

Central Coast Regional Water Quality Control Board

February 14, 2013

**NOTICE OF PUBLIC HEARING  
and  
NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT**

**REGARDING**

**CHANGES TO PROPOSED AMENDMENT OF THE WATER QUALITY CONTROL PLAN  
FOR THE CENTRAL COASTAL BASIN TO ADOPT TOTAL MAXIMUM DAILY LOADS  
FOR NITROGEN COMPOUNDS AND ORTHOPHOSPHATE IN THE LOWER SALINAS  
RIVER AND RECLAMATION CANAL BASIN, AND THE MORO COJO SLOUGH  
SUBWATERSHED**

**NOTICE IS HEREBY GIVEN** that the California Regional Water Quality Control Board Central Coast Region (Central Coast Water Board) will hold a public hearing to consider adoption of a resolution amending the Water Quality Control Plan (Basin Plan) for the Central Coast Basin. The Basin Plan establishes measures to protect beneficial uses of waters of the state and achieve water quality objectives.

This agenda item is a continuation of the hearing begun on January 31, 2013. The Central Coast Water Board **closed comment** on this proposed TMDL and Basin Plan amendment at the regularly scheduled board meeting of January 31, 2013; however the Central Coast Water Board is accepting comments on minor changes made to the proposed Basin Plan amendment made subsequent to the January 31 hearing (see attachment 1 to this notice).

If accepted, the resolution will amend the Basin Plan by incorporating Total Maximum Daily Loads (TMDLs) for Nitrogen Compounds and Orthophosphate in the Lower Salinas River and Reclamation Canal Basin, and the Moro Cojo Slough Subwatershed, including the Lower Salinas River, Old Salinas River, Tembladero Slough, Salinas Reclamation Canal, Alisal Creek, Espinosa Slough, Gabilan Creek, Merrit Ditch, Natividad Creek, Salinas River Lagoon (North), Santa Rita Creek, Quail Creek, Chualar Creek and Moro Cojo Slough. At the conclusion of the hearing the Central Coast Water Board will consider approval of the proposed resolution.

The Basin Plan amendment documents are available at:

[http://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/tmdl/docs/salinas/nutrients/index.shtml](http://www.waterboards.ca.gov/centralcoast/water_issues/programs/tmdl/docs/salinas/nutrients/index.shtml)

A copy of the Basin Plan amendment documents can also be received by mail by contacting: Pete Osmolovsky at (805) 549-3699 or [paosmolovsky@waterboards.ca.gov](mailto:paosmolovsky@waterboards.ca.gov).

The Central Coast Water Board heard testimony from staff and the public on this proposed TMDL and Basin Plan amendment at a hearing on January 31, 2013. The Central Coast Water Board closed the hearing to additional testimony except for comments that specifically pertain to the changes made to the proposed Basin Plan amendment subsequent to the January 31, 2013 water board meeting, which are shown in Attachment 1 of this notice, and which are also found in the document entitled "*Changes made to the proposed Resolution No. R3-2013-0008*" found at the

weblink shown above. The Central Coast Water Board will resume the hearing at its meeting of March 14, 2013.

The public hearing is scheduled as follows:

Date: **March 14, 2013**  
Time: **Hearing begins at 8:30 a.m.**  
Place: **Central Coast Water Board Offices**  
**895 Aerovista Place – Suite 101**  
**San Luis Obispo, CA 93401**

Time limits may be imposed on oral presentations at the hearing. The Central Coast Water Board **closed comment** on this proposed TMDL and Basin Plan amendment at the regularly scheduled board meeting of January 31, 2013. Therefore, the Central Coast Water Board is only accepting further oral comments at the March 14, 2013 hearing that specifically pertain to the changes made to the proposed Basin Plan amendment which are shown in Attachment 1 of this notice. At the conclusion of the public hearing, the Central Coast Water Board will consider certification of the substitute environmental documents and approval of the proposed amendments. The Central Coast Water Board may close the public hearing and the comment period, but consider adoption of the amendments at a later public hearing. The link to agenda is:

[http://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2013/2013\\_agendas.shtml](http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2013/2013_agendas.shtml)

#### **SUBMISSION OF WRITTEN COMMENTS**

The Central Coast Water Board **closed comment** on this proposed TMDL and Basin Plan amendment at the regularly scheduled board meeting of January 31, 2013. Therefore, the Central Coast Water Board is only accepting further written comments that specifically pertain to the changes made to the proposed Basin Plan amendment which are shown in Attachment 1 of this notice.

Persons interested in the proposed Basin Plan amendment are encouraged to submit comments electronically. Comment letters **must be received by 12:00 noon on March 7, 2013**. Comment letters received after that deadline will not be accepted unless approved by the Central Coast Water Board's Chair.

Please send comments to **Pete Osmolovsky**, at the Central Coast Water Board's office by email (see email address below) or by postal mail or hand delivery at:

Email:

[paosmolovsky@waterboards.ca.gov](mailto:paosmolovsky@waterboards.ca.gov)

Postal mail or hand delivery:

Pete Osmolovsky  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906

Please also indicate in the subject line, "**Comment Letter—Salinas Nutrients TMDL.**"

Staff will not be providing written response to comments pertaining to the proposed changes; however, staff will orally respond to any comments received at the continuation of the hearing on March 14-15, 2013. If you have questions or need additional information, please contact **Pete Osmolovsky at (805) 549- 3699** or ([paosmolovsky@waterboards.ca.gov](mailto:paosmolovsky@waterboards.ca.gov)), or Chris Rose, TMDL program manager at (805) 542-4770.

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Central Coast Regional Water Quality Control Board

Attachment 1

CHANGES MADE TO PROPOSED RESOLUTION NO. R3-2013-0008 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 and underlined text represented additions.

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**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)**

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*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. ~~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.

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**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)**

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**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.**