

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

STAFF SUMMARY REPORT (Rico Duazo)  
MEETING DATE: September 14, 2011

ITEM: 10

SUBJECT: **Conditional Waiver of Waste Discharges Requirements for Grazing Operations in the Napa River and Sonoma Creek Watersheds** – Adoption of Conditional Waiver

CHRONOLOGY: The Board has not considered this item before.

DISCUSSION: The Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Napa River and Sonoma Creek watersheds (waiver of WDRs) (Appendix A) would implement the Napa River Pathogen Total Maximum Daily Load (TMDL), the Napa River Sediment TMDL, the Sonoma Creek Pathogen TMDL, the Sonoma Creek Sediment TMDL, and complies with California's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Enforcement Policy). It is also intended to address the anticipated requirements of future nutrient TMDLs in the Napa River and Sonoma Creek watersheds, as it requires that landowners/operators of grazing operations in these watersheds implement multi-objective pollutant management practices. Appendices A, B, and C contain the revised tentative waiver of WDRs and its attachment forms. Appendices D, E, and F contain the staff report, responses to comments, and copies of comments received.

*Grazing in the TMDLs:* Grazing operations in the Napa River and Sonoma Creek watersheds are identified in their respective TMDLs as pollutant sources that need further control. The TMDLs' implementation plans specify required implementation measures including: evaluation of operating practices; development of comprehensive site-specific pathogen and sediment control measures; an implementation schedule for the installation of identified management measures; and submittal of annual progress reports documenting actions undertaken to reduce or eliminate animal waste and sediment runoff.

*Use of a conditional waiver of WDRs:* Use of a conditional waiver of WDRs, rather than general WDRs or individual WDRs, is the most efficient means of uniformly addressing grazing operations pursuant to the Napa River and Sonoma Creek TMDLs. Its use is allowed by the Water Code under circumstances present here. However, the Board retains its right to issue general WDRs or individual WDRs as appropriate in the future. The Staff Report (Appendix D) describes the basis for this waiver of WDRs and its conditions in more detail.

*Waiver of WDRs requirements:* To comply with the waiver of WDRs, grazing facilities' landowners/operators will need to submit to the Board a Notice of Intent (NOI) that the landowner/operator intends to comply with the requirements of the waiver of WDRs. The NOI is due on November 15, 2011. Landowners/operators will also need to complete a Ranch Water Quality Plan by November 15, 2012, comply with all conditions of the waiver of WDRs, and report on the implementation of grazing management measures in an annual compliance monitoring report.

*Public Outreach:* We have made a concerted effort to communicate with, and be available to, the grazing community. During development of the waiver of WDRs, we met with a technical advisory group that included grazing interest representatives, local agricultural agencies, and individual ranchers. We gave presentations on the elements of the waiver of WDRs at a North Bay Watershed Association Watershed Council meeting and at a Napa Watershed Information

Center & Conservancy's Board meeting. We held public meetings at the Schell-Vista Fire Station in January and July of this year to present the draft waiver of WDRs, and to receive informal feedback and comments.

*Comments Received:* The main issues raised in the written comments (Appendix F) related to concerns over the effects of overgrazing, and the need for criteria to evaluate the adequacy of the Ranch Water Quality Plans that are to be maintained at each facility. As noted in the Response to Comments (Appendix E), in response to the issue over the potential for overgrazing, we revised the language of the waiver of WDRs to include a requirement for measuring and reporting on residual dry matter as part of the Ranch Water Quality Plan and annual compliance monitoring report (Appendix E).

Judging the adequacy of Ranch Water Quality Plans will incorporate several feedback mechanisms. We will conduct field inspections to review Ranch Water Quality Plans and assess the management measures implemented at each site. We also plan to use geographic information system (GIS) tools to track program enrollment and compliance. On larger watershed scales, Board staff plans to evaluate the effectiveness of sediment and pathogen control measures (both structural and management related) as part of assessing progress made towards achieving TMDL targets in the Napa River and Sonoma Creek watersheds.

*Staff-initiated Changes:* We made changes to the draft waiver of WDRs that we identified as necessary to fix errors, clarify intent and to offer further explanation. We also added Condition 5, which requires the implementation of mitigation measures. The requirements of Condition 5 are not new requirements per se. They call out permits that are required for compliance projects that, in the unlikely but possible event, could result in significant environmental impacts. Such impacts would be mitigated to less than significant levels by the requirements specified in these permits.

Lastly, we deleted findings 11 (Third Party Program) and 12 (Compliance Schedule) and re-inserted them as conditions 6 and 2, respectively. This change was made to make Executive Officer approval of the third party role and adherence to the compliance schedule enforceable conditions in the waiver of WDRs.

RECOMMEN-  
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Adopt the Conditional Waiver of WDRs.

APPENDICES:

- A. Revised Tentative Conditional Waiver of WDRs for Grazing Operations in the Napa River and Sonoma Creek watersheds
- B. Attachment A: Grazing Waiver Notice of Intent
- C. Attachment B: Checklist Form for Assessing Grazing for Assessing Grazing Operations in the Napa River and Sonoma Creek watersheds
- D. Staff Report
- E. Response to Comments
- F. Comments Received