

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Peter Krottje)  
MEETING DATE: June 14, 2006

ITEM: 9

SUBJECT: **Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish a Napa River Watershed Pathogen Total Maximum Daily Load (TMDL) and Implementation Plan—Hearing to Consider Adoption of Proposed Basin Plan Amendment**

CHRONOLOGY: February 2006 – Public Notice of Proposed Basin Plan Amendment  
April 2006 – Hearing to Receive Testimony on Proposed Basin Plan Amendment

DISCUSSION: At today's hearing, the Board will be asked to consider adopting a Resolution (Appendix A) amending the Basin Plan to incorporate a TMDL and implementation plan to control pathogen discharges in the Napa River watershed. We will discuss revisions we have made to the Basin Plan Amendment as an outgrowth of stakeholder comments received during the public comment period, which ended on March 27, and also comments and questions raised by Board members and the public at the testimony hearing which you held in April (Appendix B). Additional documentation in your packet today includes our Staff Report (Appendix C), Responses to Comments (Appendix D), copies of all written comments received during the public comment period (Appendix E), and the transcript and documents submitted at the April testimony hearing (Appendix F).

In order to protect the public from exposure to waterborne illness in the Napa River, the Basin Plan amendment will establish the following:

- Numeric bacteria targets to protect recreational uses
- A concentration-based TMDL that is consistent with US EPA guidance and existing water quality objectives for protection of recreational uses
- TMDL allocations for all pathogen source categories in the watershed
- An implementation plan for the TMDL that includes actions to minimize animal waste runoff and eliminate discharges of untreated human waste
- A plan and schedule for evaluating and monitoring progress toward meeting the targets
- An adaptive implementation strategy for reviewing progress, evaluating new and relevant information, and revising the TMDL as necessary

On February 10, 2006, we released for public review and comment a Staff Report and proposed Basin Plan amendment specifying a TMDL and associated implementation plan to address pathogens in the Napa River watershed. We received six comment letters. On April 12, 2006, the Water Board held a public hearing and received oral testimony from several speakers. Our Responses to Comments document addresses all of these comments (both written and oral), and calls out revisions to the Basin Plan Amendment and/or Staff Report that we recommend based on those comments.

- TMDL Targets and Allocations U.S. EPA expressed support for our use of *E.coli* as a pathogen indicator, noting that is consistent with current guidance. However, EPA also states that this TMDL needs to be consistent with current Basin Plan water quality objectives, which are expressed as total and fecal coliform bacteria densities, and suggests that we add these objectives to the targets and allocations. The State Board is working on updating bacteria standards for State waters. We expect that the new standards will be based on current EPA guidance, and will eventually replace these coliform bacteria objectives. Therefore, we propose revising the Basin Plan amendment to include total and fecal coliform bacteria targets and allocations, as well as a sunset clause stating that when new bacteria objectives are established, the outdated targets and associated allocations will no longer apply.
- Implementation Costs and Uncertainty Several commenters suggested that the implementation plan is not detailed enough for them to understand how compliance will be measured, or how much implementation actions will cost. The implementation plan strikes the appropriate balance between specifying actions that dischargers must take in order to achieve the TMDL, and allowing flexibility and opportunities for stakeholders to participate in the development of site-specific, prioritized plans for success in the watershed. As you know, we are working on waste discharge requirements and waiver conditions for several discharger categories, and we expect Napa County stakeholders to play an active role in determining the most efficient and cost-effective strategies for achieving the TMDL. We have met with Napa County staff to clarify expectations regarding the implementation plan, and have refined the cost analysis to incorporate information provided by County staff.
- Source Assessment Several commenters suggested that we lack sufficient data to conclude that either septic systems or sanitary sewer lines are significant pathogen sources in the watershed. We agree that additional studies will help clarify the relative impacts of these two source categories on bacterial water quality in the watershed. However, the scientific peer reviewer characterized our source assessment approach as reasonable, especially in the context of adaptive implementation. As part of the adaptive implementation process, we propose additional monitoring and further investigation. Still, we are certain that we understand the pathogen problem well enough, and have sufficient information, to begin taking actions now to reduce animal and human waste discharges.

The revisions we propose today respond to stakeholder concerns, protect water quality, and meet all federal and state requirements. Our overall approach to solving this water quality problem requires that all potential sources take responsibility for proper management of human and animal waste, while the implementation plan provides opportunities for future adaptive improvements to the plan. If we all work together we can achieve the TMDL and have confidence that these waters are safe for wading, fishing, and swimming. .

RECOMMEN-  
DATION

Adopt the Resolution

APPENDICES:

- A. Tentative Resolution with Proposed Basin Plan Amendment (Exhibit A)
- B. Proposed Basin Plan Amendment showing all changes since February 10, 2006
- C. Staff Report
- D. Responses to Comments
- E. Written Comments
- F. April 12, 2006 Hearing Transcript