

April 18, 2005

STATE WATER RESOURCES CONTROL BOARD
WORKSHOP SESSION--DIVISION OF WATER QUALITY
MAY 3, 2005

ITEM 2

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL COAST REGION INCORPORATING A TOTAL MAXIMUM DAILY LOAD FOR PATHOGENS IN SAN LUIS OBISPO CREEK

DISCUSSION

The Central Coast Water Regional Quality Control Board (Central Coast Water Board) adopted a revised Water Quality Control Plan for the Central Coast Region (Basin Plan) on February 11, 1994, which was approved by the State Water Resources Control Board (State Water Board) on May 18, 1994, by the Office of Administrative Law (OAL) on September 7, 1994, and by the U.S. Environmental Protection Agency (USEPA) on May 29, 2000.

This amendment, adopted by the Central Coast Water Board on December 3, 2004 by Resolution No. R3-2004-0142 ([Attachment](#)), would establish a Total Maximum Daily Load (TMDL) for fecal coliform in San Luis Obispo Creek. San Luis Obispo Creek was placed on the federal Clean Water Act section 303(d) list of impaired waters for pathogens in 1996. The listing was prompted by data indicating that fecal coliform bacteria levels exceed Basin Plan objectives for the protection of water contact recreation (REC-1). Fecal coliform is considered as an indicator organism for the presence of other pathogens.

Sources of fecal coliform in San Luis Obispo Creek, determined from DNA fingerprinting, include urban (stormwater runoff), sewage, birds and bats, livestock, and background. Urban and sewage sources together constitute about 75 percent of the total source loading. Sewage sources currently identified are from leaking private lateral lines located in a tunnel that underlies the City of San Luis Obispo business district. Efforts to identify other sources of sewage are ongoing. The urban source category is a large category comprised of waste from dogs, cats, humans, and other sources deposited on streets and sidewalks and then conveyed through the storm drain system to San Luis Obispo Creek.

Allocations for fecal coliform loading are expressed as receiving water concentrations. The allocations are established by location, season, and responsible party and are calculated based on the observed portion of total loading by source. About a 97 percent reduction in fecal coliform is necessary to achieve the TMDL's numeric target. The highest reductions will be necessary during summer months when flow, and therefore dilution, is minimal.

Responsible parties include the City of San Luis Obispo, County of San Luis Obispo, and California Polytechnic State University (Cal Poly). Each responsible party is required to implement actions to achieve their respective allocations. Implementation is required pursuant to existing regulatory authority through National Pollutant Discharge Elimination System (NPDES) permits and Waste Discharge Requirements (WDRs). The Executive Officer of the Central Coast Water Board will amend the monitoring and reporting requirements associated with existing NPDES permits and WDRs or rely on section 13267 of the California Water Code to include specific requirements for reporting on implementation actions and monitoring required by this TMDL. The City of San Luis Obispo and Cal Poly will be required to monitor fecal coliform levels in San Luis Obispo Creek. Because loading from the County of San Luis Obispo sources are not significant, it will not be required to monitor, although it is responsible for implementation actions.

The target date to achieve the TMDL is ten years after final approval, based on anticipated implementation schedules of the responsible parties.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan in accordance with the Staff Recommendation below?

FISCAL IMPACT

Central Coast Water Board and State Water Board staff work associated with or resulting from this action can be accomplished within budgeted resources.

REGIONAL WATER BOARD IMPACT

Yes, Central Coast Water Board.

STAFF RECOMMENDATION

That State Water Board:

1. Approves the amendment to the Central Coast Water Board Basin Plan to incorporate a TMDL for pathogens in San Luis Obispo Creek as approved in Central Coast Water Board Resolution No. R3-2004-0142.
2. Authorizes the Executive Director or designee to transmit the amendment and administrative record for this action to OAL. The TMDL must also be approved by USEPA.

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2005-

APPROVING AN AMENDMENT TO THE WATER QUALITY
CONTROL PLAN FOR THE CENTRAL COAST REGION
INCORPORATING A TOTAL MAXIMUM DAILY LOAD
FOR PATHOGENS IN SAN LUIS OBISPO CREEK

WHEREAS:

1. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted a revised Water Quality Control Plan for the Central Coast Region (Basin Plan) on February 11, 1994, which was approved by the State Water Resources Control Board (State Water Board) on May 18, 1994, by the Office of Administrative Law (OAL) on September 7, 1994, and by the U.S. Environmental Protection Agency (USEPA) on May 29, 2000.
2. On December 3, 2004, the Central Coast Water Board adopted Resolution No. R3-2004-0142 (Attachment) amending the Basin Plan to incorporate a Total Maximum Daily Load (TMDL) for pathogens in San Luis Obispo Creek.
3. Central Coast Water Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
4. The Central Coast Water Board found that the additions 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. The 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 objectives.
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 must also be approved by USEPA.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Central Coast Water Board Basin Plan to incorporate a TMDL for pathogens in San Luis Obispo Creek as approved in Central Coast Water Board Resolution No. R3-2004-0142.
2. Authorizes the Executive Director or designee to transmit the amendment and administrative record for this action to OAL and the TMDL to USEPA for approval.

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 May 19, 2005.

Debbie Irvin
Clerk to the Board