

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 8-9, 2016

Prepared on August 18, 2016

ITEM NUMBER: **###**

SUBJECT: **Integrated Report Assessing Waters of the Central Coast Region-
Clean Water Act (CWA) Section 303(d) List of water segments not
meeting water quality standards and CWA Section 305(b), water
quality condition report.**

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THIS ACTION: **Adopt Resolution No. R3-2016-0053, approving the changes to the
303(d) List for the Central Coast Region**

SUMMARY

This staff report provides the recommendations of the staff of the California Central Coast Regional Water Quality Control Board (Central Coast Water Board) for changes to the federal Clean Water Act (CWA) Section 303(d) List of water quality limited segments (303(d) List), which must be adopted by the Regional Water Quality Control Boards, the State Water Resources Control Board and approved by the US Environmental Protection Agency (USEPA). The attached Resolution No. R3-2016-0053 (Attachment 1) contains the formal recommendation for the Central Coast Water Board to adopt, and associated findings to support the recommendation.

The Central Coast Water Board last approved changes to the 303(d) List on July 10, 2009 (for the 2008/2010 303(d) List). The 2008/2010 303(d) List was then approved by the State Water Board on August 4, 2010 and partially approved by The USEPA on November 12, 2010. The USEPA gave final approval of the 2008/2010 List on October 11, 2011. The current recommendations to update the 303(d) List are for what is referred to as the 2014 303(d) List. Once approved, Central Coast Water Board staff will provide those recommendations to the State Water Board for inclusion in a statewide 303(d) List. The statewide 2014 303(d) List will ultimately be submitted to, and considered for approval by, the USEPA.

In addition, pursuant to CWA Section 305(b), states must prepare a report on the water quality and condition of waters (305(b) Report) to identify waters that are attaining water quality

standards¹ as well as those that are not. The 305(b) Report does not require approval by the Water Boards or USEPA. However, USEPA will compile the data from the state 305(b) Reports and transmit the summaries in their “National Water Quality Inventory Report” to Congress. This water quality assessment applies to surface waters of the United States within the Central Coast Region and includes both the 303(d) List and the 305(b) Report. Together, they are called the “Integrated Report” and this current update is referred to as the 2014 Integrated Report.

DISCUSSION

In conformance with USEPA guidance (USEPA, 2005), the State and Regional Water Quality Control Boards prepare a single Integrated Report that meets the reporting requirements of CWA Sections 303(d) and 305(b). The Central Coast Water Board is responsible for developing an Integrated Report for waters within the Central Coast Region. Attachments to this staff report include Central Coast Water Board staff’s recommendations for additions, deletions, and changes to the 303(d) List (Attachment 2), a summary report (Attachment 3) that describes the assessment process including the procedures utilized by State and Regional Water Board staff to gather and analyze data, and the Central Coast Region’s 305(b) Report (Attachment 3, Appendices B-G).

Developing the 303(d) List: Under CWA Section 303(d), states are required to develop, update, and submit to the USEPA for approval, a list of waterbody segments (water segments) not meeting water quality standards (the 303(d) List). Under Title 40 Code of Federal Regulations (40 CFR) Section 130.7(d)(1), states are required to submit the 303(d) List biennially. After approval of the 303(d) List, water segments placed on the 303(d) List must be addressed through either the development of Total Maximum Daily Loads (TMDLs), or an existing regulatory program or action that is reasonably expected to result in the attainment of the water quality standard within a specified timeframe.

The water quality assessment process begins with the solicitation of data, pursuant to Title 40 CFR Section 130.7(b) (5) which asserts “each state shall assemble and evaluate all existing and readily available water quality-related data and information” when updating the 303(d) List. The State Water Board solicited data from the public with a formal data solicitation period that began on January 14, 2010 and concluded on August 30, 2010.

State and Central Coast Water Board staff analyzed the data to determine if a water segment is meeting water quality standards, in conformance with the [Water Quality Control Policy for Developing California’s Clean Water Act Section 303\(d\) List](#), commonly referred to as the Listing Policy (SWRCB, 2004, amended 2015). The approach for developing California’s 2014 303(d) List included two steps: 1) State and Regional Water Board staff developed Lines of Evidence (LOEs), in which data are compared to water quality objectives, criteria, and guidelines (protective limits) for each beneficial use, and 2) Central Coast Water Board staff combined all LOEs into fact sheets for each waterbody segment and pollutant combination

¹ Water quality standards, pursuant to the CWA, consist of designated beneficial uses of waterbodies and criteria or objectives (numeric and narrative) which are protective of those beneficial uses.

(water segment/pollutant combination), and employed a statistical approach defined in the Listing Policy to determine whether water quality standards are attained.

Next, Central Coast Water Board staff developed or updated existing fact sheets and, in conformance with the Listing Policy, provided a decision to “list,” “de-list” or “do not list.” Each fact sheet contains all of the data and information available for a unique water segment/pollutant combination. A decision of “do not list” means that there is not sufficient evidence under the Listing Policy to determine that a water segment/pollutant combination is exceeding water quality standards. Decisions to “list” mean that there is sufficient evidence under the Listing Policy that the water segment/pollutant combination should be added to, or remain on, the 303(d) List. Decisions to “de-list” mean that there is sufficient evidence under the Listing Policy that water quality standards are attained and the water segment/pollutant combination should be removed from the 303(d) List. Central Coast Water Board staff evaluated 23,054 LOEs and developed 5430 fact sheets for the 2014 Integrated Report.

Based on the available data and information and following the Listing Policy procedures to make decisions about listing status, staff proposes the following numbers of decisions: 4427 decisions of “do not list,” 912 decisions of “list,” and 91 decisions of “de-list.”

Therefore, Central Coast Water Board staff proposes 912 water segment/pollutant combinations for the 2014 303(d) List including 277 new combinations to be added to the 303(d) List and 635 existing combinations. Of the 912 proposed for the 2016 303(d) List, 298 are addressed by an approved TMDL or an action other than a TMDL that is expected to result in attainment of the water quality standard, and 614 are yet to be addressed by a TMDL or an action other than a TMDL.

Pursuant to Section 5 of the Listing Policy, Central Coast Water Board staff assigned an expected TMDL completion date to each water segment/pollutant combination placed on the 303(d) List for which a TMDL has not yet been completed. Central Coast Water Board staff prioritized development of TMDLs for nutrients, pesticides, and toxicity in all watersheds, and are evaluating methodologies to address turbidity and temperature impairments in the Central Coast Region. These priorities are aligned with the Region’s priorities to prevent and correct threats to human health and aquatic life. Expected TMDL completion dates are included in each fact sheet (Attachment 3, Appendix H). Staff assigned TMDL completion dates as follows:

- TMDL completion by 2018 for all water segment/pollutant combinations that are in the current TMDL work plan.
- TMDL completion by 2023 for all water segments on the 303(d) List for turbidity, temperature, toxicity or nutrients.
- TMDL completion by 2027 for all remaining water segments on the 303(d) List.

The assessment process for this 2014 Integrated Report was more intensive than for the previous Integrated Report update due to the increased amount of data available and analyzed (Table 1). For each assessment cycle, new data and information are added to the existing administrative record and all available data are used to determine water quality condition.

Table 1. Comparison of data assessment effort for the Integrated Report cycles 2006-2014.

	2014 Integrated Report	2008/2010 Integrated Report	2006 Integrated Report
Number of LOEs	23,054	11,719	382
Number of Fact Sheets	5,430	3,640	286

Developing the 305(b) Report: Pursuant to CWA Section 305(b) requirements to report on water quality conditions, Central Coast Water Board staff evaluated all readily available data and developed a Water Quality Condition Report (305(b) Report) which incorporates the 303(d) List but also reports on waters that are either attaining water quality standards or for which there is insufficient information to make a determination. For each water segment and beneficial use, staff followed the assessment process defined in the Listing Policy to determine a beneficial use support rating of “fully supporting,” “not supporting,” or “insufficient information.” Water segment/pollutant combinations that meet the requirement of the Listing Policy to place a water segment on the 303(d) List are assigned a use support rating of “not supporting.” Water segment/pollutant combinations that meet the sample count requirements of the Listing Policy but are attaining water quality standards were assigned a use support rating of “fully supporting.” Consequently, when neither of the above is true, staff assigned a use support rating of “insufficient information.”

The combination of beneficial use support ratings assigned to each water segment determines its placement into one of five, non-overlapping categories. Category reports are available in Attachment 3 (Appendices B-G). For the 2014 Integrated Report, Central Coast Water Board staff categorized 388 water segments into the five Categories. The definitions of the Categories and the number of water segments assigned to each Category are listed in Table 2.

Pursuant to Section 2 of the Listing Policy, water segments remain in Category 5 until all 303(d) listed pollutants are addressed by either USEPA approved TMDLs, or by another action that is expected to result in the reasonable attainment of the water quality standards, at which point the water segment will be placed into Category 4a or 4b. Water segments placed into Categories 4a, 4b, or 5 are also on the 303(d) List.

There are 220 water segments placed in Categories 4a or 5. Many of those water segments are not meeting water quality standards, as is defined in the Listing Policy, for more than one pollutant (e.g. Orcutt Creek is not meeting water quality standards for 22 pollutants). Therefore, the 912 water segment/pollutant combinations proposed for the 2014 303(d) List are associated with 220 water segments.

The Central Coast Water Board is not required to take formal action on or approve staff’s recommended changes to the 305(b) Report; therefore, the Central Coast Water Board may provide direction to staff but staff did not prepare a formal recommendation by resolution for action/approval of the 305(b) Report.

Table 2. Number of water segments assigned to each of the 305(b) Report Categories.

Category	Category Definition	Number of Water Segments
1	All assessed beneficial uses are supported and no beneficial uses are known to be impaired.	76
2	There is insufficient information to determine beneficial use support.	92
3	There is insufficient data and/or information to make a beneficial use support determination but information and/or data indicates beneficial uses may be potentially threatened. ²	0
4a	At least one beneficial use is not supported and a TMDL has been developed and approved by USEPA for all water segment/pollutant combinations and the implementation plan is expected to result in full attainment of the water quality standard within a specified time frame.	21
4b	At least one beneficial use is not supported and another regulatory program is reasonably expected to result in attainment of the water quality standard within a reasonable, specified time frame.	0
4c	At least one beneficial use is not supported but the non-attainment of any applicable water quality standard for the water segment is the result of pollution and is not caused by a pollutant.	0
5	At least one beneficial use is not supported and a TMDL is needed.	199

Summary of Recommended 303(d) List Decisions: Attachment 2 contains a summary of all proposed changes to the Central Coast Water Board's 2014 303(d) List. These changes include the following:

- Recommendations to add a water segment/pollution combination to the 303(d) List;
- Recommendations to remove a water segment/pollution combination from the 303(d) List ;
- Recommendations to change a pollutant name (e.g. from "pathogens" to "indicator bacteria"); and
- Changes to the TMDL status (e.g. from "TMDL required" to "TMDL completed and approved").

² Category 3 includes zero water segments (Attachment 3, Appendix E) because the State's water quality database is not yet designed to identify water segments in this Category.

PUBLIC COMMENTS

This section of the staff report will be revised following the 30 day public comment period (August 22, 2016 through September 23, 2016) which includes a public workshop (September 14, 2016).

CONCLUSION

Central Coast Water Board staff will recommend approval of the proposed updates to the 303(d) List to the Central Coast Water Board at a regularly scheduled public meeting on December 8-9, 2016. The 303(d) List serves to inform the public of which waterbodies and pollutants exceed protective water quality standards in the Central Coast Region and guide the Central Coast Water Board in priority, timing and approaches to improving water quality conditions. These recommendations are informed by the Listing Policy, water quality standards in the Basin Plan, and the Central Coast Vision of Healthy Watersheds. Approval of the 303d list is one of the first steps in our on-going planning and implementation efforts to protect beneficial uses and improve conditions in the waters of the Central Coast Region.

RECOMMENDATION

Adopt Resolution No. R3-2016-0053, as proposed to approve the changes to the Central Coast Water Board's 303(d) List.

ATTACHMENTS

1. Resolution No. R3-2016-0053 [will be made available in advance of the December 2016 Board Meeting]
2. [Proposed changes to the 303\(d\) List for the Central Coast Region](#)
3. [Central Coast Water Board Summary Report for the 2014 Integrated Report](#)