

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
895 Aerovista Place, Suite 101  
San Luis Obispo, Ca 93401-7906**

**RESOLUTION NO. R3-2012-0002**

**AMENDING THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL COAST BASIN TO (1) ADOPT TOTAL MAXIMUM DAILY LOADS FOR FECAL INDICATOR BACTERIA IN THE SANTA MARIA RIVER WATERSHED AND (2) ADD THE SANTA MARIA RIVER WATERSHED (INCLUDING OSO FLACO CREEK SUBWATERSHED) TO THE DOMESTIC ANIMAL WASTE DISCHARGE PROHIBITION**

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

1. The Central Coast Water Board adopted the second edition of the Water Quality Control Plan for the Central Coastal Basin (Basin Plan), on September 8, 1994. The Basin Plan designates beneficial uses and water quality objectives, sets forth implementation plans to achieve water quality objectives addressing point source and nonpoint source discharges, describes prohibitions, and incorporates 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) incorporate Total Maximum Daily Loads (TMDLs) and an implementation plan for fecal indicator bacteria in the Santa Maria River Watershed including Alamo Creek, Blosser Channel, Bradley Canyon Creek, Bradley Channel, Cuyama River, La Brea Creek, Little Oso Flaco Creek, Main Street Canal, Nipomo Creek, Orcutt Creek, Oso Flaco Creek, Oso Flaco Lake, Santa Maria River Estuary, and the Santa Maria River and (b) add the Santa Maria River Watershed (including Oso Flaco Creek subwatershed) to the Domestic Animal Waste Discharge Prohibition.
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 Four, section IX (Total Maximum Daily Loads)
  - b. Chapter Five, section IV.B. (Discharge Prohibitions)
4. On May 20, 2004, the State Water Resources Control Board (State Water Board) adopted the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). The NPS Policy requires the Water 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 allows Water Boards to regulate nonpoint source discharges with waste discharge requirements, waivers of waste discharge requirements, or Basin Plan prohibitions.
5. Alamo Creek, Blosser Channel, Bradley Canyon Creek, Bradley Channel, Cuyama River (above Twitchell Reservoir), Little Oso Flaco Creek, Main Street Canal, Nipomo Creek, Orcutt Creek, Oso Flaco Creek, Santa Maria River Estuary, and Santa Maria River are listed on 2008-2010 Clean Water Act 303(d) list as impaired due to fecal coliform. Additionally, Main Street Canal, Nipomo Creek, Orcutt Creek, Oso Flaco Creek, Santa Maria River Estuary, and Santa Maria River are impaired due to *E. coli*. These waterbodies do not meet the USEPA

- recommended criteria for *E. coli*. This Resolution establishes TMDLs and associated allocations for these listed waterbodies.
6. The Santa Maria River Estuary is listed on 2008-2010 Clean Water Act 303(d) list as impaired due to total coliform. This waterbody does not meet the Basin Plan water quality objectives for total coliform. This Resolution establishes TMDLs and associated allocations for this listed waterbody.
  7. La Brea Creek and Oso Flaco Lake are not on the 2008-2010 Clean Water Act 303(d) list of impaired waters for fecal coliform or *E. coli*. La Brea Creek does not meet the Basin Plan water quality objectives for fecal coliform and Oso Flaco Lake does not meet the Basin Plan water quality objective for fecal coliform and the USEPA water quality criteria for *E. coli*. La Brea Creek and Oso Flaco Lake are impaired due to exceedances of these water quality objectives and criteria. Therefore, this Resolution establishes TMDLs and associated allocations for these impaired waterbodies.
  8. The Central Coast Water Board's goal for establishing TMDLs in the Santa Maria River Watershed is to rectify the impairment due to fecal coliform and *E. coli*, thereby providing support for the designated beneficial uses of contact and non-contact water recreation. The Central Coast Water Board's goal for establishing TMDLs in the Santa Maria River Estuary is to rectify the impairment due to total coliform, thereby providing support for the designated beneficial use of shellfishing.
  9. The Santa Maria River is the receiving water for approximately 1.2 million acres. The Santa Maria River receives flow from the Cuyama River upstream to the northeast, with flows regulated by the Twitchell Dam. The Santa Maria River also receives flow from the Sisquoc River to the southeast. It also receives flow from various smaller tributaries in the lower watershed before discharging through the Santa Maria River Estuary and into the Pacific Ocean.
  10. 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 fecal indicator bacteria in the Santa Maria River Watershed 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 and attaining that concentration-based water quality objective will result in protection of the beneficial uses.
  11. 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.

12. The Central Coast Water Board may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted pursuant to California Water Code section 13243 (prohibitions). This Basin Plan amendment establishes the Domestic Animal Waste Discharge Prohibition (Prohibition) for discharges in the Santa Maria River Watershed. The implementation plan for the TMDLs for the Santa Maria River Watershed requires compliance with the Prohibition for discharges in the Santa Maria River Watershed. Supporting documentation for adding the Santa Maria River Watershed to the above-named prohibition is provided in *Final Project Report for Total Maximum Daily Loads for Fecal Indicator Bacteria in the Santa Maria River Watershed*. Consistent with California Water Code section 13244, the Central Coast Water Board complied with public notice and hearing requirements for adding the Santa Maria River Watershed (including Oso Flaco Creek subwatershed) to the Domestic Animal Waste Discharge Prohibition.
13. Central Coast Water Board staff submitted the Project Report for the TMDLs to an external scientific reviewer in June 2008. Water Board staff received comments from the reviewer. 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 TMDLs and Implementation Program are based on sound scientific knowledge, methods, and practices in accordance with Health and Safety Code section 57004.
14. Central Coast Water Board staff implemented a process to inform interested persons and the public about the TMDLs and Prohibition. Central Coast Water Board staff's efforts to inform the public and solicit comment included public meetings with interested parties and a public notice and comment period. Public notice of the amendment to the Basin Plan provided the public a 45-day public comment period preceding the Central Coast Water Board hearing. Notice of public hearing was given by advertising in a newspaper of general circulation within the Region and by emailing a copy of the notice to all persons requesting such notice and applicable government agencies. Relevant documents and notices were also made available on the Central Coast Water Board website. Central Coast Water Board staff responded to oral and written comments received from the public. All public comments were considered.
15. Adoption of these TMDLs and Basin Plan amendments will not result in any degradation of water quality; in fact, they are designed to improve water quality. As such, these TMDLs and basin plan amendments comply with all requirements of both State and federal anti-degradation requirements (State Board Resolution 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California" and 40CFR 131.12).
16. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Water Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) requirements for preparing environmental documents (14 Cal. Code Regs. §15251(g); 23 Cal. Code Regs. § 3782.). Central Coast Water Board staff has prepared "substitute environmental documents" for this project that contain the required environmental documentation as set forth in the State Water Board's CEQA regulations (23 Cal. Code Regs. § 3777.). The substitute environmental documents include the TMDL Staff Report and several of its attachments, including 1) this Resolution and the Basin Plan Amendment Language (Attachment 1 of the Staff Report); 2) *Final Project Report for Total Maximum Daily Loads for Fecal Indicator Bacteria for the Santa Maria River Watershed, San Luis Obispo, Santa Barbara and Ventura Counties, California* (Attachment 2 of the Staff Report); 3) the CEQA Substitute Document with environmental checklist (Attachment 3 of the Staff Report); and 4) the comments and responses to comments (Attachment 6 of the Staff Report). The Staff Report also includes the Notice of Public Hearing/Notice of Filing

(Attachment 4) and the Scientific Peer Review Comment (Attachment 5). The project itself is the establishment of TMDLs for fecal indicator bacteria in the Santa Maria River Watershed. The Water Board exercises discretion in assigning waste load allocations and load allocations, determining the program of implementation, and setting various milestones in achieving the water quality standards. The CEQA checklist and other portions of the substitute environmental documents contain significant analysis and numerous findings related to impacts and mitigation measures.

17. CEQA scoping meetings were conducted on December 12, 2006, and October 16, 2008, at the Central Coast Water Board, 895 Aerovista Place, Suite 101, San Luis Obispo; a notice of the CEQA scoping meeting was sent to interested persons prior to each scoping meeting on December 1, 2006, and August 29, 2008, respectively. The notice included a background of the project, the project purpose, a meeting schedule, and directions for obtaining more detailed information through the Central Coast Water Board website; the notice and project summary were available at the website or by requesting hard copies via telephone.
18. Public Resources Code section 21159 provides that an agency shall perform, at the time of the adoption of a rule or regulation requiring the installation of pollution control equipment or a performance standard or treatment requirement, an environmental analysis of the reasonably foreseeable methods of compliance, and an analysis of the reasonably foreseeable environmental impacts of the methods of compliance, an analysis of reasonably foreseeable mitigation measures to lessen the adverse environmental impacts, and an analysis of reasonably foreseeable alternative means of compliance with the rule or regulation that would have less significant adverse impacts. Section 21159(c) requires that the environmental analysis take into account a reasonable range of environmental, economic, and technical factors; population and geographic areas; and specific sites. The Staff Report prepared for this Basin Plan amendment, in particular the CEQA Substitute Document Report (Attachment 3), provides the environmental analysis required by Public Resources Code section 21159 and is hereby incorporated as findings in this Resolution.
19. In preparing the substitute environmental documents, the Central Coast Water Board has considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intends those documents to serve as a Tier 1 environmental review. This analysis is not intended to be an exhaustive analysis of every conceivable impact, but an analysis of the reasonably foreseeable consequences of the adoption of this regulation, from a programmatic perspective. Compliance obligations will be undertaken directly by public agencies that may have their own obligations under CEQA. Project level impacts may need to be considered in any subsequent environmental analysis performed by other public agencies, pursuant to Public Resources Code section 21159.2. To the extent applicable, this Tier 1 substitute environmental document may be used to satisfy subsequent CEQA obligations of those agencies.
20. Consistent with the Water Board's substantive obligations under CEQA, the substitute environmental documents do not engage in speculation or conjecture, and only consider the reasonably foreseeable environmental impacts, including those relating to the methods of compliance, reasonably foreseeable feasible mitigation measures to reduce those impacts, and the reasonably foreseeable alternative means of compliance, that would avoid or reduce the identified impacts.
21. These proposed amendments will have a less-than-significant adverse effect on the environment. California Water Code section 13360 precludes the Central Coast Water Board from dictating the manner in which responsible agencies comply with any of the Central Coast Water Board's regulations or orders. When the agencies responsible for implementing these

TMDLs determine how they will proceed, the agencies responsible for those parts of the project can and should incorporate such alternatives and mitigation into any subsequent projects or project approvals. These feasible alternatives and mitigation measures are described in more detail in the substitute environmental documents (14 Cal. Code Regs. § 15091(a)(2)).

22. From a program-level perspective, incorporation of the alternatives and mitigation measures outlined in the substitute environmental documents will foreseeably reduce impacts to no impact, or keep the impact at less-than-significant levels.
23. The CEQA Substitute Document Report (Staff Report Attachment 3) identifies mitigation approaches that should be considered at the project level.
24. The Central Coast Water Board will request that the State Water Board approve the Basin Plan amendments incorporating: (a) the TMDLs for fecal indicator bacteria in the Santa Maria River Watershed, and (b) adding the Santa Maria River Watershed (including Oso Flaco Creek subwatershed) to the Domestic Animal Waste Discharge Prohibition. The TMDLs and Implementation Program for the TMDLs and Prohibition will become effective upon approval by the California Office of Administrative Law. The TMDLs must also be approved by the United States Environmental Protection Agency.
25. The amendments to the Basin Plan may have an effect on fish and wildlife. The Central Coast Water Board will, therefore, forward fee payments to the Department of Fish and Game under the California Fish and Game Code section 711.4.
26. The proposed amendments meet the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b). As specified in Finding 13, 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 TMDLs 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 fecal indicator bacteria impairments of the Santa Maria River Watershed. The necessity of adding the Prohibition as an implementation mechanism to achieve the TMDL is established in the administrative record documenting the fecal indicator bacteria sources, the load allocations that responsible parties must meet to reduce or eliminate fecal indicator bacteria loading, and implementation strategies that comply with the *Policy For Implementation and Enforcement of the Nonpoint Source Pollution Control Program*.
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.
28. On March 15, 2012, in San Luis Obispo, California, the Central Coast Water Board held a public hearing and heard and considered all public comments and evidence in the record.

THEREFORE, be it resolved that:

1. Pursuant to sections 13240, 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 Water 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 for approval.
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 the approval process, Central Coast Water Board staff, State Water Board staff, the State Water Board or the California 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 15, 2012.



---

Roger W. Briggs  
Executive Officer

**RESOLUTION NO. R3-2012-0002**

**ATTACHMENT - PROPOSED BASIN PLAN AMENDMENTS**

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

**AMENDMENT NO. 1. TOTAL MAXIMUM DAILY LOADS FOR FECAL INDICATOR BACTERIA IN THE SANTA MARIA RIVER WATERSHED (INCLUDING ALAMO CREEK, BLOSSER CHANNEL, BRADLEY CHANNEL, BRADLEY CANYON CREEK, CUYAMA RIVER, LA BREA CREEK, LITTLE OSO FLACO CREEK, MAIN STREET CANAL, NIPOMO CREEK, ORCUTT CREEK, OSO FLACO CREEK, OSO FLACO LAKE, SANTA MARIA RIVER ESTUARY, AND SANTA MARIA RIVER).**

*Add the following to Chapter 4 after IX. O.:*

**IX. P. TOTAL MAXIMUM DAILY LOADS FOR FECAL INDICATOR BACTERIA IN SANTA MARIA RIVER WATERSHED (INCLUDING ALAMO CREEK, BLOSSER CHANNEL, BRADLEY CHANNEL, BRADLEY CANYON CREEK, CUYAMA RIVER, LA BREA CREEK, LITTLE OSO FLACO CREEK, MAIN STREET CANAL, NIPOMO CREEK, ORCUTT CREEK, OSO FLACO CREEK, OSO FLACO LAKE, SANTA MARIA RIVER ESTUARY, AND SANTA MARIA RIVER)**

The Regional Water Quality Control Board adopted these TMDLs on March 15, 2012.  
These TMDLs were approved by:

The State Water Resources Control Board on: October 16, 2012.

The California Office of Administrative Law on: February 21, 2013.

The U.S. Environmental Protection Agency on: April 24, 2013.

**Problem Statement**

The beneficial use of water contact recreation (REC-1) is not protected in the impaired reaches of the Santa Maria River Watershed, including Alamo Creek, Blosser Channel, Bradley Channel, Bradley Canyon Creek, Cuyama River (upstream of Twitchell reservoir to Highway 33), La Brea Creek, Little Oso Flaco Creek, Main Street Canal, Nipomo Creek, Orcutt Creek, Oso Flaco Creek, Oso Flaco Lake, Santa Maria River Estuary, and Santa Maria River because fecal coliform bacteria concentrations exceed existing Basin Plan numeric water quality objectives and in some instances also exceed USEPA criteria for *E. coli* protecting this beneficial use. All reaches in these waterbodies are impaired, with the exception of Cuyama River which is impaired from Twitchell Dam upstream to Highway 33.

The Ocean Plan and Basin Plan also contain Shellfish Harvesting (SHELL) water quality objectives. The beneficial use of shellfishing is not protected in the Santa Maria River Estuary because total coliform concentrations exceed existing Basin Plan and Ocean Plan numeric water quality objectives.

**Numeric Target**

The numeric targets used to develop the TMDLs and allocations for REC-1 are:

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.

Based on a statistically sufficient number of samples (generally not less than five samples equally spaced over a 30-day period), the geometric mean of *E. coli* densities shall not exceed 126 per 100mL, and no sample shall exceed a one-sided confidence limit (C.L.) calculated using the following as guidance: lightly used for contact recreation (90% C.L.) = 409 per 100mL.

The numeric target used to develop the TMDLs and allocations for SHELL is:

At all areas where shellfish may be harvested for human consumption, the median total coliform concentration throughout the water column for any 30-day period shall not exceed 70/100 mL, nor shall more than ten percent of the samples collected during any 30-day period exceed 230/100mL for a five-tube decimal dilution test or 330/100 mL when a three-tube decimal dilution test is used.

The numeric targets are equal to the water quality objective protecting the water contact recreation and the shellfishing beneficial use as described in Chapter 3 of this Basin Plan as well as USEPA recommended criteria. If these water quality objectives or criteria protecting water contact recreation and/or shellfishing are amended, the numeric targets for this TMDL will be equal to the amended water quality objectives and criteria.

### **Source Analysis**

Natural uncontrollable sources of fecal coliform in the listed waterbodies are present and likely contributing to impairment at varying degrees by season and location.

Alamo Creek: 1) domestic animals/livestock discharges.

Blosser Channel: 1) discharges from Municipal Separate Storm Sewer Systems (MS4s), 2) sanitary sewer collection system leaks.

Bradley Channel: 1) discharges from MS4s, 2) sanitary sewer collection system leaks.

Bradley Canyon Creek: 1) domestic animals/livestock discharges.

Cuyama River (upstream of Twitchell reservoir to Highway 33): 1) domestic animals/livestock discharges.

La Brea Creek: 1) domestic animals/livestock discharges.

Little Oso Flaco Creek: 1) domestic animals/livestock discharges.

Main Street Canal: 1) discharges from MS4s, 2) sanitary sewer collection system leaks.

Nipomo Creek: 1) domestic animals/livestock discharges, 2) discharges from MS4s.

Orcutt Creek: 1) domestic animals/livestock discharges, 2) discharges from MS4s, 3) sanitary sewer collection system leaks.

Oso Flaco Creek: 1) domestic animals/livestock discharges.

Oso Flaco Lake: 1) domestic animals/livestock discharges.

Santa Maria River Estuary: 1) domestic animals/livestock discharges, 2) discharges from MS4s, 3) sanitary sewer collection system leaks.

Santa Maria River: 1) domestic animals/livestock discharges, 2) discharges from MS4s, 3) sanitary sewer collection system leaks.

### **TMDLs and Allocations**

The TMDLs for all waters and reaches of the Santa Maria River Watershed, including Alamo Creek, Blosser Channel, Bradley Channel, Bradley Canyon Creek, Cuyama River, La Brea Creek, Little Oso Flaco Creek, Main Street Canal, Nipomo Creek, Orcutt Creek, Oso Flaco Creek, Oso Flaco Lake, Santa Maria River Estuary and Santa Maria River are concentration-based TMDLs applicable to each day of all seasons, are applicable to all reaches, and are set 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.

Based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period), the geometric mean of *E. coli* densities shall not exceed 126 per 100mL, and no sample shall exceed a one-sided confidence limit (C.L.) calculated using the following as guidance: lightly used for contact recreation (90% C.L.) = 409 per 100mL.

And for the Santa Maria River Estuary only:

At all areas where shellfish may be harvested for human consumption, the median total coliform concentration throughout the water column for any 30-day period shall not exceed 70/100mL, nor shall more than ten percent of the samples collected during any 30-day period exceed 230/100mL for a five-tube decimal dilution test or 330/100 mL when a three-tube decimal dilution test is used.

The TMDLs are equal to the water quality objective or criteria protecting the water contact recreation beneficial use, as described in Chapter 3 of this Basin Plan as well as USEPA recommended criteria. If these water quality objectives or criteria protecting water contact recreation are amended, the TMDLs for the waterbodies subject to the TMDLs will be equal to the amended water quality objectives and criteria.

For the Santa Maria River Estuary only, the TMDLs are also equal to the water quality objective protecting the shellfishing beneficial use, as described in Chapter 3 of this Basin Plan. If this water quality objective protecting shellfishing is amended, the TMDLs for the waterbodies subject to the TMDLs will be equal to the amended water quality objective.

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

### **Table IX P-1. Allocations and Responsible Parties**

“Controllable water quality conditions are those actions or circumstances resulting from man’s activities that may influence the quality of the waters of the State and that may be reasonably controlled” (Water Quality Control Plan: Central Coast Region, page III-2). The allocations identified below are subject to these conditions.

<b>WASTE LOAD ALLOCATIONS</b>		
<u>Waterbody the Responsible Party is Discharging to*</u>	<u>Party Responsible for Allocation (Source)</u>	<u>Receiving Water Allocations*</u>
<u>Santa Maria River, Main Street Canal, Blosser Channel, Bradley Channel,</u>	<u>City of Santa Maria - NPDES No. CAS000004 (Urban Stormwater)</u>	<u>Allocation 1 &amp; 3</u>
<u>Main Street Canal</u>	<u>Santa Maria Fairpark – NPDES No. Pending (Urban Stormwater)</u>	<u>Allocation 1 &amp; 3</u>
<u>Nipomo Creek</u>	<u>County of San Luis Obispo - NPDES No. CAS000004 (Urban Stormwater)</u>	<u>Allocation 1 &amp; 3</u>
<u>Orcutt Creek</u>	<u>County of Santa Barbara - NPDES No. CAS000004 (Urban Stormwater )</u>	<u>Allocation 1 &amp; 3</u>
<u>Santa Maria River</u>	<u>City of Guadalupe – NPDES No. Pending (Urban Stormwater)</u>	<u>Allocation 1 &amp; 3</u>
<u>Blosser Channel, Bradley Channel, Main Street and Santa Maria River</u>	<u>City of Santa Maria -Statewide General WDR for Sanitary Sewer Systems WQO No. 2006-0003 (Wastewater Collection System)</u>	<u>Allocation 2</u>
<u>Orcutt Creek</u>	<u>Laguna County Sanitation District - Statewide General WDR for Sanitary Sewer Systems WQO No. 2006-0003 (Wastewater Collection System)</u>	<u>Allocation 2</u>
<u>Santa Maria River</u>	<u>City of Guadalupe - Statewide General WDR for Sanitary Sewer Systems WQO No. 2006-0003 (Wastewater Collection System)</u>	<u>Allocation 2</u>

<b>LOAD ALLOCATIONS</b>		
<u>Waterbody the Responsible Party is Discharging to*</u>	<u>Responsible Party and Source</u>	<u>Receiving Water Allocations*</u>
<u>Santa Maria River Estuary</u>	<u>Owners/Operators of land used for/containing domestic animals/livestock (Domestic animals)</u>	<u>Allocation 4</u>
<u>All impaired waterbodies</u>	<u>Owners/Operators of land used for/containing domestic animals/livestock (Domestic animals)</u>	<u>Allocation 1 &amp; 3</u>
<u>All impaired waterbodies</u>	<u>No responsible party (Natural and Background Sources)</u>	<u>Allocation 1 &amp; 3</u>

**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 400MPN/100 mL.

**Allocation-2** = Fecal coliform nor *E. coli* concentration shall not exceed zero; no fecal coliform nor *E. coli* bacteria load originating from human sources of fecal material is allowed.

**Allocation-3** = Based on a statistically sufficient number of samples (generally not less than five samples equally spaced over a 30-day period), the geometric mean of *E. coli* densities shall not exceed: 126 per 100mL, and no sample shall exceed a one-sided confidence limit (C.L.) calculated using the following as guidance: lightly used for contact recreation (90% C.L.) = 409 per 100mL.

**Allocation-4** = Total coliform concentration, the median throughout the water column for any 30-day period shall not exceed 70MPN/100 mL, nor shall more than ten percent of the samples collected during any 30-day period exceed 230MPN/100 mL for a five-tube decimal dilution test or 330MPN/100 mL when a three-tube decimal dilution test is used.

\* Responsible parties shall meet allocations in all receiving surface waterbodies of the responsible parties' discharges.

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

The TMDLs are considered achieved when water quality conditions meet all regulatory and policy requirements necessary for removing the impaired waters from Clean Water Act section 303(d) list of impaired waters.

### **Margin of Safety**

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

### **Implementation**

#### **STORM DRAIN DISCHARGES TO MS4s:**

The Central Coast Water Board will require the MS4 entities to develop and submit for Executive Officer approval a Wasteload Allocation Attainment Program (WAAP). The WAAP shall be submitted within one year of approval of the TMDL by the Office of Administrative Law, or within one year of a stormwater permit renewal, whichever occurs first. The WAAP shall include descriptions of the actions that will be taken by the MS4 entity 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 schedule, analysis, and effectiveness assessment;
4. Monitoring and reporting program development and implementation. Monitoring program goals shall include: 1) assessment of stormwater discharge and receiving water discharge quality 2) assessment of best management effectiveness, and 3) demonstration and progress towards achieving interim targets and wasteload allocations.

Demonstration of achieving wasteload allocations, interim targets, and progress shall be accomplished quantitatively through a combination of the following:

- a. Assessing discharge water quality.
- b. Assessing receiving water quality.
- c. Assessing mass load reduction.

- d. Best management practices capable of achieving interim targets and wasteload allocations in combination with water quality monitoring for a balanced approach to determine effectiveness.
  - e. Any other effluent limitations and conditions which are consistent with the assumptions and requirements of the wasteload allocations.
5. Coordination with stakeholders; and
  6. Other pertinent factors.

#### Monitoring

The City of Santa Maria, City of Guadalupe, County of San Luis Obispo (Nipomo), County of Santa Barbara (Orcutt) and the Santa Maria Fairpark are required to develop and submit monitoring programs as part of their WAAP. The goals of the monitoring programs are described in the requirements of the WAAP.

Staff encourages the City of Santa Maria, City of Guadalupe, County of San Luis Obispo (Nipomo), County of Santa Barbara (Orcutt) and the Santa Maria Fairpark to develop and submit creative and meaningful monitoring programs. Monitoring strategies can use a phased approach, for example, whereby outfall or receiving water monitoring is phased in after best management practices have been implemented and assessed for effectiveness. Pilot projects where best management practices are implemented in well-defined areas covering a fraction of the MS4 that facilitates accurate assessment of how well the best management practices control pollution sources, is acceptable, with the intent of successful practices then being implemented in other or larger parts of the MS4.

#### Interim Targets

The target date to achieve the TMDLs is 15 years from the date of TMDL approval by the Office of Administrative Law. Implementing parties must demonstrate progress towards achieving their allocations. Interim targets are a tool to gauge progress during the 15-year implementation phase. Implementing parties may develop and propose interim targets as part of their WAAP as demonstration of progress. If implementing parties choose not to develop and propose interim targets, the following interim targets are expected as demonstration of progress towards achieving wasteload allocations:

- 20% progress towards achieving wasteload allocations at the end of the fifth year following TMDL approval by OAL.
- 50% progress towards achieving wasteload allocations at the end of the 10th year following TMDL approval by OAL.
- 100% progress towards achieving wasteload allocations at the end of the 15th year following TMDL approval by OAL.

Interim targets are goals and not wasteload allocations.

#### DOMESTIC ANIMAL/LIVESTOCK DISCHARGES:

After approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify livestock owners/operators who are not in compliance with the Domestic Animal Waste Discharge Prohibition of the requirement to comply with the Domestic Animal Waste Discharge Prohibition. Pursuant to California Water Code section 13261, 13267 or other applicable authority, the Executive Officer will require livestock owners/operators to submit for approval one the following to the Water Board:

- 1) Sufficient evidence to demonstrate that the livestock owner/operator is and will continue to be in compliance with the Domestic Animal Waste Discharge Prohibition. Such evidence could include documentation (e.g., photo documentation) submitted by the livestock owner/operator that the livestock owner/operator is not causing waste to be discharged to a

- water of the state resulting in violations of the Domestic Animal Waste Discharge Prohibition, or
- 2) A Nonpoint Source Pollution Control Implementation Program (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 are likely to progressively achieve the load allocations, with the ultimate goal of achieving the load allocations during the implementation phase of the TMDL. The Plan must include monitoring and reporting to the Central Coast Water Board, demonstrating effectiveness of implemented best management practices and progress toward achieving load allocations, and a self-assessment of this progress. The Plan may be developed by an individual discharger or by a coalition of dischargers in cooperation with a third-party representative, organization, or government agency acting as the agents of livestock owners/operators, or
  - 3) A Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements).

*Monitoring*

Livestock owners/operators who are not in compliance may be required to implement and report water quality monitoring as part of their Plan for compliance with the Domestic Animal Waste Discharge Prohibition (as described above). Monitoring requirements can be developed individually, i.e., on an operation by operation basis, or by a coalition of dischargers in cooperation with a third-party representative, organization, or government agency acting as the agents of the livestock owners/operators.

*Interim Targets*

The target date to achieve the TMDLs is 15 years from the date of TMDL approval by the Office of Administrative Law. Livestock owners/operators not in compliance with the Domestic Animal Waste Discharge Prohibition must demonstrate progress towards compliance with the Domestic Animal Waste Discharge Prohibition, as described in their Plan. Interim targets are a tool to gauge progress during the implementation phase. Livestock owner/operators may develop and propose interim targets as part of their Plan as demonstration of progress. If livestock owners/operators choose not to develop and propose interim targets, the following interim targets are expected as demonstration of progress towards compliance with the Domestic Animal Waste Discharge Prohibition:

- 20% progress towards achieving load allocations at the end of the fifth year following TMDL approval by OAL.
- 50% progress towards achieving load allocations at the end of the 10<sup>th</sup> year following TMDL approval by OAL.
- 100% progress towards achieving load allocations at the end of the 15<sup>th</sup> year following TMDL approval by OAL.

Interim targets are goals and not wasteload allocations.

SANITARY SEWER COLLECTION SYSTEM LEAKS:

Entities with jurisdiction over sewer collection systems will demonstrate compliance with these TMDL load allocations through waste discharge requirements.

The City of Santa Maria, Laguna County Sanitation District, and the City of Guadalupe must implement their Collection System Management Plans as required by the Statewide General waste discharge requirements for collection agencies. Implementation of their waste discharge requirements ensures that a maintenance and management plan is in place and will reduce or eliminate the number and frequency of sanitary sewer overflows in the project area. Information

regarding sanitary sewer overflows must be provided to the Central Coast Water Board. Wastewater collection agencies will show compliance with the TMDL through complying with the existing statewide general waste discharge requirements.

Implementing parties will monitor and report as required in their waste discharge requirements.

### **Tracking and Evaluation**

Every three years, beginning three years after TMDLs are approved by the 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, dependent upon staff availability and priorities. 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 the 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 pathogens 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. 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 fecal coliform or the USEPA recommended criteria for *E. coli*.

Three-year reviews will continue until the water quality objectives are achieved. The compliance schedule for achieving this TMDL numeric target is 15 years after the date of approval by the Office of Administrative Law.

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

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

Add the following watershed to the end of the bulleted list of applicable areas of the Domestic Animal Waste Discharge Prohibition:

- Santa Maria River Watershed (including Oso Flaco Creek subwatershed)