

**DRAFT Comment Summary and Responses:  
Total Maximum Daily Loads (TMDLs) for Pathogens in the San Lorenzo River Watershed**

No.	Representative	Company
1	Steve Wolfman	City of Santa Cruz
2	Teri	General Public

No.	Author	Comment	Response
1.1	Steve Wolfman	The City of Santa Cruz supports the approval of an amendment to the Basin Plan to: 1) Remove Shellfish Harvesting Beneficial Use for the San Lorenzo River Estuary; 2) Add the San Lorenzo River Watershed to the Human Fecal Material Discharge Prohibition and the Domestic Animal Waste Discharge Prohibition; and 3) Adopt Total Maximum Daily Loads for Pathogens in the San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek. We appreciate the opportunity to comment on the draft resolution.	State Water Resources Control Board (State Water Board) staff appreciates the City of Santa Cruz's support of this amendment.
1.2	Steve Wolfman	The draft resolution requires that "owners of land that include homeless persons/ encampments" prevent any load of fecal coliform bacteria from human sources and that the owner demonstrates that no such discharge is occurring. This is a noble endeavor that will necessitate an effort that goes beyond the City's control.  Regardless the City looks forward to the challenge.	State Water Board staff appreciates and commends the City's enthusiasm and commitment to continue to work towards achieving the load allocation for discharges from homeless persons/ encampments ergo meeting the Human Fecal Material Discharge Prohibition.  State Water Board staff echoes the Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff's responses and acknowledges that zero loading from human sources will be a difficult goal to achieve overall. However, it is a good goal because human fecal material typically poses a greater health risk than most bacteria of other origins. Homeless persons/ encampments discharges are untreated sewage and thus assigning an allocation greater than zero would have been imprudent. The Water Contact Recreation (REC-1) beneficial use is currently impaired and homeless persons/ encampments are a source of the impairment. The REC-1 beneficial use is broadly defined as any

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			<p>activity that involves contact with the water, and the reasonably possible ingestion of water, including, but not limited to, wading or fishing. Therefore, the Central Coast Water Board concluded that the load allocation of zero was necessary to protect the water contact recreation beneficial uses to the fullest extent.</p> <p>Finally, State Water Board staff would like to clarify that presenting clear evidence that no such discharge is occurring is not the only option to demonstrate compliance with the prohibition. The Central Coast Water Board allows for compliance through the Waste Discharge Requirements permitting process, as well as a third option of accepting a plan for compliance (Plan). The Plan must include a list of specific management practices that will be implemented to control discharges containing fecal material from homeless persons. The Plan must also describe how implementing the identified management practices are likely to progressively achieve the load allocation for homeless persons, with the ultimate goal of achieving the load allocation no later than three years from the date of the Executive Officer's notification to the owner requiring compliance. The Plan must include monitoring and reporting to the Central Coast Water Board, demonstrating the progress towards achieving load allocations for discharges from homeless persons, and self-assessment of this progress.</p>
1.3	Steve Wolfman	<p>The cost estimates in the resolution do not reflect the actual cost or difficulty to achieve the desired results. Homeless persons/encampments will not go away by putting up fences and increasing police patrols.</p> <p>The City of Santa Cruz has been active in addressing the citywide issue of illegal homeless encampments, approaching the problem with a goal of improving the associated social, public safety and</p>	<p>State Water Board staff would first and foremost like to commend the City on their active involvement to address the homelessness issue. We encourage the City to continue to go above and beyond the methods enumerated by the Central Coast Water Board for compliance outlined in the Central Coast Water Board's technical report. Staff acknowledges the complexity and significance of the homelessness issue. However, State</p>

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		<p>environmental problems in the City's parks, open space areas and river ways. This work is accomplished by frequent river and greenbelt clean-ups, enforcement by police and the City's park ranger, and through annual funding of social service programs that directly serve the City's homeless population. These programs provide day and night shelter; counseling services, job training; transitional housing; child care; and hygiene centers, which offer showers, and restroom and laundry facilities. This proactive approach has proven successful in the past and is representative of the City's preferred handling of homelessness: to help individuals lift themselves out of homelessness permanently.</p> <p>While the City agrees that illegal homeless encampments need to be addressed, the methods of security guards, portable toilets and fencing implied by the cost estimate may not be effective or feasible. For instance, although Santa Barbara may have met with success in providing portable toilet facilities along creeks and areas occupied by homeless people, we believe this action is counter to our goal of eliminating homelessness altogether. The City does not want to encourage or facilitate camping and, as local social service programs more than provide for hygiene needs of our homeless community, we feel there already exists opportunities for proper hygiene.</p> <p>The City will continue to improve on our programs to reduce homelessness and their impacts to the waterways. Yet it must be acknowledged that the problem can not be solved by the City alone. This is a State and National policies and economics issue and the City is merely at the downstream end of the problem. As with storm water pollution prevention the solution is not in final treat treatment but in education and source control.</p>	<p>Water Board staff disagrees that the Central Coast Water Board's analysis is insufficient regarding the reasonable foreseeable methods of compliance. Although we applaud the City for its extensive program, not all owners' of land that contain homeless persons or encampments may have the City's resources. Although the outlined reasonable and foreseeable methods of compliance may not be the ones that are actively being pursued by the City, they are none-the-less potential means for compliance. The Water Boards are tasked with the primary responsibility of coordination and control of water quality and must be prepared to exercise its full power and jurisdiction to protect the quality of the waters in the state from degradation originating inside or outside the boundaries of the state. The Central Coast Water Board's analysis meets the requirements of our certified regulatory CEQA process.</p>
2.1	Teri	<p>As a septic tank pumper of 25+ years in the San Lorenzo Valley I'm submitting the following statement based on my experience in the business of wastewater issues in the Santa Cruz County region. I was also a homeowner with a septic system on my property in</p>	<p>State Water Resources Control Board (State Water Board) staff appreciates the author's support of this amendment.</p>

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		<p>Boulder Creek for 12 years.</p> <p>I'm in favor of the proposed amendment State Water Resources Control Board is proposing by adding the San Lorenzo River Watershed to the Human Fecal Material Discharge Prohibition and Domestic Animal Waste Discharge Prohibition.</p>	
2.2	Teri	<p>I also believe parts of AB 885 should be enforced in this area. Pumping septic tanks every 5 years is something that would protect the watersheds and the ground water and cost homeowners on septic less than what other homeowners on sewer pay for sewer tax.</p>	<p>AB 885 is outside the scope of this amendment. However, onsite wastewater disposal systems are considered a source of pathogens, assigned a wasteload allocation of zero, and required to comply with the Human Fecal Material Discharge Prohibition.</p>