

STAFF REPORT

2004 Triennial Review of the *Water Quality Control Plan for the North Coast Region* (Basin Plan)

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Prepared by

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I. INTRODUCTION

This report commences the 2004 Triennial Review of the *Water Quality Control Plan for the North Coast Region* (Basin Plan). This report is an assessment by staff of the North Coast Regional Water Quality Control Board (Regional Water Board) of the adequacy and inadequacies of the Basin Plan, as amended on June 28, 2001. In addition, this report is intended to serve as a starting point for interested persons to provide input to the North Coast Regional Water Quality Control Board (Regional Water Board). This report contains a brief background of basin planning, a description of the Triennial Review process, the 2004 Triennial Review schedule, and a Regional Water Board staff assessment of the Basin Plan. The staff assessment is divided into two sections. The first section describes the status of 2001 Priority List water quality issues in which the issues have been categorized as one of the following: Stream Protection and Management, Water Quality Standards, Updates to Regulatory Programs, or Editorial Changes. The second section identifies new water quality issues for the Regional Water Board to consider in the 2004 Triennial Review.

The Regional Water Board is presently soliciting suggestions and requests from the interested public regarding the need to change any section of the Basin Plan. The Triennial Review of the Basin Plan, associated public workshops, and final hearing Regional Water Board will be publicly noticed.

The Priority List adopted by the Regional Water Board will direct the planning efforts of staff for the next three years. As staffing and budget allow, the Regional Water Board will consider each of the water quality issues identified on the Priority List for Basin Plan amendment. Subsequently, and separate from the Triennial Review process, the Regional Water Board will consider each proposed Basin Plan amendment using public hearings and the California Environmental Quality Act functional equivalent process. This will allow the Regional Water Board to consider each potential basin plan amendment on its own merits and to receive public input on specific issues.

II. BACKGROUND

Water quality control plans (basin plans) provide the basis for protecting water quality in California. Basin Plans are mandated by both the Federal Clean Water Act (CWA) and the State Porter-Cologne Water Quality Act (Porter-Cologne). Sections 13240-13247 of Porter-Cologne specify that regional basin plans shall include the following:

- Beneficial uses of waters in the region.
- Water quality objectives, which, in the judgment of the Regional Water Board, will ensure the reasonable protection of beneficial uses and the prevention of nuisance conditions.

- The program of implementation for achieving water quality objectives, including a description of the nature of actions which are necessary to achieve the objectives, time schedules for the actions to be taken, and a description of surveillance to be undertaken to determine compliance with objectives.

The Regional Water Board adopted its first interim basin plans in 1971. These were followed in 1975 by a comprehensive *Water Quality Control Plan for the Klamath River Basin (1A)* and a comprehensive *Water Quality Control Plan for the North Coastal Basin (1B)*. In 1988, the Regional Water Board combined and updated the two comprehensive plans and their abstracts into a single *Water Quality Control Plan for the North Coast Region*. In 1993, the Regional Water Board again updated descriptions and corrected inaccuracies in the Basin Plan. The Regional Water Board has amended the Basin Plan numerous other times between 1975 and 1996.

III. THE TRIENNIAL REVIEW PROCESS

Section 13240 of Porter-Cologne and Section 303 (c)(1) of the CWA require a review of basin plans at least once during each three-year period to keep pace with changes in regulation, new technologies, policies, and physical changes within the region. The Regional Water Board is responsible for this review, and is required to:

- 1) Identify those portions of the Basin Plan which are in need of modification or new additions;
- 2) Adopt standards as appropriate; and
- 3) Recognize those portions of the Basin Plan which are appropriate as written.

The review includes public workshops to identify issues of water quality concern, which may be remedied by revision of the Basin Plan. After public input is received, the Regional Water Board's role in the Triennial Review process is to determine if Basin Plan revisions are needed, and to set forth a priority list and schedule for consideration of the needed Basin Plan revisions.

At the conclusion of the Triennial Review, the Regional Water Board will adopt a resolution which: 1) summarizes those sections of the Basin Plan the Regional Water Board has determined to be appropriate and accurate; and 2) sets forth a prioritized list of potential revisions to the Basin Plan.

Attachment 1 is the Regional Water Board Resolution No. R1-01-08-05RES, including the adopted priority list of issues, that resulted from the Regional Water Board's last Triennial Review in 2001.

IV. 2004 TRIENNIAL REVIEW SCHEDULE

The second step of the review includes public workshops, during which the Regional Water Board will receive recommendations for changes to the Basin Plan from the public. The public workshops are scheduled to occur in Santa Rosa on June 13th, and in Fortuna on July 15th. Attachment 2 contains the 2004 Triennial Review Schedule.

Following the public workshops, Regional Water Board staff will summarize and respond in a second public report to the input received at the workshops and any written comments received during the solicitation period. The second public report will outline the proposed priority list of potential Basin Plan amendments and work schedule for fiscal years 2004 -2005, 2005 - 2006 and 2006 - 2007, to be considered by the Regional Water Board. This report will be released on August 9, 2004. The written comment period deadline is August 9, 2004.

The public hearing is currently scheduled to be held in Santa Rosa on October 6, 2004. At that time, the Regional Water Board may adopt by resolution the proposed Priority List or a revised Priority List, or may extend the public hearing for further consideration and adoption at a later date.

After the priority list is adopted, the Regional Water Board will submit it to the State Water Resources Control Board (State Water Board), which will in turn forward the results of the Triennial Review to the U.S. Environmental Protection Agency (USEPA) for approval.

V. ASSESSMENT OF THE BASIN PLAN

The Basin Plan is a useful planning document, and has remained relatively current to reflect changing needs through updates. It was last updated on June 28, 2001. However, due to limited funding available for basin planning, some sections of the Basin Plan have not been updated since it was first adopted in 1971. In addition, high priority subjects including watershed planning and the development of total maximum daily load (TMDL) action plans, will continue to entail amendment of the Basin Plan during the next three years.

This section of the report provides a Regional Water Board staff assessment of the current Basin Plan and identifies issues that have been raised by the public and staff since adoption of the 1995 Triennial Review Priority List.

A. STATUS OF 2001 PRIORITY LIST OF WATER QUALITY ISSUES

During the 2001 Triennial Review, the Regional Water Board identified and prioritized a total of twenty-six water quality control issues, which could result in amendment of the Basin Plan. That list, included as Attachment 2, also set forth an estimated schedule of work to be completed by fiscal year 2004.

- The Beneficial Use Amendment (priority 1) was adopted by the Regional Water Board in June 2003, was approved by the State Water Resources Control Board (State Water Board) on June 17, 2004.
- Two additional basin plan amendments (priority 2 and priority 3) are currently underway and are scheduled to be released to the public later this year and presented to the Regional Water Board for Board consideration in early 2005.
- Priority 4, The Compliance Schedule Amendment, was adopted by the Regional Water Board in March 2004, and is tentatively scheduled to be considered by the State Water Board during September 2004.
- Two additional basin plan amendments dealing with water quality objectives for the Russian River are currently underway. These amendment address water quality issues associated with excessive sediment, dissolved oxygen, and temperature. Both amendments are being developed under contract with the Sonoma County Water Agency (SCWA) and are described on pages 8 and 10 of this report.

The following sections identify issues from the 2001 Triennial Review. Each subject contains a brief summary of the issue and concludes with a recommendation (in *italics*) as to whether or not it should be continued to the 2004 Triennial Review. Issues that are similar, or that have overlapping concepts may be combined for the purpose of efficiency.

◆ STREAM PROTECTION AND MANAGEMENT

Consider a Policy Addressing In-Stream Flow Issues

Maintenance of beneficial uses requires adequate in-stream flows. This issue has been raised as a concern in TMDL stakeholder meetings and various other forums, including the 2001 Triennial Review. There is still a need for improved coordination between the Regional Water Boards and the Division of Water Rights. Regional Water Board staff propose to review the possibility of a Basin Plan Amendment addressing flow issues as they relate to water quality.

Prioritize this issue during the 2004 Triennial Review.

Complete a Basin Plan Amendment for the Protection of Cold Water Salmonid Habitat

Staff is proposing to develop a new narrative objective for the protection of the cold water salmonid habitat (COLD) beneficial use. This project would include the addition of various habitat parameters for cold water salmonids (numeric objectives, targets, and policies) to Section 3 of the Basin Plan, to evaluate compliance with the narrative objective.

A literature review of habitat-related targets for streambed, streambank, and water column conditions related to sediments was recently completed by planning staff with funds provided under a contract with the SCWA. A Functional Equivalent Document (FED) is now required to complete the CEQA and basin plan amendment processes. The FED will include a Staff Report, Amendment Language and CEQA Checklist. Public workshops and a Regional Water Board Hearing will also be necessary to complete this amendment.

On a related issue, staff is also proposing to develop and adopt numeric objectives for temperature and dissolved oxygen (see issue described on page 10).

Prioritize this issue during the 2004 Triennial Review.

Amend Section 4. Implementation Plans to Include TMDL Implementation Strategies (Action Plans) for 303(d) Listed Waterbodies

The current approach to implementing TMDLs consists of an amendment to the Basin Plan to include a TMDL Action Plan for each USEPA and Regional Water Board developed Technical TMDL. Under court mandated consent decree, Action Plans for the Scott, Shasta and Salmon River TMDLs are required to be completed by Regional Water Board staff and submitted to USEPA by September 2005. Staff are currently drafting a schedule for additional upcoming TMDL Action Plans to be placed on the priority list.

Prioritize this issue during the 2004 Triennial Review.

Explore Adding Activity-Based Action Plans into the Basin Plan (Formerly entitled “Work with Environmental or “Green” Incentive Programs (such as Fish Friendly Farming) to Explore Adding Applicable Actions Plans into the Basin Plan)

There are several “Green” or environmental incentive-based programs for businesses in the North Coast Region. Fish Friendly Farming is an example of this type of certification program. It will provide an incentive-based framework for the farmer to gain an economic benefit from the sale and marketing of “eco-friendly” or “green” products, such as wine, while being protective of water quality and the environment. This program is also an example of an activity-based program (as opposed to a TMDL Action Plan) that addresses a range of issues, including water quality, associated with grape growing, and is not limited to a

particular watershed. Activity-based action plans could be an alternative method of gaining water quality improvements in the region's waterbodies.

Staff have been working with local agencies and organizations on this issue for some time. Recently, a 319(h) grant was awarded to the Sotoyome Resource Conservation District by the State Water Board to conduct a pilot project for Fish Friendly Farming. The 319(h) contract is managed by Regional Water Board staff.

While the Fish Friendly Farming Program itself is not a Triennial Review issue, activity-based action plans may prove to be a tool for improving water quality.

Prioritize this issue during the 2004 Triennial Review.

Review the Water Quality Problems Resulting from Gravel Mining

As part of the US Army Corps Section 404 permitting process, Regional Water Board staff issues 401 water quality certifications for many instream gravel mining projects. These certifications include monitoring plans to measure turbidity, channel morphology changes, and other parameters. Staff will continue to evaluate other permitting options as well, such as Waste Discharge Requirements.

Elements in a future comprehensive management plan for the Russian River may address land use and other impacts to beneficial uses which result from gravel mining, including drinking water quantity/quality and aquifer recharge/storage. Such a plan may also include a water quality element which will describe the activities the Regional Water Board will regulate under its authority provided by Porter-Cologne.

Staff recommends that this issue be reviewed under the issue entitled "Explore Adding Activity-Based Action Plans into the Basin Plan," described above.

◆ WATER QUALITY STANDARDS

Add Biocriteria Objectives

Development of biocriteria is identified in USEPA's *Water Quality Criteria and Standards Plan* (May 1998) as one of six priority objectives for the water quality standards program during this decade. USEPA Region IX's Biocriteria Plan, consistent with these priorities, seeks to work with states through grants and technical assistance to ensure progress to realize the full potential of bioassessments and biocriteria for managing water quality and protecting aquatic life in all water bodies.

Prioritize this issue during the 2004 Triennial Review.

Develop Basin Plan Language Requiring Waste Discharges to Comply with the California Toxic Rule and Consider Revision to the Water Quality Objective for Toxicity

This issue was first raised by Regional Water Board staff during the 1998 Triennial Review. The Compliance Schedule Amendment addressing a portion of this issue was adopted by the Regional Water Board in March 2004. The California Toxics Rule (State Implementation Plan - SIP) will be incorporated into the Appendix of Basin Plan once the Compliance Schedule Amendment is adopted by the State Water Board and USEPA. However, the following additional issues should be addressed with a separate basin plan amendment:

- Include numeric criteria for the referenced priority pollutants, if language can be added to reflect criteria that are updated on a regular basis.
- Update the narrative criteria for toxicity.
- Add a reference to the USEPA protocol for determining toxicity.
- Update the citation to “Standard Methods for the Examination of Water and Wastewater” (page 3 – 4.00).
- Add a discussion of chronic toxicity to explain that limits should be developed using acute, not chronic, bioassays.

Prioritize this issue during the 2004 Triennial Review.

Review Chemical Objectives in Section 3. Water Quality Objectives

In reviewing the City of Santa Rosa’s comments in 1998, Regional Water Board staff recognized that the Title 22 limitations specified in the Basin Plan are outdated. In 1998, staff recommended that this section of the Basin Plan be revised to include a general reference to the tables in Title 22 that contain chemical objectives and to remove the specific objectives from the Basin Plan. Staff propose to reference the extensive tables provided in the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, March 2, 2000*, which implements the California Toxics Rule. Staff does not see the need to duplicate the California Toxics Rule water quality numeric objectives within Table 3-2 of the Basin Plan. The term advanced waste treatment (AWT) should also be defined as part of this update.

Prioritize this issue during the 2004 Triennial Review.

Consider Revisions to the Water Quality Objectives for Dissolved Oxygen (DO) and Temperature

This issue was raised by Regional Water Board staff as a carry-over issue from the last three Triennial Reviews. Specific Water Quality Objectives for the North Coast Region are set forth in Table 3-1 of the Basin Plan.

Under a contract with the SCWA, Regional Water Board staff are developing numeric objectives for temperature and DO for the protection of endangered and threatened salmonid species in the Russian River. The proposed objectives would be adopted in the Basin Plan in order to protect the COLD, SPWN, RARE

and MIGR beneficial uses. The information resulting from this effort will be useful for facilitating the development of temperature TMDLs for other temperature-impaired waterbodies in the North Coast Region.

Staff is also proposing to develop and adopt a narrative objective related to the habitat requirements of all life stages of cold water fish, including the listed salmonids, in the Russian River Hydrologic Unit. The DO and Temperature objectives would be developed to also be consistent with this narrative objective. This Basin Plan issue entitled "Complete a Basin Plan Amendment for the Protection of Cold Water Salmonid Habitat," is explained on page 8.

▪ **Site Specific Temperature Objectives for the Klamath River**

Currently, the following interstate objective applies to the mainstem Klamath: "Elevated temperature waste discharges into cold interstate waters are prohibited." This objective is not protective of sensitive salmonids. The Basin Plan objective of "no adverse effect" and "at no time shall there be an increase in natural water temperature above 5° Fahrenheit" applies to the tributaries and requires some translation and application through a TMDL to be protective. In addition, the TMDL process could be improved and accelerated by a new objective.

A narrative objective for sensitive species and a translator mechanism that includes consideration of the life stage requirements of the endemic salmonids in the Klamath River Basin are essential. The evaluation of different water management and water use options needs to include current and scientific information on anadromous salmonids' tolerances, preferences, and optima by life stage and species. An objective with a translator would facilitate well-informed decision making based on science.

Prioritize this issue during the 2004 Triennial Review.

▪ **Site Specific Temperature Objectives for the Trinity River**

The responsibility for protecting the beneficial uses of water in the Trinity River is shared between the Hoopa Valley Tribe and the Regional Water Board. The Tribe has completed a Water Quality Control Plan which has been approved by USEPA. This document includes temperature objectives for the Trinity River on the Hoopa Reservation. The Basin Plan currently contains temperature objectives for the Trinity River between Lewiston Dam and Douglas City and between Lewiston Dam and the North Fork Trinity River.

USEPA has requested that the Basin Plan be revised to include temperature objectives that are, at a minimum, consistent with the *Flow Evaluation Study* conducted by the Fish and Wildlife Service, the Hoopa Valley Tribe and other agencies. Temperature is currently scheduled to be addressed in the South Fork Trinity River as part of the TMDL to be completed by USEPA in 2008; however, it would be prudent to complete the exercise before that time.

Staff recommends prioritizing this issue during the 2004 Triennial Review.

Consider Specific Objectives for Nutrients

USEPA's Clean Water Action Plan called for USEPA to develop nutrient criteria for lakes, streams, estuaries, and wetlands for fourteen (14) delineated ecoregions by the end of the year 2001. This effort has been completed and USEPA issued criteria development guidance for states to develop and adopt nutrient criteria in 2003. U.S. EPA is conducting the groundwork necessary to develop criteria for nutrients. Regional Water Board staff are currently participating in discussions regarding the development of criteria for the state with USEPA. A contractor to USEPA is conducting studies to support the establishment of criteria for the various ecoregions in California. Once the guidance for ecoregions within California is promulgated, a Basin Plan Amendment will be necessary.

This issue should be prioritized during the 2004 Triennial Review list as a necessary Basin Plan Amendment once the criteria are developed.

Update Bacteria Objectives

The Basin Plan water quality standards include only total and fecal coliform bacteria as indicators. In 1986, USEPA published its 304(a) water quality criteria for bacteria, which recommends the use of *Escherichia coli* (*E. coli*) and enterococci rather than fecal coliform for the protection of primary contact recreation (REC-1) in marine/coastal waters. The epidemiological data, upon which the national criteria are based, suggest that these bacterial indicators are better correlated to water contact-exposure related health effects. In addition, USEPA's Action Plan for Beaches and Recreational Waters (EPA/600/R-98/079, March 1999) called for all states to adopt bacterial standards that are consistent with USEPA guidance by 2003. USEPA is proposing to promulgate coastal water criteria for states that have not done completed this task by June 2004. As the North Coast Regional Water Board and seven other Regional Water Board's have been unable to complete this project, criteria for these California coastal waters is proposed to be promulgated by USEPA at such time. A prepublication copy of the proposed rule to establish water quality criteria for bacteria in coastal recreational waters, dated July 2, 2004, can be viewed on the USEPA website at:

<http://www.epa.gov/waterscience/beaches/bacteria-rule-fs.htm>

See page 50 of the proposed rule for specific information about how the rule applies to California and see page 93 for the proposed rule.

In addition, Regional Water Board staff are considering updating freshwater beach bacterial objectives for enterococci and E. Coli in the Basin Plan based on the 1986 USEPA's water quality criteria. Currently, our bacteria standards are based on a 30-day average. Staff recommends consideration of single sample criteria that could give guidance for posting areas when the bacteria levels are considered unhealthy for the REC-1 (primary water contact) use. The Central Coast Regional Water Board is in the process of drafting an amendment to their Basin Plan related to this issue which could provide useful information that would be applicable to waters in this Region.

Prioritize this issue during the 2004 Triennial Review.

Add Objectives for Total Residual Chlorine (TRC)

USEPA's water quality criteria guidance for chlorine is titled Ambient Water Quality Criteria for Chlorine 1984 (USEPA 440/5-84-030), and was published in January 1985. State Water Board staff have been working on objectives for TRC, has developed the Functional Equivalent Document (FED), and is now completing economic review of the FED. The public and regional water boards will be asked to comment following completion of the economic review. The FED will then go to the State Water Board, the Office of Administrative Law, and the USEPA for review and approval. Completion of the update is tentatively scheduled for late 2005.

Prioritize this issue during the 2004 Triennial Review as it will be necessary to update the Basin Plan once the objectives are approved by USEPA.

Add Water Quality Objectives for Ammonia

USEPA's latest revised national criteria guidance for ammonia was published on December 22, 1999. USEPA has recently notified the states that all regional consultations related to revision of the 1999 criteria for this pollutant have been deferred pending completion of the national process. Given the time and resources that are involved in revising state water quality standards, USEPA has suggested that it may be appropriate for a state currently considering revision of its ammonia criteria to await the conclusion of this process. This suggestion is intended to avoid needless expenditure of state resources on multiple revisions of their standards.

USEPA and the U.S. Fish and Wildlife Services (the Services) have formed a technical evaluation team to begin ammonia consultation and review. The process included a data call in May 2004, closing in July 2004, to obtain all relevant data and information. The technical evaluation is expected to conclude no later than November 2004 with a presentation of a set of options to a science and policy management team from EPA and the Services. USEPA has stated that the sequence they have implemented will ensure that regional consultations will benefit from the comprehensive consideration of scientific information undertaken nationally.

USEPA recommends that we adopt the criteria outlined in their 1984 guidance and the 1992 amendment, as there are problems with the 1999 recommendation in regard to mussels, and possibly juvenile salmonids.

Prioritize this issue during the 2004 Triennial Review.

Update the Water Quality Objectives for Groundwater

The Basin Plan currently contains four general water quality objectives for groundwater: taste and odor, bacteria, radioactivity, and chemical constituents. The objectives for toxicity and pesticides do not appear under the groundwater heading.

This objective is applicable to groundwater (which may include uses such as irrigation or aquaculture), as well as to surface waters, and should be included in the list of objectives in the Basin Plan under the groundwater section.

Prioritize this issue during the 2004 Triennial Review.

Update the Beneficial Use Chapter

Although a Basin Plan Amendment was adopted by the Regional Water Board in June 2003, additional items in Chapter 2 of the Basin Plan, are still in need of an update as the funding was insufficient to accomplish a comprehensive update during that time. The following additional items remain to be completed.

- Add designations for the new Subsistence Fishing use to specific HAs and HSAs to Table 2-1.
- Add additional designations for the new Native American Cultural use to specific HAs and HSAs to Table 2-1.
- Delineate wetlands in the region and add designations for specific wetland areas to Table 2-1.
- Delineate groundwater basins in the region and designate beneficial uses to the specific basins in Table 2-2.
- Participate in a statewide review of beneficial uses.

Prioritize this issue during the 2004 Triennial Review.

◆ UPDATES OF REGULATORY PROGRAMS

Consider Including a Policy Regarding Water Quality-Based Effluent Limitations and Mixing Zones

The Clean Water Act allows mixing zones at the discretion of the State, and USEPA recommends that States have a definitive statement in their standards on whether or not mixing zones are allowed. The State Implementation Policy (SIP) allows mixing zones as they relate to the priority toxic pollutants, but recognizes that it is the Regional Board's discretion to allow mixing zones. It would be beneficial to Regional Water Board staff and dischargers to consider a Basin Plan Amendment clarifying the Regional Water Board's policy on mixing zones.

This Regional Water Board has historically declined to allow the use of mixing zones for dilution of wastewater discharges. As this issue was identified as a high priority during the 2001 Triennial Review, staff is moving toward a review of this issue. Discussions between Regional Water Board staff, the Water Recycler's (consisting of the City of Healdsburg, City of Santa Rosa, City of Ukiah, Town of Windsor, and the Sonoma County Water Agency) and Regional Governmental Services (formerly Association of Bay Area Governments) are currently underway. The objective of these discussions is formalization of a contract utilizing Regional Water Board staff to conduct a review of the information that would be necessary in considering the development of a policy related to mixing zones.

In addition to the mixing zone issue, the Regional Water Board has indicated a possible interest in developing effluent limits. USEPA guidance is available addressing how such limits should be developed. This idea should also be explored.

Prioritize this issue during the 2004 Triennial Review.

Consider Updating the Policy on Pesticide Application

The Basin Plan currently contains an "Action Plan for Control of Discharges of Herbicide Wastes from Silvicultural Applications." There is a need to update this Action Plan, possibly expand its applicability, and address changes in legislation and applicable water quality objectives.

Prioritize this issue during the 2004 Triennial Review.

Update the Policy on the Disposal of Solid Wastes

There has been no staff effort to update this Policy since the 1995 Triennial Review. However, the issues brought up during the 1995 Triennial Review are still pertinent and are described as follows:

1. Assembly Bill 1220 created legislation that combined a portion of SWRCB Chapter 15 Title 23, CCR with a portion of the California Integrated Waste

Management Board (CIWMB) Title 14, CCR regulations into a new set of Title 27, CCR State Solid Waste Management regulations. The Basin Plan does not describe the clarification and division of solid waste regulatory authority and responsibility between the CIWMB and the State Water Board, which resulted from this legislation.

2. The Basin Plan does not include Order No. 93-83 adopted by the Regional Water Board on September 22, 1993 which implements applicable federal solid waste regulations set forth in RCRA Subtitle D for all municipal solid waste landfills.

The Basin Plan Policy on Disposal of Solid Wastes contains outdated references to the Solid Waste Assessment Testing program (SWAT) and is in need of update to reflect more recent legislative mandates.

Staff recommends adding this update to the issue entitled "Review Basin Plan for Consistency With Statewide Plans & Policies & Complete Editorial Revisions & Minor Clarifications or Corrections to Text Including Reference to New Laws, Plans & Regulations."

Review the Policy on the Control of Water Quality with Respect to On-Site Wastewater Treatment and Disposal Practices

This Basin Plan Policy, including the elements described in the testimony, was reviewed and updated by the Regional Water Board on May 23, 1996. The Individual Systems Policy, outlined in Section 4 of the Basin Plan, includes provisions for alternative systems not specifically listed in the Policy to be evaluated jointly by the local regulatory agency and the Regional Water Board on a case-by-case basis.

AB 885 (2000) required the State Water Board to adopt regulations/standards for onsite septic systems by January 1, 2004 that would:

1. Consider minimum operating requirements (including construction, siting and performance requirements).
2. Include requirements for onsite systems adjacent to impaired waters listed pursuant to 303(d) of the Clean Water Act.
3. Authorize a qualified local agency to implement the requirements developed by the SWRCB.
4. Provide that these regulations or standards shall apply, six months after adoption, to systems that are newly constructed, replaced, pooling to the surface or can impair the beneficial use of state waters or the public health.

The existing North Coast Basin Plan already addresses most of the issues contained in AB 885. Staff is participating in the statewide technical group that will provide compliance with the directives of AB 885. The directives that come out of this process should be released by 2005. It would be appropriate to refer to the statewide regulations/standards by updating the North Coast Basin Plan at that time. The update should clarify the applicability of this policy and state that the criteria should be minimum standards for all onsite wastewater systems.

Prioritize this issue during the 2004 Triennial Review.

Review the Seasonal Waste Discharge Prohibitions in Section 4. Implementation Plans

Issues related to reviewing the Seasonal Discharge Prohibitions section of the Basin Plan are potential Basin Planning issues. The seasonal discharge prohibitions contained in Section 4 of the Basin Plan have been through lengthy deliberations before the Regional Water Board. The seasonal discharge prohibitions provide extra protection to the Russian River and other North Coast streams and this extra protection is justified in light of the intensive demands placed on those waters (e.g., many human induced impacts; the need to protect beneficial uses such as drinking water, recreation, fisheries).

Some Regional Water Board staff time should be spent evaluating this issue for a possible Basin Planning Amendment or addressing it through the permitting process as recommended during the 2001 Triennial Review. Clarification of this prohibition is necessary to explain the application to specific types of discharges.

Prioritize this issue during the 2004 Triennial Review.

Review the Policy for Waivers of WDRs for Specific Types of Discharges

Historically, the Regional Water Boards have adopted policies waiving the need to issue WDRs ("waivers") for specific categories of "low risk" discharges (*i.e. low volume, dilute/low concentration, remote from receiving waters, etc.*). The Regional Water Board has incorporated categorical waiver authority either directly with narrative statements, or by reference as appendices in several areas of its Water Quality Control Plan for the North Coast Region (Basin Plan). Waivers are generally issued only for short-term projects for which specific waiver expiration dates can be established, such as dewatering at construction sites and discharges from flushing lines. Individual waste treatments systems are exceptions. General WDRs or NPDES permits are recommended for long-term or on-going waste discharges.

SB 390 (2000) amended the California Water Code (CWC) to address the need for adequate reviews of waivers of waste discharge requirements. The legislation included the following:

- Sunset for all existing waivers by 2003
- Waiver policy terms must be reviewed at a public hearing
- Required Regional Water Boards to inspect all waivers

The North Coast Regional Board has addressed the issue as it relates to timber harvest operations on both Federal and non-Federal lands by replacing many existing waivers with general waste discharge requirements (WDRs) and categorical waivers. Other categories of waivers, such as those for individual on-site sewage systems and for herbicide wastes from silvicultural applications, were renewed by a Board Resolution adopted in 2002. In addition, some categories of waivers have been addressed by SWRCB General Permits (i.e. small wastewater systems, WDRs for projects issued water quality certification, small isolated wetlands and riparian areas).

In response to the Board's action on this matter, an amendment of the Basin Plan is necessary to incorporate waivers for those waste discharge categories which have been renewed and to remove Resolution Nos. 87-113, 89-131, & 92-135 which were rescinded by the Board's action.

Amend Section 4, Implementation Plans, Nonpoint Source Measures

In 1995 the State Water Board initiated a statewide review of ten areas with respect to non-point source pollution control: irrigated agriculture, nutrient application, pesticide application, confined animal facilities, grazing, abandoned mines, urban runoff, hydro modification and wetlands, on-site sewage disposal systems, and boating and marinas. The State Water Board accepted the recommendations of the review in January 1996, and endorsed the recommendations as representing a reasonable course for improvements in pollution. These recommendations are now key elements of the State Water Board's Non-point Source Program Plan. The Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Implementation and Enforcement Policy), adopted by the State Water Board in May 2004, explains how the NPDS Program Plan will be implemented and enforced and, in so doing, fulfills the requirements of the California Water Code (CWC), Section 13369(a)(2)(B).

Regional Water Board staff is considering an approach to address the issue of NPS discharges with separate action plans for NPS activities such as: hillside vineyards, logging, grazing, construction, and confined animal facilities. The Basin Plan would be updated to include these action plans once they are completed.

This issue will be addressed under the issue entitled "Explore Adding Activity-Based Action Plans into the Basin Plan."

Update Section 4, Implementation Plans, Nonpoint Source Measures With Regard to Logging, Construction, & Associated Activities and Herbicide Wastes from Silvicultural Applications

This issue will be addressed by staff in two ways, and will, therefore, be removed from the list for the following reasons. One, the Regional Sediment Amendment, currently underway, will address logging, construction and related activities. Two, the issue entitled “Consider Updating The Policy On Pesticide Application,” will address this subject.

Remove this issue from the 2004 Triennial Review.

◆ EDITORIAL CHANGES

Clarify the Antidegradation Policy Language in the Basin Plan

The issue was initially raised by the USEPA requesting that the discussion of implementation of the State’s antidegradation policy (*Policy with Respect to Maintaining High Quality Waters in California*, Resolution 68-16) be expanded to clarify consistency with the Federal policy. Regional Water Board staff proposes to update the Basin Plan to include a clear explanation of both the Federal and State antidegradation policies. This update will benefit the Regional Water Board, staff, and the reader by providing clarity and ease of reference.

Prioritize this issue during the 2004 Triennial Review

Review the Basin Plan For Consistency with Statewide Plans & Policies & Complete Editorial Revisions & Minor Clarifications or Corrections to Text Including Reference to New Laws, Plans & Regulations

A review of the Basin Plan is necessary to confirm that it is consistent with, and makes reference to all pertinent Statewide Plans and Policies (i.e. Enclosed Bays and Estuaries Plan, Inland Surface Waters Plan, the Non-point Source Program Plan). The State Plans and Policies govern in the event of an inconsistency, but Basin Plan amendments would be warranted in order to help avoid confusion. On an as-needed basis, the Water Board can make editorial changes that clarify or update regulatory program descriptions to be consistent with new laws, plans and regulations. These changes are sometimes needed for clarity and to ensure that the public is informed about the latest requirements to protect water quality. Such proposed elements of Basin Plan Amendments would be non-regulatory (i.e., they would not impose new requirements on permittees), but rather clarify existing regulatory requirements or program descriptions not addressed in the current version of the Basin Plan.

Chapter 5 of the Basin Plan describes plans and policies that direct Water Board actions or clarify the Water Board's intent, including those adopted by either the Regional Water Board or the State Water Board. This chapter will be reviewed and updated as appropriate, based on consultation with the State Water Board.

Chapter 6 of the Basin Plan describes the surveillance and monitoring programs of the Regional Water Board. Since the chapter was written, major changes have occurred, including the initiation of the statewide Surface Water Ambient Monitoring Program (SWAMP), the dissolution of State Mussel Watch and Toxic Substances Monitoring Programs during the state budget crisis, the development of a statewide 303(d) impaired water body listing policy, monitoring by local jurisdictions, and the statewide citizen monitoring program (Clean Water Team), and the implementation of the Groundwater Ambient Monitoring and Assessment Program (GAMA). As such, this chapter should be revisited.

In addition to the issues mentioned above, areas of the Basin Plan that may require updating could include:

- Adding recognition of the various programs and watershed efforts in the North Coast Region.
- Updating the Introduction to Basin Plan (Chapter 1).
- Updating/Clarifying various definitions, including the definition of advanced wastewater treatment (AWT), (Implementation Plans, page 4-2.00).
- Removing updated references, such as WDRs which are no longer in effect.
- Updating Table 3-1 in Section 3. Water Quality Objectives, to be consistent with the revised Beneficial Uses Table 2-1.
- Reviewing the consistency of terms used such as "State Board" and "State Water Board."
- Updating the "Action Plan for the Santa Rosa Area."
- Updating the "Policy on the Disposal of Solid Wastes."

Prioritize this issue during the 2004 Triennial Review.

Amend Section 4. Implementation Plans to Recognize California's Source Water Assessment (SWAP) Program

The suggestion to update the Basin Plan to recognize this program was raised during the 2001 Triennial Review. The 1996 Amendments to the Federal Safe Drinking Water Act (SDWA) established a well-head protection program for States called the Source Water Assessment Program (SWAP), which was developed by the State Department of Health Services. The SWAP includes assessment elements, protection elements, and specific procedures for delineating source protection areas for both ground and surface waters. The City of Sebastopol was the first community in the State to establish a well-head protection program under the SWAP.

On a related groundwater matter, in March 2003, the State Water Board released a report to the Governor and Legislature in response to AB 599 (the Groundwater Quality Monitoring Act of 2001). The goal of the Act is to improve comprehensive groundwater monitoring and increase the availability of information on groundwater quality to the public. A portion of the plan to accomplish this goal is to accelerate and supplement the existing Groundwater Ambient Monitoring and Assessment (GAMA) Program. GAMA was established by the State Water Board pursuant to the Budget Act of 1999. The GAMA Program seeks to collect information and coordinate existing monitoring and assessment programs that can provide agencies with trends and long term forecasting which are essential for groundwater management plan preparation.

There is currently no need to update the Basin Plan in regard to the SWAP issue. Therefore, staff recommends removal of this issue from the 2004 Triennial Review. Staff recommends adding a description of the GAMA program to the Basin Plan. This will be addressed under the issue entitled "Review the Basin Plan For Consistency with Statewide Plans & Policies & Complete Editorial Revisions & Minor Clarifications or Corrections to Text Including Reference to New Laws, Plans & Regulations."

Update the Action Plan for the Santa Rosa Area

The Action Plan for the Santa Rosa Area was included in the Basin Plan as an interim guidance document. The Action Plan had a sunset clause which came into effect on September 30, 1999. The City of Santa Rosa, in response to the Regional Water Board's Cease and Desist Order (85-35), undertook the Geysers Recharge Project which is under NPDES permit # 2000-02, adopted on March 1, 2000 by the State Water Board.

During the 2001 Triennial Review Regional Water Board staff recommended commencing a review and update of the Action Plan. Staff should consider revising the Action Plan, no longer as an interim guidance document as originally intended, but to possibly address issues specific to the Russian River Watershed. However, there is good guidance in this action plan that should be retained.

It should be noted that if there is an interest in addressing issues that are specific to the Russian River Watershed in the Basin Plan, there are other areas that should be explored. For example, the issue of pathogens as it relates to the protection of beneficial uses such as recreation would be best addressed with a basin plan amendment updating the water quality objectives for bacteria as proposed under the water quality standards category above. Other water quality issues in the watershed may be addressed under the issue entitled “Explore Adding Activity Based Action Plans into the Basin Plan” (page 7).

Staff recommends updating this Action Plan and has added it to the issue entitled “Editorial Revisions and Minor Clarifications or Corrections to Text and Reference to New Laws, Plans and Regulations.”

B. IDENTIFICATION OF NEW WATER QUALITY ISSUES FOR CONSIDERATION ON THE 2004 PRIORITY LIST

In addition to those continuing issues identified in Section V.A. of this report, Regional Water Board staff has identified additional water quality issues that may be remedied by Basin Plan amendments. These issues will also be included on the 2004 proposed priority list of issues identified in the forthcoming staff report / workplan.

Consider a Policy Describing Implementation of Narrative Water Quality Objectives for Surface and Groundwater

The Central Valley Regional Water Board drafted an amendment addressing this issue in 1998. The amendment language clearly explains how staff implement narrative water quality objectives identifying numeric limits for receiving water to be considered in Board orders, through water quality standards, water quality criteria, implementation plans, and limits based on relevant numerical water quality criteria and guidelines from other agencies and organizations. Staff believe that this information would be very beneficial to the North Coast Region and should be considered as a Basin Plan Amendment.

Review the Issue of Endocrine Disrupters¹ and Consider Water Quality Objectives.

Disruption of endocrine systems in humans, wildlife and a wide variety of organisms can be caused by substances including industrial chemicals, pesticides and biocides, and pharmaceuticals has become an important global issue. Recent research has led to compilation of a list of over 200 substances

Endocrine disrupting chemicals are chemicals which can interfere with the endocrine system. Some either mimic or block action of natural hormones while others interfere with hormone synthesis and turnover. These properties have been demonstrated in the laboratory for a number of chemicals (both natural and synthetic) present in the environment and food. This coupled with reports of changes in reproductive organs in humans and wildlife has fuelled concerns over long term effects on fertility, behavior and development. There are uncertainties over the role of chemicals in the environment in causing these effects particularly in humans.

that have been found to cause or are suspected to cause endocrine disruption. The issue of xenobiotic endocrine disruptors as it relates to impacts on beneficial uses, should be evaluated by Regional Water Board staff. The review should include discussion on the possibility of developing of water quality objects for these substances.

Consider Updating the Garcia River TMDL Implementation Plan

The language contained in the Basin Plan, the Garcia Action Plan states that "Interested persons will have the opportunity to comment on the progress of the Action Plan at watershed meetings, and to the Regional Water Board at least once every 3 years, at which time the Regional Water Board shall determine if there is sufficient progress toward implementation of erosion control and management activities, as well as movement towards attainment of the Numeric Targets described in the Action Plan" (p. 4-51.00). Based on that review schedule, the next opportunity for input would be in January 2005.

Consider a Basin Plan Amendment Addressing Composting Operations

The State Water Board has completed a set of WDRs for composting which are now available for regional water boards to adopt. This document is very useful to the North Coast Regional Water Board, but requires customizing to suit the quantity of wet weather in the region. The water quality impacts from composting sites can be significant. Staff from the Watershed Protection Division may be available to make the minor necessary changes to strengthen this document.

Develop a Road Management Policy

Staff believes that the development of a regional road management policy is necessary for the protection of beneficial uses of water from sediment waste discharges. The policy would require that road construction, reconstruction, maintenance, decommissioning, and temporary road abandonment shall: (1) prevent and minimize the discharge or threatened discharge of sediment waste to water bodies; and (2) retain natural hydrologic function.

Develop a Riparian and Wetland Protection Policy

In order to ensure attainment of the goals of the TMDL Action Plans, development of a riparian and wetland protection policy is necessary. The policy would require that the natural processes, functions, and components of all waterbodies be restored, protected, and enhanced wherever possible.

Consider site-specific temperature objectives for the Klamath River.

This issue has been addressed as part of the temperature issues outlined on page 11.