

**ITEM: 6**

**City of Pacifica and County of San Mateo, San Mateo County – Adoption of Time Schedule Order to Comply with Requirements Prescribed in the Municipal Regional Stormwater NPDES Permit Provision C.14.b. City of Pacifica and San Mateo County Bacteria Controls**

**DISCUSSION**

The Tentative Time Schedule Order (Tentative Order) (Appendix A) would provide a time schedule and prescribe specific actions the City of Pacifica and County of San Mateo (jointly, Permittees) must undertake to comply with their wasteload allocation established with the Pacifica State Beach (Beach) Bacteria Total Maximum Daily Load (TMDL) adopted by the Board to remedy bacteria impairment and the associated requirements in the Municipal Regional Stormwater NPDES Permit (Permit). The TMDL and wasteload allocations were established via a Basin Plan amendment, and the Permit is the implementing mechanism for the wasteload allocation and requires compliance with it by August 1, 2021, as called for in the Basin Plan. Despite considerable effort and progress by the Permittees, they have not been able to comply by that date.

Permit requirements must be consistent with the Basin Plan, and as such, the Permit cannot include a wasteload allocation compliance date beyond that established with the TMDL in the Basin Plan. A time schedule order is the appropriate mechanism to provide additional time for the Permittees to attain compliance. The August 1, 2026, compliance date in the Tentative Order would provide the necessary time for the Permittees to identify, plan for, and implement additional actions, including water quality monitoring, needed to achieve compliance.

A related issue is although they have implemented required controls, monitoring by the Permittees has been insufficient to assess or demonstrate compliance with the wasteload allocation. This is due to a relocation of the Beach compliance monitoring station by the San Mateo County Beach Monitoring Program that was used prior to 2013. The relocation was identified in 2021, and the data collected at the relocated monitoring station do not accurately represent the water quality at the Beach because the relocated station is heavily influenced by discharges from San Pedro Creek, another water body impaired by high bacteria levels. When it established the Beach bacteria TMDL, the Board also established a bacteria TMDL and wasteload allocation to resolve bacteria impairment in San Pedro Creek with a compliance date of August 1, 2028, and the Permit includes requirements for the Permittees to achieve the San Pedro Creek bacteria wasteload allocation. The water quality at the Beach was expected to improve much sooner than the Creek, which is why the Beach TMDL wasteload allocation compliance date is earlier.

The Tentative Order would require the Permittees to complete a Water Quality Monitoring Special Study (Special Study) to: 1) monitor the original compliance sampling location; 2) assess the spatial and temporal variance in bacteria levels at the Beach; 3) identify distinct sources of bacteria along the Beach, and 4) identify new control measures to control bacteria discharges from sources along the Beach or in upland areas.

The Tentative Order would require the Permittees to continue and increase implementation of existing bacteria control measures. Additionally, if the Special Study shows that the wasteload allocation is not being achieved by June 2024, then the Tentative Order would require the Permittees to implement

additional control measures, identified as part of the Special Study, to further reduce bacteria discharges to achieve compliance. Lastly, the Tentative Order would require the Permittees to submit Annual Progress Reports that summarize progress to date; identify and explain any delays, and how they will be addressed; and list activities planned for the following year.

The Tentative Order was circulated for a 30-day public review on May 20, 2022. We received a joint comment letter from the Permittees (Appendix B), expressing their commitment to improve water quality in San Pedro Creek and at Pacifica State Beach to protect the beneficial uses. The letter also requested a change to the completion date for one task, but the Permittees subsequently clarified that the comment was submitted in error, and they are comfortable with the due date.

We expect this item to be uncontested.

**APPENDICES:**

- A. Tentative Time Schedule Order
- B. Comment Letter Received

Appendix A  
Tentative Time Schedule Order

# Appendix B

## Comment Letter Received

For an electronic copy of the comments, please contact Farhad Ghodrati via email to [Farhad.Ghodrati@waterboards.ca.gov](mailto:Farhad.Ghodrati@waterboards.ca.gov) or at (510) 622-2331.