

Regional Water Quality Control Board  
North Coast Region

Executive Officer's Summary Report  
Thursday, July 11, 2018  
Regional Water Board Office  
Santa Rosa, California

**ITEM: 6**

**SUBJECT:** Information Item to Discuss Draft Policy Statements to be Included in the 2018 Triennial Review Adopting Resolution (Alydda Mangelsdorf)

**BOARD ACTION:** This is an information item. There will be no formal action of the Board.

**BACKGROUND:** The Regional Water Board is currently conducting a review of the *Water Quality Control Plan for the North Coast Region* (Basin Plan), which occurs once each three-year period and is referred to as the Triennial Review. The Regional Water Board establishes water quality regulation for the North Coast Region by adopting it into the Basin Plan. The Basin Plan contains the water quality standards applicable to the North Coast Region and programs of implementation designed to implement the standards, including prohibitions, policies and action plans. On May 17, 2018, the Regional Water Board held a workshop on the 2018 Triennial Review to provide and receive feedback on the draft Planning Program Workplan, which describes the proposed basin plan amendment projects to be staffed during fiscal years 2018 through 2021. The North Coast Regional Water Quality Control Board (Regional Water Board) will establish its regulation-development priorities by adopting a Planning Program Workplan for Fiscal Years 2018 through 2021.

The Regional Water Board may also establish its non-regulatory priorities by adopting policy statements. Under Water Code section 13224, the Regional Water Board is authorized to issue policy statements relating to any water quality matter within its jurisdiction. A policy statement expresses in a resolution an opinion of the Regional Water Board without having effect as regulation. A policy statement can encourage certain actions, give general direction to staff, or make other non-regulatory statements. At the May 17, 2018 workshop on the 2018 Triennial Review, staff presented a draft adopting resolution (Resolution No. R1-2018-0030), which included suggested Board policy statements on four key water quality issues. Those issues were climate change, chemicals of emerging concern, water conservation, and groundwater protection. At the conclusion of the May 17, 2018 Board meeting, the Board expressed an interest in continuing the discussion on the draft policy statements at an upcoming Board meeting. That is the topic of this agenda item.

**DISCUSSION:** Although it does not regularly issue policy statements, the Regional Water Board has periodically used its authority under Water Code section 13224 to issue policy statements. For example, in 2004, the Regional Water Board adopted Resolution No. R1-2004-0087 to state its opinion on the matter of sediment impaired waterbodies. The 2004 *Total Maximum Daily Load Implementation Policy Statement For Sediment Impaired Receiving Waters in the North Coast Region* (2004 Sediment TMDL Implementation Policy Statement) directs the Executive Officer to develop a workplan setting watershed priorities addressing sediment waste discharges at a watershed-specific level. It directs staff to more effectively and efficaciously use existing

permitting and enforcement tools to pursue compliance with sediment-related standards, and to pursue non-regulatory actions with other agencies and organizations to encourage more efficacious sediment waste discharge control, watershed restoration, and protection activities. Further, the 2004 Sediment TMDL Implementation Policy Statement strongly encourages all landowners within the North Coast Region that are currently discharging or threatening to discharge sediment waste to work to control those discharges.

More recently, the Regional Water Board adopted Resolution No. R1-2012-0013 to state its opinion on the matter of temperature impaired waterbodies. The *Policy Statement for Implementation of the Water Quality Objectives for Temperature in the North Coast Region* (2012 Temperature Implementation Policy Statement) directs staff to develop a Temperature Implementation Policy as a Basin Plan Amendment and to continue to implement the 2004 Sediment TMDL Implementation Policy Statement as a means of addressing elevated water temperature associated with excess sediment discharges. Additionally, the 2012 Temperature Implementation Policy Statement encourages responsible parties to engage in activities that promote riparian shade and protections, and directs staff to develop and implement a region-wide water temperature trend monitoring program to assist in determining whether the policy is effectively reducing and preventing elevated temperatures over the long-term.

At the May 17, 2018 Board meeting, members of the Regional Water Board voiced an interest in engaging more directly in the crafting of the policy statements contained in draft Resolution No. R1-2018-0030. At this meeting the Regional Water Board will consider several questions and provide direction to staff on the wording of policy statements that may be included in the Resolution for the Board's consideration:

1. Are the policy statements on the issues identified in draft Resolution No. R1-2018-0030 the key issues to be addressed using this non-regulatory authority?
2. Are there other issues on which the Board would like to make non-regulatory policy statements as direction to staff or guidance to the general public? The policy statements need not be limited to issues addressed in the Planning Program Workplan for Fiscal Years 2018 through 2021.
3. The findings that support the draft policy statements are largely based on direction received from the Governor's Office, State Water Board, and the Blue Ribbon Panel on CECs. Are there other key documents or resources the Board would like to turn to as the basis for the resolution's findings?

#### SUPPORTING

DOCUMENTS: Draft Resolution No. R1-2018-0030