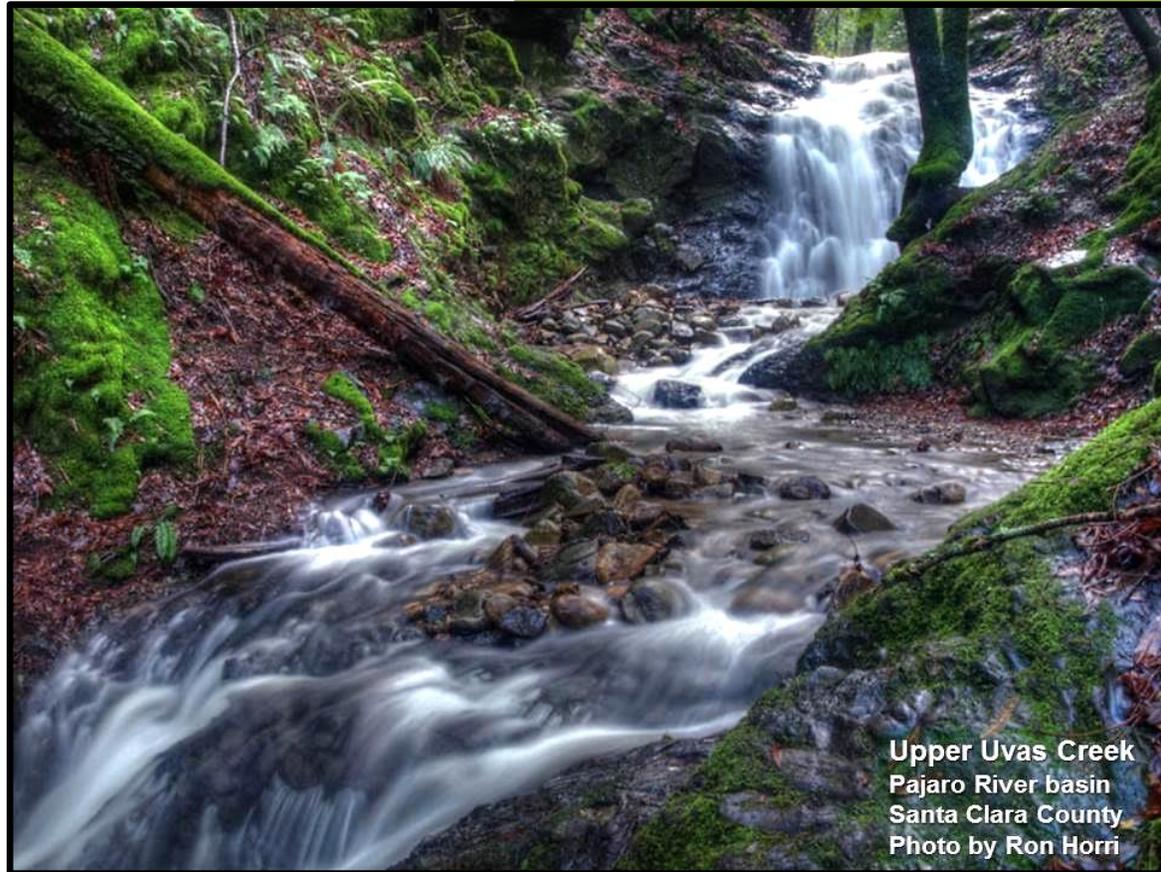


Assessed High Quality Waters

with respect to nutrient pollution and the anti-degradation policy

in Streams of the Pajaro River Basin

Santa Cruz, Santa Clara, and San Benito counties, California



Technical Information Brief

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1. Preface and Background

The purpose of this technical brief is to present information to support implementation of the state's [anti-degradation policy](#) for stream waters in the Pajaro River basin and to let local stakeholders know how they can help in achieving anti-degradation water quality goals. According to the U.S. Environmental Agency (USEPA), an anti-degradation policy is one of the minimum elements required to be included in a state's water quality standards¹. Anti-degradation policies are consistent with the intent and goals of the federal [Clean Water Act](#), especially the clause that states: "The objective of this Act is to restore and *maintain* the chemical, physical, and biological integrity of the Nation's water"^{2, 3} (emphasis added).

Consistent with the anti-degradation policy, section II.A of the [2011 Water Quality Control Plan for the Central Coastal Basin \(Basin Plan\)](#) requires that wherever the existing quality of water is *better* than the quality of water established in the Basin Plan as objectives, such existing quality shall be maintained unless otherwise provided by provisions of the anti-degradation policy. The U.S. Environmental Protection Agency (USEPA) has also issued detailed guidelines for implementation of federal anti-degradation regulation (40 CFR 131.12). The State Water Resources Control Board (State Water Board) interprets the state anti-degradation policy to incorporate the federal anti-degradation policy to ensure consistency.

The purpose of implementing the anti-degradation policy is to prevent any further degradation of high quality waters; to protect high quality waters that are at risk of impairment; and to provide additional protection for downstream receiving waters. The state recognizes that if activities are allowed which result in incremental degradation of high quality waters (even if the activity is not severe enough to cause water quality standards violations) that waterbody over time may no longer have any remaining assimilative capacity and thus beneficial uses of the waters would be at risk of impairment. Worth noting is that the state's anti-degradation policy does allow for some degradation of water quality under conditions set forth in State Water Board [Resolution No. 68-16](#).

2. Assessed High Quality Stream Waters in the Pajaro River Basin

On July 30, 2015 the Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted Resolution No. R3-2015-0004, amending the Basin Plan to include [total maximum daily loads for nutrients in streams of the Pajaro River basin](#). Consistent with state policy and federal law, this TMDL project identified anti-degradation goals to protect high quality stream waters in the river basin. Note that that under state policy, anti-degradation requirements exist whether or not a TMDL has been approved for a stream reach or watershed.

While improvements to impaired waters is a goal of TMDLs, protection of existing high quality waters and prevention of any further degradation is also high priority for the Central Coast Water Board and can be identified as a consideration in TMDLs. For purposes of the anti-degradation policy, *high quality waters* are defined on a pollutant-by-pollutant basis. The State Water Board has explained that high quality waters are determined based on specific properties or characteristics⁴. Therefore, waters can be of high quality for some pollutants or beneficial uses, but not for others⁵.

From a water quality management perspective, it is not sufficient to simply improve *impaired* waters – protection of existing *high quality* waters and prevention of any further water quality degradation should

¹ U.S. Environmental Protection Agency, "Questions & Answers on: Antidegradation" EPA/811/1985.5, Office of Water Regulations and Standards, August 1985.

² *Ibid*

³ Federal Water Pollution Control Act (Clean Water Act), Sec. 101(a)

⁴ Court of Appeal of the State of California Third Appellate District, Asocacion De Gente Unida Por El Agua et al. v. Central Valley Regional Water Quality Control Board (Super. Ct. No. 34-2008-00003604CU-WM-GDS).

⁵ *Ibid*

be identified as a high priority goal.⁶ Simply put, TMDL implementation efforts are justified in considering improved protection of high quality waters and addressing anti-degradation concerns, as well as focusing on improving impaired stream reaches. The nexus between TMDLs and anti-degradation goals is articulated by the USEPA in Text Box 2-1

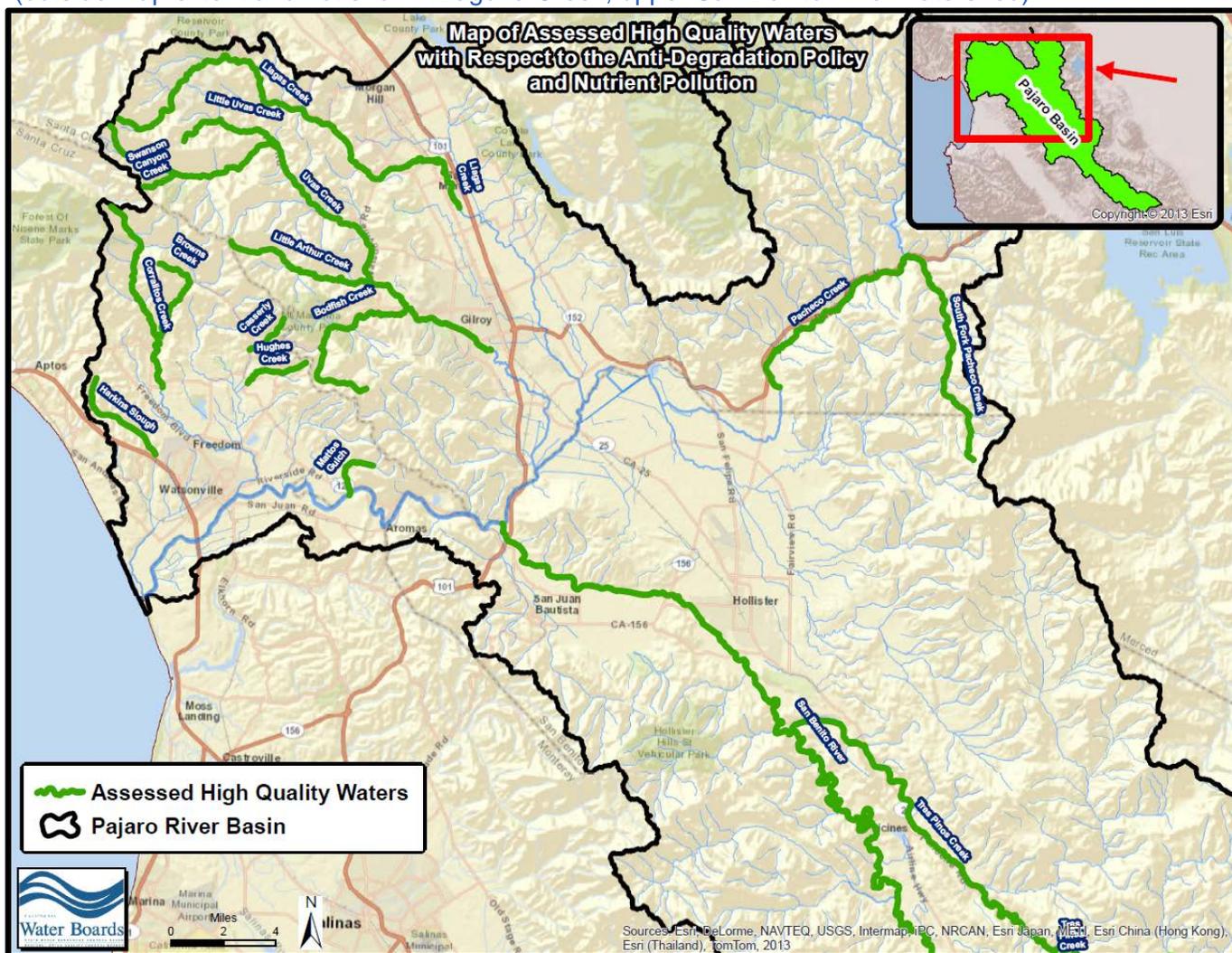
Text Box 2-1. USEPA guidance concerning TMDLs and anti-degradation water quality goals.

States can prepare TMDLs geared towards maintaining a “better than water quality standard” condition for a given waterbody-pollutant combination, and they can be a useful tool for high quality waters.

From: USEPA, 2014. Opportunities to Protect Drinking Water Sources and Advance Watershed Goals Through the Clean Water Act: A Toolkit for State, Interstate, Tribal and Federal Water Program Managers. A State-USEPA collaboration initiative, November 2014.

Figure 2-1 illustrates a map view of assessed high quality waters in the Pajaro River basin in the context of nutrient pollution based on available water quality data. Undoubtedly, there are additional high quality water stream reaches for which we do not currently have water quality data. Additionally, Table 2-1 presents a tabular summary of the assessed high quality stream waters in the river basin.

Figure 2-1. Map of assessed high quality waters with respect to nutrient pollution, Pajaro River basin (outside map extent and not shown: Laguna Creek, upper San Benito River watershed).



⁶ The Central Coast Water Board considers *preventing* impairment of waterbodies to be as important a priority as *correcting* impairments of waterbodies (see staff report for [agenda item 3](#), July 11, 2012 Water Board meeting).

Table 2-1. Tabular summary of assessed high quality stream waters in the Pajaro River basin with respect to nutrient pollution and the anti-degradation policy.

Stream GNIS ^A Name	GNIS ID	County	Reach presumed to be high quality with respect to nutrient pollution, based on existing water quality data
Llagas Creek (upper)	255106	Santa Clara	Presumed all reaches upstream of Church Ave. @ San Martin
Little Uvas Creek	227395	Santa Clara	Presumed all reaches
Uvas Creek	236944	Santa Clara	Presumed all reaches upstream of Highway 152
Swanson Canyon Creek	235876	Santa Clara	Presumed all reaches
Corralitos Creek (upper)	221595	Santa Cruz	Presumed all reaches upstream of Varni Road
South Fork Pacheco Creek	235038	Santa Clara & San Benito counties	Presumed all reaches
Pacheco Creek	230193	Santa Clara	Presumed all reaches upstream of Walnut Avenue
Little Arthur Creek	227185	Santa Clara	Presumed all reaches
Browns Creek	253866	Santa Cruz	Presumed all reaches upstream of confluence with Corralitos Creek
Bodfish Creek	219577	Santa Clara	Presumed all reaches
Cassery Creek (upper)	233643	Santa Cruz	Presumed all reaches upstream of confluence with Gaffey Creek near Gaffey Road
Hughes Creek (upper)	225737	Santa Cruz	Presumed all reaches upstream of Cassery Road
Harkins Slough (upper)	224934	Santa Cruz	Presumed all reaches just upstream of Highway 1
Mattos Gulch	228239	Santa Cruz	Presumed all reaches
San Benito River	248799	San Benito	Presumed all reaches
Tres Pinos Creek	236537	San Benito	Presumed all reaches
Laguna Creek	244503	San Benito	Presumed all reaches

^A GNIS = [Geographic Names Information System](#)

3. Implementing Anti-degradation Water Quality Goals: How Local Stakeholders Can Help

Many assessed high quality streams in the Pajaro River basin are tributary reaches or streams located in upland areas of the river basin. The Central Coast Water Board generally does not have the resources to monitor, field check, and collect data for many tributary stream reaches. Some monitoring entities, such as the Pajaro Valley Water Management Agency, do indeed routinely collect nutrient water quality data in some tributary creek reaches.

Holistic watershed management involves collecting and reviewing data both for impaired stream reaches as well as evaluating data for high quality waters and waters which are not yet impaired. Therefore, we encourage local stakeholders and interested parties in the Pajaro River basin to participate in implementing the state’s anti-degradation water quality goals. Submitting data and information to the Central Coast Water Board will help implement these water quality goals – see Text Box 3-1 below.

Text Box 3-1. How you can help implement anti-degradation water quality goals.

- 1) Agencies, entities, or groups which collect water quality data and information on tributary creeks of the Pajaro River basin can **submit data and information to the Central Coast Water Board** in support of our [Clean Water Act Section 303\(d\) assessment](#). The 303(d) assessment is a state effort to evaluate our surface water quality. To be notified of opportunities to submit data for the 303(d) assessment, please subscribe to the 303(d) List/Integrated Report email subscription list at:
http://www.waterboards.ca.gov/resources/email_subscriptions/reg3_subscribe.shtml
- 2) Agencies, entities, groups, or interested individuals are also welcome at any time **to submit data, photos, reports** available for tributary creeks and upland areas of the Pajaro river basin **to our TMDL staff contact** below:
Peter Osmolovsky
Lead TMDL staff
California Central Coast Water Board
(805) 549-3699
Pete.Osmolovsky@waterboards.ca.gov
- 3) Implementing parties should not feel limited to conducting watershed improvement activities only around highly impaired stream reaches. Consistent with the state anti-degradation policy and USEPA guidance, **TMDL implementation efforts are justified in considering improved protection of high quality waters which may be at risk of impairment**, or to provide **additional protection** for downstream receiving waters.

Data and information for high quality waters can be used to evaluate whether there are declining water quality trends due to controllable conditions. Alternatively, data and information for high quality waters can be used to confirm that existing high quality waters are being maintained and protected.

Non-attainment of the Basin Plan's anti-degradation water quality objectives⁷ may be determined using trends in declining water quality, consistent with the methodologies provided in Section 3.10 of the [Water Quality Control Policy for Developing California's Clean Water Act Section 303\(d\) List \(Listing Policy\)](#).

Lastly, staff of the Central Coast Water Board appreciates and commends those agencies, groups, and individuals who are already actively involved in efforts to monitor and protect water quality and aquatic habitat in high quality streams and upland tributary creeks of the Pajaro River basin.

⁷ See [Basin Plan, Section II.A.](#)