CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

TENTATIVE RESOLUTION

RECOMMENDING CHANGES TO THE LIST OF WATER BODIES AS REQUIRED IN SECTION 303(d) OF THE CLEAN WATER ACT

WHEREAS, the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), finds that:

1. Section 303(d) of the federal Clean Water Act requires the State to identify waters within the State for which water quality standards are not attained; and

2. The Napa River and Sonoma Creek main stems currently are identified on California's Clean Water Act Section 303(d) list as impaired by nutrients, resulting in eutrophication (excessive algal growth); and

3. Water Board staff assembled and considered all readily available data to assess water quality conditions in the non-tidal portions of the Napa River and Sonoma Creek main stems and tributaries to evaluate this listing consistent with the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy); and

4. Data used to evaluate nutrient impairment for both proposed delistings meet the spatial and temporal Listing Policy requirements for delisting (State Water Board 2004); and

5. Data used for this analysis are high quality and meet Water Board quality assurance and quality control standards; and

6. This delisting relies on the weight of evidence approach using Section 4.11 of the Listing Policy because the evaluation focuses heavily on two lines of evidence based on algae biomass metrics that are not formally adopted water quality objectives or EPA criteria. Therefore, the single line of evidence binomial distribution approach described in Tables 4.1 or 4.2 of the Listing Policy does not apply. This is an appropriate approach; and

7. Each delisting is supported by a total of seven lines of evidence that evaluate the listing for biostimulatory nutrients. These evaluate: 1) chlorophyll *a*, 2) percent macroalgae cover, 3) nitrite, 4) nitrate + nitrite, 5) un-ionized ammonia, 6) total ammonia, and 7) pH; and

9. All lines of evidence indicate that both narrative and numeric water quality objectives are being met in the non-tidal portions of the Napa River and Sonoma Creek main stems and

tributaries and the water bodies are supporting all designated beneficial uses that could be affected by nutrients for which there are numeric evaluation guidelines; and

10. Water Board staff provided advance notice of the Board meeting and opportunity for public comment on the Tentative Resolution and associated Staff Report during a 30-day public comment period commencing on December 16, 2013; and

11. Water Board staff developed written responses to all public comments received and revised the Tentative Resolution and supporting staff report for the Water Board's consideration; and

12. The Listing Policy requires that the Water Board consider and approve each proposed list change; and

13. On February 12, 2014, the Water Board held a public hearing to consider the recommendations to change the 303(d) list for the Napa River and Sonoma Creek water bodies.

THEREFORE, BE IT RESOLVED that the Water Board approves removing the non-tidal Napa River main stem (a 36-mile reach) and the non-tidal Sonoma Creek main stem (a 23 mile reach) from the 303(d) list as being impaired for nutrients, as documented in the attached Staff Report.

BE IT FURTHER RESOLVED that the Water Board, in fulfillment of the requirements described in Section 303(d) of the federal Clean Water Act, hereby authorizes the Executive Officer to transmit the Water Board's recommended modifications to the 303(d) list, as detailed in the attached Staff Report dated December 16, 2013, to the State Water Resources Control Board for approval and submission to the United States Environmental Protection Agency for approval.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the Water Board, San Francisco Bay Region, on February 14, 2014.

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Bruce H. Wolfe
Executive Officer