

Appendix C

Comment Letters Received by
November 23, 2015

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Looker, Richard@Waterboards

From: Fleck, Diane <Fleck.Diane@epa.gov>
Sent: Monday, November 16, 2015 1:41 PM
To: Looker, Richard@Waterboards
Cc: Feger, Naomi@Waterboards
Subject: Regional Board 2 Triennial Review: Comment Letter

Hi Richard,

Thank you for the opportunity to review the Staff Report for the San Francisco Bay Basin Water Quality Control Plan 2015 Triennial Review, dated October 2015. EPA supports the projects described in the document, and the methods used to evaluate priorities. We acknowledge that since only 2 PY are available to work on projects, only the first five priority projects (which are estimated to need approximately 6 PY, or 2 PY for 3 years) are likely to be completed during the 3-year triennial cycle.

EPA recently published the Water Quality Standards Regulatory Revisions; Final Rule on August 21, 2015. The regulations became effective on October 20, 2015, and changes included clarifications concerning triennial reviews. The regulations state that "if a State does not adopt new or revised criteria for parameters for which EPA has published new or updated CWA section 304(a) recommendations, then the State shall provide an explanation when it submits the result of its triennial review to the Regional Administrator..." (40 CFR 131.29 (a)). Since the project to incorporate CWA section 304(a) criteria into the Basin Plan is project number 19 (with a PY running total of 15.1), it is unlikely that this project will be completed in the upcoming triennial review period. When the Regional Board submits the results of its triennial review to EPA, please include a brief explanation as to why the project is unlikely to be addressed.

Due to schedule conflicts, we will not be able to attend the adoption hearing in December, however, we support adoption of the Staff Report and look forward to the Regional Board's submittal. Thank you again for the opportunity to review and comment on the Staff Report. If you have any questions, please do not hesitate to contact me.

Diane

Diane E. Fleck, P.E., Esq.
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Looker, Richard@Waterboards

From: bruhns@lmi.net
Sent: Monday, November 16, 2015 3:12 PM
To: Looker, Richard@Waterboards
Cc: bruhns@lmi.net
Subject: Basin Plan 3 year update

Greetings,

This is in response to the October 2015 public notice for updating the Basin Plan. I reviewed the online staff report and offer the following comments for your consideration (note that these are my own opinions, I am not representing any other person, group, legal entity, etc.)

1. I strongly support the proposal for addressing climate change in the Basin Plan. I believe the proposal could be strengthened by making it more focused. In the following comments I offer two possible scenarios to focus the planning effort, either or both could be used. I'm sure many other possible scenarios are available.

2. I suggest the Board address climate change in a defined time horizon. I believe this type of process has certain advantages, including: 1. It allows measuring of progress against a stated time; 2. It makes it easier to define problems by putting them into a time frame; 3. It makes easier public understanding, again by putting problems and solutions into a time frame; and 4. It allows for more coordinated response among agencies (e.g. the Board and BCDC), especially if the other agencies use the same planning approach and use same or close time horizon. I suggest a planning horizon of 2050, 35 years from now. This is close enough to make reasonable predictions about potential impacts of climate change (e.g. impacts on wastewater infrastructure or on environmental restoration projects). It is also far enough in the future to allow time to develop and implement major responses to coming problems. A second planning horizon of year 2100 would also be useful given the expected ongoing rate of climate change.

3. An alternative, or additional, way to focus the planning effort would be to base it on measured sea level rise. For example, once sea level has risen 30 cm. planning for, and implementation of, remedial measures to deal with a 50 cm. rise should begin, in order to assure the remedial measures are in place prior to the 50 cm. rise. The process should repeat when sea level rises 70 cm. to assure that projects are in place for dealing with a one meter rise.

4. Another environmental stressor that will happen at the same time as climate is changing is population growth in the Bay Area. ABAG projects that the Bay Area population by 2040 will have over 2 million more folks living here. Presuming ABAG is correct, there will be increased pressure on the region's wastewater infrastructure (a lot more sewage to move and treat), an infrastructure that is already aging and stressed. Increasing population will also need more housing, more business structures, more roads, etc. All these will further stress the landscape and have potential impacts on water quality (e.g. stormwater or stream system encroachment). Some of the infrastructure and environmental projects impacted by population growth will be the same ones impacted climate change, and therefore should be considered together with climate change.

Thank you for your consideration of these thoughts.

Wil Bruhns



**Living Rivers Council
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The Living Rivers Council was established to protect, restore, defend and preserve watersheds in natural harmony with the people and wildlife that depend on healthy water for economic vitality, recreational enjoyment and ecological sustainability. We will pursue these goals through education, research, consensus building, and advocacy.

November 20, 2015

Naomi Ferger
Basin Planning
San Francisco Regional Water Quality Control Board
SFRWQCB
Oakland, Ca.

Richard Looker
Triennial Report
SFRWQCB

Kevin Lunde
TMDL
Napa Sonoma
SFRWQCB

RE: Region 2 or San Francisco Regional Water Quality Control Board, SFRWQCB (Water Board) Triennial Report

Hello Richard and Naomi,

A “living” river system functions properly when it conveys variable flows and stores water in the floodplain, balances sediment input with sediment transport, provides good quality fish and wildlife habitat, maintains good water quality and quantity and provides recreation and aesthetic values. A “ living “ river conveys equilibrium and harmony with all that it touches and resonates this through the human and natural environment.

Living Rivers Council’s, LRC, members, fish, swim and recreate in the Napa River and find this increasing difficult to pursue and enjoy due to a stagnant dry Napa River bed and menacing water quality in upper Napa River (fresh water reaches). LRC is a member of the North Coast Stream

Flow Coalition, NCSFC, where we work together with 34,000 of our members throughout the State to improve stream flows and water quality.

Living Rivers Council has been a strong advocate for improving the health of the Napa River including groundwater since 2004. Our members engage in projects that impact this resource and suggest alternative mitigations to harmful impacts that continue to degrade the Napa River. Here are some of our past and on-going projects of LRC and the NCSFC.

- Napa River Sediment TMDL
- Sonoma Napa Conditional Waiver
- Sonoma Napa WDR
- Sustainable Groundwater Management Stakeholder Group and Sustainable Groundwater Management Act regulation including public hearings
- Water Action Plan for the State of California-stakeholder advisory
- 2010 TMDL Listing-including expert comments from fish biologist, Patrick Higgins calling for temperature and flow listings for the Napa River
- Napa and Sonoma Nutrient De-listing-including expert comments from fish biologist Patrick Higgins
- Triennial Report and Integrated Report for NCRWQCB advocating for 303(d) listing for flow impairment
- Continuous conversations with the principals at the SWRCB and USEPA to list north coast streams including the Napa and Sonoma waterbodies as flow impaired

Triennial Nutrient Numeric Endpoint a High Priority Project

The Napa River is the second largest fresh water source to the San Francisco Bay. It is currently listed on the 303(d) list for nutrients, sediment and pathogens. Recently, your Water Board has determined from a few monitoring samples that the Napa River should be delisted for nutrients. LRC objects and submitted comments to prevent de-listing however, the delisting is scheduled to be considered in the Water Board's 2016 Integrated Report. LRC has determined that it is not reasoned to delist the Napa River.

The Triennial Report lists projects priorities. One of the SFRWQCB's priorities is to establish nutrient numeric endpoints (NNE) for the San Francisco Bay. Water quality monitoring results for the Bay shows evidence of increased nutrient over-enrichment. There is now a statewide initiative supported by the US EPA Region 1X and the State Water Board to address nutrient over-enrichment in State waters. A key goal of this project is to develop a set of NNEs that can be used by the Water Board in the water quality programs. See USEPA's memo regarding nutrient TMDL listings here: http://water.epa.gov/lawsregs/lawguidance/cwa/tmdl/upload/2016-IR-Memo-and-Cover-Memo-8_13_2015.pdf

SFRWQCB Request to Delist the Napa and Sonoma Creek for Nutrients

LRC urges you not to de-list the Napa River for nutrients:

1. Azolla and other mystery plants have infested the Napa River and tributaries for the last two years and some plants completely blocking sunlight at the surface of the streams. See video here: You Tube Napa River Pollution 2014
2. Tulocay and Salvador Creek are both tributaries of the Napa River. LRC and the Institute for Conservation Advocacy Research and Education, ICARE, are collaborating to show the R2 Board a drone video produced on 11.2015. to be shown at the December 16th public hearing.
3. Our members of LRC are restricted from kayaking and recreating in the Napa River due to menacing algae and aquatic plants plaguing the navigation corridors.
4. Illegal discharges of contaminants and pollutants events such as:

City	date	violation	penalties
St. Helena	1.29.2014-2.7.2014	high priority NPDES wastewater plant	\$290,177 minimum settlement
Calistoga	9.21.2015	high priority NPDES wastewater plant	\$12,000 minimum settlement
Napa	11.20.2015	high priority NPDES water treatment	\$6,000 minimum settlement
Calistoga	2015	high priority NPDES water treatment	pending

Certainly drought conditions have exacerbated existing water quality problems along with diminished surface flows and excessive groundwater pumping.

Declining water quality and quantity together have reduces the Napa River to a series of stagnant pools impacting the public trust values and harming endangered salmon and steelhead.

It would be a tragedy to de-list the Napa River for nutrients while at the same time the Water Board recognizes that the San Francisco Bay has nutrient enrichment problems requiring a Triennial high priority project to develop nutrient numeric endpoints.

Nutrient over-enrichment is also negatively impacting our oceans coupled with climate change causing warming of the ocean. Between ocean warming and nutrient over-enrichment in our bays and estuaries we must aggressively identify all nutrient contributing discharges and develop comprehensive permits and effective numeric targets to implementation plans to reduce nutrient over-enrichment.

Nutrient pollutants such as nitrates and phosphorous, by-products of industrial fertilizers, continue to not only sheet flow off of wine producing vineyards but cattle graze throughout the watershed in streams. This compounded by the City wastewater treatment facilities violating their NPDES permit to discharge pollutants significantly contributes to the decline in the River and Bay of the R2 region. LRC does not want the Water Board to take a piece meal approach to where they regulate nutrient pollution and where they won't such as: sheet flow pollution from discharges from agriculture and grazing. Currently, this is the path of the R2 board: regulate the wastewater facilities through NPDES permits and ignore the agricultural dischargers by delisting the Napa River.

State Water Resource Control Board Public Trust on Stream Flows

Almost all streams in California are suffering diminished flows due to water diversions. The State legislature in 2010 directed the SWRCB to study and establish in-stream flows that would protect public trust values. In 2013 the SWRCB established the Public Trust enforcement department who will establish criteria and objectives to establish regional numeric minimum flows in streams throughout California.

Daniel Schultz, Public Trust Waste and Unreasonable Use Supervisor, SWRCB, was a guest speaker at the NCSFC Annual Meeting on 11.14.2015. Daniel informed our Coalition that he had internal meetings with the Regional Boards staff informing them that the SWRCB advises that Basin Plans be amended to add **FLOW** criteria and objectives

along with a flow narrative. Region 1 for the North Coast has already done this. The SWRCB will have regional minimum flows established in the near future. This is a high priority for the SWRCB and the legislature.

LRC recommends that a high priority project we added to the Triennial Report to amend the Basin Plan to include in-stream flow : 1.) narrative 2.) criteria 3.) objectives. This may need to be superseded by accepting flow TMDLs. *

The USEPA recently came out with new listing guidance that says that flow-impaired waters should be listed in Category 4C during the 303(d)/305(b) listing process, unlike the State's position that flows only have to do with water rights not water quality. LRC recommends that the R2 proceed with a project that can implement the USEPA's recommendation path for improving water quality and quantity. Here is the link to their new guidance: http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/2016-IR-Memo-and-Cover-Memo-8_13_2015.pdf (see p 13-16 especially).

LRC would like to make a visual presentation of nutrient and flow problems in the Napa River at the December 16, 2015 public hearing. We want to make a presentation not to exceed a 10 minute video.

Please advise.

Respectfully submitted,
Chris Malan
Living Rivers Council
Manager
707.255.7434 o
707.322.8677 c

*LRC submitted flow impairment evidence and comments by fish biologist Patrick Higgins on the Napa River to the Water Board during the 2010 TMDL listing cycle.

Pictures 1 and 2 see attached.



Picture 1 moss like filament matts 8.2015 for miles never before see in the tidal reaches of the River.

Picture 2 Azolla Tulocay Creek 11.13.2015-two beavers sitings in this area throughout 2014 and also a beaver dam





CITY OF DALY CITY

Department of Water and Wastewater Resources

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Patrick Sweetland, Director

November 23, 2015

VIA EMAIL: rlooker@waterboards.ca.gov

Mr. Richard Looker
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: Comments on 2015 Basin Plan Triennial Review Staff Report Regarding Project 3.9 Lake Merced DO and pH Objectives – High Ranking and External Support Commitment

Dear Mr. Looker:

The City of Daly City (City), on behalf of its subsidiary the North San Mateo County Sanitation District, is pleased that Project 3.9 Lake Merced Dissolved Oxygen and pH Objectives was ranked high (tied for fifth with 60 points), in the October 2015 Staff Report for the San Francisco Bay Basin Water Quality Control Plan 2015 Triennial Review. The overall Lake Merced project being pursued by Daly City, in cooperation with the San Francisco Public Utilities Commission (SFPUC) and other watershed stakeholders, would address storm-related flooding in the Vista Grande Watershed Drainage Basin, while simultaneously restoring hydrologic connection to Lake Merced. The overall Lake Merced project would include enhanced stormwater management via capture, treatment, and beneficial reuse of Vista Grande stormwater consistent with provisions of the State Water Board's (SWB) Stormwater Strategic Initiative Proposal and other Green Infrastructure initiatives.

Storm water (and authorized non-storm water) flows, currently routed to the Pacific Ocean, would be rerouted from the Vista Grande Canal to Lake Merced, a waterbody that appears on the California 2010 Section 303(d) list for dissolved oxygen (DO) and pH. The proposed Lake Merced Basin Planning activities would provide the framework and Basin Plan implementation provisions needed to help resolve the 303(d) listing for the Lake. These actions, together with proposed implementation of Lake Management Plan actions will, over time, help achieve the long-term goal of maintaining and improving Lake Merced water quality.

The basic strategies for how to address the DO and pH issues in Lake Merced have already been identified through joint efforts by City and RWB staff. These strategies are believed to be relatively straight-forward and non-controversial given that there are precedents for the proposed DO and pH regulatory changes based on approaches adopted in other States and approved by USEPA. These strategies are documented in the City's March 12, 2013 letter to the RWB "*Proposed Regulatory Process for the Vista Grande Drainage Basin Improvement Project*" and supported by the RWB's May 9, 2013 letter to the City "*Concurrence with Proposed Regulatory Process for the Vista Grande Drainage Basin Improvement Project, Lake Merced Alternative.*"

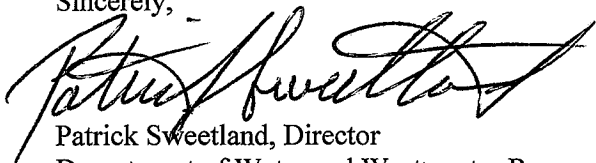
The Staff Report indicates that the top six projects, including Lake Merced DO and pH objectives, will be included in the staffing workplan in the next three years. However, the Staff Report estimates that an additional 1.8 personnel-years would be required from other Water Board Divisions or external sources to accomplish the Lake Merced project. The City has stated previously, and reaffirms here, that it together with SFPUC, stands ready to provide resources to help address the Lake Merced related Basin Planning issues, in partnership with RWB staff.

The City believes that much of the regulatory alternatives analysis and technical background work necessary to support Basin Plan Amendments to provide refined water quality objectives and implementation provisions for DO and pH in Lake Merced, has already been completed. The City is funding CEQA/NEPA work for the overall Lake Merced Project, portions of which will be applicable to Basin Plan Amendment actions. The draft EIR/EIS is scheduled for release in December 2015.

The City is committed to provide technical and as appropriate administrative support to RWB staff beginning January 2016 to enable preparation of a complete Basin Plan amendment package addressing the Lake Merced DO, pH, and related issues, for RWB consideration by the end of 2016. The City would continue to support RWB staff, as appropriate, during 2017, in following up with subsequent Basin Plan Amendment approvals required by the SWB, the Office of Administrative Law (OAL), and the USEPA.

The City looks forward to continuing to work collaboratively with RWB staff during 2016 and beyond on focused Basin Plan Amendments to address site specific DO and pH issues in Lake Merced. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Sweetland". The signature is fluid and cursive, with a large initial "P" and "S".

Patrick Sweetland, Director
Department of Water and Wastewater Resources

L15-085