CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California

RESOLUTION NO. R3-2008-0001
March 20-21, 2008

Amending The Water Quality Control Plan for The Central Coast Basin to (1) Remove The Shellfish Harvesting Beneficial Use for San Lorenzo River Estuary, (2) Modify San Lorenzo River Subbasin and Aptos-Soquel Subbasin Prohibition, and (3) Adopt The Total Maximum Daily Loads For Pathogens in San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek

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

1. The Central Coast Water Board adopted the Water Quality Control Plan for the Central Coastal Basin (Basin Plan), on September 8, 1994. The Basin Plan includes beneficial use designations, water quality objectives, prohibitions, implementation plans for point source and nonpoint source pollution discharges, and 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) remove the shellfish harvesting (SHELL) beneficial use for San Lorenzo River Estuary (also known as San Lorenzo River Lagoon), (b) modify an existing discharge prohibition for the San Lorenzo River Subbasin and Aptos-Soquel Subbasin, and (c) incorporate Total Maximum Daily Loads (TMDLs) and Implementation Plan for pathogens in San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek. The term San Lorenzo River Watershed elsewhere in this document refers only to these waterbodies.

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 Two, Table 2-1: "Identified Uses of Inland Surface Waters"
   b. Chapter Four, section IX (Total Maximum Daily Loads), and
   c. Chapter Five, section IV.B. (Discharge Prohibitions Inland Waters).

4. The Central Coast Water Board has determined that the SHELL beneficial use designation should be removed from the San Lorenzo River Estuary.

5. The federal regulations at 40 CFR 131.10(g) allow the Central Coast Water Board to remove a designated use, which is not an "existing" use, if the state can demonstrate that achieving the use is not feasible based on the factors set forth in 40 CFR 131.10(g). Shellfish harvesting is not an "existing use" as that term is defined in 40 CFR 131.3 because shellfish harvesting use has not been attained in the water body on or after November 28, 1975. The proposed removal of the SHELL beneficial use is based on the results of a Use Attainability Analysis (UAA) in the San Lorenzo River Estuary. Central Coast Water Board staff (staff) developed the UAA in 2004 and 2005 to determine the historic, actual, and potential shell

fishing activities in the San Lorenzo River Estuary. The UAA is necessary to conform to Title 40 of the Code of Federal Regulations (CFR), §131.10(j) because the action involves a designated use specified in Clean Water Act section 101(a) (2). The proposed amendment and the UAA only addresses the fishable goal ("protection and propagation of fish, shellfish, and wildlife") as it pertains to shellfish harvesting and does not address other fishable goals or the swimmable goal included in the water contact recreation designation contained in section 101(a)(2) of the Clean Water Act. The fishable goal of the Clean Water Act is also protected under other beneficial uses (including cold fresh water habitat) designated in the Basin Plan for the San Lorenzo River Estuary.

6. Factors for allowing a state to remove a designated use are listed in section 40 CFR 131.10(g). Based on the UAA, three factors preclude attainment of the SHELL beneficial use in San Lorenzo River Estuary. These factors are as follows:
   a. Natural, ephemeral, intermittent, or low flow conditions or water levels prevent the attainment of the beneficial use.
   b. Diversions, and other types of hydrologic modifications preclude the attainment of the beneficial use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use.
   c. Physical conditions related to the natural features of the water body, including lack of a proper substrate, preclude attainment of aquatic life protection uses.

7. Pursuant to the California Water Code section 13241, the Central Coast Water Board considered several factors in deciding to remove the SHELL beneficial use in the San Lorenzo River Estuary. The Central Coast Water Board concluded that shellfish harvesting is not a past, present, or probable future beneficial use of the San Lorenzo River Estuary. Additionally, the Central Coast Water Board concluded the following:
   a. Environmental characteristics of the waterbodies will not be affected by the removal of the beneficial use.
   b. Water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area will not be affected by the removal of the beneficial use.
   c. Removal of the SHELL beneficial use does not impose any costs other than the Central Coast Water Board's costs of preparing the amendment.
   d. The need for developing housing within the region is not relevant.
   e. The need to develop and use recycled water is not relevant.

8. The Central Coast Water Board's goal in removing the SHELL beneficial use from the San Lorenzo River Estuary is to assign pathogen indicator organism water quality objectives that accurately reflect the existing and potential uses of the San Lorenzo River Estuary, i.e., those for water-contact and non-contact recreation. For this purpose, "existing uses" mean those uses actually attained on or after November 28, 1975 (40 CFR §131.3(e)).

9. The Basin Plan contains a prohibition adopted by the Central Coast Water Board in 1975. The prohibition states, "Waste discharges to the following inland waters are prohibited:...All surface waters within the San Lorenzo River, Aptos-Soquel, and San Antonio Creek Subbasins <u>and</u> all water contact recreation areas except where benefits can be realized from direct discharge of reclaimed water." The original prohibition was written to control point source discharges from degrading water quality. To serve as an effective prohibition for control of nonpoint source pollution, the prohibition must be modified (modified prohibition).

10. On May 20, 2004, the State Water Resources Control Board (State Board) adopted the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). This policy requires Regional Water Quality Control Boards to regulate all nonpoint

sources of pollution using the administrative permitting authorities provided by the California Water Code (codified in Division 7 of the California Water Code). This policy requires Regional Water Quality Control Boards to regulate nonpoint source pollution discharges with Waste Discharge Requirements, Waivers of Waste Discharge Requirements, or Basin Plan Prohibitions.

11. Clean Water Act section 303(d) requires states to identify and prepare a list of water bodies that do not meet water quality standards. Water bodies on the 303(d) list are referred to as listed water bodies, or impaired waters. Clean Water Act section 303(d) requires states to establish TMDLs for listed waterbodies.

12. The San Lorenzo River Estuary, San Lorenzo River, Carbonera Creek, and Lompico Creek are listed on the Clean Water Act 303(d) list of impaired waters as impaired due to non-attainment of existing Basin Plan water quality objectives and United States Environmental Protection Agency (USEPA) water quality criteria for pathogens. Branciforte Creek and Camp Evers Creek are not on the Clean Water Act section 303(d) list of impaired waters, but these waters are also impaired.

13. The Central Coast Water Board's goal for establishing TMDLs in the San Lorenzo River Watershed is to rectify the impairment due to pathogens, thereby providing support for the beneficial uses of contact and non-contact water recreation.

14. San Lorenzo River Estuary (also known as the San Lorenzo River Lagoon) is the receiving water for approximately 87,800 acres of land and flows into northern Monterey Bay. Camp Evers Creek flows into Carbonera Creek. Carbonera Creek flows into Branciforte Creek, and Branciforte Creek flows into San Lorenzo River Estuary. Lompico Creek flows into San Lorenzo River, and San Lorenzo River flows into San Lorenzo River Estuary.

15. 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 San Lorenzo River Watershed TMDLs 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.

16. 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.

17. The Central Coast Water Board may prohibit certain types of waste discharge pursuant to California Water Code section 13243. The implementation plan for the TMDLs for the San Lorenzo River Watershed requires compliance with a modified prohibition (proposed Amendment No. 2 contained herein) for nonpoint source pollution discharges in the San

Lorenzo River Subbasin. Supporting documentation for modifying the San Lorenzo River Subbasin and Aptos-Soquel Subbasin prohibition is provided in the Final Project Reports for (1) Total Maximum Daily Load for Pathogens in San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek, (2) Total Maximum Daily Load for Pathogens in Aptos Creek, Valencia Creek, and Trout Gulch, and (3) Total Maximum Daily Load for Pathogens in Soquel Lagoon, Soquel Creek, and Noble Gulch. Consistent with California Water Code section 13244, the Central Coast Water Board complied with public notice and hearing requirements for the proposed modified prohibition.

18. Pursuant to the California Water Code section 13241, the Central Coast Water Board considered several factors in developing these Basin Plan amendments. The Central Coast Water Board concludes the following:

    a. The removed shellfish harvesting beneficial use, adopted TMDLs, and modified prohibition will protect past, present, or probable future beneficial uses.
    b. Environmental characteristics of the waterbody will be protected.
    c. Improved water quality conditions can reasonably be achieved through the coordinated management of all factors that affect water quality in the area, as provided in the Implementation Plan.
    d. Costs to achieve compliance with the modified prohibition are reasonable relative to the benefit of improved water quality.
    e. The need for developing housing within the region is not relevant.
    f. The need to develop and use recycled water is not relevant.

19. Central Coast Water Board staff submitted a Use Attainability Analysis to an external scientific review panel in March 2006 as required by Health & Safety Code section 57004. Central Coast Water Board staff also submitted the proposed modified prohibition and the Project Report for the TMDLs to an external scientific review panel in July 2007. The staff received comments from the panel. 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 scientific portions of the proposed removal of the SHELL beneficial use, the modified prohibition, the TMDLs and implementation plan are based on sound scientific knowledge, methods, and practices in accordance with section Health & Safety Code section 57004.

20. Central Coast Water Board staff implemented a process to inform interested persons and the public about the removal of the SHELL beneficial use designation for the San Lorenzo River Estuary, the modified prohibition, and the TMDLs. Central Coast Water Board staff's efforts to inform the public and solicit comment included a public meeting and telephone conversations with interested parties. Public notification of the amendment to the Basin Plan occurred for a 45-day period preceding the Central Coast Water Board hearing. Notice of the public hearing was given by advertising in newspapers of general circulation within the Region and by mailing a copy of the notice to all persons requesting such notice and applicable government agencies. Central Coast Water Board staff responded to oral and written comments received from the public. All public comments were considered.

21. The Central Coast Water Board considered costs of implementing measures to comply with the removal of the SHELL beneficial use designation, comply with the modified prohibition and the TMDLs. The costs will be incurred by identified responsible parties. These costs are reasonable relative to the water quality benefits to be derived from the three amendments.

22. Anti-Degradation — The removal of the shellfish harvesting beneficial use from the San Lorenzo River Estuary, the modification of the prohibition for the San Lorenzo River Subbasin

and Aptos-Soquel Subbasin, and the adoption of these TMDLs for the San Lorenzo River Watershed are consistent with the provisions of State Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California" and 40 CFR 131.12. Modification of the existing prohibition and adoption of these TMDLs will result in improved water quality throughout the region and maintain the level of water quality necessary to protect present and potential beneficial uses. As concluded in the Use Attainability Analysis, shellfish harvesting is not an existing use, and removal of the beneficial use from the Basin Plan will not result in degradation of water quality.

23. The Central Coast Water Board concurs with the Use Attainability Analysis, rationale for modifying the prohibition, and the analysis contained in the Final Project Report, the California Environmental Quality Act "Substitute Environmental Document" for the Basin Plan Amendments (including the CEQA Checklist), the staff report, responses to comments, and finds that these analyses comply with the requirements of the State Board's certified regulatory CEQA process, as set forth in California Code of Regulations, Title 23, section 3775 et seq. Furthermore, the Central Coast Water Board finds that these analyses fulfill the Central Coast Water Board's obligations attendant with the adoption of regulations "requiring the installation of pollution control equipment, or a performance standard or treatment requirement," as set forth in section 21159 of the Public Resources Code.

24. The Central Coast Water Board will request that the State Water Board approve the Basin Plan amendment incorporating the removal of the SHELL beneficial use for San Lorenzo River Estuary, the modified prohibition and the TMDLs for pathogens for the San Lorenzo River Watershed. The TMDLs, Implementation Plan and modified prohibition will become effective upon approval by the California Office of Administrative Law. The removal of the SHELL beneficial use will become effective upon approval by USEPA.

25. The amendment to the Basin Plan will result in no potential adverse effect, either individually or cumulatively, on wildlife and is, therefore, exempt from fee payments to the Department of Fish and Game under the California Fish and Game Code.

26. On March 21, 2008 in Salinas, California, the Central Coast Water Board held a public hearing and heard and considered all public comments and evidence in the record.

27. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b). As specified in Finding-16, 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 a TMDL 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 San Lorenzo River Watershed.

28. The proposed amendment meets the "Necessity" standard of the Administrative Procedure Act, Government Code, section 11352, subdivision (b).

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 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.

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 its approval process, Central Coast Water Board staff, State Board staff, the State Board or 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 March 21, 2008.

Roger W. Briggs
Executive Officer

RESOLUTION NO. R3-2008-0001

ATTACHMENT - PROPOSED BASIN PLAN AMENDMENTS

Revise the September 8, 1994 Basin Plan as follows:

AMENDMENT NO. 1.

Amend Chapter 2, Table 2-1. Identified Uses of Inland Surface Waters

Waterbody Names	MUN	AGR	PRO	IND	GWR	REC1	REC2	WILD	COLD	WARM	MIGR	SPWN	BIOL	RARE	EST	FRESH	NAV	POW	COMM	AQUA	SAL	SHELL
San Lorenzo River Estuary						X	X	X	X		X	X	X	X	X				X			X

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

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

Waste discharges to the following inland waters are prohibited:...(2) All surface waters within the San Lorenzo River, Aptos-Soquel, and San Antonio Creek Subbasins and all water contact recreation areas except where benefits can be realized from direct discharge of reclaimed water.

Owners and/or operators of lands used for/containing non-regulated activities and/or infrastructure that could discharge or contain a discharge of human waste (including, but not limited to homeless persons/encampments, private laterals to public sewage collection systems, or any other activity or infrastructure in the care of said owners/operators), and owners and/or operators of land used for/containing domesticated animals (including, but not limited to: horses, cattle, goats, sheep, dogs, cats, or any other animals in the care of said owners/operators), in the San Lorenzo River Subbasin and Aptos-Soquel Subbasin must comply with this prohibition. However, this prohibition does not apply to said owners and/or operators if they:

1. Submit documentation demonstrating, to the satisfaction of the Executive Officer, that there are no discharges of, or containing, fecal sources by humans and/or domesticated animals into waters of the San Lorenzo River Subbasin or Aptos-Soquel Subbasin, or

2. Submit a nonpoint source pollution control implementation program for approval by the Executive Officer that is consistent with the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program*, May 20, 2004; such a program must include management practices that control pollution discharges, monitoring and reporting to Central Coast Regional Water Quality Control Board, or

3. Comply with Waste Discharge Requirements or an NPDES permit, or a conditional waiver of waste discharge requirements that explicitly addresses compliance with the:
    a. Total Maximum Daily Loads for Pathogens in San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek and Lompico Creek (R3-2008-0001)
    b. Total Maximum Daily Loads for Pathogens in Soquel Lagoon, Soquel Creek, and Noble Gulch (R3-2008-0002)
    c. Total Maximum Daily Loads for Pathogens in Aptos Creek, Valencia Creek, and Trout Gulch (R3-2008-0003).

This amendment to the prohibition takes effect three years after the Total Maximum Daily Loads are approved by the California Office of Administrative Law.

AMENDMENT NO. 3. ADOPT THE TOTAL MAXIMUM DAILY LOADS FOR PATHOGENS IN SAN LORENZO RIVER ESTUARY, SAN LORENZO RIVER, BRANCIFORTE CREEK, CAMP EVERS CREEK, CARBONERA CREEK, AND LOMPICO CREEK

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

IX. J. TOTAL MAXIMUM DAILY LOADS FOR PATHOGENS IN SAN LORENZO ESTUARY, SAN LORENZO RIVER, BRANCIFORTE CREEK, CAMP EVERS CREEK, CARBONERA CREEK, AND LOMPICO CREEK

The Regional Water Quality Control Board adopted these TMDLs on March 21, 2008. These TMDLs were approved by:

The State Water Resources Control Board on _____.

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

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

Problem Statement

The beneficial use of water contact recreation is not protected in the impaired reaches of the San Lorenzo River Estuary (also known as San Lorenzo River Lagoon), San Lorenzo River , Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek because fecal coliform concentrations exceed existing Basin Plan numeric water quality objectives protecting this beneficial use. All reaches in these waterbodies are impaired with the exception of Carbonera Creek, where the impairment extends from the mouth of Carbonera Creek upstream to its intersection with Bethany Road.

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

San Lorenzo River Estuary
The relative order of controllable sources, in descending order, are:
1) City of Santa Cruz sanitary sewer collection system leaks (including private laterals connected to municipal sanitary sewer collection systems), 2) storm drain discharges to municipally owned and operated storm sewer systems (MS4s) required to be covered by an NPDES permit, 3) pet waste in areas that do not drain to MS4s, 4) homeless person/encampment discharges in areas that do not drain to MS4s, 5) onsite wastewater treatment system discharges, and 6) domesticated animals/livestock discharges.

San Lorenzo River, and Lompico Creek
The relative order of controllable sources, in descending order, are:
1) Onsite wastewater disposal system discharges, 2) storm drain discharges to municipally owned and operated storm sewer systems (MS4s) required to be covered by an NPDES permit, 3) City of Santa Cruz sanitary sewer collection system leaks (including private laterals connected to municipal sanitary sewer collection systems) within the City limits of Santa Cruz [does not include Lompico Creek], 4) pet waste in areas that do not drain to MS4s, 5) homeless person/encampment discharges in areas that do not drain to MS4s, and 6) domesticated animals/livestock discharges.

Branciforte Creek,
The relative order of controllable sources, in descending order, are:
1) Storm drain discharges to municipally owned and operated storm sewer systems (MS4s) required to be covered by an NPDES permit, 2) pet waste in areas that do not drain to MS4s, 3) City of Santa Cruz sanitary sewer collection system leaks (including private laterals connected to municipal sanitary sewer collection systems) within the City limits of Santa Cruz, 4) homeless person/encampment discharges in areas that do not drain to MS4s, 5) onsite wastewater disposal system discharges, and 6) domesticated animals/livestock discharges.

Carbonera and Camp Evers Creek:
The relative order of controllable sources, in descending order, are:
1) Storm drain discharges to municipally owned and operated storm sewer systems (MS4s) required to be covered by an NPDES permit, 2) pet waste in areas that do not drain to MS4s, 3) homeless person/encampment discharges in areas that do not drain to MS4s, 4) onsite wastewater disposal system discharges, 5) domesticated animals/livestock discharges, and 6) City of Scotts Valley sanitary sewer collection system leaks (including private laterals connected to municipal sanitary sewer collection systems).

TMDLs and Allocations

The following TMDLs are for the impaired reaches of the following water bodies, and are applicable for each day for all seasons:

The TMDLs for pathogens in the San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek are the water quality objective for fecal coliform protecting the water contract recreation beneficial use.

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

Table IX J-1. Allocations and Responsible Parties

WASTE LOAD ALLOCATIONS		
Waterbody Assigned Allocation[1]	Responsible Party (Source)	Receiving Water Fecal Coliform (MPN/100mL)
San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, and Carbonera Creek	City of Santa Cruz (Storm drain discharges)	Allocation-1
Camp Evers Creek and Carbonera Creek	City of Scotts Valley (Storm drain discharges)	Allocation-1
San Lorenzo River, Branciforte Creek, Lompico Creek, and Carbonera Creek	Santa Cruz County (Storm drain discharges)	Allocation-1
San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, and Carbonera Creek	City of Santa Cruz (Sanitary sewer collection system leaks)	Allocation-1
Carbonera Creek, Camp Evers Creek	City of Scotts Valley (Sanitary sewer collection system leaks)	Allocation-1
LOAD ALLOCATIONS		
Waterbody	Responsible Party (Source)	Receiving Water Fecal Coliform (MPN/100mL)
San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Carbonera Creek, and Camp Evers Creek	Owners of private sewer laterals residing in the Cities of Santa Cruz and Scotts Valley (Private laterals connected to municipal sanitary sewer collection system)	Allocation-1
San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Carbonera Creek, Camp Evers Creek and Lompico Creek	Owners of onsite wastewater treatment systems residing in the County of Santa Cruz and the City of Scotts Valley (Onsite wastewater treatment system discharges)	Allocation-1
San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek	Owners/operators of land used for/containing pets (Pet waste not regulated by WQ Order No. 2003-0005-DWQ [storm water general permit])	Allocation-1
San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Carbonera Creek, Camp Evers Creek, and Lompico Creek	Owners/operators of land used for/containing domesticated animals/livestock (Domesticated animals/livestock)	Allocation-1
San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Lompico Creek, Camp Evers Creek, and Carbonera Creek	Owners and/or operators of land that include homeless persons/encampments (Discharges from homeless persons/encampments not regulated by WQ Order No. 2003-0005-DWQ [storm water general permit])	Allocation-1
San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Lompico Creek, Camp Evers Creek, and Carbonera Creek	No responsible party (Natural sources)	Allocation-1

[1] All reaches of the following water bodies are assigned allocations, excepting Carbonera Creek, where the allocations are assigned from the mouth to the intersection with Bethany Road.

Allcoation-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 200/100mL, nor shall more than ten percent of total samples during any 30-day period exceed 400/100 mL.

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 San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek.

Margin of Safety

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

Implementation

SANITARY SEWER COLLECTION SYSTEM LEAKS:

The City of Santa Cruz Sanitary Sewer Collection System is required to prevent spills and leaks pursuant to NPDES Permit No. CA 0048194 (current number) and WDR Order R3-2005-0003 (current number). The City of Santa Cruz must comply with this permit by improving maintenance of their sewage collection system. Improved maintenance includes identification, correction, and prevention of sewage leaks in portions of the collection systems that intersect, or could impact the water quality, of the San Lorenzo River Estuary or San Lorenzo River. The NPDES permit requires an annual technical report that describes how and when the City of Santa Cruz will conduct improved system maintenance in portions of the system most likely to affect the San Lorenzo Estuary and San Lorenzo River. Within one year following adoption of these TMDLs by the Office of Administrative Law, the Executive Officer will evaluate the results of the annual technical report submitted by the City of Santa Cruz to determine compliance with the requirement to prevent spills and leaks. The Executive Officer and/or the Central Coast Water Board will determine whether modifications to the City of Santa Cruz NPDES Permit No. CA 0048194 and/or WDR Order R3-2005-003 are necessary to address sewer collection system spills and leaks.

The City of Scotts Valley Sanitary Sewer Collection System is required to prevent spills and leaks pursuant to NPDES Permit No. CA 0048828 (current number) and WDR R3-2002-0016 (current number). The City of Scotts Valley is currently (March 21, 2008) in compliance with their existing NPDES permit and WDR and the Water Board is not requiring additional implementation measures (associated with sanitary sewer collection system leak prevention) of the City of Scotts Valley at this time (with the exception of monitoring as mentioned in the following paragraph). However, during the Central Coast Water Board's three-year implementation evaluations, should the Executive Officer determine additional maintenance needs to be performed, the Executive Officer and/or the Central Coast Water Board will determine whether modifications to the City of Santa Cruz NPDES Permit No. CA 0048828 and/or WDR Order R3-2002-0016 are necessary to address sewer collection system spills and leaks.

The Executive Officer or the Central Coast Water Board will amend the Monitoring and Reporting Program of the Cities of Santa Cruz and Scotts Valley NPDES permits to incorporate monitoring for fecal coliform and reporting results.

PRIVATE LATERALS TO THE SANITARY SEWER COLLECTION SYSTEMS:

Individual owners of private laterals to sanitary sewer collection systems are responsible for maintenance of their private laterals. However, the Cities of Santa Cruz and Scotts Valley have the authority to require private lateral upgrades. The Cities of Santa Cruz and Scotts Valley may choose to implement a program to detect and require repair of leaks from private laterals. The Central Coast Water Board would consider implementation (by the Cities of Santa Cruz and/or Scotts Valley) of such a program, as proof of compliance by owners with private laterals with the San Lorenzo River Subbasin prohibition. If the Cities of Santa Cruz and/or Scotts Valley implement such a program, the Central Coast Water Board will request and use reporting from the Cities of Santa Cruz and/or Scotts Valley to evaluate individual private lateral owner compliance with the San Lorenzo River Subbasin prohibition.

Within one year following approval of these TMDLs by the California Office of Administrative Law, if the Cities of Santa Cruz and/or Scotts Valley do not submit an approved program to detect and repair leaks from private laterals, or if the Central Coast Water Board or Executive Officer determines that such an existing or proposed program is insufficient, then landowners with private laterals must demonstrate compliance individually with the San Lorenzo Subbasin prohibition.

If landowners with private laterals must demonstrate compliance individually with the San Lorenzo River Subbasin prohibition, then within one year following approval of the TMDLs by the California Office of Administrative Law, the Executive Officer will notify owners and/or operators of land that have private lateral connections to the sanitary sewer system of the City of Santa Cruz and/or Scotts Valley, of the San Lorenzo River Subbasin prohibition and conditions for compliance with the prohibition. Compliance with the San Lorenzo River Subbasin prohibition is described in Chapter Five, section IV.B. of the Water Quality Control Plan.

STORM DRAIN DISCHARGES TO MUNICIPALLY OWNED AND OPERATED STORM SEWER SYSTEMS REQUIRED TO BE COVERED BY AN NPDES PERMIT (MS4S):

Enrollees 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 for storm water discharges) must control discharges of pathogens to and in storm drains (currently NPDES No. S000004).

The Cities Santa Cruz and Scotts Valley and the County of Santa Cruz must control discharges of pathogens to and in storm drains when enrolled in the General Permit for storm water discharges.

Within one year following approval by the Office of Administrative Law (OAL) of these TMDLs, or if enrolled in the General Permit for stormwater discharge, then when the next annual report is due, or to meet any other Water Board-issued storm water requirements (e.g. when the State General Permit for stormwater discharges is renewed) the Cities Santa Cruz and Scotts Valley and the County of Santa Cruz will be required to:

1. Submit for approval a management program that identifies pathogen-specific best management practices targeting pathogen sources from:
    a. Birds, pets, rodents and wildlife, dumpster leachate, and humans.

    The best management practices should include, but not be limited to: those identified in a Storm Water Management Plan (if existing or being developed), public education, participation and outreach regarding sources of pathogens in surface waters, health risks associated pathogens in surface waters, and specific actions the public can take to reduce pathogen loading into surface waters.

2. Submit for approval a fecal indicator bacteria (e.g. fecal coliform) monitoring and reporting plan. Receiving water and storm water outfall monitoring will be required.
3. Incorporate a description of implementation and monitoring activities in any existing or developing Storm Water Management Plan, and corresponding reporting, associated with a General Permit for storm water discharges.

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.

PET WASTES AND DOMESTICATED ANIMAL/LIVESTOCK DISCHARGES:

Owners and/or operators of land used for/containing domesticated animals (including, but not limited to: horses, cattle, goats, sheep, dogs, cats, or any other animals in the care of owners/operators) in the San Lorenzo River Subbasin must comply with the San Lorenzo River Subbasin prohibition.

Within one year following approval of these TMDLs by the California Office of Administrative Law, the Executive Officer will notify owners and/or operators of lands used for/containing domesticated animals, of the San Lorenzo River Subbasin prohibition and conditions for compliance with the prohibition, as described in Chapter Five, section IV.B. of the Water Quality Control Plan.

ONSITE WASTEWATER DISPOSAL SYSTEM DISCHARGES:

Owners of onsite wastewater disposal systems (OSDS) are ultimately responsible for assuring their OSDSs are not degrading water quality.

Within one year of approval of these TMDLs by the California Office of Administrative Law, the Executive Officer or the Central Coast Water Board will:

Require owners of OSDS in the county areas of the San Lorenzo River Watershed to submit evidence that their OSDS are not degrading water quality. Or, in lieu of/or addition to these submittals by owners of OSDS, will determine if the County of Santa Cruz is making adequate progress towards implementing the San Lorenzo River Management Plan, or an updated plan, as it pertains to reducing pollution sources from OSDS.

Require owners of OSDS in the City of Scotts Valley to submit evidence demonstrating they are in compliance with the City of Scotts Valley's program that requires failed OSDS to connect to the sanitary sewer collection system. The Central Coast Water Board will request this information triennially until all onsite wastewater disposal systems with the potential to impact surface water have connected to the City of Scotts Valley sanitary sewer collection system. Or, in lieu of/or addition to these submittals by owners of onsite wastewater disposal systems, will consult with the City of Scotts Valley to determine if the number of remaining unconnected systems is approaching zero at a rate necessary to achieve the TMDLs by the target date (described in Tracking and Evaluation below).

HOMELESS PERSONS/ENCAMPMENT DISCHARGES

Owners/operators of land that contains homeless persons/encampments in the San Lorenzo River Subbasin must comply with the San Lorenzo River Subbasin prohibition.

Within one year following approval of these TMDLs by the California Office of Administrative Law, the Executive Officer will notify owners/operators of lands that contain homeless persons/encampments of the San Lorenzo River Subbasin prohibition and conditions for compliance with the prohibition, as described in Chapter Five, section IV.B. of the Water Quality Control Plan.

Tracking and Evaluation

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

Central Coast Water Board staff may conclude that ongoing implementation efforts are insufficient to ultimately achieve the allocations and numeric target. If staff makes this determination, staff will recommend that additional reporting, monitoring, or implementation efforts be required either through approval by the Executive Officer or by the Central Coast Water Board. Central Coast Water Board staff may conclude, at the time of review, that they expect implementation efforts to result in achieving the allocations and numeric target. In that case, staff will recommend that existing and anticipated implementation efforts should continue.

Responsible parties will monitor for at least three years, at which time Central Coast Water Board staff will determine the need for continuing or otherwise modifying the monitoring requirements. Responsible parties may also demonstrate that controllable sources of pathogens are not contributing to exceedance of water quality objectives in receiving waters. If this is the case, staff may propose a re-evaluation of the numeric target and allocations. For example, staff may propose a site-specific objective to be approved by the Central Coast Water Board. 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 pathogen indicator organisms.

Three-year reviews will continue until the TMDLs are achieved. The target date to achieve the TMDLs is 13 years after the date of approval by the California Office of Administrative Law.