

RESOLUTION NO. R3-2009-0009

ATTACHMENT - PROPOSED BASIN PLAN AMENDMENTS

Revise the September 8, 1994 Basin Plan, as follows:

AMENDMENT NO. 1. ADD THE CORRALITOS/SALSIPUEDES CREEK WATERSHED TO THE HUMAN FECAL MATERIAL DISCHARGE PROHIBITION AND THE DOMESTIC ANIMAL WASTE DISCHARGE PROHIBITION.

Amend Chapter 5, section IV.B., by adding the following watershed to the end of the bulleted list of applicable areas of the Domestic Animal Waste Discharge Prohibition, and the Human Fecal Material Discharge Prohibition.

- Corralitos/Salsipuedes Creek Watershed

AMENDMENT NO. 2. ADD THE TOTAL MAXIMUM DAILY LOADS FOR FECAL COLIFORM IN CORRALITOS AND SALSIPUEDES CREEKS

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

IX. N. TOTAL MAXIMUM DAILY LOADS FOR FECAL COLIFORM IN CORRALITOS AND SALSIPUEDES CREEKS

The Regional Water Quality Control Board adopted these TMDLs on March 20, 2009.

These TMDLs were approved by:

<u>The State Water Resources Control Board on</u>	<u>(Insert date).</u>
<u>The California Office of Administrative Law on</u>	<u>(Insert date).</u>
<u>The U.S. Environmental Protection Agency on</u>	<u>(Insert date).</u>

Problem Statement

The Central Coast Water Board concludes that the beneficial use of water contact recreation is not being protected in Corralitos and Salsipuedes Creeks because fecal coliform concentrations exceed existing Basin Plan numeric water quality objectives designed to protect this beneficial use. The impaired reaches are: (1) All reaches of Corralitos Creek downstream of Browns Valley Bridge, and (2) All reaches of Salsipuedes Creek.

Numeric Target

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.

Source Analysis

The relative order of controllable sources contributing fecal coliform to Corralitos and Salsipuedes Creeks, in decreasing order of contribution, are: (1) storm drain discharges to municipally owned and operated storm sewer systems required to be covered by an NPDES permit (MS4s), (2) homeless person/encampment discharges (not regulated by a permit for storm water discharges), (3) pet waste (not regulated by a permit for storm water discharges), (4) farm animal and livestock discharges, (5) onsite wastewater system discharges, (6) sanitary sewer collection system spills and leaks, and (7) private sewer laterals connected to municipal sanitary sewer collection systems. Natural, uncontrollable sources also contribute fecal coliform in the Corralitos/Salsipuedes Creek watershed.

TMDLs and Allocations

The TMDLs for all impaired waters of Corralitos and Salsipuedes Creeks are concentration-based TMDLs applicable to each day of all seasons 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 allocations to responsible parties are shown in Table IX.N-1.

Table IX – N-1. Allocations and Responsible Parties

<u>Waterbody Assigned Allocation</u>	<u>Responsible Party (Source Organism or Source Category)</u>	<u>Receiving Water Fecal Coliform Allocation</u>
WASTE LOAD ALLOCATIONS		
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>Santa Cruz County and City of Watsonville (Storm Drain Discharges to MS4s Required to be Covered by an NPDES Permit)</u>	<u>Wasteload Allocation 1</u>
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>Freedom County Sanitation District (Corralitos Creek only) and Salsipuedes Sanitary District (Salsipuedes Creek only) (Sanitary Sewer Collection System Spills and Leaks Required to be Covered by WDR Order No. R3-2003-0041)</u>	<u>Wasteload Allocation 2</u>
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>Owners of Private Sewer Laterals (Private Sewer Laterals Connected to Municipal Sanitary Sewer Collection System)</u>	<u>Wasteload Allocation 2</u>
LOAD ALLOCATIONS		
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>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)</u>	<u>Load Allocation 2</u>
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>Owners/Operators of Land Used for/Containing Pets (Pet Waste Not Regulated by a Permit for Storm Water Discharges)</u>	<u>Load Allocation 1</u>
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>Owners of Land Used for/Containing Farm Animals/Livestock (Farm Animals and Livestock Waste Discharges)</u>	<u>Load Allocation 1</u>
<u>Salsipuedes Creek (upstream of confluence with Corralitos Creek)</u>	<u>Owners of Onsite Wastewater Systems Whose Systems are Within the Specified Area³ (Onsite Wastewater System Discharges)</u>	<u>Load Allocation 2</u>
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>Natural Sources</u>	<u>Load Allocation 1</u>
<p>Wasteload/Load Allocation 1: 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.</p> <p>Wasteload/Load Allocation 2: Allocation of zero; no fecal coliform bacteria load originating from human sources of fecal material is allowed.</p>		

¹ All reaches of Corralitos Creek downstream of Browns Valley Bridge

² All reaches of Salsipuedes Creek

³ The specified area is within the boundaries of State Highway 152 to the southeast, Foothill Road to the northeast (excluding assessor parcel numbers 05155107 and 05155106), Salsipuedes Creek to the northwest, and up to, but not including The County Fairgrounds to the southwest.

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

Margin of Safety

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

Implementation Program

STORM DRAIN DISCHARGES

The Central Coast Water Board will address fecal indicator bacteria (FIB), e.g., fecal coliform and/or other indicators of pathogens, discharged from the County of Santa Cruz's and City of Watsonville's municipal separate storm sewer system (MS4) by regulating the County of Santa Cruz and City of Watsonville under the provisions of the State Water Resources Control Board's General Permit for the Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems (General Permit) (NPDES No. CAS000004). As enrollees, the County of Santa Cruz and City of Watsonville must develop and implement a Storm Water Management Plan (SWMP) that controls urban runoff discharges into and from their MS4. To address the County of Santa Cruz's and City of Watsonville's TMDL waste load allocation, the Central Coast Water Board will require the County of Santa Cruz and City of Watsonville to specifically target FIB in urban runoff through incorporation of a Wasteload Allocation Attainment Program in their SWMP.

The Central Coast Water Board will require that the Wasteload Allocation Attainment Programs describe the actions that will be taken by the County of Santa Cruz and City of Watsonville 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, 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 by thirteen years after 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 County of Santa Cruz's and City of Watsonville's jurisdiction.

The Central Coast Water Board will require that the Wasteload Allocation Attainment Program 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 Central Coast Water Board-issued storm water requirements (e.g., when the Phase II Municipal Storm Water Permit is renewed).

For an MS4 that is 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 Wasteload Allocation Attainment Program is submitted. For an MS4 entity that is not enrolled under the General Permit at the time of the 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 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.

HOMELESS PERSON/ENCAMPMENT DISCHARGES NOT REGULATED BY A PERMIT FOR STORM WATER DISCHARGES

Owners of land that contain homeless persons and/or homeless encampments in the Corralitos/Salsipuedes Creeks 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 Central Coast 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.

Within three years of approval of these TMDLs by the Office of Administrative Law, 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 the options owners have 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 one of the following for approval by the Executive Officer or the Central Coast 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 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 of 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.
- 2) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs).

DOMESTIC ANIMAL DISCHARGES NOT REGULATED BY A PERMIT FOR STORM WATER DISCHARGES

Owners and/or operators of lands containing domestic animals in the Corralitos/Salsipuedes Creeks watershed must comply with the Domestic Animal Waste Discharge Prohibition; compliance with the Domestic Animal Waste Discharge Prohibition implies 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 his notification, the Executive Officer will also describe the owner's/operator's of lands containing domestic animals options for demonstrating compliance with the Domestic Animal Waste Discharge Prohibition. Pursuant to California Water Code section 13267 and within six months of the notification by the Executive Officer, owners/operators of lands containing domestic animals will be required to submit one of the following for approval by the Executive Officer or the Central Coast Water Board:

- 1) Clear evidence that the owner/operator of lands containing domestic animals is and will continue to be in compliance with the Domestic Animal Waste Discharge Prohibition; clear evidence could be documentation submitted by the owner/operator to the Executive Officer validating current and continued compliance with the Prohibition.
- 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 is likely to progressively achieve the load allocations to domestic animals, with the ultimate goal of 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 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.
- 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs or National Pollutant Discharge Elimination System (NPDES permit).

ONSITE WASTEWATER SYSTEM DISCHARGES

Owners of onsite wastewater systems within the following described area must comply with the Human Fecal Material Discharge Prohibition. The subject area is within the boundaries of State Highway 152 to the southeast, Foothill Road to the northeast (excluding assessor parcel numbers 05155107 and 05155106), Salsipuedes Creek to the northwest, and up to but not including The County Fairgrounds to the southwest.

Owners of onsite wastewater systems must demonstrate to the satisfaction of the Executive Officer or the Central Coast 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.

Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will either 1) determine that the County of Santa Cruz is making adequate progress towards implementing an approved Santa Cruz County Onsite Wastewater Management Plan as it pertains to controlling the waste loads from onsite wastewater systems in Corralitos and Salsipuedes Creeks, or 2) notify owners of onsite wastewater systems (owners) in the area described above of the requirement to comply with the Human Fecal Material Discharge Prohibition. In his notification, the Executive Officer will also describe owner's 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 one of the following for approval by the Executive Officer or the Central Coast Water Board:

- 1) Clear evidence that the owner is and will continue to be in compliance with the Human Fecal

Material Discharge Prohibition; clear evidence could be certification by the County of Santa Cruz, or similar, that the owner's onsite wastewater system is in compliance with the Human Fecal Material Discharge Prohibition.

- 2) A schedule for compliance with the Human Fecal Material Discharge Prohibition. The compliance schedule must include a monitoring and reporting program and milestone dates demonstrating progress towards compliance with the Human Fecal Material Discharge Prohibition, with the ultimate milestone being compliance with the Human Fecal Material Discharge Prohibition no later than three years from the date of the Executive Officer's notification to the owner requiring compliance.
- 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs).
- 4) Clear evidence of current or scheduled compliance with the Human Fecal Material Discharge Prohibition (as described in number-1 and number-2 above, respectively) through the submittal of the required information, e.g. by the County of Santa Cruz, acting as the voluntary agents of owners/operators of onsite wastewater systems. Note that an owner of an onsite wastewater system cannot demonstrate compliance with the Human Fecal Material Discharge Prohibition through this option if: 1) the County of Santa Cruz is not their voluntary agent, or 2) if the owner/operator of the onsite wastewater system does not choose the County of Santa Cruz as their agent, or, 3) the Executive Officer or Central Coast Water Board does not approve the evidence submitted by the County of Santa Cruz on behalf of the owners/operators of onsite wastewater systems.

SALSIPUEDES SANITARY DISTRICT AND FREEDOM COUNTY SANITATION DISTRICT SEWER COLLECTION SYSTEM SPILLS AND LEAKS

The Freedom County Sanitation District (FCSD) and the Salsipuedes Sanitary District (SSD) in the Corralitos/Salsipuedes Creeks watershed must comply with the Human Fecal Material Discharge Prohibition; compliance with the Human Fecal Material Discharge Prohibition implies compliance with their allocation for this TMDL.

To comply with the Human Fecal Material Discharge Prohibition, the FCSD and the SSD must continue to implement their Collection System Management Plan and Infiltration/Inflow and Spill Prevention Program (herein referred to as the Plan and Program), respectively, as required by Waste Discharge Requirements (WDRs) (Order No. R3-2003-0041).

In addition, the FCSD and SSD 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 within the Corralitos/Salsipuedes Creek Watershed.

To this end, within six months following approval of this TMDL by the Office of Administrative Law, the Executive Officer will issue a letter pursuant to Section 13267 of the California Water Code requiring: 1) submittal within one-year, a technical report that describes how and when FCSD and SSD 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 the Human Fecal Material Discharge Prohibition, and 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 FCSD and SSD are in compliance with the Human Fecal Material Discharge Prohibition.

PRIVATE SEWER LATERALS CONNECTED TO MUNICIPAL SANITARY SEWER COLLECTION SYSTEMS

Individual owners and operators of private laterals to sanitary sewer collection systems are ultimately responsible for maintenance of their private laterals and are, therefore, responsible for complying with the Human Fecal Material Discharge Prohibition; compliance with the Human Fecal Material Discharge Prohibition implies compliance with their load allocation for these TMDLs.

The Central Coast Water Board requires immediate cessation of spills from private laterals. Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify owners and/or operators of private laterals to sanitary sewer collection systems (owners/operators of private laterals), in suspected problem areas, of this requirement and of the requirement to comply with the Human Fecal Material Discharge Prohibition. In his notification, the Executive Officer will also describe the owner's/operator's of private laterals options for demonstrating compliance with the Human Fecal Material Discharge Prohibition. Pursuant to California Water Code section 13267 and within six months of the notification by the Executive Officer, owners/operators of private laterals will be required to submit one of the following for approval by the Executive Officer or the Central Coast Water Board:

- 1) Clear evidence that the owner/operator of private lateral is and will continue to be in compliance with the Human Fecal Material Discharge Prohibition; clear evidence could be certification by the County of Santa Cruz or City of Watsonville that owner/operator of private lateral is in compliance with the Human Fecal Material Discharge Prohibition.
- 2) A schedule for compliance with the Human Fecal Material Discharge Prohibition. The compliance schedule must include a monitoring and reporting program and milestone dates demonstrating progress towards compliance with the Human Fecal Material Discharge Prohibition, with the ultimate milestone being compliance with the Human Fecal Material Discharge Prohibition no later than three years (the exact timeframe at the discretion of the Executive Officer, but not to exceed three years for compliance) from the date of the Executive Officer's notification to the owner/operator requiring compliance.
- 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs or National Pollutant Discharge Elimination System (NPDES permit)).
- 4) Clear evidence of current or scheduled compliance with the Human Fecal Material Discharge Prohibition (as described in number-1 and number-2 above, respectively) through the submittal of the required information by the County of Santa Cruz or the City of Watsonville, acting as the voluntary agents of owners/operators of private laterals. Note that an owner/operator of a private lateral cannot demonstrate compliance with the Human Fecal Material Discharge Prohibition through this option if: 1) the County of Santa Cruz or the City of Watsonville is not their voluntary agent, or 2) if the owner/operator of the private lateral does not choose the County of Santa Cruz or the City of Watsonville as their agent, or, 3) the Executive Officer or Central Coast Water Board does not approve the evidence submitted by the County of Santa Cruz or the City of Watsonville on behalf of the owners/operators of private laterals.

Tracking and Evaluation

Every three years, beginning three years after TMDLs are approved by the California 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 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 fecal indicator bacteria 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 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 the TMDLs and numeric target is 13 years after the date of approval by the California Office of Administrative Law.