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

RESOLUTION NO. R3-2008-0002
MARCH 20-21, 2008

Amending the Water Quality Control Plan For The Central Coast Basin to (1) Remove The Shellfish Harvesting Beneficial Use for Soquel Lagoon and (2) Adopt The Total Maximum Daily Loads for Pathogens in Soquel Lagoon, Soquel Creek, and Noble Gulch, Santa Cruz, California

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 Coast 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 discharges, 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 beneficial use (SHELL) for Soquel Lagoon; and (b) incorporate Total Maximum Daily Loads (TMDLs) and Implementation Plan for pathogens in Soquel Lagoon, Soquel Creek, and Noble Gulch.

3. The Central Coast Water Board proposes to amend the Basin Plan by inserting amendments into the following sections:
   a. Chapter Two, Table 2-1: "Identified Uses of Inland Surface Waters"
   b. Chapter Four, section IX (Total Maximum Daily Loads).

4. The Central Coast Water Board has determined that the shellfish harvesting beneficial use designation should be removed from the Soquel Lagoon.

5. The proposed removal of the shellfish harvesting beneficial use is based on the results of a Use Attainability Analysis (UAA) for shell fishing in the Soquel Lagoon. Central Coast Water Board staff (staff) developed the UAA in 2004 and 2005 to determine the historic, actual, and potential shell fishing activities in Soquel Lagoon. 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 section 101(a) (2) of the Clean Water Act. 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 freshwater habitat) designated in the Basin Plan for the Soquel Lagoon.

6. 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. Factors for removing a designated use are described in 40 CFR 131.10(g). Based on the results of the UAA, three factors preclude attainment of shellfish harvesting beneficial use in Soquel Lagoon. 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 section 13241 of the California Water Code, the Central Coast Water Board considered several factors in recommending the removal of the shellfish harvesting beneficial use in the Soquel Lagoon. The Central Coast Water Board concluded that shellfish harvesting is not a past, present, or probable future beneficial use of the Soquel Lagoon. Additionally, the Central Coast Water Board concluded the following:
   a. Environmental characteristics of the waterbodies will not be affected by the removal of the shellfish harvesting 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 shellfish harvesting beneficial use.
   c. Removal of the shellfish harvesting 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 shellfish harvesting beneficial use from the Soquel Lagoon is to assign water quality objectives for indicators of pathogenic organisms that accurately reflect the existing and potential uses of Soquel Lagoon, 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. 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 the Regional Water Quality Control 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 requires the Regional Water Quality Control Boards to regulate nonpoint source discharges with Waste Discharge Requirements, Waivers of Waste Discharge Requirements, or Basin Plan prohibitions.

10. 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 often referred to as listed water bodies, or impaired waters. Clean Water Act section 303(d) requires states to establish TMDLs for listed waterbodies.

11. Soquel Lagoon is listed as impaired due to pathogens. The Soquel Lagoon is not attaining the Basin Plan water quality objective for fecal coliform, and is not attaining the United States Environmental Protection Agency (USEPA) recommended water quality criteria for

Escherichia coli (*E. coli*). Soquel Creek and Noble Gulch are not listed on the Clean Water Act section 303(d) list of impaired waters, but these water bodies are also not meeting the Basin Plan water quality objective for fecal coliform or the USEPA recommended criteria for *E. coli*. TMDLs and associated allocations are being established for Soquel Lagoon, Soquel Creek and Noble Gulch.

12. The Central Coast Water Board's goal for establishing TMDLs in Soquel Lagoon, Soquel Creek, and Noble Gulch is to rectify the impairment due to pathogens, thereby providing support for the beneficial uses of contact and non-contact water recreation.

13. The Soquel Lagoon drains a watershed area of approximately 27,188 acres. Soquel Creek is a tributary to Soquel Lagoon, and Noble Gulch is a tributary to Soquel Creek. Soquel Lagoon drains into northern Monterey Bay.

14. 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 Soquel Lagoon, Soquel Creek, and Noble Gulch 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 CFR 130.7 (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.

15. 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.

16. 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. Removal of the shellfish harvesting beneficial use and adoption of the TMDLs will protect past, present, and 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 controllable factors that affect water quality in the area, as provided in the Implementation Plan.
    d. Costs to achieve compliance with the TMDLs 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.

17. The Use Attainability Analysis is the scientific justification for the proposed removal of the shellfish harvesting beneficial use from the Soquel Lagoon. 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 Project Report for the TMDLs to an external scientific review panel in July 2007. Staff received comments from the scientific review 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 scientific portions of the proposed removal of the shellfish harvesting beneficial use, the TMDLs and implementation plan, are based on sound scientific knowledge, methods, and practices in accordance with Health & Safety Code section 57004.

18. Central Coast Water Board staff implemented a process to inform interested persons and the public about the TMDLs and the removal of the shellfish harvesting beneficial use from the Soquel Lagoon . Efforts of Central Coast Water Board staff 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.

19. The Central Coast Water Board considered costs of implementing measures to comply with the removal of the shellfish harvesting beneficial use designation and achieving 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 two amendments. All public comments were considered.

20. Anti-Degradation — The removal of the shellfish harvesting beneficial use from the Soquel Lagoon and the adoption of the TMDLs for Soquel Creek Lagoon, Soquel Creek, and Noble Gulch, 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. 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, so removal of the beneficial use from the Basin Plan will not result in degradation of water quality.

21. The Central Coast Water Board concurs with the Use Attainability Analysis 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 and the 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.

22. The Central Coast Water Board will request that the State Water Board approve the Basin Plan amendment incorporating the TMDLs for pathogens in the Soquel Lagoon, Soquel Creek, and Noble Gulch, and the removal the shellfish harvesting beneficial use for Soquel Lagoon. The TMDLs and Implementation Plan for the TMDLs will become effective upon approval by the California Office of Administrative Law. Removal of the shellfish harvesting beneficial use will become effective upon approval by USEPA.

23. 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.

24. 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.

25. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b). As specified in Finding-15, 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 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 Soquel Lagoon, Soquel Creek, and Noble Gulch.

26. 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. R3-2008-0002

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
Soquel Lagoon						X	X	X	X		X	X		X	X				X			X

AMENDMENT NO. 2. ADOPT THE TOTAL MAXIMUM DAILY LOADS FOR PATHOGENS IN SOQUEL LAGOON, SOQUEL CREEK, AND NOBLE GULCH

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

IX. K. TOTAL MAXIMUM DAILY LOADS FOR PATHOGENS IN SOQUEL LAGOON, SOQUEL CREEK, AND NOBLE GULCH

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 Soquel Lagoon, Soquel Creek, and Noble Gulch because fecal coliform concentrations exceed water quality objectives protecting this beneficial use. The impaired reaches are:

1) Soquel Lagoon and Soquel Creek: beginning from the mouth of Soquel Lagoon, upstream and along Soquel Creek to the bridge at Porter Street.
2) All reaches of Noble Gulch.

Numeric Targets for Soquel Lagoon, Soquel Creek and Noble Gulch

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 controllable sources of fecal coliform contributing to impairment in Soquel Lagoon, Soquel Creek, and Noble Gulch are, in decreasing order of contribution:

1. Storm drain discharges to municipally owned and operated storm sewer systems (MS4s) required to be covered by an NPDES permit (including but not limited to discharges from fecal material from domesticated animals and humans).
2. Sanitary sewer collection system spills and leaks (including but not limited to discharges from private laterals connected to municipal sanitary sewer collection systems).
3. Domesticated animal waste discharges in areas that do not drain to MS4s (including but not limited to farm animals, livestock and pets).
4. Homeless person/encampment discharges in areas that do not drain to MS4s.

Total Maximum Daily Load (TMDL)

The TMDL for all impaired waters of Soquel Lagoon, Soquel Creek, and Noble Gulch is a concentration based TMDL applicable to each day of all seasons and is 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.

Allocations and Responsible Parties

Allocations are assigned to the waterbody and responsible party listed in Table IX K-1.

Table IX K-1. Allocations to Responsible Parties

Waste Load Allocations		
Waterbody Subject to Allocation	**Responsible Party (Source)**	**Receiving Water Fecal Coliform (MPN/100mL)**
Soquel Lagoon[1]	City of Capitola (Storm drain discharges)	Allocation-1
Soquel Creek [2] Noble Gulch[3]	County of Santa Cruz and City of Capitola (Storm drain discharges)	Allocation-1
Load Allocations		
Waterbody Subject to Allocation	**Responsible Party (Source)**	**Receiving Water Fecal Coliform (MPN/100mL)**
Soquel Lagoon[1] Soquel Creek [2] Noble Gulch[3]	Santa Cruz County Sanitation District (Sanitary sewer collection system spills and leaks)	Allocation-1
Soquel Lagoon[1]	Owners of private sewer laterals (Private laterals connected to municipal sanitary sewer collection system)	Allocation-1
Soquel Lagoon[1] Soquel Creek [2]	Owners and operators of land used for/containing pets (Domesticated animals not regulated by WQ Order No. 2003-0005-DWQ [Storm Water General Permit]. Including but not limited to dogs, cats, or any other animals in the care of owners/operators)	Allocation-1
Noble Gulch[3]	Owners and operators of land used for/containing domesticated animals (Domesticated animals not regulated by WQ Order No. 2003-0005-DWQ [Storm Water General Permit]. Including, but not limited to, farm animals, livestock, and pets)	Allocation-1
Soquel Lagoon[1] Soquel Creek [2] Noble Gulch[3]	Owners/operators of land that include homeless persons/encampments (Homeless person/encampment discharges not regulated by WQ Order No. 2003-0005-DWQ [General permit for storm water])	Allocation-1
Soquel Lagoon[1] Soquel Creek [2] Noble Gulch[3]	No responsible party (Natural sources)	Allocation-1

[1] All waters of the Soquel Lagoon
[2] Beginning and including the downstream most reach of Soquel Creek, up to and including Soquel Creek at the bridge crossing at Porter Street.
[3] All reaches of Noble Gulch.

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 per 100 mL, nor shall more than 10 percent of samples collected during any 30-day period exceed 400 MPN per 100 mL.

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

The TMDL is achieved when the numeric target is consistently met in the impaired waters of Soquel Lagoon, Soquel Creek, and Noble Gulch.

Margin of Safety

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

Implementation

STORM DRAIN DISCHARGES:

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 County of Santa Cruz and City of Capitola must control discharges of pathogens to and in storm drains when enrolled in the General Permit for stormwater 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 County of Santa Cruz and City of Capitola 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.

SANITARY SEWER COLLECTION SYSTEM SPILLS AND LEAKS:

The Santa Cruz County Sanitation District (SCCSD) must continue to implement its Collection System Management Plan, as required by Waste Discharge Requirements (WDRs) (Order No. R3-2005-0043).

Staff will continue to assess the effectiveness of the SCCSD Collection System Management Plan. Staff will utilize annual reporting associated with the SCCSD WDR, and other information, to make this assessment. If staff determines that the SCCSD is not satisfactorily implementing their Collection System Management Plan, or the Collection System Management Plan is not likely to result in the SCCSD achieving their allocation, the Executive Officer or the Central Coast Water Board may require modifications to the Collection System Management Plan (e.g. through revisions of WDRs), and/or require actions pursuant to applicable sections of the California Water Code.

Within one year following approval of these TMDLs by the California Office of Administrative Law, the Executive Officer or the Central Coast Water Board will amend the Monitoring and Reporting Program of the SCCSDs WDRs to incorporate stream monitoring for fecal coliform and reporting of such stream monitoring activities.

PRIVATE LATERALS TO THE SANITARY SEWER COLLECTION SYSTEM:

Individual owners of private laterals to sanitary sewer collection systems are responsible for maintenance of their private laterals. However, the County of Santa Cruz has the authority to require private lateral upgrades. The County of Santa Cruz 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 County of Santa Cruz) of such a program, as proof of compliance by owners with private laterals with the Aptos-Soquel Subbasin prohibition. If the County of Santa Cruz implements such a program, the Central Coast Water Board will request and use reporting from the County of Santa Cruz to evaluate individual private lateral owner compliance with the Aptos-Soquel Subbasin prohibition.

Within one year following approval of these TMDLs by the California Office of Administrative Law, if the County of Santa Cruz does 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 Aptos-Soquel Subbasin prohibition.

If landowners with private laterals must demonstrate compliance individually with the Aptos-Soquel 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 County of Santa Cruz, of the Aptos-Soquel Subbasin prohibition and conditions for compliance with the prohibition. Compliance with the Aptos-Soquel Subbasin prohibition is described in Chapter Five, section IV.B. of the Water Quality Control Plan.

DOMESTICATED ANIMALS:

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 Noble Gulch and Soquel Creek Subbasins, must comply with the Aptos-Soquel Subbasin prohibition.

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 lands used for/containing domesticated animals of the Aptos-Soquel Subbasin prohibition and conditions for compliance with the prohibition, as described in Chapter Five, section IV.B. of the Water Quality Control Plan.

HOMELESS PERSON/ENCAMPMENT DISCHARGES:

Owners/operators of land that includes homeless persons/encampments in the Soquel Subbasin must comply with the Aptos-Soquel Subbasin prohibition.

Within one year following approval of the TMDLs by the California Office of Administrative Law, the Executive Officer will notify owners of lands underlying homeless persons/encampments of the Aptos-Soquel 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 California 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.