

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

CHANGES MADE TO PROPOSED RESOLUTION NO. R3-3013-0008 SUBSEQUENT TO THE
REGULARY SCHEDULED WATER BOARD MEETING OF JANUARY 31, 2013

Prepared on February 7, 2013

Changes to Proposed Basin Plan Amendment Language in Resolution R3-2013-0008

Strike-outs represent deletions; bolded text represented additions.

Proposed Changes to the Section of the Proposed Basin Plan Amendment Entitled
“*Determination of Compliance with Load Allocations*” (page 15 of Attachment 1 of the Staff
Report)

Determination of Compliance with Load Allocations

Load allocations will be achieved through a combination of implementation of management practices and strategies to reduce nitrogen compound and orthophosphate loading, and water quality monitoring. Flexibility to allow owners/operators from irrigated lands to demonstrate compliance with load allocations is a consideration; additionally, staff is aware that not all implementing parties are necessarily contributing to or causing a surface water impairment. However, it is important to recognize that impacting shallow groundwater with nutrient pollution may also impact surface water quality via baseflow loading contributions to the creek.

To allow for flexibility, Water Board staff will assess compliance with load allocations using one or a combination of the following:

- A. attaining the load allocations in the receiving water;
- B. attaining receiving water TMDL numeric targets for nutrient-response indicators (i.e., dissolved oxygen water quality objectives, chlorophyll a targets and microcystin targets) and mitigation of downstream nutrient impacts to receiving waterbodies may constitute a demonstration of attainment of the nitrate, nitrogen and orthophosphate-based seasonal biostimulatory load allocations. Note that implementing parties are strongly encouraged to maximize overhead riparian canopy, **where and if appropriate**, using riparian vegetation, ~~as appropriate~~, because doing so could result in achieving nutrient-response indicator targets before allocations are achieved (resulting in a less stringent allocation);
- C. ~~D~~**demonstrating annual and seasonal- quantifiable** receiving water mass load reductions consistent with current load reduction estimates contained in Appendix G of the TMDL project report, or as consistent with reliable and credible flow estimates developed in the future;
- D. owners/operators or irrigated lands may be deemed in compliance with load allocations by implementing management practices that are capable of achieving interim and final load allocations identified in this TMDL;
- E. owners/operators of irrigated lands may provide sufficient evidence to demonstrate that they are and will continue to be in compliance with the load allocations; such evidence could include documentation submitted by the owner/operator to the Executive Officer that

the owner/operator is not causing waste to be discharged to impaired waterbodies resulting or contributing to violations of the load allocations.

Proposed Changes to the Section of the Proposed Basin Plan Amendment Entitled “Optional Special Studies and Reconsideration of the TMDL” (page 17 of Attachment 1 of the Staff Report)

Optional Special Studies and Reconsideration of the TMDL

Additional monitoring and voluntary optional special studies would be useful to evaluate the uncertainties and assumptions made in the development of this TMDL. The results of special studies may be used to reevaluate waste load allocations and load allocations in this TMDL. Implementing parties may submit work plans for optional special studies (if implementing parties choose to conduct special studies) for approval by the Executive Officer. Special studies completed and final reports shall be submitted for Executive Officer approval. Additionally, eutrophication is an active area of research; consequently ongoing scientific research on eutrophication and biostimulation may further inform the Water Board regarding waste load or load allocations that are protective against biostimulatory impairments, implementation timelines, and/or downstream impacts. At this time, staff maintains there is sufficient information to begin to implement the TMDL and make progress towards attainment of water quality standards and the proposed allocations. However, in recognition of the uncertainties regarding nutrient pollution and biostimulatory impairments, staff proposes that the Water Board reconsider the waste load and load allocations, if merited by optional special studies and new research, ten years after the effective date of the TMDL, which is upon approval by the Office of Administrative Law (OAL). A time schedule for optional studies and Central Coast Water Board reconsideration of the TMDL is presented in Table IX Q-3.

Further, the Central Coast Water Board may also reconsider these TMDLs, the nutrient water quality criteria, or other TMDL elements on the basis of potential future promulgation of a statewide nutrient policy for inland surface waters in the State of California.