Response to Public Comments on the Draft Action Plan for Pathogens in the Russian River Watershed

Introduction

On March 24, 2025 the North Coast Regional Water Quality Control Board (North Coast Water Board) provided notice of public review and comment opportunity for the draft *Action Plan for the Russian River Watershed and the Russian River Pathogen Total Maximum Daily Load* (draft Action Plan) and the draft *Staff Report for the Action Plan for the Russian River Watershed Pathogen Total Maximum Daily Load* (draft Staff Report). The deadline for the submittal of public comment for those documents was May 8, 2025. The North Coast Water Board received four comment letters. Below is a list of the organizations that submitted comments and, in parentheses, staff-designated acronyms or shorthand to reference specific comments (e.g., SOCO-01) from those letters.

A. County of Sonoma (SOCO)
B. Sonoma County Water Agency (SCWA)
C. OWTS Residents of the Russian River, a committee representing legacy non-sewered-served communities (RORR)
D. North Bay Association of Realtors, Northern CA Engineering Contractors Association, North Coast Builders Exchange, Sonoma County Alliance PAC, and Santa Rosa Metro Chamber (NBAR)

This Response to Comment document summarizes comments received from the four letters followed by staff response. Reflecting the continued approach to pathogen source control across the whole watershed, staff have revised the titles of the draft Action Plan and draft Staff Report in the proposed versions to, respectively, the *Action Plan for Pathogens in the Russian River Watershed* (proposed Action Plan) and *Staff Report for the Action Plan for Pathogens in the Russian River Watershed* (final Staff Report). In addition to the proposed Action Plan, Attachment A to the adopting resolution R1-2025-0030 contains, in strike-out-underline, editorial changes to the Water Quality Control Plan for the North Coast Region (Basin Plan) where the *Policy on the Control of Water Quality with Respect to On-Site Waste Treatment and Disposal Practices Specific to the Russian River Watershed, Including the Laguna De Santa Rosa* is to be eliminated upon effect of the proposed Action Plan.

Cesspool and Holding Tank Prohibitions Comprehensive Response

Numerous comments were submitted that addressed concerns regarding the cesspool and holding tank prohibitions contained in the draft Action Plan. Rather than providing a comment by comment response to concerns and issues raised, this response addresses all comments related to the cesspool and holding tank prohibitions.

The cesspool and holding tank prohibitions have been established in the Basin Plan since the 1970's. These prohibitions were established at a time when guidelines and siting requirements for new onsite waste treatment systems (OWTS) were becoming commonplace and were applied for the protection of water quality. Retaining these requirements in the draft Action Plan brought to light numerous concerns from commenters objecting to (1) a lack of data directly linking specific cesspools or similarly non-conforming OWTS to adverse water quality impacts, (2) concerns related to the practical implications for homeowners who may lack adequate understanding of the technical requirements, and (3) the uncertainty around the availability of economic resources necessary to replace or convert these OWTS on a watershed-wide basis.

Staff acknowledge these challenges and upon consideration have revised the proposed Action Plan and final Staff Report to remove this prohibition language. Removal of the cesspool and holding tank prohibitions is consistent with the Board's regulation of OWTS in other counties in the North Coast Region and reflects this Action Plan's focus on regulating OWTS consistent with the statewide *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy) and county regulations (i.e., Local Agency Management Plans or "LAMPs".)

Removing these prohibitions does not eliminate concern that these types of OWTS may represent potential sources of pathogens that could impact water quality and the health of contact recreators, particularly when situated near surface water drainages and streams. At this time, neither the OWTS Policy, the Sonoma County OWTS Manual, nor the Mendocino County LAMP authorize or identify cesspools or holding tanks as acceptable OWTS technologies. The OWTS Policy does not allow for any future LAMP (e.g. a future Sonoma County LAMP) to authorize cesspools, effectively precluding their inclusion in a local oversight program. Without authorization through these Policies and programs, the continued use of cesspools and holding tanks may constitute unauthorized discharges of waste that require regulatory oversight and corrective action.

The current Sonoma County OWTS manual outlines a corrective action and cesspool conversion process for unauthorized cesspools. The Board anticipates that the vast majority of cesspools will be addressed through the County's review and oversight process. Additionally, the Board has the authority under California Water Code (Water Code) section 13260 to require a report of waste discharge from a person discharging waste, or proposing to discharge waste, this includes waste from operation of a cesspool or holding tank. The Board may issue Waste Discharge Requirements (WDRs) or a Waiver of WDRs pursuant to Water Code section 13263 or 13269, respectively for any ongoing discharges of waste from cesspools. The Board also has the authority pursuant to Water Code section 13267 to require technical reports or investigation of any suspected discharge, and to require cleanup and abatement actions pursuant to Water Code section 13304.

The North Coast Water Board will perform a watershed-wide OWTS assessment over the course of ten years to identify and prioritize OWTS that may be a source of

pathogens to surface waters and that may not qualify for a waiver of WDRs under the OWTS Policy. As part of that assessment, the North Coast Water Board will obtain information from property owners to determine the location and status of OWTS to assess compliance with applicable state and local requirements. Currently, the spatial extent of unauthorized OWTS is unknown. Requiring owners to report the existence of OWTS that may not conform with the OWTS Policy and its conditional waiver of WDRs and/or local requirements, is an important step in ensuring water quality protection in the Russian River Watershed. Once these OWTS are identified, the need for inspection and any necessary corrective actions can be determined.

A. County of Sonoma

Comment SOCO-01

County Staff advises that the affected public should be adequately informed about the Staff Report and Action Plan. Proper notice and a meaningful opportunity for public comment are necessary before adopting a TMDL. Despite some narrowed impact areas, large parts of the affected community, especially in the Russian River tributaries, have not been given notice.

Response: North Coast Water Board staff agree that proper notice and meaningful opportunity for comment are important in any public process, including this Action Plan development process. This project and associated requirements have been undergoing public process for over a decade. In total, the Action Plan and supporting documentation have been published for six separate public review periods, each publicly noticed in local newspapers for three consecutive days. In addition, each public review period has been posted on the North Coast Water Board website, with direct notice of availability sent to email subscribers. North Coast Water Board staff have conducted seven public workshops, above and beyond the three legally required (CEQA scoping and two Board hearings) in order to provide notice to Russian River interested parties.

Revisions to the 2025 Staff Report and Action Plan are directly responsive to public input related to implementation for individual OWTS, including data assessment and methods to establish the geographic scope for an APMP. The TMDL, fecal waste discharge prohibition, source identification and implementation actions for the other 11 source categories addressed in the Action Plan have not changed since the North Coast Water Board first adopted the Action Plan in 2019.

Changes to the 2025 Action Plan have been discussed directly with interested parties. Implementation staff have been meeting on average, every two weeks with Sonoma County staff over the past five years, and once per quarter with Mendocino County staff during that same period. Implementation staff have also been meeting with the Monte Rio Villa Grande citizens advisory group on a monthly basis for over five years. Most recently, planning staff met with representatives of the lower Russian River OWTS owners on April 30, 2025 to discuss their concerns with the draft Action Plan requirements.

As indicated in the Cesspool and Holding Tank Prohibitions Comprehensive Response above, the proposed Action Plan's focus on regulating OWTS is consistent with the statewide OWTS Policy and county regulations (LAMPs) which have had or will have their own extensive public outreach processes. North Coast Water Board staff share the County's interest in ensuring a robust public process. While there is always room for continual improvement, outreach efforts for this project were comprehensive and well beyond legal requirements.

Please see chapter 14 of the Staff Report for a detailed description and list of public meetings and outreach efforts.

Comment SOCO-02

The Staff Report's discussion of costs is not based on substantial evidence. The County provides cost estimates for replacing cesspools, whole system replacements, and the Advanced Protection Management Program (APMP).

Response: Staff appreciates the County providing more accurate estimates for OWTS upgrades and replacement costs. Despite removal of the cesspool and holding tank prohibitions from the proposed Action Plan, costs related to replacement of cesspools and similar OWTS that pose a threat to water quality and public health will be relevant, particularly for new and replacement OWTS within the APMP areas. Regardless of an existing cesspool's location—in or outside the APMP—some conversions may be required in situations where a cesspool cannot be authorized or where a leak is found through the OWTS assessment process.

According to the more current estimates provided by the County[1], 1,589 OWTS units within 600 feet of the waterbodies identified on Attachment 2 of the OWTS Policy require upgrades or replacement systems to comply. With upgrades or replacements costing between $15,000 and $100,000, staff agree that requirements pose financial challenges for Sonoma County's communities, particularly in the APMP areas. Staff have updated the Staff Report in section 12.2.3.1 and 12.2.3.2 to reflect the most current economic costs information as provided by the County regarding cesspool conversions and OWTS upgrades.

Based upon input from the RORR (see RORR-03 and RORR-04), OWTS owners seek a designated agency with technical, administrative and financing authorities to lead sanitation improvements. The North Coast Water Board does not have direct authorities to enact these efforts, particularly where community planning, administration and financing are concerned. None-the-less, staff is committed to working with the County to identify the appropriate tools and oversight required for these tasks. See also response to comment NBAR-05.

[1] County of Sonoma. 2025. Comments on the Draft Staff Report and Draft Action for the Russian River Total Maximum Daily Load.

Comment SOCO-03

Sonoma County staff strongly advises the North Coast Water Board to comply with the California Environmental Quality Act (CEQA) when revising the Action Plan and Staff Report. The current analysis is inadequate for the level of construction required, with pervasive issues such as missing environmental checklist areas and inaccurate statements about construction noise. The North Coast Water Board's reliance on other agencies for mitigation is not sufficiently discussed, and substantial evidence is needed to support findings of less significant impacts. An example is the outdated greenhouse gas section, which fails to relate to current goals. Overall, the draft Action Plan requires a more thorough analysis to match the project's scale.

Response: The Water Boards' basin planning process is certified by the Secretary for Natural Resources as "functionally equivalent" to CEQA, and therefore exempt from the requirement for preparation of an environmental impact report or negative declaration and initial study. (Pub. Resources Code § 21080.5.) Basin Plan amendments proposed for board approval must include or be accompanied by Substitute Environmental Documentation (SED).

Staff have reviewed and confirmed that the environmental analysis provided in the draft Staff Report takes into account a reasonable range of environmental, economic, and technical factors, population and geographic areas as required for SED. Staff note that the Board's CEQA regulations applicable to its preparation of a Substitute Environmental Document do not require the checklist to take a specific form, and it may be modified as appropriate to meet the circumstances of a project. (Cal.Code Regs., tit. 23, § 3777 (a).) To document its consideration of all potential environmental impacts associated with the amendment, the checklist in the Staff Report has been amended to include a Wildfire category, a more explicit reference to Tribal Cultural Resources and updated current greenhouse gasses reduction goals have been included.

Comment SOCO-04

The prohibitory language in the Action Plan is unclear regarding the Regional Board's implementation plan. A Total Maximum Daily Load (TMDL) represents a goal, not a prohibition, and should describe necessary actions to achieve water quality objectives. Section 6 of the draft Action Plan prohibits discharges of fecal waste in the Russian River Watershed, but lacks clarity on the authority for this prohibition and compliance mechanisms. The Action Plan fails to provide dischargers with notice of compliance requirements, making it legally questionable.

Response: The TMDL and Fecal Waste Discharge Prohibition are elements of the Basin Plan amendment to achieve water quality objectives, protect beneficial uses and prevent pollution in the watershed. The TMDL represents the greatest amount of fecal indicator bacteria that can be discharged based upon the loading capacity of the receiving water. The prohibition is not a TMDL as defined in the federal Clean Water Act. It is established pursuant to Water Code section 13243 which allows the North Coast Water Board to specify areas where the discharge of waste, or specific types of waste

are prohibited. In the case of the Russian River Pathogen Action Plan these two regulatory tools are complimentary, where-in, compliance with one is consistent with compliance with the other.

Staff disagree with the commenter's assertion that the Action Plan does not provide dischargers with notice of the requirements necessary to comply. Section 6.3.7-4 (previously section 4) of the proposed Action Plan provides the numeric waste load allocations (WLAs) and load allocations (LAs) for each source category that are necessary for TMDL compliance. Section 6.3.7-7 (previously section 7) provides the list of implementation mechanisms necessary for compliance with the Fecal Waste Discharge Prohibition. Section 6.7.3-9 (previously section 9) then presents the implementation actions for all potential fecal waste source categories, including timelines for specific actions. The Action Plan provides clear notice of the need to control fecal waste discharges to the implementing parties and what is required of them to be in compliance.

Comment SOCO-05

To be eligible for Clean Water Act Section 319(h) funding, the draft Staff Report from the California Regional Water Quality Control Boards must address the nine key elements defined by the USEPA. The County of Sonoma is concerned that elements B, H, and I have not been adequately addressed, hindering competitive project proposals. Additionally, the lack of a long-term monitoring program within the TMDL framework makes it difficult to assess future projects' effectiveness. Including a detailed monitoring program would strengthen these elements and ensure sustained water quality improvements through accountability and adaptive management.

Response: Staff appreciate the desire of the County to move forward with grant applications to accomplish fecal waste and pathogen source controls in the Russian River Watershed. However, the Staff Report is not required to contain all of the nine key elements needed for 319(h) grant applications. According to the 2025 Nonpoint source funding guidelines, eligibility for grant funding, allows the applicant to "implement a watershed-based plan or combination of plans that fulfills USEPA's nine minimum elements."

While the final Staff Report and proposed Action Plan provide many of the nine key elements that an entity would need to support a 319(h) grant application, the purpose and legal obligation to be met through the Staff Report is to fulfill SED requirements and to support the Action Plan.

The elements noted as absent from the draft Staff Report are described under the current guidelines as follows:

- Element 2/B: "An estimate of the load reductions expected from management measures"
- Element 8/H: "A set of criteria that can be used to determine whether loading reductions are being achieved over time and whether substantial progress is being made toward attaining water quality standards"

- Element 9/I, "A monitoring component to evaluate the effectiveness of the implementation efforts over time, measured against the criteria established in Element 8."

The commenter is correct in that the proposed Staff Report does not provide an estimate of expected load reductions from management measures (Element 2/B), but it does provide an estimated range of the overall reductions - 49-99% - that is necessary to meet the goals of the TMDL. Management measures used to control pathogens involve a range of actions, from public education and infrastructure improvements to specific operational practices. Additional planning and anticipated source control efficacy to be achieved from intended actions may be needed when considering the anticipated reduction from a given project.

Element 8/H has been addressed in the Staff Report under Chapter 5 Numeric Targets. Specifically, as part of the Russian River Pathogen TMDL, the numeric targets equivalent to the statewide bacteria objectives are established as the indicators by which to measure progress towards attainment of the water quality objectives applicable to the TMDL. Chapter 5 further indicates that direct measurement of the statewide bacteria objectives themselves is an adequate means of tracking progress towards attainment of the limitations (Element 9/I).

This approach to assessing loading reductions resulting from implementation of management measures is particularly applicable here as both the numeric targets and WLAs and LAs are based upon concentrations of non-conservative pollutants (*E. coli* and enterococci) known to undergo degradation in the environment with increasing distance from the original source. Therefore, project level monitoring is likely to yield the most accurate load reduction information. Larger scale monitoring to assess progress may occur through execution of special studies and through collaborative efforts of the Russian River Regional Monitoring Program (R3MP).

In sum, results from other planning documents can and should be used to compliment elements contained in the Staff Report for the purposes of future 319(h) grant applications. This approach can lead to more accurate calculations for the wide variety of management practices that may be selected across the varying source categories.

Comment SOCO-06

The Action Plan lacks specific citations or summaries for the studies it relies on to justify its requirements. It should include references to both the prior Lawrence Berkeley Labs data and the recent Municipal Separate Storm Sewer System (MS4) data discussed with North Coast Region NPDES Stormwater unit staff. These data should be acknowledged and included in both the Staff Report and the Action Plan.

Response: It is neither required, nor necessary to adopt this information into the Basin Plan. The Staff Report as a substitute environmental document (SED) cites these studies and it is the Staff Report that is developed in support of the Action Plan. The adopting resolution specifically indicates that the North Coast Water Board has considered the SED and adopts it as part of the Board action.

Comment SOCO-07

The Action Plan lacks a systematic monitoring framework to document existing water quality conditions and track changes over time. It needs a targeted and probabilistic framework, like the Russian River Regional Monitoring Program (R3MP) or the recent Mark West Creek Pathogen Survey (Keenan and Mack 2023), to effectively track compliance and the efficacy of proposed management interventions. Developing and implementing a long-term monitoring framework would address data quality and sufficiency issues and help evaluate the success of costly management interventions.

Response: Staff agree that a targeted systematic monitoring framework would be useful in assessing conditions in the watershed and that a more complete, data-driven understanding of pathogen conditions may emerge from work undertaken by R3MP. However, adopting a targeted monitoring framework as regulation, as the commenter proposes, would be inappropriate. Action Plans adopted into the Basin Plan generally include a reference to the type of monitoring needed for future assessment to allow for assessment and adaptive management as source-specific monitoring data comes available. Staff believe that the larger frameworks of R3MP and the Integrated Report are the right venues for pooling limited resources and assessing all instream data across the watershed.

Comment SOCO-08

The draft Action Plan lacks specific distance limitations from streams or waterbodies, unlike previous plans with 600 or 200 feet buffers. This absence could risk water quality, as proximity to receiving waters influences contamination potential. The County requests re-incorporating distance-based limitations, considering the characteristics of different locations within the Russian River Watershed and based on scientific evidence to protect water quality.

Response: The Action Plan defers to the distance limitations contained in the OWTS Policy or an approved LAMP. The OWTS Policy specifies 600 feet from top of bank for APMP/Tier 3 areas. These areas are defined by Attachment 2 of the OWTS Policy, which is based on the 303(d) list of impaired waters. Sonoma County's proposed LAMP also defers to the OWTS Policy's default Attachment 2 water bodies and APMP/Tier 3 distance criterion of 600 feet. North Coast Water Board staff do not believe water quality will be better served by dedicating resources and study to develop specific and unique APMP areas at this time, and rather believe that the process for updating Attachment 2 of the OWTS Policy is sufficient.

Comment SOCO-09

The County objects to the Assessment Program in section 7.3.8 and Table 9-1 of the draft Action Plan, particularly against requiring assessment information from property owners or submitting inspection reports to the local agency, as it contradicts prior agreements. While the County is willing to collaborate with the RWQCB in providing

data, it opposes local agencies mandating inspections, receiving reports, and determining TMDL compliance.

Response: The North Coast Water Board has the authority to investigate actual or suspected discharges of waste, including requiring information from OWTS owners. Without this information, the North Coast Water Board would not be able to conduct a sufficiently thorough assessment to ensure protection of water quality. However, to reduce redundancy and streamline reporting, staff have revised the proposed Action Plan to require OWTS owners to submit reports and assessment information only to the North Coast Water Board, not to both the Board and the County. Implementation staff will share all OWTS assessment and inspection data received with the County to support the County's implementation of its LAMP.

The County remains the primary agency responsible for corrective action when an OWTS fails to meet regulatory requirements, consistent with the OWTS Policy, the County's proposed LAMP, and the proposed Action Plan. The proposed Action Plan does not impose additional responsibility on the County to determine compliance with the TMDL; the County's role remains focused on implementing its OWTS Program in compliance with the OWTS Policy and LAMP, when approved.

Comment SOCO-10

The County has previously discussed the quality and sufficiency of the data used in the Russian River Pathogen TMDL. Specifically, Microbial Source Tracking (MST) techniques identify the host origin of fecal indicator bacteria (FIB) like *E. coli* but don't quantify actual pathogens or measure illness risk. For example, the HuBac marker often amplifies non-human targets, providing no additional information over FIB. County staff request the North Coast Water Board clarify how MST data was used to establish Implementation Actions and their expected impact on Russian River water quality.

Response: Staff used results from the MST techniques as one line of evidence amongst others such as FIB concentrations, to establish evidence of fecal waste pollution as well as the potential sources of the pollution. MST data provided evidence of fecal waste discharge and support source identification in conjunction with other tools such as land cover assessment. Based upon all data and assessment conducted across the Russian River Watershed for this project, staff developed a fecal waste source control strategy and associated management measures to achieve and maintain water quality standards. Within the proposed Action Plan in tables 6.3.7.3-3 and 6.3.7-4 (previously tables 9-1 and 9-2) and in Chapter 9 of the Staff Report, management measures are relative to identified source categories, and based on existing authorities.

Comment SOCO-11

Section 6.2.1 of the draft Staff Report mentions that six water samples were collected at three locations for each of the five land cover categories during both wet and dry periods. County Staff request more information about this sampling effort, including specific locations, time of day, proximity to known sources, and other contextual factors.

Without this information, it is difficult to interpret the results or determine their significance. The section lacks the necessary transparency to fully understand how contributing sources are linked to water quality standard exceedances.

Response: The original monitoring designs, quality assurance plans, reports and conclusions thereof for this project have all undergone scientific peer review and were found to be sufficient to support development of the TMDL and the Fecal Waste Discharge Prohibition. These documents and others are identified as references in the Staff Report. In addition, these original documents are available on the project webpage under the subheadings of “Older Pathogen TMDL Project Documents and Useful Links” and “Other Project Documents”. For additional information, please visit the Russian River TMDL webpage (https://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/russian_river/). In addition, to increase the transparency of this data, staff have added a map showing monitoring locations for the land cover study to the final Staff Report.

Comment SOCO-12

Table 4-1 of the draft Action Plan lacks allocation for natural sources, which is neither legal nor scientifically accurate. Using exceedance days in pathogen TMDLs, rather than individual water quality exceedances, offers a more practical approach, accommodating seasonal variability and natural events. This method, used by other Water Boards, helps allocate pollution control responsibility and provides clear targets for reducing unacceptable water quality days. County Staff recommends a phased compliance schedule to gradually reduce exceedance frequencies, addressing practical challenges and ensuring progress towards improved water quality.

Response: Natural background sources of bacteria (e.g., wildlife, natural soil bacteria, and re-growth in sediments) are often diffuse, ubiquitous, and much more difficult, if not impossible to control in a practical sense. TMDLs are regulatory tools to achieve water quality standards by identifying pollutant sources and loads, and requiring actions to reduce loads from those sources. They are inherently geared towards managing anthropogenic impacts.

As explained in section 7 of the Staff Report, a TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive (aka loading capacity) and still meet water quality objectives. The loads are allocated among the various sources of the pollutant. Anthropogenic pollutant sources are characterized as either point sources that receive a wasteload allocation (WLA) or nonpoint sources that receive a load allocation (LA). Natural background concentrations of *E. coli* and enterococci have not been and need not be directly estimated. For this Russian River Pathogen TMDL, natural background concentrations are not represented by a separate term but included in the load allocation.

Comment SOCO-13

Section 2.1 of the draft Action Plan identifies several potential sources of Human Fecal Waste but neglects to reference other recognized sources of fecal indicator bacteria, such as private sewer laterals, public defecation, recycled water irrigation, RV dumping, and recreation. The plan should address these sources and include upstream and downstream sampling to monitor them. If these sources are not significant contributors, the Action Plan should cite supporting studies to address and quantify them.

Response: The staff report does identify recycled water, recreation and public defecation (homeless encampments) as sources of fecal waste. RV dumping is not recognized in the Action Plan, nor is it legal; however, it would be subject to the fecal waste discharge prohibition, as prohibitions can be enforced outside of permit conditions. Private sewer laterals are indeed likely sources associated with sanitary sewer systems and the Action Plan does not make a distinction for that source category between public and private portions of the system.

Public sanitary sewer systems greater than one mile in length are regulated under *Water Quality Order No. 2022-0103-DWQ, General Waste Discharge Requirements for Sanitary Sewer Systems.* Private Sewer Laterals (PSLs) are a component of the total sanitary sewer system and are often one of the weakest links because they are outside the regulatory authority of the public sewer system agency and their effective operation is the responsibility of private property owners. Public sewer agencies enrolled in this general permit are generally required to have and enforce ordinances or other legal authorities that address PSL maintenance and require property owners to fix defective laterals. Many cities and local sanitation districts in Sonoma County have implemented or are working on private sewer lateral programs that compel property owners to inspect and replace/repair their laterals, especially upon sale of a property or when a spill occurs. The North Coast Water Board would support efforts like this by the County to manage and prevent spills from private laterals within their jurisdiction. These are all issues that should be discussed and folded into an update of the MOU between the North Coast Water Board and Sonoma County.

Comment SOCO-14

The County requests that seepage pits be treated according to the State's OWTS Policy, which allows for a 10-foot vertical separation to groundwater. The County has previously allowed seepage pits, including existing ones not replacing cesspools, and these systems might need upgrading under the prohibition.

Response: The draft Action Plan included existing Basin Plan language and did not prohibit seepage pits, but Staff acknowledge that the wording of Section 6.3.7-7.3.2 (previously section 7.3.2) could lead to misinterpretation. Staff have reworded Section *6.3.7-7.3.2 Seepage Pits* in the proposed Action Plan to remedy any misunderstanding. The proposed Action Plan reads thus: "Seepage pits may be authorized by the responsible regulatory agency when: (1) consistent with an approved LAMP and (2)

consistent with the OWTS Policy's Conditional Waiver or WDRs or waivers of WDRs issued by the North Coast Water Board authorize their use."

Comment SOCO-15

The Action Plan lacks data suggesting that Sonoma County's MS4 in the Russian River Watershed is a significant pathogen source. A recent study in the Mark West Creek subwatershed found high pathogen levels linked to agricultural activities, not MS4 infrastructure. The Action Plan should reference recent pathogen studies required under the current Phase I permit and clarify the basis and contents of the MS4 Pathogen Reduction Plan.

Response: The land cover study conducted for the Russian River Pathogen project showed elevated levels of fecal indicator bacteria associated with both developed sewered and developed unsewered land cover areas in the watershed. Those land use categories fall within the County's MS4 jurisdiction. This information does not indicate that every developed area within the County's MS4 requires new management practices in order to meet TMDL goals and comply with the Fecal Waste Discharge Prohibition. Rather, it points to developed areas as a potential source of pathogens.

The identification of the County's MS4 within the Action Plan is based upon land use. Study results are useful to inform further actions needed by the County going forward, but do not change or disqualify the basis by which the County MS4 has been identified as a potential pathogen source.

Staff are familiar with the Mark West Creek subwatershed pathogen study that was conducted for a pilot study area. It is Staff's understanding that results from that study have led to the development of a subsequent study to be jointly implemented between the County and the Town of Windsor. These studies will provide valuable information that can be used for the County's adaptive management. Inclusion of these studies and their specific conclusions within the Action Plan is not appropriate. Conditions and land uses change over time. Action Plans that are adopted into the Basin Plan as regulation provide a framework under which those changes can be addressed as needed.

The proposed Action Plan is intended to both restore supporting conditions where impairment has been identified and to provide continued protection such that water quality standards are maintained now and in the future. Reliance upon pathogen reduction plans and the source controls they identify is key to the ongoing protections needed across developed sewered and unsewered areas of the watershed. The County has already submitted a pathogen reduction plan to comply with existing MS4 requirements. Naming the requirement for a pathogen reduction plan within the Action Plan simply affirms the value and reliance upon plans that the County has already developed and submitted for the purpose of controlling pathogen sources within its MS4 jurisdiction. This requirement is consistent with MS4 permit requirements and is not duplicative. The method by which the County is required to comply with this Action Plan is through continued compliance with MS4 requirements.

Comment SOCO-16

The Action Plan uses terms without definitions, leading to potential compliance issues and misunderstandings. County Staff recommend adding clarity to terms like "developed areas" and "recreational water uses." They suggest replacing "campground" with "recreational facility where maintenance is performed by a public agency" and request deleting "temporary" when describing public facilities, including private property.

Response: Staff have changed “developed areas” to “human-developed areas” to be inclusive of both human habitation and non-habitation uses (e.g., commercial uses). “Recreational water uses and users” phrase remains the same as the phrase is inclusive of both humans and anthropogenic non-human sources (e.g., pet waste). Terminology referencing “campgrounds” and “temporary” have been removed as these terms were contained only within the cesspool and holding tank prohibitions language.

B. Sonoma County Water Agency

Comment SCWA-01

SCWA requests modifying the second paragraph of the draft Action Plan as shown below in strikeout-underline:

> Compliance with the prohibition will be achieved by taking actions to prevent ~~either preventing~~ the discharge of fecal waste; complying with a relevant National Pollutant Discharge Elimination Program (NPDES) permit, Waste Discharge Requirements (WDR), or waiver of WDRs…

Response: This modification could change the intent of the prohibition by putting the emphasis on “taking actions” rather than “preventing.” No changes were made in response to this comment.

Comment SCWA-02

SCWA requests adding to section 2.1, Potential Sources of Human Fecal Waste bullet point list as shown below in underline:

- Untreated Sewage from leaking Sanitary Sewer Systems and private sewer laterals;
- Homeless and Illegal Camping; RV dumping and public defecation;

Response: Please see response to comment SOCO-13. Private sewer laterals are indeed likely sources associated with sanitary sewer systems and the proposed Action Plan does not make a distinction for that source category between public and private portions of the system. Homeless and illegal camping are inclusive of “RV dumping and public defecation,” and these particular sources will be addressed in implementation of the fecal waste discharge prohibition in section 6.3.7-7.1 (previously section 7.1) of the Action Plan; specifically, as part of developing a Memorandum of Understanding and implementing its terms.

Comment SCWA-03

SCWA requests adding to the bullet point list as shown below in underline in section *2.2 Potential Sources of Domestic Animal and Farm Animal Waste* of the draft Action Plan:

- Pet waste;
- Wildlife and avian waste;
- Naturally occurring bacteria and biofilms;
- Manure from non-dairy livestock and farm animals; and
- Manure from dairy cows

Response: By definition, wildlife and avian waste and naturally occurring biofilms are neither waste from domestic nor farm animals and therefore the prohibition does not apply. Application of the fecal waste discharge prohibition is written and intended to address the discharge from controllable waste sources. Regarding the natural sources, please see response to comment SOCO-12.

Comment SCWA-04

The Numeric Targets outlined in Table 3-1 of the draft Action Plan should be used to establish exceedance days in comparison to reference areas. The Los Angeles and San Francisco Bay Regional Boards follow this approach to ensure that entities are not held to a standard that exceeds what is potentially achievable.

Response: Staff have looked at other recent pathogen/bacteria TMDLs as adopted in Region 2 and Region 4. Neither of these refer to exceedance days or comparison to reference areas. Staff conclude that while other regions may use an exceedance day approach to compliance within their permits, that approach is not dictated through the action plans adopted in their basin plans.

It is important to understand the difference between Waste Load Allocations (WLA) and instream numeric targets. WLA refers to the amount of a pollutant that a point source (like a wastewater treatment plant) is allowed to discharge into a waterbody, while instream numeric targets are the desired levels of pollutants in the waterbody itself. The numeric targets listed in Table 6.3.7-1 (previously Table 3-1) are equivalent to the water quality objectives. They are the goals of the TMDL and account for all sources of pollution, not just pollutants within the MS4. These targets (like water quality objectives) apply to receiving waters and are not imposed as effluent limits. Implementation of the TMDL is based on the WLA, which is implemented through the MS4 permit. SCWA's means of compliance with the proposed Action Plan (both the TMDL and the Fecal Waste Discharge Prohibition requirements) as shown in Table 6.3.7-3 (previous Table 9-1), is compliance with the MS4 permit requirements. The manner in which compliance with permit requirements are evaluated is determined through the permit process. Planning staff have communicated your request to the storm water permitting unit.

Comment SCWA-05

Sonoma Water recommends that the North Coast Water Board use the Water Quality Standards Variance Policy to suspend objectives during high-flow events when it is not safe or encouraged to recreate. In addition, natural load allocations should not be limited to a single value. Sources should be based on specific days to better meet objectives, acknowledging that standards may not always be met.

Response: The statewide objective's implementation plan allows for designation of limited water contact recreation and high flow and seasonal suspensions of water contact recreation. Revision of the water contact recreation (REC-1) beneficial use is a basin planning activity, requiring a use attainability analysis. Staff have not conducted a use attainability analysis and are not recommending amendment of the REC-1 beneficial use for the Russian River Watershed currently. If, on balance, the commenter believes that conducting a use attainability analysis is a worthwhile endeavor, staff encourage the commenter to make its recommendation during the Triennial Review of the Basin Plan, during which time the North Coast Water Board will identify the highest priority planning projects given the available staff.

Comment SCWA-06

A zero allocation for "Municipal Wastewater Discharge to land (WDR)" is unrealistic; discharges below Water Quality Objectives (WQOs) should be authorized, with allocations based on exceedance days.

Response: WDR permits regulating municipal wastewater discharges to land often establish effluent limitations for the protection of groundwater. Such effluent limitations may take into account a variety of factors including additional treatment and attenuation that occur as wastes travel through the soil profile. The LA of zero applied to meet the TMDL does not affect effluent limitations in applicable WDRs for municipal wastewater discharges to land. Municipal wastewater disposed via surface irrigation or other land applications from facilities that are operating properly, irrigating at agronomic rates, and conforming to conditions prescribed in WDRs is not expected to cause pathogenic discharges to surface waters. The LA of zero for these land discharges applies only to the allowable bacterial discharge to surface waters from land discharge operations. Staff have updated Action Plan *Table 6.3.7-2: Wasteload and Load Allocations* (previously Table 4-1) to more clearly reflect the land discharge as simply a LA. Allowable point source discharges to surface water require coverage under a national pollutant discharge elimination system (NPDES) permit. Table 6.3.7-2 appropriately reflects a WLA of “GM [Geometric Mean] and STV [Statistical Threshold Value] for *E. coli* or enterococci depending on salinity” for allowable discharges to surface water. In the absence of an NPDES permit the appropriate allocation for municipal waste discharges is zero.

Comment SCWA-07

Using the lower of two acceptable illness rates as an implicit margin of safety should have discussion of costs and benefits as one cannot simply choose the lower option without reviewing its impacts.

Response: A TMDL equals the loading capacity of the waterbody for the pollutant plus a margin of safety (MOS) to account for any uncertainties. The MOS can be implicit by virtue of conservative assumptions or explicit, given as a measured or estimated term. The loading capacity, and by extension the Russian River Pathogen TMDL, are based on the statewide standard for the protection of the contact recreation (REC-1) beneficial use. The statewide bacteria objective is based on the lower of the two acceptable illness rates identified by U.S. EPA (2012) (i.e., 32 gastrointestinal illnesses versus 36). As such, the TMDL includes an implicit MOS as represented by the lower of two acceptable illness rates. The acceptable illness rate of 32 recreators was evaluated by the State Water Board during adoption of the statewide bacteria objective. The Staff Report relies upon the difference between an acceptable illness rate of 36 (a rate previously allowed under US EPA criteria) and an illness rate of 32, as applied under the statewide bacteria objectives, to provide an implicit MOS when calculating the TMDL.

Comment SCWA-08

Seasonal variation was not included in the TMDL, but it is important during high flow and heavy rains, where there is generally less direct contact with the Russian River. Therefore, it requires less stringent protection as these events introduce increasing levels of runoff.

Response: As discussed in Section 7.4 of the Staff Report, because fecal waste discharge and REC-1 occur during all times of the year, and the TMDL is based on concentrations of *E. coli* for freshwater and enterococci for saline water, regardless of river flow, there is no seasonal variation required for this TMDL. The use of concentration criteria as the waste load and load allocation intrinsically accounts for seasonality.

Comment SCWA-09

SCWA argues that the watershed-wide fecal waste discharge prohibition is a limitation on end results that has been declared unauthorized under the Clean Water Act in *City and County of San Francisco v. Environmental Protection Agency*. Consequently, SCWA emphasizes that the North Coast Water Board must outline the necessary steps to comply with this prohibition, as a Total Maximum Daily Load (TMDL) is a federal requirement under the Clean Water Act.

Response: The U.S. Supreme Court decision in *City and County of San Francisco v. Environmental Protection Agency* involved NPDES permitting actions and receiving water or "end-result" requirements contained in NPDES permits. The decision did not consider water quality standards, prohibitions, or other requirements contained in Basin

Plans. The Board is adopting a Basin Plan prohibition, not receiving water limits, or end-result requirements in a NPDES permit.

The Prohibition will be implemented in NPDES permits through compliance with "all fecal waste/pathogen-related provisions of an applicable NPDES permit." When the North Coast Water Board adopts or renews NPDES permits and includes pathogen/fecal waste provisions, it will ensure the provisions are consistent with the direction provided in the U.S. Supreme Court decision.

Comment SCWA-10

SCWA argues in the draft Action Plan's section 7.1 Implementation of the Fecal Waste Discharge Prohibition TMDL, TMDLs are for compliance with [water quality objectives] WQOs, not prohibitions. Therefore, section 7.1 is not needed for the TMDL.

Response: The Porter-Cologne Water Quality Control Act, section 13242, authorizes the North Coast Water Board to adopt implementation plans to achieve water quality objectives. The fecal waste discharge prohibition and actions to comply with that prohibition are being established to achieve, protect and maintain the bacteria objectives in support of the REC-1 beneficial use. The proposed Action Plan implements the Clean Water Act requirements to establish a TMDL for impaired waters, and the prohibition is consistent with the Board's authority to establish prohibitions against the discharge of waste, or certain types of waste within certain areas. (Water Code § 13243.).

Comment SCWA-11

SCWA requests removing Occidental CSD from Table 9-1 of the draft Action Plan as their NPDES permit has been rescinded.

Response: Thank you for your comment. Staff have made that change in the proposed Action Plan.

Comment SCWA-12

Regarding Table 9-1 of the draft Action Plam, third row regarding municipal storm water runoff, MS4 Permits currently include Receiving Water Limitations and Prohibitions that may not be legal and cannot be met immediately. The 20-year compliance schedule needs to be incorporated into the regional or local permits and have BMPs in the interim.

Response: Thank you for your comment; staff will refer this concern to the North Coast Water Board's permitting staff. This Action Plan does not set receiving water limits that must be included in permitting actions. Please also see response to comment SCWA-04.

Comment SCWA-13

Regarding Table 9-1 of the draft Action Plan, SCWA is concerned that the Phase 1 MS4 NPDES Permit does not clearly specify which sections apply to them. SCWA requests that footnote 16 from the TMDL Staff Report be included in Table 9-1 of the Action Plan to clarify their efforts regarding the Russian River TMDL. Without this addition, there may be a mistaken conclusion that SCWA is required to develop a pathogen reduction program.

Response: The proposed Action Plan establishes a requirement for development and implementation of a pathogen reduction plan as a mechanism for compliance with the fecal waste discharge prohibition. All MS4 permittees, including SCWA, will be required to develop and implement a pathogen reduction plan in accordance with current and/or future MS4 permit requirements.

In general Pathogen Reduction Plans should address controls for activities conducted by an organization's staff, its consultants and contractors, or where the organization provides funding. In short, an organization is responsible for pathogen control related to activities conducted on its own property, or where they have responsibilities, obligations, or authority.

As with other MS4 Permittees, SCWA is only obliged to manage pathogen sources within its control. The specific requirements that apply to the SCWA will be determined through the MS4 permit renewal process.

Comment SCWA-14

Regarding Table 9-1 under wastewater holding pond discharges, will Reasonable Potential Analyses (RPA) be conducted on those ponds that discharge treated or untreated waste? Or will the RPA include both treated and untreated?

Response: This provision in Table 6.3.7-4 (previously Table 9-1) applies to all surface water discharges allowed under an NPDES permit.

C. OWTS Residents of the Russian River

Comment RORR-01

The proposed cesspool ban's geographic scope is unjustified by its impact on recreational waters, requiring cesspool upgrades far from these waters. The Staff Report has not shown that any OWTS, including cesspools, affect recreational water quality.

Response: This comment has been addressed by the removal of the cesspool prohibition from the proposed Action Plan; please see the section of this document entitled *Cesspool and Holding Tank Prohibitions Comprehensive Response* for more information. Regarding whether OWTS are related to recreational water quality, the supporting studies (i.e., OWTS study, land cover study, etc.) found correlations between elevated FIB and other pathogen-related parameters to areas of OWTS land use,

particularly those with higher OWTS density. Although the studies did not identify discharges from specific OWTS, the scientific peer-reviewed studies indicate a linkage between OWTS and water quality. Water quality and OWTS data collection required in the proposed Action Plan's OWTS Assessment provision is intended to refine this linkage, identifying specific OWTS or specific areas that have or could have higher risk of water quality impacts and that require further investigation.

Comment RORR-02

The Action Plan admits no established linkage to OWTS and lists it as one of ten possible human waste sources. The staff report's water quality measures do not distinguish between human fecal sources (sewage, septage, direct feces). Tests for detecting human source via other chemicals (e.g., pharmaceuticals) are available, and no such testing has been done. The PhyloChip probe array can detect human input sources, but its necessary follow-up study has not been conducted. Further warranted investigation has not been undertaken, and the Plan acknowledges the lack of "accurate, defensible conclusions" and a "reasonable basis."

Response: Staff agree that methods do exist to distinguish specific human fecal waste sources, but such investigations, including those prescribed in the proposed Action Plan and final Staff Report, are more effective with a more precise understanding of OWTS spatial extent and concentration in the watershed. The OWTS Assessment as outlined in the proposed Action Plan is a necessary step before pursuing these specific investigations. Commenters have also taken the phrases "accurate, defensible conclusions" and "reasonable basis" out of context. These phrases apply to future monitoring and reporting requirements for specific OWTS or for local agencies that permit OWTS. That the proposed Action Plan describes future monitoring and reporting requirements with these phrases does not mean that existing monitoring data supporting the TMDL are inaccurate, non-defensible, or unreasonable with respect to establishing evidence of fecal waste pollution.

Comment RORR-03

The Action Plan aims to upgrade sanitation facilities basin-wide, which is appealing but burdensome for individual homeowners, especially along the Russian River. Most lots there can't accommodate on-lot upgrades due to size and steepness, necessitating community solutions or cesspool conversions to seepage pits. Community solutions require extensive studies, public input, permitting, and financing, tasks suited for government agencies, not homeowners. The Action Plan's conditions for homeowners, such as proving no feasible alternatives and financial hardship, are complex and ambiguous. It is unrealistic to impose such a project on homeowners without a designated government agency to manage it.

Response: North Coast Water Board staff agree that a governance structure would be helpful for ensuring public sanitation in areas served by OWTS. The Action Plan is not the vehicle to create such an entity. Generally, the county together with the Local

Agency Formation Commission (LAFCO) are the appropriate governing powers to provide assistance to the public and conduct review of existing local government services with the goal of improving the efficiency of providing services. There are studies underway, with participation and funding from the Water Boards, to assess wastewater needs in the lower Russian River, including considerations for wastewater treatment plants (WWTP) regionalization, septic to sewer projects, individual OWTS upgrades, cluster OWTS, and future funding opportunities. These studies consider engineering, financing, and governance.

Comment RORR-04

Requiring OWTS upgrades basin-wide without demonstrated adverse effects on water quality is a public sanitation project that should have public financing. The basin-wide ban seems ineligible for the State Clean Water Revolving Fund, which requires evidence of water quality problems caused by existing facilities. The Action Plan and Staff Report do not provide assured financing sources, making it unfair to impose costs on individual homeowners without a public financing plan.

Response: Please see responses to comments Cesspool and Holding Tank Prohibitions Comprehensive Response, RORR-01, RORR-03, and NBAR-05. The proposed Action Plan's OWTS implementation program relies primarily upon the OWTS Policy and any LAMP approved in accordance with that Policy. Neither the OWTS Policy, nor the proposed Action Plan directly require basin-wide OWTS upgrades, nor does the proposed Action Plan establish any unique design siting, or operational criteria for OWTS. As written, the Action Plan allows for the North Coast Water Board to take permitting and corrective actions on a case by case basis while setting a baseline requirement that OWTS be in conformance with the OWTS Policy's default requirements or meet the requirements contained in an approved LAMP.

Beyond OWTS Policy requirements, the proposed Action Plan contains a list of criteria for conducting basic operational inspections, requires reporting of the existence of cesspools and seepage pits, and requires the North Coast Water Board to conduct a watershed-wide OWTS assessment. If through the OWTS Assessment or by other means, the North Coast Water Board identifies individual OWTS or specific areas of OWTS associated with higher pathogen load and thus requiring corrective action, this evidence could qualify individual owners and communities for funding opportunities. As designed in the proposed Action Plan, the local agency (i.e., the County) is primarily responsible for assuring compliance with the statewide OWTS Policy, including providing or directing funding towards community solutions.

Comment RORR-05

The State Water Board's Bacteria Decision established *E. coli* as the exclusive numerical water quality standard for REC-1 in fresh water, with specific standards for GM and monthly STVs. Data provided by North Coast staff shows excellent *E. coli* readings at most Russian River beaches, except for Monte Rio Beach, where the exceedance is questionable due to selective data use by using only recent data. This

raises concerns about requiring OWTS upgrades when water quality standards are already being met.

Response: Staff acknowledge that the statewide bacteria water quality objective applies *E. coli* for the freshwater water-contact recreation beneficial use. However, the evidence of pollution presented in the Staff Report does not rely exclusively on the statewide bacteria objective. As described in detail in Chapter 4 Evidence of Pollution within the Staff Report, the discharge of fecal waste and threats to the REC-1 beneficial use are supported by multiple lines of evidence. Evidence includes comparison of water quality data to federal water quality standards, which allow enterococci FIB to be used in both marine and freshwaters. Moreover, scientific peer review pointed to enterococci as having stronger epidemiological evidence from which to define health risk than does *E. coli*, which was the basis for his recommendation to use enterococci. The other lines of evidence, such as provided by Bacteroides monitoring data and PhyloChip™ phylogenetic DNA microarray results, also show fecal waste pollution is present in the Russian River Watershed.

More broadly, the Russian River Pathogen Action Plan is developed not only to restore impaired waters where they exist, but as the tool necessary to implement the bacteria water quality objective in the Russian River Watershed for the protection and maintenance of the REC-1 beneficial use. Water Code section 13242 provides the authority to establish an implementation plan in the Basin Plan to describe the actions necessary for achieving water quality objectives. Establishing an implementation plan to achieve water quality objectives does not require evidence of pollution or impairment (although both have been established in various locations within the Russian River Watershed). Implementation plans apply to all types of water - whether it's unpolluted, polluted, or impaired - and aim to make sure all water meets the Basin Plan's water quality standards.

Comment RORR-06

The exceedance at Monte Rio beach reflects staff's decision to include only a subset of the available samples in the calculation: the samples take in 2002-2012 were discarded in preparing the new evaluation and were replaced by 2013-2022 samples. This is contrary to the State Water Board's Listing Policy which directs the use of all available data.

Response: This comment has no bearing upon the Russian River Pathogen Action Plan. It refers to an issue already raised under the 2026 Integrated Report process. The comment is noted and will be transmitted to Integrated Report staff for follow-up as appropriate.

D. North Bay Association of Realtors

Comment NBAR-01

NBAR is disappointed that they were not engaged as the new Action Plan was created. The first iteration of the Action Plan had meaningful and deliberate engagement with affected stakeholder groups and the public. That was not the case this time.

Response: Thank you for your comment. Staff appreciate NBAR's interest in this project and apologize for any oversight that led to a gap in communications. The best way to remain timely informed regarding this and other planning projects is to ensure your enrollment on our GovDelivery email service lists (https://public.govdelivery.com/accounts/CAWRCB/subscriber/new?qsp=north_coast). Staff maintain project descriptions on our webpages, welcome inquiry and discussion related to project work and progress at any time. Staff are open to meeting with your members now and in the future if there are specific issues you would like to discuss. See also response to comment SOCO-01.

Comment NBAR-02

NBAR requests a clear linkage analysis between OWTS discharges and degradation of water quality or REC-1 uses. They ask whether simple and proven scientific tools (like chemical tracers for human waste: caffeine, optical brighteners, NSAIDs) [were] ever used to pinpoint OWTS contributions.

Response: Staff conducted a study that found a correlation between elevated FIB concentrations and areas with higher concentration of unsewered residential parcels. While correlation is not causation, this information informed the proposed Action Plan's OWTS assessment provisions where cesspools and other dated OWTS technologies should be identified so that more robust data can be collected to identify specific OWTS or OWTS technologies that may require further action. Currently, the spatial extent of outdated OWTS technologies is unknown. Requiring owners to report the existence of OWTS that do not conform with the statewide OWTS Policy is an important step to resolving this information gap. See also response to comment RORR-05.

Comment NBAR-03

NBAR contends that the Russian River already meets or exceeds *E. coli* water quality standards at almost all monitored locations. Data submitted by the RORR show excellent geomeans and STVs for *E. coli* at public beaches. Monte Rio, the only potential exception, was flagged based on selective data which violates the State's 303(d) listing policy. It has not been shown that the source of perceived impairment at Monte Rio Beach is from OWTS versus from bather loads, pets or point sources. The fact that bacterial levels one mile downstream from Monte Rio Beach at Patterson Point were consistently in compliance with standards even when Monte Rio exceeded standards indicates a potentially localized source of bacterial input at Monte Rio rather than effects from dispersed OWTS in the impairment area.

Response: Please see response to comment RORR-05, RORR-06, and NBAR-02.

Comment NBAR-04

Cost estimates in the Action Plan are outdated and need to be revised.

Response: The commenter is referring to the draft Staff Report as the Action Plan does not provide any dollar estimates. That said, the County of Sonoma provided cost estimates for OWTS upgrades, which have been incorporated into the Staff Report in chapter 12, section 12.2.3.2 *OWTS Upgrades in the APMP*. Please see their comment letter and response to comment SOCO-02.

Comment NBAR-05

Public sanitation is a public project to pursue a public goal. Imposing the cost of such a project on individual homeowners without a public financing plan is extremely unfair.

Response: We understand and appreciate the concern that it may seem unfair for owners of individual septic systems to bear the full cost of addressing wastewater issues on their own. The North Coast Water Board has carefully considered this and, where appropriate, has encouraged and supported efforts to explore community-based solutions that could reduce the financial burden on individual property owners. For example, staff are working with the Monte Rio and Villa Grande communities to conduct a Wastewater Feasibility Study, in consultation with a Citizens Advisory Group, to evaluate potential community-wide wastewater solutions. This effort aims to identify alternatives that could qualify for significant public funding and provide more equitable, cost-effective options for residents. This study was designed to serve as a pilot that could be emulated in communities throughout the Russian River watershed that would like to explore alternative solutions to wastewater collection, treatment, and disposal.

Similarly, staff continue to support community projects like the upgrades at the Russian River County Sanitation District's Guerneville Wastewater Treatment Plant. That project has been included on the Fundable List in the Draft 2025-26 Clean Water State Revolving Fund (CWSRF) Intended Use Plan and is eligible for up to $47.1 million in 100% grant funding for construction, along with up to an additional $25 million in 50% grant / 50% low-interest loan funding. These funding levels help reduce the cost burden on individual ratepayers and demonstrate our commitment to pursuing solutions that balance environmental protection with fairness to the community.

The North Coast Water Board staff have also helped Sonoma County staff to apply for and develop a pathogen reduction study under the State Water Board's 319h non-point source grant program. This planning study will evaluate the proposed sources of pathogens from the staff report, solicit input from various source workgroups comprised of community stakeholders, identify potential corrective actions or projects, and prioritize these projects based on the highest expected load reduction to the impairment. The County may elect to continue with an implementation grant for up to $1 million after the

planning study has completed. Individual OWTS upgrades are eligible projects under the 319h nonpoint source grant program.

Comment NBAR-06

The Action Plan defers everything to “local agencies,” but they are not equipped to manage complex, multi-parcel wastewater infrastructure, or regional funding. There is no operational plan, no staffing, nor administrative path for coordination, leaving homeowners adrift.

Response: The responsibility for wastewater infrastructure and OWTS oversight has always rested with local agencies. The proposed Action Plan defers to local agencies because they already handle nearly all OWTS related matters. Furthermore, the OWTS Policy places the primary responsibility for routine OWTS permitting and corrective action with local agencies. Sonoma and Mendocino counties have robust OWTS permitting and environmental health programs. Mendocino County operates under an approved Local Agency Management Program (LAMP) and Sonoma County's most recent draft LAMP has received a favorable first round of review from North Coast Water Board staff, demonstrating both the counties' interest and ability to manage a robust OWTS program and the North Coast Water Board’s confidence in their abilities. Staff believe that the counties can manage their OWTS programs to meet any new demands that arise from the proposed Action Plan.

Comment NBAR-07

The Action Plan does not propose a systematic monitoring framework that can both document existing ambient water quality conditions as well as track change over time and success of management interventions.

Response: Please see response to comment SOCO-07.

Comment NBAR-08

The Action Plan should make clearer that local agencies retain discretion to approve repairs and replacements in "substantial conformance," particularly where unique site conditions or economic hardship limit feasible alternatives. This was a critical intent behind Section 20.4 of the Sonoma County OWTS Manual and should be upheld regionally.

Response: The proposed Action Plan language defers to the OWTS Policy's default language or an approved LAMP where one is in place. It is not appropriate to impose Sonoma County's LAMP provisions on Mendocino County. Mendocino County has the authority to propose revisions to their LAMP if they choose.

Moreover, under Section 11 of the OWTS Policy, local agencies with an approved LAMP are granted the flexibility to authorize corrective actions for replacement OWTS. These actions must be in substantial conformance with the Policy, though specific limitations

apply. Both Mendocino County's approved LAMP and Sonoma County's proposed LAMP incorporate this provision.

Comment NBAR-09

NBAR appreciates the recognition of community-based wastewater solutions in Section 7.3.9 of the draft Action Plan. However, in areas such as Monte Rio and Villa Grande, where feasibility studies are underway, interim OWTS repairs must be explicitly allowed under local LAMPs to avoid prolonged health risks or illegal discharges while long-term infrastructure is pursued.

Response: Comment noted. However, the Action Plan is not the place to prescribe provisions for a local agency’s LAMP. Staff will share this comment with relevant local agencies as they develop and possibly revise their LAMPs over time.