

MEMORANDUM

DATE: January 5, 2016
TO: Analytical Environmental Services
FROM: Thomas Adams, Dickenson, Peatman & Fogarty
RE: Addressing comments on water quality within municipal watershed

This memorandum provides information on potential water quality impacts resulting from the Walt Ranch Project due to the project's location within a municipal watershed. As discussed below there are no significant impacts on water quality because pesticide use is highly-regulated by the federal, state, and County and is sparingly used within the County as recognized by the Napa County Pesticide Report. Consequently, there is no requirement for mitigation.

When addressing comments on water quality, it is important to note that the purpose and goal of any Erosion Control Plan is to mitigate any soil loss and that sediment is the primary medium of transport for absorbed pesticides. Thus, if there is no soil loss then pesticides will not have a significant impact on water quality due to run-off.

Recently, the Napa City Council addressed the health of municipal watersheds at their August 18, 2015 meeting. Napa County Planning Director David Morrison provided a letter to the City Council on water quality within municipal watersheds as it pertains to vineyard development. Director Morrison stated that "chemical use in vineyards is limited and occurs under strict regulation by the Agricultural Commissioner's office." (See Morrison Letter to Napa City Council, dated August 18, 2015 attached)

As recognized in the City of Napa 2014 Quality Report, "In order to ensure that tap water is safe to drink, the US [EPA] and the State Water Resource Control Board (SWRCB) prescribe regulations that limit the amount of certain contaminants in water provided by the public water systems." The City of Napa met all US EPA and State drinking water standards. (See City of Napa 2014 Water Quality Report attached) According to a report drafted by City of Napa Water General Manager Eldredge to the City Council for its August 18 meeting: "The Water Division continues to strive to meet increasingly stringent water quality regulations and is regulated against more constituents and compounds than any point in history. This trend of stricter regulations is going to continue into the future. The City is currently in the third stage of monitoring under the unregulated contaminant monitoring rule (UCMR3) that requires sampling and analyses for contaminants that have not been considered in the past." (See Napa DPW Staff Report attached)

Contaminants, such as derivatives of pesticides and herbicides, that are not subject to any proposed or promulgated national primary drinking water regulations, but are known or anticipated to occur in public water systems, end up on the Contaminant Candidate List ("CCL"). A CCL listing does not impose any requirements on public water systems like the City of Napa's; however, as outlined in Director Morrison's letter to the Napa City Council, "according to the most recent Annual Pesticide Use Report issued by the County Agricultural Commissioner, of the 100 chemicals shown on the Draft CCL4 list, only three were applied on vineyards in Napa County in 2013 and only on a total of 8,995 acres countywide (assuming no overlapping usage)." (See most recent Napa County Napa County Pesticide Report attached)

In cross-comparing the contaminants on the CCL and those pesticides used in Napa County according to the Napa County Pesticide Report, there may be four CCL contaminants used in Napa County in 2014: (1) Alpha-Alkylaryl-Omega-Hydroxypoly, (2) Manganese Sulfate, (3) Nonylphenol Formaldehyde Resin, and (4) Oxyfluorfen. Hall Wines is primarily an organic farming operation and does not use any of these pesticides in their farming operations nor has it ever used the four contaminants to farm the vineyards currently existing at Walt Ranch. With that said, it does not want to be restricted from the use of Manganese Sulfate. Manganese Sulfate is typically used in small quantities as a foliar micronutrient (1-2 ounces/acre) or in even small quantities as a spray water conditioner to increase the efficacy of other sprayed products. Further, it would only be used in the summer months when it does not rain.

The County's analysis of the Upper Range Vineyard Project on the Rodgers Property (Napa County Project No. 02454-ECPA) provides further support that there are no significant impacts related to water quality within the municipal watershed. The Upper Range Vineyard Project is a hillside vineyard project within the Lake Hennessey Watershed that supplies drinking water to the City of Napa. The Upper Range Vineyard Project's Draft Environmental Impact Report (DEIR) studied runoff from three similar vineyard sites in the County. "In total, the samples were analyzed for a total of 125 different pollutants, 19 Organochlorine Pesticides, 28 Organophosphorus Pesticides, 10 Chlorinated Herbicides, 68 Semi-Volatile Organic Compounds, Copper, and Sulphate." (Upper Range Vineyard Project DEIR, p 4.4-17) Notably, only 2 contaminants were found to exist in the runoff—"2, 4-DB" and "Sulfate." As noted in the DEIR:

The Regional Water Quality Board has not set surface water quality objectives for either of the identified pollutants. . . . In order to evaluate the potential for water quality degradation the [San Francisco Regional Water Quality Board's] water quality objectives for municipal water supply was consulted. The sulfate concentration found on all three sites is well below the 250 mg/L listed as an objective for municipal water supply, while 2,4-DB or Butanoic acid is not a listed parameter. (Ibid.)

The DEIR concluded that if the applicant in question used pesticides according to the manufacturer's instructions, the applications of the above-named pesticides "would not result in substantial water quality impacts." (Ibid.)

In conclusion, due to the stringent regulations governing pesticide use in Napa County and the fact that such chemicals are used sparingly in Napa County by growers in general (if at all) and Hall Wines, the Walt Ranch Project will not have a significant impact on water quality. As a result, there is no need for mitigation.