

DRAFT

September XX, 2006

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION--DIVISION OF WATER QUALITY
[DATE: TBD], 2006**

ITEM

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL COAST REGION (BASIN PLAN) TO ESTABLISH A WATSONVILLE SLOUGH TOTAL MAXIMUM DAILY LOAD (TMDL) FOR PATHOGENS, ESTABLISH A WATSONVILLE SLOUGH WATERSHED LIVESTOCK WASTE DISCHARGE PROHIBITION, AND REMOVE THE SHELLFISH HARVESTING BENEFICIAL USE FROM WATSONVILLE SLOUGH AND TRIBUTARIES

DISCUSSION

The Watsonville Slough was placed on the federal Clean Water Act 303(d) list in 1998 for undocumented reasons. Analysis over the period 1977 to 2000 found the water body impaired by bacteria. On March 24, 2006 the Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted Resolution No. R3-2006-0025 (Attachment 1) amending the Basin Plan to establish a TMDL for pathogens, establish a Livestock Waste Discharge Prohibition, and remove the shellfish harvesting (SHELL) beneficial use, for the Watsonville Slough Watershed. The Watsonville Slough Watershed includes Watsonville, Harkins, Gallighan, Struve, and Hanson Sloughs (Sloughs). The proposed amendment addresses the impairment of the Sloughs due to fecal coliform. The water quality criteria established levels of indicator bacteria, in this case fecal coliform, that demonstrate the presence of fecal pollution. Indicator organisms such as these have long been used to protect bathers from illnesses that may be contracted from recreational activities in surface waters contaminated by fecal pollution. These organisms often do not cause illnesses directly but are good indicators of harmful pathogens. Current fecal coliform concentrations in the Sloughs exceed the existing Basin Plan numeric water quality objectives protecting the Water Contact Recreation and Non-Contact

Water Recreation beneficial uses. In addition, the SHELL beneficial use for the Sloughs will be removed by this proposed amendment. Controllable sources of fecal coliform in the Sloughs include humans, pets, livestock, and land-applied non-sterile manure on irrigated agriculture.

The proposed amendment establishes numeric targets in the TMDL consistent with the Basin Plan water quality objectives. The numeric targets are a geometric mean of 200 most probable number (MPN) per 100 milliliters (ml) of not less than five samples over a period of 30 days and a maximum of 400 MPN per 100 ml of not more than 10 percent of the total samples during a period of 30 days. Wasteload allocations of the numeric target are given to each of the designated responsible parties (see Table [Allocations and Responsible Parties] of Attachment 1). Load allocations of the numeric target are given to operators and owners of irrigated lands who land-apply non-sterile manure as well as operators or owners of livestock facilities and animals. An implicit margin of safety is incorporated in the TMDL through conservative assumptions.

The TMDL implementation plan employs a variety of approaches including educational outreach, preventative measures, and corrective management (see Table 1 of Attachment 1). The action plan is separated into the categories of responsible parties, source category, and management measures. Responsible parties include the County of Santa Cruz and the City of Watsonville, which will each be assigned a wasteload allocation. Responsible parties assigned a load allocation will be owners or operators of livestock facilities and animals, as well as owners and operators of irrigated lands who land-apply non-sterile manure. Source categories include human, pets, livestock, and land applied non-sterile manure on irrigated lands. Each responsible party has specific actions that correspond to each source category.

Responsible parties will be required to conduct specific monitoring. The County of Santa Cruz will be required to include monitoring of fecal coliform in storm water from the Buena Vista Landfill. The City of Watsonville and County of Santa Cruz will be required to monitor receiving water and storm water outfalls that may be contributing fecal coliform to the Sloughs. The Central Coast Water Board staff plans to monitor TMDL progress by conducting triennial reviews, beginning three years after approval by the Office of Administrative Law (OAL), until the TMDL is achieved. The target date to achieve the TMDL is ten years after implementation commences.

The second part of this proposed amendment is the Livestock Waste Discharge Prohibition in the Sloughs' Watershed. The direct or indirect discharge of the following: livestock animal waste from any grazing operations; non-sterile manure application; farm animal and livestock facilities including paddocks, pens, corrals, barns, sheds; or other activity of any nature into waters of the State within the Sloughs is prohibited unless otherwise regulated by another regulatory action. The prohibition takes effect two years following approval of the TMDL by the U.S. Environmental Protection Agency. Parties affected by the prohibition would be operators or owners of irrigated lands who land-apply non-sterile manure, as well as operators or owners of livestock facilities and animals.

The third part of this proposed amendment is the removal of the SHELL beneficial use from the Sloughs. Central Coast Water Board staff completed a Use Attainability Analysis in which they determined that the SHELL beneficial use designation for the Sloughs is not attainable. Factors that preclude the attainment of the use include hydrological modifications, natural flow conditions, and physical conditions related to the natural features of the water body. Central Coast Water Board staff believe that, in addition to the factors that preclude attainment of the SHELL beneficial use, the Sloughs may have been originally designated inappropriately without a thorough examination.

The proposed amendment package underwent scientific peer review by two individual reviewers. Both peer reviewers provided overall positive assessments of the proposed amendment. There were no significant issues raised by either peer reviewer. All comments and questions received a response from Central Coast Water Board staff. Responses included clarifications or minor revisions to the proposed amendment.

The Central Coast Water Board adopted an updated Basin Plan on February 11, 1994 under Resolution No. 94-44. The Basin Plan was approved by the State Water Resources Control Board (State Water Board) on May 18, 1994 and by OAL on September 7, 1994.

The Basin Plan sets standards to protect all waters in the Central Coast Region and prescribes programs to implement these standards. The standards consist of the designated beneficial uses of the waters, narrative and numeric objectives to protect these uses, and the State's Antidegradation Policy.

POLICY ISSUE

Should the State Water Board approve the proposed amendment to the Basin Plan provisions that apply to the Sloughs to establish a TMDL for Pathogens, to establish a Livestock Waste Discharge Prohibition, and to remove the SHELL beneficial use, as adopted under Central Coast Water Board Resolution No. R3-2006-0025?

FISCAL IMPACT

Central Coast Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL WATER BOARD IMPACT

Yes, adoption of this Resolution will amend the Central Coast Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under Central Coast Water Board Resolution No. R3-2006-0025.
2. Authorizes the Executive Director or designee to submit to OAL the amendment adopted under Central Coast Water Board Resolution No. R3-2006-0025, as approved, and the administrative record for this action and to submit to USEPA for approval the TMDL and SHELL dedesignation.

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006-**

**APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE CENTRAL COAST REGION (BASIN PLAN) TO ESTABLISH A
WATSONVILLE SLOUGH TOTAL MAXIMUM DAILY LOAD (TMDL) FOR
PATHOGENS, ESTABLISH A WATSONVILLE SLOUGH WATERSHED LIVESTOCK WASTE
DISCHARGE PROHIBITION, AND REMOVE THE SHELLFISH HARVESTING BENEFICIAL
USE FROM WATSONVILLE SLOUGH AND TRIBUTARIES**

WHEREAS:

1. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted a revised Basin Plan on February 11, 1994, which was approved by the State Water Resources Control Board (State Water Board) on May 18, 1994 and by the Office of Administrative Law (OAL) on September 7, 1994.
2. On March 24, 2006, the Central Coast Water Board adopted Resolution No. R3-2006-0025 (Attachment 1) amending the Basin Plan to establish a TMDL for Pathogens, establish a Livestock Waste Discharge Prohibition, and remove the SHELL beneficial use from the Watsonville Slough and its tributaries.
3. Central Coast Water Board found that the analysis contained in the Final Project Report, including the Use Attainability Analysis, the California Environmental Quality Act (CEQA) "Substitute Document" Report for Basin Plan Amendment, including the CEQA Checklist, the staff report and the responses to comments prepared by Central Coast Water Board staff, complies with the requirements of the State Water Board's certified regulatory CEQA process, as set fourth in the California Code of Regulations, Title 23, section 3775 et seq.
4. Central Coast Water Board found that adoption of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16) and federal antidegradation requirements.

5. State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans, and section 13242, which requires a program of implementation of water quality objectives. The State Water Board also finds that the TMDL, livestock waste discharge prohibition, and removal of the SHELL beneficial use dedesignation as reflected in the Basin Plan amendment are consistent with the requirements of federal Clean Water Act section 303(c)(d).

6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL and SHELL dedesignation must also be approved by the U.S. Environmental Protection Agency (USEPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Central Coast Water Board Resolution No. R3-2006-0025.

2. Authorizes the Executive Director or designee to submit to OAL the amendment adopted under Central Coast Water Board Resolution No. R3-2006-0025, as approved, and the administrative record for this action and to submit to USEPA for approval the TMDL and SHELL dedesignation.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on _____ TBA _____.

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Clerk to the Board