Regional Water Quality Control Board
North Coast Region
Executive Officer's Summary Report
August 19, 2021

ITEM: 4

SUBJECT: Workshop on Revisions to the Russian River Pathogen TMDL

BOARD ACTION: No action necessary. This is a public workshop.

BACKGROUND: In August 2019, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted Resolution R1-2019-0038, to amend the *Water Quality Control Plan for the North Coast Region* (Basin Plan) to include the Action Plan for the Russian River Watershed Pathogen TMDL (Action Plan). The Action Plan summarizes the findings of the Total Maximum Daily Load (TMDL) analyses conducted across the Russian River Watershed to address pathogen pollution and listings of the Russian River on the Clean Water Act Section 303(d) list of impaired waters [303(d) list]. These analyses and the results are reported in the *2019 Staff Report for the Action Plan for the Russian River Pathogen TMDL* (TMDL Staff Report). The Regional Water Board's adoption of the Action Plan must be approved by the State Water Resources Control Board (State Water Board) and the Office of Administrative Law (OAL) before it is implemented as state regulation. It has not yet been brought before the State Water Board for approval, due to: 1) a delay associated with the requirement to make all documents posted to the web to be accessible (i.e. compliant with the Americans with Disabilities Act); and 2) staff redirection to support State Water Board staff with the State Water Board's October 2020 adoption of the 2018 Integrated Report and 303(d) listing of impaired waters.

In October 2020, the State Water Board adopted the 2018 Integrated Report, including an updated 303(d) list of impaired waters for three of the state's regions, including the North Coast Region. Section 303(d) of the Clean Water Act envisions an assessment of water quality impairment (e.g., exceedance of water quality standards) to precede the development of a TMDL and the implementation of an approved TMDL to be the mechanism for restoring water quality and attaining water quality standards, as required. Following adoption/approval of a TMDL, the 303(d) list is typically updated in the next listing cycle to reflect the findings of the TMDL. The timing of the State Water Board's adoption of the 2018 Integrated Report and updated 303(d) list interrupted this normal flow, by requiring consideration of Russian River pathogen listings after the Regional Water Board's 2019 adoption of the applicable TMDL and Action Plan, but before the State Water Board's consideration of the TMDL and Action Plan. Further, public comment on the draft 303(d) listing proposal for the Russian River released by the State Water Board in preparation for its October 2020 hearing, indicated concerns by some Russian River residents that would be best addressed before the State Water Board in the TMDL approval hearing, rather than the Integrated Report hearing. As such, the State Water Board chose to postpone consideration of the Russian River pathogen related 303(d) listing considerations until a time after it conducts a hearing on

approval of the Regional Water Board's adoption of the Russian River Watershed Pathogen TMDL and Action Plan. A future update of the 303(d) list relative to the Russian River can then be made, which is consistent with the adopted and approved Russian River TMDL.

DISCUSSION: In 2020, the State Water Board and Regional Water Board staffs collaborated on the compilation of lines of evidence of pathogen impairment in the Russian River watershed to support proposed impairment listings under Section 303(d) of the Clean Water Act for the 2018 Integrated Report. Regional Water Board staff had assessed *E. coli* data, enterococci data, and beach advisory data on a HUC-12 subwatershed scale and reported its findings in the 2019 TMDL Staff Report as both a line of evidence critical to TMDL development, as well as 303(d) listing. With that as the starting point, State Water Board and Regional Water Board staff reassessed the data and identified several errors. To catalog and report those errors, Regional Water Board staff generated the *Reassessment of Fecal Indicator Bacteria and Microbial Source Tracking Data for the Russian River Watershed Pathogen Total Maximum Daily Load* (Technical Report, 2020) included here as an attachment. The 2020 Technical Report updates the findings of the HUC-12 subwatershed based fecal indicator bacteria (FIB) and microbial source tracking (MST) data analyses in consideration of discussions between the State Water Board and Regional Water Board staffs and public comments received on the draft 2018 Integrated Report and proposed 303(d) list.

Within the context of the 2019 TMDL Staff Report, the HUC-12 subwatershed-based FIB and MST data analyses provided a line of evidence relative to the assessment of pathogen pollution within the Russian River watershed. Within the context of the 2019 TMDL Action Plan adopted by the Regional Water Board in August 2019, it was used to define the Advanced Protection Management Program (APMP) boundary within which investigation of cess pools, failing Onsite Wastewater Treatment Systems (OWTS), and substandard OWTS would be prioritized. The APMP is a key component of the TMDL Action Plan as the APMP definition and associated implementation actions are necessary to comply with the State Water Board's OWTS Policy.

The findings that resulted from the FIB and MST data reassessment necessitated updates to the 2019 TMDL Action Plan, primarily including correction of Table 1 to update HUC-12 subwatershed names, Figure 1 and associated text to update the identification of HUC-12 subwatersheds that exceed the thresholds of the binomial tables in the 303(d) Listing Policy, and Section V.D.4 to add the Porter Creek-Mark West Creek HUC-12 to the APMP boundary. These proposed changes to the TMDL Action Plan adopted by the Regional Water Board in 2019 require that the Regional Water Board conduct a new public review and hearing process to consider adoption of the revised 2021 TMDL Action Plan as supported by the 2021 Update of the Staff Report. A 45-day public review and comment period will conclude on September 22, 2021. During the public workshop scheduled for the August 19 , 2021 Board meeting, staff will present the proposed revisions to the TMDL Action Plan to the Regional Water Board and public; oral comments at the August 19, 2021 meeting are welcome, but written responses will only be provided for comments submitted in writing. Following

review of public comments, the Regional Water Board will hold a hearing to consider re-adoption of the TMDL Action Plan, scheduled for December 2 or 3, 2021.

In addition to 2021 updates to the 2019 TMDL Action Plan, the 2019 TMDL Staff Report has also been updated to reflect the findings contained in the 2020 Technical Report. All 3 documents are included here as attachments and will be discussed at the August 19, 2021 Board meeting.

RECOMMENDATION: Not applicable

SUPPORTING DOCUMENTS:

1. Reassessment of Fecal Indicator Bacteria and Microbial Source Tracking Data for the Russian River Watershed Pathogen Total Maximum Daily Load (Technical Report, 2020)

2. Draft Revised Action Plan for the Russian River Watershed Pathogen Total Maximum Daily Load (TMDL) – strikeout and underline and clean versions

3. Draft Revised Staff Report for the Action Plan for the Russian River Watershed Pathogen Total Maximum Daily Load (2021) – strikeout and underline and clean versions