

RESOLUTION NO. R3-2005-0106

ATTACHMENT - PROPOSED BASIN PLAN AMENDMENTS

1. Revise the September 8, 1994 Basin Plan, Chapter Four, as follows:

Add the following to Chapter 4 after IX. F.:

IX. G. SAN LUIS OBISPO CREEK TOTAL MAXIMUM DAILY LOAD AND IMPLEMENTATION PLAN FOR NITRATE-NITROGEN

The Regional Water Quality Control Board adopted this TMDL on September 9, 2005.

This TMDL was approved by:

The State Water Resources Control Board on June 21, 2006.

The California Office of Administrative Law on August 4, 2006. (*Effective date*)

The U.S. Environmental Protection Agency on January 10, 2007.

Problem Statement

The municipal and domestic supply of water beneficial use (MUN) is not being supported because nitrate-N concentrations in San Luis Obispo Creek exceed the existing Basin Plan numeric objective protecting the MUN beneficial use.

Numeric Target

The numeric target used to calculate the TMDL is a nitrate-N concentration of 10 mg/L-N.

Source Analysis

Nitrate-N sources contributing to the problem identified in the Problem Statement are, in decreasing order of contribution: City of San Luis Obispo Water Reclamation Facility (WRF), croplands, background, reservoirs, and residential areas.

TMDL and Allocations

The TMDL is a receiving water nitrate-N concentration equal to the numeric target. The following allocations are necessary to achieve the TMDL.

Wasteload Allocations:

- City of San Luis Obispo WRF effluent: The monthly mean nitrate-N concentration of effluent shall not exceed 10 mg/L-N.

Load Allocations:

- Croplands in Prefumo Creek Watershed: shall not cause nitrate-N concentration in receiving waters to exceed 10 mg/L-N.
- Background: Nitrate concentration of 0.1 mg/L-N.

Load and wasteload allocations to sources currently meeting water quality standards:

- The following wasteload and load allocations ensure that the receiving water will achieve compliance with water quality standards at the earliest possible date, continue to meet

water quality standards after the above wasteload and load allocations are attained, and comply with state and federal anti-degradation requirements.

- Residential Sources Wasteload Allocation:
 - Storm water discharge shall not cause an increase in receiving water nitrate-N concentration greater than the current increase in nitrate-N concentration resulting from the discharge.
- Reservoir Sources Load Allocation (Laguna Lake):
 - Reservoir discharge shall not cause an increase in receiving water nitrate-N concentration greater than the current increase in nitrate-N concentration resulting from the discharge.

Margin of Safety: Nitrate concentration of 2.2 mg/L-N.

IMPLEMENTATION

The following actions will be taken to implement the TMDL.

WRF Source:

- The Central Coast Water Board will incorporate an effluent limit for nitrate-N in the City of San Luis Obispo's National Pollutant Discharge Elimination System permit (NPDES permit) for the WRF, consistent with the allocations described in the Wasteload Allocations section above. The effluent limit will be incorporated in the NPDES permit at the first permit renewal following TMDL approval by the Central Coast Water Board (expected in May 2007).
- The Central Coast Water Board intends to issue a Cease and Desist Order (CDO) or Time Schedule Order to the WRF concurrently with the NPDES permit, requiring the WRF to reduce nitrate-N concentration in the effluent. The CDO will contain a time schedule establishing the time allowed to comply with the order.
- The Central Coast Water Board will consider a revision of the wasteload allocation and corresponding effluent limit for the WRF if an amendment to the Basin Plan removing or revising the MUN beneficial use and corresponding numeric objective for nitrate is approved by USEPA.

Residential Source (Storm water):

- The City of San Luis Obispo, the County of San Luis Obispo, and Cal Poly State University will implement management practices consistent with and required by Small MS4 Permits regulating storm water discharge in San Luis Obispo Creek watershed, and will submit annual reports as required by such permits. If implementation actions are insufficient to achieve the TMDL, additional implementation actions will be required through approval by the Executive Officer (e.g., pursuant to CWC section 13267 or section 13383) or by the Central Coast Water Board (e.g., by requiring revisions of existing storm water management plans and/or a Basin Plan Amendment).

Reservoir Source

- Implementation measures to achieve the allocation to the reservoir source are carried out through the Residential Source (Storm water) implementation actions.

Cropland Source:

- Landowners and operators of irrigated lands in Prefumo Creek watershed will implement actions needed to achieve the allocations to croplands pursuant to the Conditional Waiver of Waste Discharge Requirements for Discharges to Irrigated Lands (Conditional Waiver). Implementation and monitoring requirements for parties engaged in agricultural activities are consistent with, and rely upon, the Conditional Waiver.
- Monitoring reports and data associated with the Conditional Waiver, as well as other information, will be used to determine whether management measures being taken are sufficient to achieve the TMDL by the year 2012. Central Coast Water Board staff will make this determination every three years as described in the Tracking and Monitoring section below. If implementation actions are insufficient to achieve the TMDL, additional implementation actions will be required through approval by the Executive Officer (e.g., pursuant to CWC section 13267 or section 13383) or by the Central Coast Water Board; the Executive Officer or the Central Coast Water Board will approve of additional actions as soon as practicable.

Monitoring

The following actions will be taken to implement monitoring requirements.

- The Executive Officer (EO) or the Central Coast Water Board will amend the Monitoring and Reporting Program (M&RP) of the City's NPDES permit for the WRF to incorporate effluent and stream monitoring for nitrate-N, and to incorporate reporting of these monitoring activities. The City of San Luis Obispo will comply with the amended M&RP as soon as the EO or the Water Board issues the revised program (anticipated to occur at the next permit renewal following TMDL approval by the Central Coast Water Board [expected in May 2007]).
- Implementation and monitoring requirements for parties engaged in agricultural activities are consistent with, and rely upon, the Conditional Waiver.

Tracking and Monitoring

- Central Coast Water Board staff will conduct a review of implementation activities every three years, beginning three years after TMDL approval by the Office of Administrative Law, unless funding is unavailable. Central Coast Water Board staff will utilize annual reports associated with Small MS4 permits, as well as other available information, to review water quality data and implementation efforts of implementing parties and progress being made towards achieving the allocations and the numeric target. Central Coast Water Board staff may conclude that ongoing implementation efforts may be insufficient to ultimately achieve the allocations and numeric target. If staff makes this determination, staff will recommend that additional reporting, monitoring, or implementation efforts be required either through approval by the Executive Officer (e.g.,

pursuant to CWC section 13267 or section 13383) or by the Central Coast Water Board (e.g., through revisions of existing permits and/or a Basin Plan Amendment). Central Coast Water Board staff may conclude that to date, implementation efforts and results are likely to result in achieving the allocations and numeric target, in which case existing and anticipated implementation efforts will continue.

Three-year reviews will continue until the TMDL is achieved, unless funding is unavailable. The target date to achieve the TMDL is during or before the year 2012.