Fact Sheet

San Francisco Bay Regional Water Quality Control Board

General Permit for Vineyard Properties in the Napa River and Sonoma Creek Watersheds

Overview

The San Francisco Bay Regional Water Quality Control Board (Water Board) has prepared draft general waste discharge requirements (General Permit) - a water quality control permit - for vineyard properties in the Napa River and Sonoma Creek watersheds. A "vineyard property" is defined as a parcel or contiguous parcels under the same ownership, where ≥ 5 acres are planted in grapes.

Vineyard properties may pose threats to water quality by discharging sediment, nutrients, and pesticides and increasing storm runoff, which consequently can cause erosion and sedimentation and otherwise impact aquatic life. The Napa River and Sonoma Creek Total Maximum Daily Loads have established performance standards under federal law for sediment discharge and storm runoff to protect and restore water quality. The draft

General Permit would require actions to control pollutant discharges[1] including sediment and storm runoff from vineyards and unpaved roads, which are located throughout vineyard properties, and pesticides and nutrients from vineyards.

All vineyard property owners would be required to enroll in the General Permit or seek coverage under an individual permit. The General Permit would require property owners or operators to do the following:

1. Develop a "certified" farm plan;
2. Implement the farm plan to achieve discharge performance standards; and
3. Report on an annual basis, progress toward farm plan development and achievement of the performance standards.

Where vineyards are developed on hillslopes[2], property owners also would be required to monitor soil infiltration capacity to assess effectiveness of practices implemented to control storm runoff increases.

Certified Farm Plan

A farm plan documents a vineyard property's natural features, developed areas, and best management practices. A "certified" farm plan means that upon full implementation of the plan, the vineyard property would achieve the performance standards. Third-Party Programs, Qualified Professionals, and/or Water Board staff are designated parties that can certify a farm plan.

Under the draft General Permit, at existing vineyard properties, the farm plan must be developed and certified within three years of General Permit adoption. At new vineyard properties (those constructed after General Permit adoption), the farm plan must be developed and certified by the completion of vineyard construction, or within three years of permit adoption - whichever date is later[3].

Performance Standards for Discharge

Each performance standard sets a bar for the level of pollutant discharge control. Under the draft General Permit, at existing vineyard properties, performance standards must be achieved for:

1. Vineyard soil erosion, pesticides, and nutrients within three years of General Permit adoption;
2. Storm runoff/channel erosion (at hillslope vineyards) within six years of General Permit adoption; and
3. Road-related sediment delivery within ten years of General Permit adoption.

At new vineyard properties, within three, six, and ten years following vineyard construction, these same performance standards must be achieved.

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[1] Sediment and storm runoff are defined as pollutants when they are discharged to channels (or other waterbodies) at rates that are significantly elevated as compared to natural background.

[2] A "hillslope vineyard" is defined as grapes planted on an average slope > 5 percent.

[3] The compliance deadline for new vineyard properties is flexible during the first three years following permit adoption, so vineyard properties developed within one or two years of permit adoption would not be expected to develop a certified farm plan on a more aggressive time schedule than an existing vineyard property.

How do the General Permit and County Erosion Regulations Differ?

Four significant sediment sources are associated with vineyard properties:

1. Vineyard soil erosion;
2. Offsite erosion caused by vineyard storm runoff increases;
3. Road-related sediment delivery; and
4. Channel incision.

Until recently, county regulations focused almost exclusively on vineyard soil erosion at hillslope sites. In 2009, Napa County added a requirement for new hillslope vineyards to also control storm runoff increases. The draft General Permit would fill gaps in local regulation so that all four sediment sources are effectively controlled, as needed, to reduce fine sediment deposition in stream channels that provide habitat for endangered steelhead populations, locally rare Chinook salmon populations, and exceptionally diverse assemblages of native fish species.

What if I own a Vineyard Property with a Completed Farm Plan?

In advance of the draft General Permit, many vineyard property owners have already completed farm plans to enhance water quality and habitat conditions. These include farm plans developed under Fish Friendly Farming, LandSmart, and other programs. Many hillslope vineyard properties are also operated under county approved erosion control plans.

Therefore, we expect that many vineyard properties that have previously completed and implemented a farm plan, already are achieving the performance standards for discharge that would be required by the General Permit. In these circumstances, the only additional requirements for property owners would be the "certification" of their farm plan by an approved Third-Party Program, Qualified Professional, or Water Board staff and the continued implementation of the existing farm plan.

At vineyard properties where previously completed farm plans have achieved some, but not all, of the performance standards for discharge, addendums may be added to the existing farm plan to make it complete, so that upon its full implementation, the vineyard property would achieve all applicable performance standards.

Third-Party Program Resources

Within six months of adoption of the draft General Permit, the Water Board would recognize and publish a list of approved Third-Party Programs[4] and Qualified Professionals[5] that have demonstrated expertise in farm plan development and implementation. Landowners who elect to develop a farm plan with approved Third-Party Programs or Qualified Professionals would be in an excellent position to assure compliance with the General Permit.

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[4] Third-Party Programs provide technical assistance/expertise to help landowners comply with General Permit requirements including farm plan development and implementation.

[5] A Qualified Professional is defined to include a California registered professional in a discipline associated with erosion and sediment control including, for example, a professional engineer, licensed geologist, landscape architect, or certified professional in erosion and sediment control.

It's also important to note that Third-Party Programs would qualify for grant funding from the Water Board and other State and federal agencies. Where landowners are working with Third-Party Programs, in some cases the cost for farm plan development, and/or of some aspects of farm plan implementation, may be paid in full, or in part, with grant funds.

Permit Administration

The draft General Permit would establish three tiers for enrollment based on the administrative costs to regulate vineyard properties and their relative risk to water quality, which are defined as follows:

- Tier 1 or Stewardship Tier: A vineyard property being operated under a certified farm plan that has achieved the performance standards for discharge and also the performance standards for "Fully Protected Stream Corridors" (as defined in the General Permit) would qualify for Tier 1. Tier 1 stewards are exempt from annual reporting and water quality monitoring. A fee reduction is also contemplated.
- Tier 2: A vineyard property owner may qualify for Tier 2 if it has developed a certified farm plan or is working with an approved Third-Party Program or Qualified Professional to develop a certified farm plan for its vineyard property. Submittal of an annual compliance form and monitoring are required under Tier 2; however, enrollees have the option of participating in a group monitoring program that would significantly reduce compliance costs. Tier 2 enrollees also qualify for reduced permit fees.
- Tier 3 includes those permittees who elect to develop a farm plan independently (i.e., the farm plan is not certified). Tier 3 enrollees must submit their farm plans to the Water Board for review and approval, submit annual compliance forms, conduct property-specific monitoring, and would not qualify for permit fee reductions.

All existing vineyard properties, and most new vineyard properties (those developed after adoption of the draft General Permit), would be required to enroll under Tier 1, 2, or 3, as applicable. New vineyard properties developed on a ridgetop[6], on slopes > 30 percent, and/or that involve a timber conversion plan present a greater risk to water quality and would be required instead to obtain an individual permit from the Water Board.

Public Process

The draft General Permit and its associated draft environmental impact report (EIR) were released for public comment on July 15, 2016. These documents are posted on the Water Board's website at http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/vineyard/index.shtml

Hard copies of draft General Permit and draft EIR also are available for review at: a) the Napa County Main Library at 580 Coombs Street in Napa; b) the Sonoma Valley Regional Library at 755 West Napa Street in Sonoma; and c) the Water Board's office at 1515 Clay Street on the 14th Floor in Oakland.

[6] A Ridgetop is as defined per Sonoma County Code (Chapter 11): "A relatively flat topographic divide above divergent and descending slopes where one (1) or more of the descending slopes has a natural slope steeper than fifty (50) percent for more than fifty (50) feet in slope length."

The Water Board will be accepting written comments on these documents through August 29, 2016, prior to its consideration of the draft General Permit at a public hearing. Comments can be submitted by email to mnapolitano@waterboards.ca.gov or by mail to:

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Oakland, CA 94612

How can I Get Additional Information?

To receive notices from Water Board staff about the draft General Permit, you can sign up at the link below, check the box for "Vineyard Program, Napa River and Sonoma Creek" http://www.waterboards.ca.gov/resources/email_subscriptions/reg2_subscribe.shtml.

Additional information is available at the San Francisco Bay Regional Water Quality Control Board's Agricultural Program websites at: http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/vineyard/index.shtml

Staff Contact Information

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An example of gully erosion caused by concentrated runoff from a hillslope vineyard property. This is one of the significant sediment sources that the General Permit is designed to control.

(Fact sheet last updated July 25, 2016)