

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL WATER BOARD
CENTRAL COAST REGION
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**SUMMARY OF NONSUBSTANTIVE CHANGES MADE TO BASIN PLAN AMENDMENT
PACKAGE SINCE THE MARCH 18, 2010 WATER BOARD MEETING**

1) Staff Report

Staff added a brief Introduction section at the beginning of the Staff Report summarizing that this agenda item is a re-hearing of a previous agenda item first presented for Water Board consideration on March 18, 2010.

Staff added a summary of Water Code section 13350(c), which provides an exception from liability for violations in certain cases, including intentional acts of third parties that could not have been prevented or avoided by the exercise of due care of foresight.

2) Resolution No. R3-2010-0017 (Attachment 1)

On page 6 staff added a new Finding (Finding 27). The language added is:

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

3) Resolution No. R3-2010-0017 (Attachment 1)

On pages 8 and 16, staff made corrections to the alphabetic labeling of the proposed Basin Plan amendment language. The correct alphabetic labeling added is:

Page 8:

"Add the following to Chapter 4 after IX. M:
IX. O. TOTAL MAXIMUM DAILY LOADS FOR FECAL COLIFORM IN THE LOWER
SALINAS RIVER WATERSHED....."

Page 16 (in two places):

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

4) Resolution No. R3-2010-0017 (Attachment 1)

On page 14 under the implementation plan for owners of land that contain homeless persons, staff added a statement of existing law from Water Code §13350 (c). The language added is:

In accordance with Water Code §13350(c), responsible parties are shielded from civil liability in certain cases. Pursuant to Porter-Cologne Water Quality Control Act

§13350(c)(4) and §13350(c)(5) there is no civil liability for the responsible party if the discharge is an intentional act of a third party, the effects of which could not have been prevented or avoided by the exercise of due care or foresight; or, any other circumstance or event which causes the discharge despite the exercise of every reasonable precaution to prevent or mitigate the discharge.

5) Resolution No. R3-2010-0017 (Attachment 1)

Consistent with Water Code §13141, on page 14 under the implementation plan for owners and/or operators of lands containing domestic animals, staff added an estimated total median cost of TMDL implementation. The language added is:

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

The total median cost of TMDL implementation shown in the added language above is based on existing information presented in Attachment 2 (Final Project Report) and include:

- example costs for grazing animal and land management practices (Section 12.5.2, Table 12-3);
- cost estimates for structural control measures pertaining to domestic animal waste discharges (Section 12.5.2, pages 183-184); and
- estimates of the number of properties/operations requiring TMDL implementation based on quantifiable project area land use data (Section 2.1, Table 2-2, National Land Cover Data) and rural housing density (derived from U.S. Census Bureau block group data Section 4.3.2.2, Figure 4-8)

6) . Agenda Announcement

Staff wrote a new Agenda Announcement outlining the location and logistics of the September 2, 2010 Water Board meeting.

7) Added Attachment 7

Staff added a new attachment to the Staff Report (this document, Attachment 7), summarizing the non-substantive changes made to the basin plan amendment package since the March 18, 2010 presentation to the Water Board.