

Napa River and Sonoma Creek Conditional Vineyard Waiver



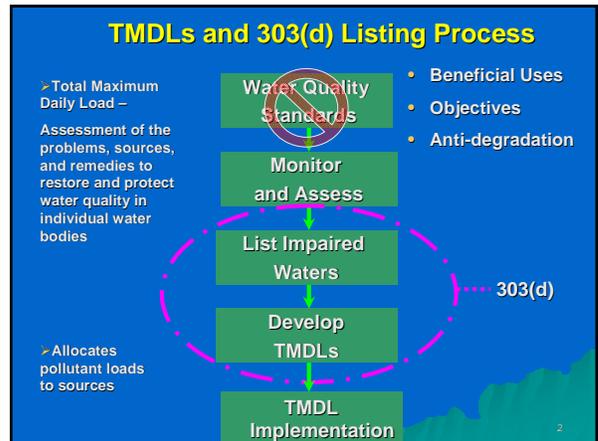
Project Team

Jim Ponton – Senior Engineering Geologist
JPonton@waterboards.ca.gov
 (510) 622-2492

Tina Low – Water Resource Control Engineer
TLow@waterboards.ca.gov
 (510) 622-5682

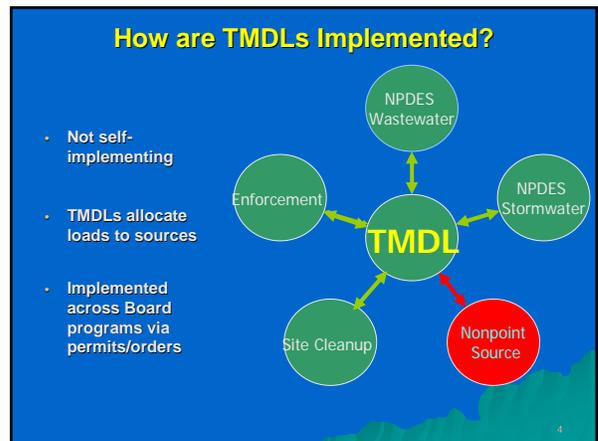
Sandia Potter – Engineering Geologist
SPotter@waterboards.ca.gov
 (510) 622-2426

Rico Duazo – Water Resource Control Engineer
RDuazo@waterboards.ca.gov
 (510) 622-2420



Napa River and Sonoma Creek TMDL Background and Status

| Waterway | Pollutant / Stressor | Associated Action / Status |
|--------------|----------------------|----------------------------|
| Napa River | Nutrients | Under evaluation |
| | Pathogens | TMDL complete (2008) |
| | Sediment | TMDL complete (2011) |
| Sonoma Creek | Nutrients | Under evaluation |
| | Pathogens | TMDL complete (2008) |
| | Sediment | TMDL complete (2010) |



Non-Point Source (NPS) Pollution

- Not one specific discharge point - Pollution discharged over a large land area
- May include:
 - Sediment
 - Pathogens
 - Nutrients, or
 - other organic or toxic substances

Why me?

Sediment sources identified include:

- ✓ Vineyards – Vineyard operators (2011-12)
- ✓ Grazing – Ranchers (landowners and lessees) (2008 - 2011)
- Rural lands (roads) – Rural landowners
- Parks and Open Space/ Municipal Public Works – County stormwater agencies, Parks and Rec., Caltrans, County transportation and public works
- ✓ Urban lands
 - ✓ Construction stormwater runoff - (2009)
 - ✓ Industrial stormwater runoff - (2011)
 - ✓ Municipal stormwater runoff - (2009/2011)
 - ✓ State highway stormwater runoff - (2011)

Why a Conditional Waiver?

- Implementation and Enforcement of the Nonpoint Source Pollution - 2004
 - Explains how program will be implemented and enforced
 - Persons discharging or proposing to discharge waste that could affect water quality must file a report of waste discharge (RoWD)
 - Water Board evaluates RoWD and determines appropriate action such as:
 - Waste Discharge Requirements
 - General Waste Discharge Requirements
 - **Conditional Waivers of Waste Discharge Requirements**
 - Discharge Prohibitions

7

You're not alone

- ★ Regional Boards with irrigated lands programs
- ★ 3 Regional Boards are in process



8

James D. Ponton
 Senior Engineering Geologist
 1515 Clay Street, Suite 1400
 Oakland, CA 94612
jponton@waterboards.ca.gov
 510.622.2492



9

Napa River and Sonoma Creek Conditional Vineyard Waiver

Public Workshop and CEQA Scoping Meeting
 April 14, 2011
 Napa Main Library Community Meeting Room
 Napa, CA



Tina Low, P.E.
 San Francisco Bay Regional
 Water Quality Control Board

Today's Presentation



- ❖ Water Quality Issues in the Napa River and Sonoma Creek Watersheds
- ❖ Water Board is Developing a Conditional Waiver Program for Vineyard Facilities
- ❖ Scenario: Chateau Chinook
- ❖ Next Steps

11

Napa River and Sonoma Creek



- ❖ Provide habitat for salmon and steelhead
- ❖ Provide recreation
- ❖ Are impaired by sediment, pathogens, and nutrients
- ❖ Receives Nonpoint Source pollution

12

The Vineyard and Water Quality Connection



- ❖ A well-designed and managed vineyard is good for rivers, fish, and water quality



13

Potential Water Quality Impacts from Vineyards



- ❖ Sediment
 - Surface erosion
 - Roads
 - Gullies and landslides
- ❖ Erosive Flows (changes in runoff patterns)
- ❖ Nutrients
- ❖ Pesticides/Herbicides
- ❖ Changes to Stream and Riparian Areas

14

Potential Impacts



15

What are Vineyard Facilities?



- ❖ Vineyard Facilities are:

The permanent, semi-permanent, or temporary physical features of a vineyard, such as land, crops, drainage systems, roads, reservoirs, diversion structures/equipment, etc. that are established or maintained for the purpose of growing wine grapes

16

Vineyard Facilities and Operations



- ❖ Vineyard Waiver addresses Vineyard Facilities and associated Vineyard Operations

- ❖ Vineyard Operations are:

Actions to establish, maintain, or manage vineyard facilities including chemical applications and management of features such as streams and riparian areas, roads, and drainage systems.

17

Who Will Need to Enroll?



- ❖ Existing, Replants, New Vineyards
- ❖ Enrollment criteria:
 - Located on a parcel of 40 acres or more where 5 acres or more are vineyard facility;
 - OR
 - Located on a parcel of 20 acres or more with an average slope of 5% or greater, where 5 or more acres are vineyard facility
- ❖ Or, any facility that poses a significant water quality threat

18

Conditional Vineyard Waiver- Framework



- ❖ Self-directed
- ❖ Vineyard owners/operators complete **farm water quality control plans (farm plans)**
 - Assess their own lands
 - Evaluate potential sources of pollutants
 - Identify needed management practices
 - Develop an implementation plan and schedule
- ❖ Implementation actions completed per schedule proposed by owner/operator

19

Farm Plans Protect Water Quality



- ❖ Assessment of natural resources, ag lands, and management practices
- ❖ Evaluation of all water *pollutants*:
 - sediment, erosive flows, nutrients, toxicity, heat (from changes to stream and riparian area)
- ❖ Evaluation of all potential *sources* of pollutants:
 - roads, surface erosion, gullies, pesticide and fertilizer use, activities in stream area
- ❖ Strategy for implementing MPs to prevent discharge of pollutants (Implementation Plan)

20

Vineyard Conditional Waiver- Main Elements



- ❖ Waiver Conditions
- ❖ Farm Water Quality Plan
- ❖ Performance Standards
- ❖ Implementation of Management Practices
- ❖ Compliance and Effectiveness Monitoring and Reporting

21

Scenario: Chateau Chinook



Photo courtesy: Art Poskanzer via flickr.com

Chateau Chinook: Quick Facts



- ❖ 10-acre vineyard facility located on a 50-acre parcel
- ❖ Existing vineyard facility
- ❖ Extensive road network
- ❖ Made improvements with RCD/NRCS assistance

23

Covered by the Vineyard Waiver?



- ❖ Chateau Chinook has 10-acre vineyard facility on 50 acres → YES
- ❖ All vineyard facilities (even if not covered by waiver) expected to effectively manage their operations to protect water quality

24

What Documentation is Required?



- ❖ Submit a Notice of Intent (NOI) to comply with the waiver conditions
- ❖ Prepare a Farm Plan (stays onsite and available for inspection)
- ❖ Submit annual certification with concise progress report

25

No Need to Re-invent the Wheel



- ❖ Evaluate what is already in place, integrate or augment as needed to meet Vineyard Waiver conditions
- ❖ Example: Approved erosion control plan may meet surface erosion standards of the Vineyard Waiver
- ❖ Example: Effective Integrated Pest Management program likely meets toxicity standards

26

What's Required in a Farm Plan?



- ❖ Map and inventory the land
 - e.g., water features, slope, sensitive areas, roads, vineyard areas
- ❖ Evaluate current vineyard operations
 - e.g., cover crops, winterization practices, drainage, pesticide and fertilizer use.
- ❖ Evaluate road conditions and seek opportunities to disperse runoff
- ❖ Evaluate vineyard operations that may impact stream and riparian areas
- ❖ Evaluate sediment sources
 - e.g., landslides, gullies

27

Chateau Chinook Farm Planning Observations



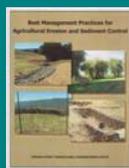
- ❖ Cover crops in place over planted areas
 - *GOOD*
- ❖ Several roads eroding/concentrating flow
 - *NEEDS WORK*
- ❖ Drainage system resulting in increased runoff volume and peak flow
 - *NEEDS WORK*
- ❖ Pesticide use minimized and applied per label instructions
 - *GOOD*

28

Technical Assistance



- ❖ Guidance from local RCD, NRCS, Ag Commissioner
- ❖ UC Cooperative Extension
- ❖ Fish Friendly Farming Environmental Certification Program
- ❖ Additional programs being developed



29

Chateau Chinook: Management Practices



| Pollutant Source | Potential Management Practices |
|----------------------|--|
| Road-related erosion | <ul style="list-style-type: none"> • Install ditch relief culverts • Outslope roads/waterbars • Recontour cut or fill banks |
| Increased runoff | <ul style="list-style-type: none"> • Spread and sink flows into vegetated filter strips • Construct swales • Construct infiltration or detention basins |

30

Process and Next Steps



CEQA Scoping Meeting Napa River and Sonoma Creek Conditional Vineyard Waiver

April 14, 2011



Sandi Potter, PG, CEG
San Francisco Bay
Regional Water Quality Control Board

Environmental Review Process

- ◆ A Waiver of Waste Discharge Requirements (WDR) that applies to new facilities is a "Project" under the California Environmental Quality Act (CEQA)
- ◆ S.F. Regional Water Quality Control Board is the CEQA Lead Agency

33

Considerations for today's meeting

- ◆ The purpose of the vineyard waiver is to **improve** the environment
- ◆ Sometimes actions design to improve one aspect of the environment (water quality) may have adverse affects on other aspects of the environment
- ◆ Our environmental evaluation must consider **potential adverse impacts** of actions to comply with the waiver

34

CEQA Requires Identification of:

- ◆ Potential adverse environmental impacts of the project
- ◆ Mitigation Measures to reduce the severity of potential impacts
- ◆ Cumulative Impacts
- ◆ Full public disclosure of documents and decision-making process

35

Implementation of the Waiver may change the environment

- ◆ The waiver will require actions to manage vineyards to reduce impacts to water quality
- ◆ Possible actions include:
 - Grading and earthmoving
 - Changes in hydrology
 - Changes in vegetation

36

Effects to consider under CEQA

Will Consider:

- Direct physical changes in the environment
 - Grading
 - New trees
 - Minor construction
- Short-term and long-term impacts

Will not consider:

- Speculative changes
- Changes that would occur regardless of the waiver

37

Environmental issues considered in the Checklist

- Aesthetics
- Agricultural resources
- Air quality
- Biological resources
- Cultural resources
- Geology/soils
- Greenhouse gas emissions
- Hazards & hazardous materials
- Water quality and hydrology
- Land use/planning
- Mineral resources
- Noise
- Population/housing
- Public services
- Recreation
- Transportation/traffic
- Utilities/service delivery systems

38

Type of Environmental Document

- ◆ Depending on type of project impacts, either:
 - Potentially significant impacts
 - Less than significant impacts with mitigation
 - Less than significant
 - No impacts
- ◆ May prepare one of the following CEQA documents:
 - Environmental Impact Report (EIR)
 - Mitigated Negative Declaration
 - Negative Declaration

39

Opportunities for Comment

- ◆ Please submit your comments on the scoping of the CEQA evaluation within **30 days**
- ◆ After publication of CEQA documents and there will be a **30–45 day** public comment period
- ◆ After publication of the draft waiver there will be a **45 day** review period (overlapping with the CEQA comment period)
- ◆ The Water Board will prepare written responses to comments on the waiver prior to final Board consideration

40

Project Schedule

- ◆ Prepare CEQA documents and publish through the State Clearinghouse, **fall 2011**
- ◆ Draft waiver published, **November 2011**
- ◆ Response to comments process, **late 2011/early 2012**
- ◆ Board testimony hearing, **March 2012**
- ◆ Board public hearing to consider adequacy of CEQA document & project approval, **May 2012**

41

Submit CEQA Scoping Comments

- ◆ **By May 17, 2011**
- ◆ To:
Tina Low
Water Board
1515 Clay St., Suite 1400
Oakland, CA 94612
- ◆ TLow@waterboards.ca.gov

42