

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

STAFF SUMMARY REPORT: Brian Wines
MEETING DATE: July 12, 2023

ITEM 4.B

Amendment of General Waste Discharge Requirements and Water Quality Certification for Stream Maintenance Programs – City of Livermore, Alameda County; County of Marin –

Amendment of Waste Discharge Requirements and Water Quality Certification Order No. R2-2019-0023, as previously amended, to add the City of Livermore's and County of Marin's Stream Maintenance Programs

DISCUSSION The Revised Tentative Order (Appendix A) would amend the waste discharge requirements (WDRs) and water quality certification for stream maintenance programs in Napa, San Mateo, Contra Costa, and Sonoma counties and the Midpeninsula Regional Open Space District's (Midpen's) Routine Maintenance Program (Order No. R2-2019-0023) (Order), to incorporate the City of Livermore's (Livermore's) and the Marin County Flood Control and Water Conservation District's (Marin County's) stream maintenance programs (Programs). The Programs are ongoing and currently are being implemented under separate authorizations, which are expiring and will be replaced by the Revised Tentative Order. In July 2019, the Board adopted waste discharge requirements and a water quality certification to authorize the Napa County Flood Control and Water Conservation District's Stream Maintenance Program (Order No. R2-2019-0023). The order provides a multi-year authorization for certain routine stream maintenance activities and was designed to allow other routine stream maintenance programs to be added by amendment. In December 2020, the Board amended the order to add the San Mateo and Contra Costa programs (Order No. R2-2020-0034). In April 2021, the Board amended the order to add the Sonoma program (Order No. R2-2021-0005), and in February 2022, the Board amended the order to add Midpen's Routine Maintenance Program (Order No. R2-2022-0004).

Although the programs are similar in that each has been designed to perform maintenance in a manner most protective of beneficial uses, each program has been tailored to address local conditions and needs as described in each program's manual. Management of sediment and vegetation in streams, including flood control channels, is a primary program activity for all programs. Each program manual describes authorized routine stream and related maintenance activities conducted to provide flood protection and maintain the functional integrity and operational capacity of the streams and other program elements. A key aspect of each program is to maintain channel conveyance capacity and other facility functions based on quantitative assessments, while protecting natural resources with avoidance and minimization measures. This approach is expected to result in long-term benefits to riparian and aquatic habitat by identifying areas where routine maintenance is necessary, areas where stream habitat can be enhanced or restored, and using quantitative analysis to better frame needed maintenance and identify opportunities for restoration. Each program also sets forth mitigation for unavoidable impacts, which improves efficiency by reducing the number of separate permits and the time necessary to review project-level mitigation.

The Revised Tentative Order would authorize Livermore and Marin County to perform routine stream maintenance activities, consistent with each of their Program Manuals, and would not change the authorizations for the other dischargers named on the order.

The Tentative Order was circulated for a 30-day public comment period ending on June 3, 2023. We received one comment. A Tiburon resident asked if the Tentative Order would impact residents' ability

to coordinate with Tiburon's Public Works Department and Marin County on the management of riparian vegetation along West Creek in Tiburon. Residents currently coordinate with them to ensure that riparian vegetation provides dense screening between the houses on each side of the creek. We informed the resident that the Tentative Order would not affect the coordination or require changes to agreements between residents and Tiburon or Marin County. It was not necessary to make changes to the Tentative Order in response to the comment. We made the following staff-initiated changes to the Tentative Order, resulting in the Revised Tentative Order: added Provision 77 to rescind Livermore's existing Stream Maintenance Program Order, since it will be replaced by the Revised Tentative Order; corrected Livermore's CEQA Notice of Determination date; and added the date that Marin County paid their application fee.

APPENDICES

A. Revised Tentative Order

The attachments to the Revised Tentative Order are available on the Water Board FTP site.

Documents Available on FTP Site:

Order Att. A: Napa County Stream Maintenance Manual and Attachments

Order Att. B: Sediment Monitoring and Reporting Program

Order Att. C: Monitoring and Reporting Schedule

Order Att. D: San Mateo County Routine Maintenance Manual

Order Att. E: Contra Costa County Routine Maintenance Manual

Order Att. F: Sonoma County Water Agency Stream Maintenance Manual

Order Att. G: Midpen Routine Maintenance Manual

Order Att. H: Marin County Flood Control District Stream Maintenance Manual

Order Att. I: Revised Manual Livermore Stream Maintenance Program

Comment on Tentative Order – Tiburon resident

To access these documents, go to: <https://ftp.waterboards.ca.gov/>

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