CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, Ca 93401-7906

RESOLUTION NO. R3-2010-0017

AMENDING THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL COAST BASIN TO (1) ADOPT TOTAL MAXIMUM DAILY LOADS FOR FECAL COLIFORM IN LOWER SALINAS RIVER WATERSHED, (2) ADD THE LOWER SALINAS RIVER WATERSHED TO THE DOMESTIC ANIMAL WASTE DISCHARGE PROHIBITION; AND (3) ADD THE LOWER SALINAS RIVER WATERSHED TO THE HUMAN FECAL MATERIAL DISCHARGE PROHIBITION

The Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) finds:

1. The Central Coast Water Board adopted the second edition of the Water Quality Control Plan for the Central Coastal Basin (Basin Plan), on September 8, 1994. The Basin Plan designates beneficial uses and water quality objectives, sets forth implementation to achieve water quality objectives addressing point source and nonpoint source discharges, describes prohibitions, and incorporates statewide plans and policies.

2. The Central Coast Water Board periodically revises and amends the Basin Plan. The Central Coast Water Board has determined the Basin Plan requires further revision and amendment to: (a) incorporate Total Maximum Daily Loads (TMDLs) and an Implementation Plan for Fecal Coliform in Lower Salinas River Watershed including Lower Salinas River, Old Salinas River, Tembladero Slough, Salinas Reclamation Canal, Alisal Creek, Gabilan Creek, Natividad Creek, Salinas River Lagoon (North), Santa Rita Creek, Quail Creek, Chualar Creek, and Towne Creek; (b) add the Lower Salinas River Watershed to the Domestic Animal Waste Discharge Prohibition; and (c) add the Lower Salinas River Watershed to the Human Fecal Material Discharge Prohibition.

3. The Central Coast Water Board proposes to amend the Basin Plan by inserting amendments into the following sections (listed in order of Basin Plan contents):
   a. Chapter Four, section IX (Total Maximum Daily Loads)
   b. Chapter Five, section IV.B. (Discharge Prohibitions)

4. On May 20, 2004, the State Water Resources Control Board (State Water Board) adopted the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). The NPS Policy requires the Water Boards to regulate all nonpoint sources of pollution using the administrative permitting authorities provided by the Porter-Cologne Water Quality Control Act. The NPS Policy allows Regional Water Boards to regulate nonpoint source discharges with waste discharge requirements, waivers of waste discharge requirements, or Basin Plan prohibitions.

5. The Lower Salinas River, Old Salinas River, Tembladero Slough, Salinas Reclamation Canal, Alisal Creek, and Gabilan Creek are listed on Clean Water Act 303(d) list as impaired due to pathogens. The Lower Salinas River, Old Salinas River, Tembladero Slough, Salinas Reclamation Canal, Alisal Creek, and Gabilan Creek do not meet the Basin Plan water quality objectives for fecal coliform. This Resolution establishes TMDLs and associated allocations for these listed water bodies.

6. The Salinas River Lagoon (North), Santa Rita Creek, Natividad Creek, Chualar Creek, Quail Creek and Towne Creek are located in the Lower Salinas River Watershed, are not on the Clean Water Act 303(d) list of impaired waters for pathogens, and do not meet the Basin Plan water quality objectives for fecal coliform and/or USEPA water quality criteria for *E. coli*. The Salinas River Lagoon (North), Santa Rita Creek, Natividad Creek, Chualar Creek, Quail Creek and Towne Creek are impaired due to pathogens. Therefore, this Resolution establishes TMDLs and associated allocations for these impaired water bodies.

7. The Central Coast Water Board's goal for establishing TMDLs in the Lower Salinas River Watershed is to rectify the impairment due to fecal coliform, thereby providing support for the designated beneficial uses of contact and non-contact water recreation.

8. The Salinas River is the receiving water for approximately 4,600 square miles of land. Depending upon seasonal flow conditions, the Salinas River may flow directly into Monterey Bay, or can flow into Moss Landing Harbor via the Old Salinas River. The Lower Salinas River watershed is the lower segment of the Salinas River, comprising approximately 350 square miles, from Gonzales Road near the city of Gonzales to Monterey Bay. Chualar Creek and El Toro Creek flow to the Lower Salinas River and Old Salinas River. Alisal Creek, Gabilan Creek, Towne Creek, Santa Rita Creek, and Salinas Reclamation Canal flow to Tembladero Slough and Old Salinas River.

9. The elements of a TMDL are described in 40 CFR 130.2 and 130.7, section 303(d) of the Clean Water Act, and USEPA guidance documents. A TMDL is defined as "the sum of individual waste load allocations for point sources and load allocations for nonpoint sources and natural background" (40 CFR 130.2). The Central Coast Water Board has determined that the TMDLs for pathogens in the Lower Salinas River Watershed are set at levels necessary to attain and maintain the applicable numeric water quality objectives taking into account seasonal variations and any lack of knowledge concerning the relationship between effluent limitations and water quality (40 CFR130.7 (c) (1)). The regulations in 40 CFR 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading, and water quality parameters. TMDLs are often expressed as a mass load of the pollutant but can be expressed as a unit of concentration if appropriate (40 CFR 130.2(i)). Expressing these TMDLs as units of concentration is appropriate because an existing concentration-based water quality objective is used as the basis for the TMDL numeric target and attaining that concentration-based water quality objective will result in protection of the beneficial uses.

10. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs, along with appropriate implementation measures, into the State Water Quality Management Plan (40 CFR 130.6(c)(1) and 130.7; and California Water Code sections 13050(j) and 13242). The Basin Plan and applicable statewide plans serve as the State Water Quality Management Plan governing the watersheds under the jurisdiction of the Central Coast Water Board.

11. The Central Coast Water Board may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted pursuant to California Water Code section 13243 (prohibitions). This Basin Plan amendment establishes the Human Fecal Material Discharge Prohibition and the Domestic Animal Waste Discharge Prohibition for discharges in the Lower Salinas River Watershed (Prohibitions). The Implementation Plan for the TMDLs for the Lower Salinas River Watershed requires compliance with the Human Fecal Material Discharge Prohibition and the Domestic Animal Waste Discharge Prohibition for discharges in the Lower Salinas River Watershed. Supporting documentation for adding the Lower Salinas River Watershed to the above-named prohibitions is provided in the Final

Project Reports for Total Maximum Daily Loads for Fecal Coliform in the Lower Salinas River Watershed, including Lower Salinas River, Old Salinas River, Tembladero Slough, Salinas Reclamation Canal, Alisal Creek, Gabilan Creek, Natividad Creek, Salinas River Lagoon (North), Santa Rita Creek, Quail Creek, Chualar Creek, and Towne Creek. Consistent with California Water Code section 13244, the Central Coast Water Board complied with public notice and hearing requirements for adding the Lower Salinas River Watershed to the Human Fecal Material Discharge and the Domestic Animal Waste Discharge Prohibitions

12. Pursuant to California Water Code section 13241, the Central Coast Water Board must consider several factors in developing this Basin Plan amendment, which are evaluated as set forth in the substitute environmental documents for this project. Based on the information provided in the substitute environmental documents, the Central Coast Water Board concludes the following:
    a. The Prohibitions and the TMDLs will protect present and probable future beneficial uses and prevent nuisance.
    b. Environmental characteristics of the waterbodies will be protected.
    c. Improved water quality conditions can reasonably be achieved through the coordinated management of all controllable factors that affect water quality in the area, as provided in the Implementation Plan, including the Prohibitions.
    d. Economic considerations, including reasonably foreseeable means of compliance and the reasonably foreseeable costs of those means of compliance, have been considered.
    e. Consideration of the need for developing housing within the region is not relevant to this action.
    f. Consideration of the need to develop and use recycled water is not relevant to this action.

13. Central Coast Water Board staff also submitted the Project Report for the TMDLs to an external scientific review panel in March 2008. Water Board staff received comments from the panel. Central Coast Water Board staff edited the Project Report or provided a written response that explained the basis for not incorporating the comments, or the comments did not result in any changes to the proposed Basin Plan Amendments. The TMDLs and Implementation Program are based on sound scientific knowledge, methods, and practices in accordance with Health & Safety Code section 57004.

14. Central Coast Water Board staff implemented a process to inform interested persons and the public about the TMDLs and Prohibitions. Central Coast Water Board staff's efforts to inform the public and solicit comment included a public meeting with interested parties and a public notice and comment period. Public notice of the amendment to the Basin Plan provided the public a 45-day public comment period preceding the Central Coast Water Board hearing. Notice of public hearing was given by advertising in a newspaper of general circulation within the Region and by mailing a copy of the notice to all persons requesting such notice and applicable government agencies. Relevant documents and notices were also made available on the Central Coast Water Board website. Central Coast Water Board staff responded to oral and written comments received from the public. All public comments were considered.

15. Adoption of these TMDLs and Basin Plan amendments will not result in any degradation of water quality; in fact, they are designed to improve water quality. As such, these TMDLs and basin plan amendments comply with all requirements of both State and Federal anti-degradation requirements (State Board Resolution 68-16 "Statement of Policy with Respect to Maintaining High Quality of Waters in California, and 40CFR 131.12

16. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Water Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) requirements for preparing environmental documents (14 Cal. Code Regs. §15251(g); 23 Cal. Code Regs. § 3782.). Central Coast Water Board staff has prepared "substitute environmental documents" for this project that contain the required environmental documentation as set forth in the State Water Board's CEQA regulations (23 Cal. Code Regs. § 3777.). The substitute environmental documents include the TMDL Staff Report and several of its attachments, including 1) this Resolution and the Basin Plan Amendment Language (Attachment 1 of the Staff Report); 2) "Total Maximum Daily Load for Fecal Coliform for the Lower Salinas River Watershed, Monterey County, California" (Attachment 2 of the Staff Report); 3) the CEQA Substitute Document with environmental checklist (Attachment 3 of the Staff Report); and 4) the comments and responses to comments (Attachment 6 of the Staff Report). The Staff Report also includes the Notice of Public Hearing/Notice of Filing (Attachment 4) and the Scientific Peer Review Comment (Attachment 5). The project itself is the establishment of TMDLs for fecal coliform in the Lower Salinas River Watershed. The Water Board exercises discretion in assigning waste load allocations and load allocations, determining the program of implementation, and setting various milestones in achieving the water quality standards. The CEQA checklist and other portions of the substitute environmental documents contain significant analysis and numerous findings related to impacts and mitigation measures.

17. A CEQA Scoping meeting was conducted on June 20, 2007, at the Salinas Agricultural Commissioner's Office, 1428 Abbot Street, Salinas. A notice of the CEQA Scoping meeting was sent to interested persons on May 23, 2007. The notice included a background of the project, the project purpose, a meeting schedule, and directions for obtaining more detailed information through the Central Coast Water Board website; the notice and project summary were available at the website or by requesting hard copies via telephone.

18. Public Resources Code section 21159 provides that an agency shall perform, at the time of the adoption of a rule or regulation requiring the installation of pollution control equipment, or a performance standard or treatment requirement, an environmental analysis of the reasonably foreseeable methods of compliance, and an analysis of the reasonably foreseeable environmental impacts of the methods of compliance, an analysis of reasonably foreseeable mitigation measures to lessen the adverse environmental impacts, and an analysis of reasonably foreseeable alternative means of compliance with the rule or regulation that would have less significant adverse impacts. Section 21159(c) requires that the environmental analysis take into account a reasonable range of environmental, economic, and technical factors; population and geographic areas; and specific sites. The Staff Report prepared for this Basin Plan amendment, in particular the CEQA Substitute Document Report (Attachment 3), provides the environmental analysis required by Public Resources Code section 21159 and is hereby incorporated as findings in this Resolution.

19. In preparing the substitute environmental documents, the Central Coast Water Board has considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intends those documents to serve as a Tier 1 environmental review. This analysis is not intended to be an exhaustive analysis of every conceivable impact, but an analysis of the reasonably foreseeable consequences of the adoption of this regulation, from a programmatic perspective. Compliance obligations will be undertaken directly by public agencies that may have their own obligations under CEQA. Project level impacts may need to be considered in any subsequent environmental analysis performed by other public agencies, pursuant to Public Resources Code section 21159.2. To

the extent applicable, this Tier 1 substitute environmental document may be used to satisfy subsequent CEQA obligations of those agencies.

20. Consistent with the Water Board's substantive obligations under CEQA, the substitute environmental documents do not engage in speculation or conjecture, and only consider the reasonably foreseeable environmental impacts, including those relating to the methods of compliance, reasonably foreseeable feasible mitigation measures to reduce those impacts, and the reasonably foreseeable alternative means of compliance, which would avoid or reduce the identified impacts.

21. These proposed amendments will have a less-than-significant adverse effect on the environment. California Water Code section 13360 precludes the Regional Water Board from dictating the manner in which responsible agencies comply with any of the Regional Water Board's regulations or orders. When the agencies responsible for implementing these TMDLs determine how they will proceed, the agencies responsible for those parts of the project can and should incorporate such alternatives and mitigation into any subsequent projects or project approvals. These feasible alternatives and mitigation measures are described in more detail in the substitute environmental documents (14 Cal. Code Regs. § 15091(a)(2).).

22. From a program-level perspective, incorporation of the alternatives and mitigation measures outlined in the substitute environmental documents will foreseeably reduce impacts to no impact, or keep the impact at less-than-significant levels.

23. The CEQA Substitute Document Report (Staff Report Attachment 3) identifies mitigation approaches that should be considered at the project level.

24. The Central Coast Water Board will request that the State Water Board approve the Basin Plan amendments incorporating: (a) the TMDLs for fecal coliform in the Lower Salinas River Watershed, and (b) the Domestic Animal Waste Discharge Prohibition and the Human Fecal Material Discharge Prohibition applicable to the Lower Salinas River Watershed. The TMDLs and Implementation Program for the TMDLs, and Prohibitions, will become effective upon approval by the California Office of Administrative Law. The TMDLs must also be approved by the United States Environmental Protection Agency.

25. The amendments to the Basin Plan may have an effect on fish and wildlife. The Central Coast Water Board will, therefore, forward fee payments to the Department of Fish and Game under the California Fish and Game Code section 711.4.

26. The proposed amendments meet the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b). As specified in Finding 13, federal regulations require that TMDLs be incorporated into the Water Quality Management Plan. The Central Coast Water Board's Basin Plan is the Central Coast Water Board's component of the Water Quality Management Plan, and the Basin Plan is how the Central Coast Water Board takes quasi-legislative planning actions. Moreover, the TMDL is a program of implementation for existing water quality objectives, and is, therefore, appropriately a component of the Basin Plan under the California Water Code, section 13242. The necessity of developing TMDLs is established in the TMDL staff report, the Clean Water Act section 303(d) list, and the data contained in the administrative record documenting the pathogen impairments of the Lower Salinas River Watershed. The necessity of adding the Prohibitions as implementation mechanisms to achieve the TMDL is established in the administrative record documenting the pathogen sources, the load allocations that responsible parties must meet to reduce or eliminate pathogen loading, and implementation strategies that comply with the NPS Policy.

27. Consistent with Water Code section 13141, the amendment includes an estimate of the total cost of implementation of the agricultural related portions of this TMDL and identifies potential sources of financing.

28. On September 2, 2010, in Watsonville, California, the Central Coast Water Board held a public hearing and heard and considered all public comments and evidence in the record.

THEREFORE, be it resolved that:

1. Pursuant to sections 13240, 13241, 13242, 13243, and 13244 of the California Water Code, the Central Coast Water Board, after considering the entire record, including the oral testimony at the hearing, hereby adopts the amendment in "Attachment-Proposed Basin Plan Amendments."

2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirements of section 13245 of the California Water Code.

3. The Central Coast Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward them to the California Office of Administrative Law and the USEPA for approval.

4. The Executive Officer is authorized to sign a Certificate of Fee Exemption or transmit payment of the applicable fee as may be required to the Resources Agency.

5. If, during the approval process, Central Coast Water Board staff, State Water Board staff, the State Water Board or the California Office of Administrative Law determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Central Coast Water Board of any such changes.

6. The environmental documents prepared by the Central Coast Water Board staff pursuant to Public Resources Code 21080.5 are hereby certified.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, Central Coastal Region, on September 2, 2010.

Roger W. Briggs
Executive Officer

RESOLUTION NO. R3-2010-0017

ATTACHMENT - PROPOSED BASIN PLAN AMENDMENTS

Revise the September 8, 1994 Basin Plan as follows:

AMENDMENT NO. 1. TOTAL MAXIMUM DAILY LOADS FOR FECAL COLIFORM IN LOWER SALINAS RIVER WATERSHED (INCLUDING LOWER SALINAS RIVER, OLD SALINAS RIVER, TEMBLADERO SLOUGH, SALINAS RECLAMATION CANAL, ALISAL CREEK, GABILAN CREEK, NATIVIDAD CREEK, SALINAS RIVER LAGOON (NORTH), SANTA RITA CREEK, QUAIL CREEK, CHUALAR CREEK, AND TOWNE CREEK).

Add the following to Chapter 4 after IX. M.:

IX. O. TOTAL MAXIMUM DAILY LOADS FOR FECAL COLIFORM IN LOWER SALINAS RIVER WATERSHED (INCLUDING LOWER SALINAS RIVER, OLD SALINAS RIVER, TEMBLADERO SLOUGH, SALINAS RECLAMATION CANAL, ALISAL CREEK, GABILAN CREEK, NATIVIDAD CREEK, SALINAS RIVER LAGOON (NORTH), SANTA RITA CREEK, QUAIL CREEK, CHUALAR CREEK, AND TOWNE CREEK)

The Regional Water Quality Control Board adopted these TMDLs on September 2, 2010. These TMDLs were approved by:

The State Water Resources Control Board on: _____ (date).

The California Office of Administrative Law on: _____ (date).

The U.S. Environmental Protection Agency on: _____ (date)

Problem Statement

The beneficial use of water contact recreation is not protected in the impaired reaches of the Lower Salinas River Watershed, including Lower Salinas River (from the Chualar River Road, downstream to the Salinas River Lagoon (North)), Old Salinas River, Tembladero Slough, Salinas Reclamation Canal, Alisal Creek, Gabilan Creek, Natividad Creek, Salinas River Lagoon (North), Santa Rita Creek, Quail Creek, Chualar Creek, and Towne Creek because fecal indicator bacteria concentrations exceed existing Basin Plan numeric water quality objectives and/or USEPA guidelines protecting this beneficial use. All reaches in these waterbodies are impaired.

The Ocean Plan and Basin Plan also contain Shellfish Harvesting (SHELL) and Non-contact Water Recreation (REC-2) water quality objectives. Waterbodies with SHELL beneficial use impaired by bacteria will be addressed in a separate TMDL project and/or standards action.

Numeric Target

The numeric targets used to develop the TMDLs and allocations are as follows:

Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 MPN per 100 mL, nor shall more than 10 percent of samples collected during any 30-day period exceed 400 MPN per 100 mL.

The numeric target is equal to the water quality objective protecting the water contact recreation beneficial use (REC-1), as described in Chapter 3 of this Basin Plan. If this water quality objective protecting REC-1 is amended, the numeric target for this TMDL will be equal to the amended water quality objective.

Source Analysis

Salinas Reclamation Canal, Lower: 1) discharges from Municipal Separate Storm Sewer Systems (MS4s), 2) domestic animals/livestock discharges in areas that do not drain to MS4s, 3) illegal dumping, 4) homeless person/encampment discharges in areas that do not drain to MS4s, 5) sanitary sewer collection system leaks.

Reclamation Canal, Upper/Alisal Creek: 1) Domestic animals/livestock discharges in areas that do not drain to MS4s, 2) illegal dumping, 3) homeless person/encampment discharges in areas that do not drain to MS4s, 4) discharges from MS4s.

Old Salinas River: 1) Domestic animals/livestock discharges in areas that do not drain to MS4s, 2) illegal dumping, 3) discharges from MS4s.

Tembladero Slough: 1) Domestic animals/livestock discharges in areas that do not drain to MS4s, 2) discharges from MS4s, 3) illegal dumping, 4) sanitary sewer collection system leaks.

Santa Rita Creek: 1) Domestic animals/livestock discharges in areas that do not drain to MS4s, 2) discharges from MS4s, 3) illegal dumping, 4) homeless person/encampment discharges in areas that do not drain to MS4s, 5) sanitary sewer collection system leaks.

Salinas River Lagoon (North): 1) Domestic animals/livestock discharges in areas that do not drain to MS4s, 2) illegal dumping 3) discharges from MS4s.

Lower Salinas River: 1) Domestic animals/livestock discharges in areas that do not drain to MS4s, 2) discharges from MS4s, 3) illegal dumping.

Gabilan Creek: 1) Domestic animals/livestock discharges in areas that do not drain to MS4s, 2) discharges from MS4s, 3) illegal dumping, 4) homeless person/encampment discharges in areas that do not drain to MS4s, 5) sanitary sewer collection system leaks.

Natividad Creek: 1) Domestic animals/livestock discharges in areas that do not drain to MS4s, 2) discharges from MS4s, 3) illegal dumping, 4) homeless person/encampment discharges in areas that do not drain to MS4s, 5) sanitary sewer collection system leaks.

Quail Creek: 1) Domestic animals/livestock discharges in areas that do not drain to MS4s, 2) illegal dumping.

Chualar Creek: 1) Domestic animals/livestock discharges in areas that do not drain to MS4s, 2) illegal dumping.

Towne Creek: 1) Domestic animals/livestock discharges in areas that do not drain to MS4s, 2) illegal dumping.

Natural uncontrollable sources of fecal coliform in the listed waterbodies are present and likely contributing to impairment at varying degrees by season and location.

TMDLs and Allocations

The TMDLs for all impaired waters of the Lower Salinas River, Old Salinas River, Tembladero Slough, Salinas Reclamation Canal, Alisal Creek, Gabilan Creek, Natividad Creek, Salinas River Lagoon (North), Santa Rita Creek, Quail Creek, Chualar Creek, and Towne Creek are set equal to the loading capacity of the waterbodies. They are concentration based TMDLs applicable to each day of all seasons and are set equal to the following:

Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 MPN per 100 mL, nor shall more than 10 percent of samples collected during any 30-day period exceed 400 MPN per 100 mL.

The TMDLs are equal to the water quality objective protecting the water contact recreation beneficial use (REC-1), as described in Chapter 3 of this Basin Pln. If this water quality objective protecting REC-1 is amended, the TMDLs for the water bodies subject to the TMDLs will be equal to the amended water quality objective.

The allocations to responsible parties are shown in Table IX M-1.

Table IX M-1. Allocations and Responsible Parties

WASTE LOAD ALLOCATIONS		
Waterbody	**Party Responsible for Allocation (Source) NPDES/WDR number**	**Receiving Water Fecal Coliform (MPN/100mL)**
Gabilan Creek[1], Santa Rita Creek[3], Salinas Reclamation Canal[4], Natividad Creek[5], Lower Salinas River[6]	City of Salinas (Storm drain discharges to MS4s) Storm Water Permit NPDES No. CA00049981	Allocation-1
Gabilan Creek[1], Alisal Creek.[2], Santa Rita Creek.[3], Salinas Reclamation Canal[4], Natividad Creek[5], Lower Salinas River[6], Tembladero Slough[7], Old Salinas River[9], Salinas River Lagoon[10]	County of Monterey (Storm drain discharges to MS4s) Storm Water General Permit NPDES No. CAS000004	Allocation-1
Gabilan Creek[1], Santa Rita Creek[3], Salinas Reclamation Canal[4], Natividad Creek[5]	City of Salinas (Sanitary sewer collection system spills and leaks) Statewide General WDR for Sanitary Sewer Systems WQO No. 2006-0003	Allocation-2
Tembladero Slough[7]	Castroville Community Services District (Sanitary sewer collection system spills and leaks) Statewide General WDR for Sanitary Sewer Systems WQO No. 2006-0003	Allocation-2

WASTE LOAD ALLOCATIONS		
Waterbody	**Party Responsible for Allocation (Source) NPDES/WDR number**	**Receiving Water Fecal Coliform (MPN/100mL)**
LOAD ALLOCATIONS		
Waterbody	**Responsible Party (Source)**	**Receiving Water Fecal Coliform (MPN/100mL)**
All twelve impaired water bodies[a]	Owners/operators of land used for/containing domestic animals/livestock (Domestic animals/livestock waste not draining to MS4s))	Allocation-1
Salinas Reclamation Canal, Alisal Creek, Santa Rita Creek, Gabilan Creek, Natividad Creek	Owners and/or Operators of Land that have Homeless Persons/Encampments (Discharges From Homeless Persons/Encampments Not Regulated by a Permit for Storm Water Discharges)	Allocation-2
All twelve impaired water bodies[a]	Owners/operators of land used for/containing illegal dumping (Discharges from illegal dumping Not Regulated by a Permit for Storm Water Discharges)	Allocation-1
All twelve impaired water bodies[a]	No responsible party (Natural sources)	Allocation-1

Wasteload/Load Allocation 1 (Equal to the TMDL):Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 MPN/100mL, nor shall more than ten percent of total samples during any 30-day period exceed 400 MPN/100 mL.

Wasteload/Load Allocation 2: Allocation of zero; no fecal coliform bacteria load originating from human sources of fecal material is allowed.

[a] All twelve impaired water bodies: Lower Salinas River, Old Salinas River, Tembladero Slough, Salinas Reclamation Canal, Alisal Creek, Gabilan Creek , Natividad Creek, Salinas River Lagoon (north), Chualar Creek, Santa Rita Creek, Quail Creek, Towne Creek.

[1] Gabilan Creek: all reaches and its tributaries, which includes from the confluence with Carr Lake to the uppermost reaches of the waterbody, including but not limited to Towne Creek[12], Mudd Creek, and un-named creeks tributary to these.
[2] Alisal Creek : all reaches and its tributaries, which includes from the confluence with the Salinas Reclamation Canal to the uppermost reach of the waterbody.
[3] Santa Rita Creek: all reaches and its tributaries, which includes from the confluence with the Salinas Reclamation Canal to the uppermost reach of the waterbody.
[4] Salinas Reclmation Canal: all reaches and tributaries, which includes from confluence with Tembladero Slough, to upstream confluence with Carr Lake and Alisal Creek.
[5] Natividad Creek: all reaches and its tributaries, which includes from the confluence with Carr Lake to the uppermost reach of the waterbody.
[6] Lower Salinas River: all reaches and tributaries from Salinas River at Chualar River Road downstream to its confluence with the Salinas River Lagoon at Monte Road.
[7] Tembladero Slough: which includes all reaches and tributaries from the confluence with the Salinas Reclamation Canal downstream to its confluence with the Old Salinas River.
[8] Quail Creek: which includes all reaches and its tributaries, from the confluence with the Salinas River to the uppermost reach of the waterbody.
[9] Old Salinas River: all reaches and tributaries from the slide gate at the head of the Old Salinas River adjacent to Mulligan Hill, downstream to Potrero Road.
[10] Salinas River Lagoon (North): From Monte Road downstream to its confluence with Monterey Bay.

[11]Chualar Creek: which includes all reaches and its tributaries, from the confluence with the Salinas River to the uppermost reach of the waterbody.
[12]Towne Creek: all reaches and tributaries.

The parties responsible for the allocation to controllable sources are not responsible for the allocation to natural sources.

The TMDLs are considered achieved when the allocations assigned to all individual responsible parties are met or when the numeric targets are consistently met in the impaired reaches of the Lower Salinas River Watershed.

Margin of Safety

A margin of safety is incorporated implicitly in the TMDLs through conservative assumptions.

Implementation

STORM DRAIN DISCHARGES TO MS4S:

The Central Coast Water Board will address fecal indicator bacteria (FIB), i.e., fecal coliform and/or other indicators of pathogens, discharged from the City of Salinas's and the County of Monterey's municipal separate storm sewer systems (MS4s) by regulating the MS4 entities under the provisions of an individual municipal stormwater permit, or the State Water Resource Control Board's General Permit for the Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems (General Permit). As enrollees under the an individual municipal stormwater permit or the General Permit, they must develop and implement a Storm Water Management Plan (SWMP) that controls urban runoff discharges into and from their MS4s. To address the MS4 TMDL wasteload allocations, the Central Coast Water Board will require the enrollees to specifically target FIB in urban runoff through incorporation of a Wasteload Allocation Attainment Program in their SWMPs.

The Central Coast Water Board will require the Wasteload Allocation Attainment Program to include descriptions of the actions that will be taken by the MS4 entity to attain the TMDL wasteload allocations, and specifically address:

1. Development of an implementation and assessment strategy;
2. Source identification and prioritization;
3. Best management practice identification, prioritization, implementation schedule, analysis, and effectiveness assessment;
4. Monitoring program development and implementation;
5. Reporting; including evaluation whether current best management practices are progressing towards achieving the wasteload allocations within thirteen years of the date that the TMDLs are approved by the Office of Administrative Law;
6. Coordination with stakeholders; and
7. Other pertinent factors.

The Wasteload Allocation Attainment Program will be required by the Central Coast Water Board to address each of these TMDLs that occur within the MS4 entities' jurisdictions.

The Central Coast Water Board will require the Wasteload Allocation Attainment Program to be submitted at one of the following milestones, whichever occurs first:

1. Within one year of approval of the TMDLs by the Office of Administrative Law;

2. When required by any other Water Board-issued storm water requirements (e.g., when the Phase II Municipal Storm Water Permit is renewed).

For MS4 entities that are enrolled under an individual municipal stormwater permit or the General Permit at the time of Wasteload Allocation Attainment Program submittal, the Wasteload Allocation Attainment Program must be incorporated into the SWMPs when they are submitted. For an MS4 that is not enrolled under the General Permit at the time of Wasteload Allocation Attainment Program submittal, the Wasteload Allocation Attainment Program must be incorporated into the SWMP when the SWMP is approved by the Central Coast Water Board.

The Executive Officer, pursuant to delegated authority, or the Central Coast Water Board will require information that demonstrates implementation of the actions described above, pursuant to applicable sections of the California Water Code and/or pursuant to authorities provided in the General Permit for storm water discharges.

DOMESTIC ANIMAL/LIVESTOCK DISCHARGES:

Owners and/or operators of lands containing domestic animals (including pets, farm animals, and livestock) in the Lower Salinas River watershed must comply with the Domestic Animal Waste Discharge Prohibition; compliance with the Domestic Animal Waste Discharge Prohibition is intended to result in compliance with the load allocation for these TMDLs.

Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify owners and/or operators of lands used for/containing domestic animals of the requirement to comply with the Domestic Animal Waste Discharge Prohibition. In the notification, the Executive Officer will describe the options that owners/operators of lands containing domestic animals have for demonstrating compliance with the Domestic Animal Waste Discharge Prohibition. Within six months of notification by the Executive Officer pursuant to California Water Code section 13261 or 13267, owners/operators of lands containing domestic animals will be required to submit one the following to the Water Board:

1) Sufficient evidence to demonstrate that the owner/operator of lands containing domestic animals is and will continue to be in compliance with the Domestic Animal Waste Discharge Prohibition; Such evidence could include documentation submitted by the owner/operator to the Executive Officer that the owner/operator is not causing waste to be discharged to the Creek resulting in violations of the Prohibition, or
2) A plan for compliance with the Domestic Animal Waste Discharge Prohibition. Such a plan must include a list of specific management practices that will be implemented to control discharges containing fecal material from domestic animals. The plan must also describe how implementing the identified management practices are likely to progressively achieve the load allocations to domestic animals, with the ultimate goal achieving the load allocations no later than thirteen years after Office of Administrative Law approval of these TMDLs. The plan must include monitoring and reporting to the Central Coast Water Board, demonstrating the progressive progress toward achieving load allocations for discharges from domestic animals, and a self-assessment of this progress. The plan may be developed by an individual discharger or by or for a coalition of dischargers in cooperation with a third-party representative, organization, or government agency acting as the agents of owners/operators of lands containing domestic animals, or
3) A Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements).

The estimated total median cost of TMDL implementation in the Lower Salinas River watershed to owners and operators of lands containing domestic animals is $143,900. This estimated total median cost represents the collective total cost to implement the TMDL by all responsible parties over the 13 year timeline to achieve the TMDL. Sources of financing are described in the Basin Plan, Chapter 4, in section IX. M.

HOMELESS PERSONS/ENCAMPMENT DISCHARGES

Owners of land that contain homeless persons and/or homeless encampments in the Lower Salinas River watershed must comply with the Human Fecal Material Discharge Prohibition.

Owners of land with homeless persons must demonstrate to the satisfaction of the Executive Officer or the Water Board that they are in compliance with the Human Fecal Material Discharge Prohibition; compliance with the Human Fecal Material Discharge Prohibition implies compliance with the load allocation for these TMDLs.

The Executive Officer will notify owners of lands containing homeless persons of the requirement to comply with the Human Fecal Material Discharge Prohibition. In his notification, the Executive Officer will also describe owners' options for demonstrating compliance with the Human Fecal Material Discharge Prohibition; pursuant to California Water Code 13267 and within six months of the notification by the Executive Officer, owners will be required to submit the following for approval by the Executive Officer or the Water Board:

1) Clear evidence that the owner/operator is and will continue to be in compliance with the Human Fecal Material Discharge Prohibition; clear evidence could be documentation submitted by the owner to the Executive Officer validating current and continued compliance with the Prohibition, or
2) A plan for compliance with the Human Fecal Material Discharge Prohibition. Such a plan must include a list of specific management practices that will be implemented to control discharges containing fecal material from homeless persons. The Plan must also describe how implementing the identified management practices is likely to progressively achieve the load allocation for homeless persons, with the ultimate goal achieving the load allocation no later than three years from the date of the Executive Officer's notification to the owner requiring compliance. The plan must include monitoring and reporting to the Central Coast Water Board, demonstrating the progress towards achieving load allocations for discharges from homeless persons, and self-assessment of this progress, or
3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements).

In accordance with the Porter-Cologne Water Quality Control Act §13350 (c), responsible parties are shielded from civil liability in certain cases. Pursuant to Porter-Cologne Water Quality Control Act §13350(c)(4) and §13350(c)(5) there is no civil liability for the responsible party if the discharge is an intentional act of a third party, the effects of which could not have been prevented or avoided by the exercise of due care or foresight; or, any other circumstance or event which causes the discharge despite the exercise of every reasonable precaution to prevent or mitigate the discharge.

SANITARY SEWER COLLECTION SYSTEM LEAKS:

Entities with jurisdiction over sewer collection systems can demonstrate compliance with these TMDL load allocations through waste discharge requirements and/or NPDES permits.

The City of Salinas, the Castroville Community Services District, and the California Utilities Service Wastewater Treatment Plant must continue to implement their Collection System Management Plans as required by waste discharge requirements.

In addition, the City of Salinas, the Castroville Community Services District, and the California Utilities Service Wastewater Treatment Plant (herein referred to as sanitary collection system jurisdictions) are required to improve maintenance of their sewage collection systems, including identification, correction, and prevention of sewage leaks in portions of the collection systems that run through, or adjacent to, impaired surface waters or their tributaries within the Lower Salinas River Watershed.

To this end, within six months following approval of these TMDLs by the Office of Administrative Law, the Executive Officer will issue letters to sanitary collection system jurisdictions pursuant to Section 13267 of the California Water Code requiring: 1) submittal within one year of approval of these TMDLs by the Office of Administrative Law a technical report that describes how and when the sanitary collection system jurisdictions will conduct improved collection system maintenance in portions of the collection system most likely to affect impaired surface water bodies, with the end result being compliance with its TMDL allocation, 2) stream monitoring for fecal coliform or another fecal indicator bacteria and reporting of these monitoring activities, and 3) annual reporting of self-assessment as to whether the sanitary collection system jurisdictions are in compliance with the TMDL allocation.

ILLEGAL DUMPING:

Owners of lands where illegal dumping occurs are ultimately responsible for achieving the allocation for pathogen loading resulting from illegal dumping. However, the County of Monterey and the City of Salinas currently have programs and ordinances to address illegal dumping, and have been proactive in their effort to control these discharges. Illegal dumping is a violation of California Law and Monterey County Code (California Penal Code 374.3(A) and Monterey County Code, Chapter 10.41.040(A), respectively). The County of Monterey Health Department responds to illegal dumping complaints, prepares reports of investigation for the District Attorney's Office, engages in public outreach and education, and participates in programs that focus on minimizing illegal dumping. The County of Monterey and the City of Salinas actively prosecute individuals who are caught illegally dumping. The City of Salinas has devoted resources to watershed cleanup efforts to remove litter from City creeks. Both the City and the County have reportedly established telephone hotlines for citizens to report illegal dumping and they provide financial rewards for reporting parties.

The Executive Officer anticipates that existing programs and ordinances will achieve the allocation; therefore, no new regulatory mechanisms are warranted. Compliance with the allocation may be demonstrated through effective and proactive implementation and enforcement of existing regulatory authorities. The Executive Officer will assess progress and make changes if necessary during TMDL implementation tracking to achieve allocations for pathogen loading from illegal dumping.

Tracking and Evaluation

Every three years, beginning three years after TMDLs are approved by the Office of Administrative Law, the Central Coast Water Board will perform a review of implementation actions, monitoring results, and evaluations submitted by responsible parties of their progress toward achieving their allocations. The Central Coast Water Board will use annual reports, nonpoint source pollution control implementation programs, evaluations submitted by responsible parties, and other available information to determine progress toward implementing required actions and achieving the allocations and the numeric target.

Responsible parties will continue monitoring and reporting according to this plan for at least three years, at which time the Central Coast Water Board will determine the need for continuing or otherwise modifying the monitoring requirements. Responsible parties may also demonstrate that although water quality objectives are not being achieved in receiving waters, controllable sources of pathogens are not contributing to the exceedance. If this is the case, the Central Coast Water Board may re-evaluate the numeric target and allocations. For example, the Central Coast Water Board may pursue and approve a site-specific objective. The site-specific objective would be based on evidence that natural, or background sources alone were the cause of exceedances of the Basin Plan water quality objective for fecal indicator bacteria.

Three-year reviews will continue until the water quality objectives are achieved. The compliance schedule for achieving this TMDL numeric target is 13 years after the date of approval by the Office of Administrative Law.

AMENDMENT NO. 2. Revise the September 8, 1994 Basin Plan, Chapter Five, as follows:

Amend Chapter 5, section IV.B. as follows:

Add the following watershed to the end of the bulleted list of applicable areas of the Domestic Animal Waste Discharge Prohibition:

- Lower Salinas River Watershed (the watershed area of the Salinas River from Gonzales Road downstream to its confluence with Moss Landing Harbor)

AMENDMENT NO. 3. Revise the September 8, 1994 Basin Plan, Chapter Five, as follows:

Amend Chapter 5, section IV.B. as follows:

Add the following watershed to the end of the bulleted list of applicable areas of the Human Fecal Material Discharge Prohibition:

- Lower Salinas River Watershed (the watershed area of the Salinas River from Gonzales Road downstream to its confluence with Moss Landing Harbor)