describes the watershed setting, the applicable regulatory framework, and desired watershed conditions. It further documents pathogen pollution and impairments in the Russian River and its tributaries, identifies potential sources of pathogens, and estimates the pathogen loading capacity of the system based on the statewide bacteria objectives for *E. coli* (for freshwater) and enterococci (in waters meeting the salinity threshold established by the State Water Board). The draft 2019 Staff Report provides the

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scientific basis and technical conclusions of the TMDL Action Plan and includes a concentration-based TMDL for the fecal indicator bacteria. The draft 2019 Staff Report also describes a Program of Implementation and a monitoring and adaptive management framework to attain bacterial water quality standards in the Russian River watershed. The Program of Implementation is a combination of regulatory and non-regulatory implementation actions designed to achieve the TMDL and meet the bacterial water quality standards in the Russian River Watershed.

III. TMDL Action Plan

The TMDL Action Plan, once finalized and adopted, will be incorporated into the Basin Plan as an amendment. The draft TMDL Action Plan contains the technical components of the Pathogen TMDL and the draft Program of Implementation. The Program of Implementation includes a proposed Advanced Protection Management Program (APMP) boundary, within which Onsite Waste Treatment System (OWTS) owners will have certain responsibilities to confirm and maintain the proper functioning of OWTS. The draft TMDL Action Plan also includes a prohibition of the discharge of fecal waste materials that cause or contribute to an exceedance of bacteria water quality objectives except as authorized by waste discharge requirements or action of the Regional Water Board or State Water Board.

IV. CEQA

The adoption of an amendment to the Basin Plan is subject to the requirements of the California Environmental Quality Act (CEQA). (Pub. Resources Code, § 21159.) Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Water Boards' basin planning process as a "certified regulatory program" that adequately satisfies the CEQA (Pub. Resources Code, § 21000 et seq.) requirements for preparing environmental documents. (Cal. Code Regs., tit. 14, § 15251, subd. (g); Cal. Code Regs., tit. 23, § 3782.)

This is to advise that the Regional Water Board is proposing to amend the Basin Plan and is exempt under Section 21080.5 of the Public Resource Code from the requirement to prepare an environmental impact report under CEQA (Public Resource Code section 21000 et seq.). CEQA implementation regulations for Certified Regulatory Programs require the development of Substitute Environmental Documentation (SED) analyzing the potential environmental impacts of the Basin Plan Amendment. The draft 2019 Staff Report includes the draft SED and was prepared pursuant to statutes and regulations governing the Regional Water Board's regulatory programs.

V. Proposed Amendment to Section 4 (Implementation Plans) of the Basin Plan

The Regional Water Board is proposing to amend the Water Quality Control Plan for the North Coast Region (Basin Plan) by making editorial changes to the "Policy on the Control of Water Quality with Respect to On-Site Waste Treatment and Disposal Practices" in Section 4 of the Basin Plan. This proposed amendment is being considered to align the Basin Plan with a concurrent Region Water Board action to establish a Program of Implementation for the Russian River Watershed (TMDL Action Plan) that is currently available for public review. This proposed amendment was noticed for public comment on August 24, 2017.

VI. Availability of Documents

The draft Action Plan and draft 2019 Staff Report, including the draft SED, are available for public review and comment and can be downloaded from the Regional Water Board's website at: http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/russian_river

These documents can also be viewed by contacting or visiting the Regional

Water Board's office at 5550 Skylane Blvd., Suite A, Santa Rosa, California 95403 weekdays between 8:00 a.m. and 5:00 p.m. or calling 707-576-2220.

VII. Public Comments

Persons wishing to comment on the draft TMDL Action Plan and draft 2019 Staff Report, including the draft SED, are invited to submit comments in writing. Comments are being considered on the draft TMDL Action Plan and to the changes to the draft 2019 Staff Report (this includes all tables and figures and the text changes as shown in the strike out underline version) from the 2017 version. All written comments must be received by the Regional Water Board no later than 5:00 p.m. on Monday, June 24, 2019. The Regional Water Board will not accept or respond to untimely written comments.

Please transmit comments electronically to the attention of Alydda Mangelsdorf at the Regional Water Board at NorthCoast@waterboards.ca.gov. Comments can also be faxed to 707-523-0135 or mailed to the California Regional Water Quality Control Board - North Coast Region, ATTN: Alydda Mangelsdorf, 5550 Skylane Blvd., Suite A, Santa Rosa, California 95403. Persons wishing to present oral comments are invited to attend the hearing and present oral comments. A Response to Comments document will be released prior to an adoption hearing, which responds to all substantive comments received since 2015.

VIII. Hearing Date and Location

The Regional Water Board will hold a public hearing to consider adoption of the proposed TMDL Action Plan and approval of the SED at its regular public meeting scheduled:

Date and Time: August 14-15, 2019, 8:30 A.M.

Location: Regional Water Board Office, 5550 Skylane Blvd., Suite A, Santa Rosa

The hearing will be conducted in accordance with California Code of Regulations, title 23, section 649.3. Time limits may be imposed on oral testimony at the public hearing; groups are encouraged to designate a spokesperson. The August 2019 meeting is scheduled as a two-day meeting and this item may be scheduled on either day. The full agenda will be available 10 days before the meeting. Please check the agenda at that time for the specific day this item will be considered.

Written comments submitted prior to the close of the comment period will be considered by the Regional Water Board as part of their decision-making process. **Comments submitted as part of the public review for the 2015 and 2017 draft documents will also be considered and do not need to be resubmitted.** A Response to Comments document will be released prior to an adoption hearing, which responds to all substantive comments received since 2015.

IX. PUBLIC HEARING ACCESSIBILITY

A map and directions to the hearing are available online at:

http://www.waterboards.ca.gov/northcoast/about_us/contact_us.shtml

Anyone requiring reasonable accommodation to participate in the hearing should contact Patti Corsie, Executive Assistant, at (707) 576-2307, at least five days prior to the scheduled Board Meeting. The hearing location is accessible to persons with disabilities. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

X. Regional Water Board Staff Contact

Questions regarding the draft TMDL Action Plan, draft 2019 Staff Report, including draft SED, should be directed to: Alydda Mangelsdorf, Environmental Program Manager, at alydda.mangelsdorf@waterboards.ca.gov or (707) 576-6735.

Matthias St. John Executive Officer
May 9, 2019