



Conditional Waiver of Waste Discharge Requirements for Vineyard Facilities in the Napa River and Sonoma Creek Watersheds

Staff Contact: Tina Low, Water Resources Control Engineer,
TLow@waterboards.ca.gov / (510) 622-5682

Introduction

To address water quality and habitat impairment in the Napa River and Sonoma Creek, the San Francisco Bay Regional Water Quality Control Board (Water Board) has adopted several Total Maximum Daily Loads (TMDLs) for these watersheds. These TMDLs were adopted as amendments to the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) and include (*hyperlinks provided below, use Control key + click to follow link*):

- [Napa River Sediment TMDL in 2009](#)
- [Sonoma Creek Sediment TMDL in 2008](#)
- [Napa River Pathogens TMDL in 2006](#)
- [Sonoma Creek Pathogens TMDL in 2006](#)

Water Board staff is also currently developing TMDLs for nutrients in these watersheds.

The implementation plans for the sediment TMDLs identified consideration of a conditional waiver of Waste Discharge Requirements for vineyard facilities in the Napa River and Sonoma Creek watersheds (hereto referred to as the "Vineyard Waiver") as a regulatory mechanism to achieve the sediment load allocations specified in the TMDLs. In addition, this Vineyard Waiver is being considered by the Water Board pursuant to the requirements of the *Plan for California's Nonpoint Source Pollution Control Program* (NPS Program Plan) and the *Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Implementation and Enforcement Policy). Per the NPS Program Plan and the NPS Implementation and Enforcement Policy, all current and proposed nonpoint source (NPS) discharges must be regulated under Waste Discharge Requirements (WDRs), waivers of WDRs, or a basin plan prohibition, or some combination of these mechanisms.

The Vineyard Waiver would require that effective management practices be implemented to control human-caused discharges of pollutants to waters of the state including:

- Sediment
- Erosive forces (that cause excessive erosion and sedimentation)

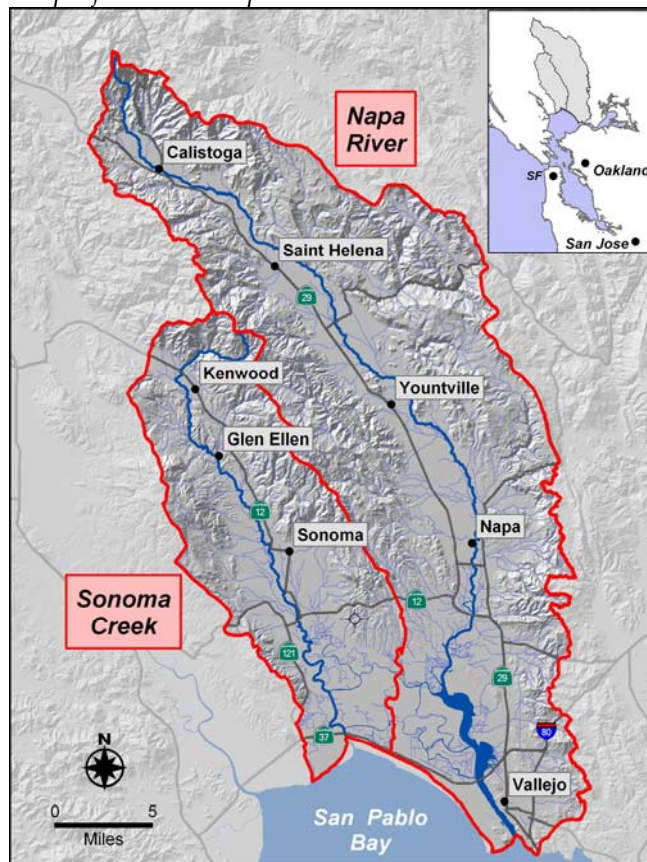
- Heat (human-caused effects on channel or riparian conditions that may cause increases to stream temperature)
- Nutrients
- Pesticides
- Pathogens

The Vineyard Waiver is needed to achieve water quality to support attainment of beneficial uses and water quality objectives.

Project Location

The project would regulate discharges from vineyard facilities throughout the Napa River watershed in Napa County, and throughout the Sonoma Creek watershed in Sonoma County. The Napa River and Sonoma Creek watersheds are shown in Figures 1.

Figure 1. Location of the project is the Napa River and Sonoma Creek watersheds



Project Objectives

The Vineyard Waiver is consistent with the mission of the Water Board and the requirements of the federal Clean Water Act and California's Water Code (CWC). The objectives of the Vineyard Waiver are to:

- Set requirements to ensure that discharges from vineyard facilities do not cause or contribute to conditions of pollution or nuisance as defined in Section 13050 of the CWC, and do not cause or contribute to exceedances of any state or federal numeric or narrative water quality standard, or TMDL.
- Protect Beneficial Uses designated in the Basin Plan for Napa River and Sonoma Creek, including cold water fish spawning and migration, and habitat for rare and endangered species, specifically anadromous fish species.
- Require that vineyard facility owners and/or their designated operators implement effective measures to control human-caused discharges of pollutants including but not limited to, sediment, nutrients, pesticides, erosive forces from excessive storm runoff, heat, and pathogens from vineyard facilities to waters of the state.
- Comply with California's NPS Program Plan and NPS Enforcement and Implementation Policy.

Project Description

The conditions of the proposed Vineyard Waiver include performance standards for the discharge of pollutants including sediment, nutrients, excessive storm runoff, pesticides, pathogens, and heat. The conditions would require vineyard owners and operators to:

- Enroll with the Water Board by submitting a Notice of Intent;
- Develop a farm water quality management plan (Farm Plan) that addresses, at a minimum, erosion control, attenuation of increases in peak runoff, erosion and concentration of flow from roads, pesticide and fertilizer application, and sediment delivery sites such as gullies, rills, and landslides;
- Implement and maintain management practices in accordance with the Farm Plan to meet the performance standards; and
- Conduct compliance monitoring and undertake corrective action as necessary; and
- Report annually on the status of their current and anticipated management practices.

For purposes of this Vineyard Waiver, the term vineyard facility includes the physical features of a vineyard , such as land, crops, drainage systems, roads, reservoirs, diversion structures/equipment, etc., that are established or maintained for the purpose of growing wine grapes. Vineyard operations are tasks or actions conducted to establish, maintain and/or manage vineyard facilities including chemical applications, and management of features such as streams and riparian areas, roads, and drainage systems.

The specific management practices that individual vineyard owners/operators would implement would be determined by the process of developing the Farm Plan. The Farm Plan would include:

- Comprehensive inventory and assessment of natural resources;
- Inventory of agricultural land uses;
- Identification of existing land management practices;
- Identification of potential pollutant sources;
- Assessment of the effectiveness of existing management practices; and
- Identification of new management practices, if necessary.

Individual vineyard owners/operators will choose the management practices necessary and most effective for their facility. Farm Plans may be developed in cooperation with local Resource Conservation Districts (RCD), Natural Resources Conservation Service (NRCS), and UC Extension. Farm Plans would not routinely be submitted to the Water Board, but instead would be retained at the individual facility and be made available to Water Board staff upon site inspection.

Protection of Sensitive Communities

In order to avoid potential project-specific impacts to sensitive natural communities, compliance actions are excluded from the following sensitive natural communities of limited distribution:

- Coast Redwood alliance
- Ponderosa Pine alliance
- Tanbark Oak alliance
- Oregon White Oak alliance
- Canyon Live Oak alliance
- Foothill Mesic Non-Serpentine Chaparral alliance
- Coyote Brush-California Sage Brush Not Formally Defined (NFD) Super alliance
- Serpentine Grasslands NFD Super alliance
- Wet Meadow Grasses NFD Super alliance
- Other native grasslands (including purple needlegrass grassland, one-sided bluegrass grassland, and creeping ryegrass grassland)

Should any of these sensitive natural communities be identified during development of the Farm Plan on a property that also contains a vineyard facility, a condition of the Vineyard Waiver would specify that management practices and/or structures to control runoff and/or human-caused pollutant delivery to channels, as needed to achieve specified performance standards, cannot be installed or built within any of these defined sensitive natural communities. On such properties, necessary control actions should occur preferably within the vineyard footprint, or if this is infeasible, in other areas where potential environmental impacts to other natural communities are avoided.

Reasonably Foreseeable Compliance Actions

The CEQA project is the discretionary action of the Water Board to consider adoption of the proposed Vineyard Waiver. While the Water Board would not directly undertake

any actions that could physically change the environment, adoption of the proposed Vineyard Waiver would result in future actions by dischargers to comply with these regulatory requirements, which may result in physical changes to the environment. The environmental impacts of such physical changes are evaluated below, to the extent that they are reasonably foreseeable. Future actions that may arise from the Vineyard Waiver that are speculative in nature do not require environmental evaluation under CEQA.

POSSIBLE ACTION-CATEGORY	EXAMPLE MANAGEMENT MEASURES	POTENTIAL ENVIRONMENTAL CHANGE OR IMPACT
Vegetative measures to protect soil and prevent erosion	Vineyard erosion control measures such as planting cover crops and installing buffer and filter strips. Temporary, seasonal erosion and sediment control measures include straw mulch, jute netting, and erosion control blankets.	Earthmoving and/or minor construction
Drainage control measures	Construction of diversion ditches, underground drainage systems, installation/repair of energy dissipaters at outlets	Earthmoving, alteration of hydrology
Storm runoff peak and volume control	Constructing detention basins to attenuate peak flows, and reducing directly connected surface area by directing flow to vegetated areas.	Earthmoving, minor construction, waste handling and disposal, alteration of hydrology
Road-erosion control and prevention projects	Improve road drainage to prevent concentrated road runoff by recontouring roads (e.g., waterbars, outsloped roads) or installing ditch relief culverts. Repair or replace poorly functioning road and stream crossings. Decommission roads that are no longer needed. Reduce road erosion by	Earthmoving, construction

POSSIBLE ACTION-CATEGORY	EXAMPLE MANAGEMENT MEASURES	POTENTIAL ENVIRONMENTAL CHANGE OR IMPACT
	treating roads and cut or fill banks with erosion-resistant treatment such as grading, hydromulch, or gravel. Reduce road-related erosion by re-contouring cut or fill banks.	
Gully and landslide erosion control and prevention	Stabilize and repair gullies and landslides by re-contouring slopes to remove debris and/or stabilize slopes, and by re-enforcing unstable areas with vegetative measures, structural stabilization, or grade stabilization structures.	Earthmoving, minor construction, waste handling/disposal, biotechnical engineering
Stream habitat enhancement actions	Restoration projects to enhance vegetation, form and function of the stream. Restoration of floodplain area or proper channel dimensions. Installation of large woody debris for fish habitat	Earthmoving, minor construction, biotechnical engineering, enhanced vegetative cover
Riparian habitat enhancement	Increase riparian corridor, creation/restoration of floodplains	Enhanced vegetation cover

These examples are not intended to be exhaustive or exclusive. As discussed above, even in cases where some physical changes are foreseeable, the exact nature of these changes is often speculative pending specific project proposals that will be ultimately put forth by those subject to requirements of the Vineyard Waiver.