



CITY OF SANTA MARIA
UTILITIES DEPARTMENT
Business Services • Regulatory Compliance
Solid Waste Services • Water Resources

2065 EAST MAIN STREET • SANTA MARIA, CALIFORNIA 93454-8026 • 805-925-0951, EXT. 7270 • FAX 805-928-7240

August 16, 2012



Via Electronic Mail [commetletters@waterboards.gov]

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

SUBJECT: COMMENT LETTER – SANTA MARIA FIB TMDL

Dear Ms. Townsend:

The City of Santa Maria (Santa Maria) submits this comment letter on the Santa Maria FIB TMDL. Consistent with the requirements of the Notice of Opportunity to Comment, this comment letter specifically addresses one aspect of the final version of the Basin Plan Amendment adopted by the Central Coast Regional Water Quality Control Board (Regional Board), and explains why the Regional Board's response to Santa Maria's comment on this issue was inadequate or incorrect.

Before addressing one issue of concern, Santa Maria wishes to note that it appreciated the Regional Board's other responses to comments and the changes that were implemented in the final FIB TMDL. Santa Maria worked closely with Regional Board staff and thanks staff for its receptiveness to the concerns expressed by the City.

The one issue Santa Maria wishes to raise with the State Board is the manner in which the TMDL and the Basin Plan treat the Blosser Channel, the Bradley Channel, and the Main Street Canal. As the City advised the Regional Board throughout the FIB TMDL development process and included in its formal comment letter, these three flood control channels were constructed in or about the 1960s in areas where no previous watercourse existed. The three channels are fully or partially concrete, and receive a significant amount of agricultural discharges.¹ They are not open to the public and are not (and have not been) used for recreational purposes. In short, they are flood control facilities that are more appropriately considered to be part of the MS4, not receiving waters that should be subject, by default language in the Basin Plan, to Rec-1 and Rec-2 standards.

Unfortunately, the Regional Board's response to Santa Maria's comment on this issue was inadequate and incorrect. (See attached Comment 7.1 and Response). First, the response is deficient because it assumes, without any factual support, that there "is likely contact recreation in these channels because it is feasible that individuals (likely children) would either cross the channel and/or have access to play in these channels in certain reaches." There is no evidence

¹ In fact, the City has raised this issue with the Regional Board on many occasions dating back to 2008. Copies of Santa Maria's prior comment letters are attached.

Jeanine Townsend
Clerk to the Board
Page -2-
August 16, 2012

to support this response, and Santa Maria has no record of contact recreation in these three channels. Other than conjecture, the Regional Board has not pointed to evidence that supports this response.

Second, the response is deficient because it attempts to justify the application of the FIB TMDL to these three channels by stating that the Santa Maria River is the downstream receiving water body and is assigned the Rec-1 and Rec-2 beneficial uses in Table 2-1 of the Basin Plan. That a flood control facility/MS4 ultimately discharges to a receiving water with a certain designated use does not transform the facility itself into receiving water that must have the same beneficial use as the downstream water. Santa Maria did not object to the designation of the Santa Maria River. It objected to the characterization of the three flood control channels. References to the Santa Maria River do not shed light on how the three channels should be addressed.

Third, the Regional Board's response is deficient because it assumes that a UAA is not justifiable and that the Regional Board should not spend resources on a UAA that is not defensible. There is no evidence that a UAA is not justifiable. The evidence submitted by the City shows that there is a good basis for a UAA. At a minimum, it is premature to reach the conclusion that a UAA is not justifiable. Further, because the Regional Board's Basin Plan and approach to the FIB TMDL has created this issue in the first place, it is not reasonable to push the cost of the UAA onto the City. The Regional Board created the problem and should thus address it.

For these reasons, the City asks that the State Board not approve the portions of the FIB TMDL that apply to the Blosser Channel, the Bradley Channel, and the Main Street Canal. Because these three channels are flood control facilities that are best characterized as man-made facilities that are part of the MS4, the FIB TMDL and corresponding waste load allocations should not apply to them. The City suggests that the better approach is for the Regional Board to conduct a UAA with regard to these three channels.

Thank you for your consideration of this issue. Santa Maria wishes to stress again that it appreciates the work of the Regional Board and its staff and their consideration of the City's concerns. The City writes this letter only to point out this one deficiency with regard to the Blosser Channel, Bradley Channel, and the Main Street Canal.

Sincerely,



RICHARD G. SWEET, P.E.
Director of Utilities

Attachments:

- "A" Comment 7.1 and Response
- "B" Letter to Ms. Shanta Keeling, Regional Board, September 29, 2010
- "C" Letter to Mr. Steven Saiz, Regional Board, May 22, 2009
- "D" Letter to Ms. Mary Adams, Regional Board, May 22, 2009
- "E" Letter to Ms. Katie McNeill, Regional Board, October 29, 2008

continue to refine this TMDL. Since these TMDLs are a process that will have enforceable decisions that will affect the lives of many ranchers, the information should be as accurate as possible. I know the cattlemen are in favor of improving water quality but it has to be in a way that is possible to achieve, and in the spirit of cooperation.

Staff response

Staff appreciates your comments and your help throughout the development of this TMDL. Staff is committed to working with all agencies mentioned as well as all landowners and operators affected by this TMDL.

#7 City of Santa Maria

Comment 7.1

Thank you for the opportunity to comment on the Central Coast Regional Board's (Regional Board) proposed amendment to the Water Quality Control Plan for the Central Coast Basin (Basin Plan) to adopt a Total Maximum Daily Load (TMDL) for fecal indicator bacteria (FIB) in the Santa Maria River Watershed. Based on a review of the TMDL and related documents, the City of Santa Maria (City) submits the following comments:

1. The Blosser Channel, the Bradley Channel and the Main Street Canal Should Not be Included in the TMDL Until a Use Attainability Analysis (UAA) is Completed.

The United States Environmental Protection Agency (EPA) has stressed that a key element of the TMDL process must be an assessment of the attainability of the underlying water quality standards for the waters in question. EPA has recognized that implementing unattainable uses does not advance actions to improve water quality, and actually undermines improved water quality because it reinforces the public perception that water quality goals are incorrect. As EPA has noted, "[o]ne way to achieve efficiency in the process of assigning attainable designated uses is to better synchronize UAA analyses with the TMDL process."

The Basin Plan's (and the TMDL's) treatment of the Blosser Channel, the Bradley Channel and the Main Street Canal, and the assignment of Rec-1 and Rec-2 standards to these man-made flood control channels is not appropriate. These three flood control channels were constructed in or about the 1960s in areas where no previous watercourse existed. The three channels are fully or partially concrete, and receive a significant amount of agricultural discharges. They are not open to the public and are not (and have not been) used for recreational purposes. It is not legitimate to assign, nor is it attainable to achieve a Rec-1 or Rec-2 standard for these three channels.

For these reasons, the Regional Board should conduct a UAA for these three channels prior to moving forward with the TMDL as to them. Removing these three channels from the TMDL and conducting a UAA now would be appropriate and consistent with

EPA's guidance regarding the importance of proper use designations for the development of TMDLs that will achieve real water quality benefits and foster public support for water quality improvement efforts. This approach would also save all parties time and money by focusing the efforts of the TMDL on the Santa Maria River rather than diverting the focus of implementation efforts to three man-made channels.

On page 64 of the TMDL, the Regional Board acknowledges that the City has already informed the Regional Board of the need to conduct a UAA as to these waters. The Regional Board states that if the City provides the necessary justification and documentation, staff will adjust the TMDL and allocations accordingly. This deferred approach is not consistent with the EPA guidance discussed above. Rather than rushing forward with the TMDL as to these three channels, the Regional Board should work in collaboration with the City to move forward with a UAA for these waters and delay the TMDL as to them until that process is completed.

Therefore, the City requests that the Regional Board remove the Blosser Channel, Bradley Channel, and Main Street Canal from the TMDL and instead commence with a UAA as to them.

Staff response

Staff appreciates the City's concerns regarding beneficial use designations of the Blosser Channel, Bradley Channel, and the Main Street Canal.

The Central Coast Water Board's Basin Plan (1994, chp. 2, pg. 1) states,

Surface water bodies within the Region that do not have beneficial uses designated for them in Table 2-1 are assigned the following designations:

- Municipal and Domestic Water Supply
- Protection of both recreation and aquatic life.

The fecal indicator bacteria TMDLs proposed are intended to protect recreational beneficial uses. The Clean Water Act established a national goal of "...water quality which provides for the protection and propagation of fish, shellfish, and wildlife and recreation **in and on the water** [emphasis added]." The REC-1 beneficial use described in the Basin Plan refers to "Uses of water for recreational activities involving body contact with water..." The REC-2 beneficial use refers to "Uses of water for recreational activities involving proximity to water, but not normally involving body contact with water..." The intent of the Basin Plan language for waterbodies that do not have uses specified in Table 2-1 is to provide the protection consistent with the national goals of the Clean Water Act, i.e. for recreation "...in and on the water..." which is consistent with the REC-1 and REC-2 beneficial uses.

With regards to the assignment of REC-1 and REC-2 standards to these man-made flood control channels not being appropriate, staff concludes that the water quality

standards and the beneficial uses assigned to the waterbodies in question are correct. While it may be that Bradley Channel, Blosser Channel and Main Street Canal were designed to function as drainage systems and are not natural systems, they are nevertheless waters of the state, and therefore subject to the environmental protection described above. Additionally, these waterbodies/drainage channels eventually flow into the Santa Maria River. Staff notes that these waterbodies are open drainages, i.e., they are accessible for public contact, and in some cases have downstream receiving waters where water contact and non-contact recreation is probable, e.g. Bradley Lake. Staff understands the City's position that Bradley Channel, Blosser Channel and the Main Street Canal were constructed channels and are not natural waterbodies. However, there is likely contact recreation in these channels because it is feasible that individuals (likely children) would either cross the channel and/or have access to play in these channels in certain reaches. For example, Blosser Channel before it enters the Santa Maria River is accessible and next to a housing development where children might be playing.

It is important to note that the Santa Maria River is the downstream receiving waterbody and is assigned the REC-1 and REC-2 beneficial uses in Table 2-1 of the Basin Plan. Consequently, even if the recreational beneficial uses were not assigned to Bradley Channel, Blosser Channel, and Main Street Canal, the City would nevertheless need to address FIB loading into these channels in order to protect recreational beneficial uses in the Santa Maria River.

Regarding the Water Board's taking a deferred approach and not being consistent with USEPA guidelines, staff maintains that a UAA is not justifiable in this situation and does not want to spend resources on an issue that is not defensible. This is the reason staff indicated that if the City wanted to pursue a UAA on its own and bring it back to Water Board staff so that we may review the documentation, that action is the City's prerogative. Even if the City drafts a UAA, staff can only recommend approval by the Central Coast Water Board if it is legally defensible.

Water Board staff is not opposed to writing UAAs when scientifically and legally justifiable. Staff has written three UAAs that proposed de-designation of the shellfishing beneficial use in the Watsonville Sloughs (including Harkins, Gailighan, Hanson and Struve), Soquel Lagoon, and San Lorenzo River Estuary and presented these to the Central Coast Water Board. The Central Coast Water Board approved all three of these proposed de-designations. The USEPA only approved Watsonville Slough de-designation and "took no action" on San Lorenzo Estuary and Soquel Lagoon.

In terms of 'rushing' into this TMDL, staff finds this assertion to be misleading. Staff has been working with the City and the public on this TMDL since September 2003 (see Project Report Section 6.8 – Public Participation for a description of public outreach associated with this TMDL). Water Board staff appreciates all the time, help, and coordination City staff has provided the Water Board.



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September 29, 2010

Ms. Shanta Keeling
 Central Coast Regional Water Quality Control Board
 895 Aerovista Place, Ste. 101
 San Luis Obispo, CA 93401

SUBJECT: TMDL FECAL INDICATOR BACTERIA PROJECT COMMENTS

The City of Santa Maria appreciates the opportunity to comment on the *Fecal Indicator Bacteria TMDL Technical Report Final Draft for the Santa Maria Watershed in Santa Barbara, San Luis Obispo, and Ventura Counties, California, August 2010*. The City understands and values the goals of the Regional Board to reduce pathogens loadings that impact our local water bodies, and we share the Board's vision of a healthy functioning watershed. Please note the following comments.

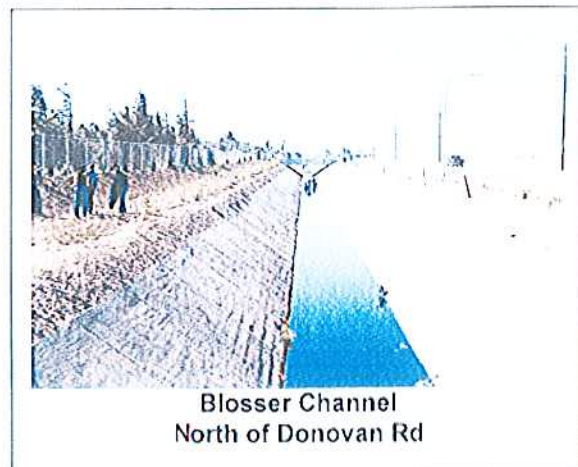
Length of Blosser Channel

Pg. 5 Table 1 and Pg. 27 Table 12

Blosser Channel – between Main Street and the Santa Maria River levee – is listed as being 0.02 miles but is actually 2 miles long from where it daylights at West Fesler Street north to the levee.

Bradley Channel, Blosser Channel, and Main Street Canal; Inappropriate Listings and Beneficial Use Designations

Pg. 6 ¶4 states: "The Basin Plan specifically identifies beneficial uses for some of the listed water bodies included in this analysis. The Basin Plan also states that surface water bodies within the region, that do not have beneficial uses specifically designated for them, are assigned the beneficial uses of 'municipal and domestic water supply' and 'protection of both recreation and aquatic life'. Staff interpreted this general statement of beneficial uses to encompass the beneficial uses of REC-1 and REC-2, MUN, along with all beneficial uses associated with aquatic life. Therefore, the following waterbodies are assigned the beneficial uses REC-1 and REC-2, MUN, and all beneficial uses associated with aquatic life: Blosser Channel...Bradley Channel...Main Street Canal ..."



**Blosser Channel
 North of Donovan Rd**



As discussed more fully below, the unilateral designation by Board staff of the Bradley Channel, the Blosser Channel, and the Main Street Canal as REC-1, REC-2, MUN, as well as "all beneficial uses associated with aquatic life", when those waters do not have such designations in the Basin Plan, is inconsistent with federal and state authority. As State Board Resolution 2005-0050 makes clear; a key starting point for the development of a TMDL is to assess the water quality standards applicable to the waters in question. Such an initial assessment is required to make sure that the TMDL is attainable, and will in fact help address the true impairment in question. Here, consistent with state policy, Board staff should conduct such an assessment now before moving forward with the TMDL. Certainly, Board staff should not unilaterally, and without a public hearing, create use designations for waters that are not designated in the Basin Plan (designations that do not reflect reality), and then attempt to build a TMDL around those designations. As the City

has previously pointed out to Board staff, recreational uses and water supply uses are not existing or attainable uses for the Bradley Channel, the Blosser Channel, or the Main Street Canal, and, therefore, those water bodies should not be included in this TMDL process. (See City's October 29, 2008 letter to Katie McNeil, and its May 22, 2009 letter to Mary Adams.)

The Proposed Uses Are Not Existing Uses

The Clean Water Act's implementing regulations require that existing instream water uses must be maintained and protected. (40 CFR 131.12(a)(1)) An existing use is one that is actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards. (40 CFR 131.3(e)) Here, as the City has informed Board staff in its two prior letters, Bradley Channel, Blosser Channel, and the Main Street Canal are straight, engineered drainages designed to convey storm flows. They were constructed upland for the specific purpose of flood control; no historic, relic water courses, or waters of the State were involved in their design. These channels function much like an extension of the City's curb and gutter systems. They were not designed for, nor have they been used for, recreation, water supply, nor to support aquatic life. There is no evidence in the record of this TMDL development process that demonstrates that these uses would qualify as existing uses that must be protected. Therefore, the Board staff's proposed uses are not existing uses.

The Basin Plan Should Be Amended To Designate Beneficial Uses For The Water Bodies Before TMDL Development

As Board staff recognizes, the Basin Plan does not designate beneficial uses for Bradley Channel, Blosser Channel, or the Main Street Canal. Both federal and state law requires that designated uses be established by the Regional Board, after a public hearing, for all the water bodies within the Region. (40 CFR 131.10; Water Code sections 13050 (f), (g) and (j), 13241 and 13244.) As part of this process, the Regional Board must assess various factors,

including past, present, and probable future uses and economic considerations. (Water Code section 13241.) Before developing a TMDL, it is fundamentally important that the Regional Board first designate beneficial uses for these water bodies through the public hearing process, taking into account the required factors. To do otherwise would be to develop a TMDL that is not rooted in reality, and not designed to protect beneficial uses that are attainable and established by the Regional Board. Such a result would be inconsistent with federal and state authority, including, without limitation, State Board Resolution 2005-0050.

Board Staff Cannot Unilaterally Designate Beneficial Uses

On page 5 of the FIB TMDL Technical Report, Board staff assigns the beneficial uses REC-1, REC-2, MUN, and "all beneficial uses associated with aquatic life" to, among other waters, Bradley Channel, Blosser Channel, and the Main Street Canal. The City is unaware of any legal authority for Board staff to unilaterally designate beneficial uses for water bodies within the Region. Water Code



Main Street Ag Irrigation Flow
8.16.10



Main Street Channel
West of City

sections 13240 and 13241 lodge the authority to designate beneficial uses in the Regional Board, and Water Code section 13244 requires a public hearing of the Regional Board to designate such uses in the Basin Plan. In addition, the Regional Board's Basin Plan and amendments are subject to State Board and EPA review and approval. (40 CFR 131.5; Water Code section 13245.) Therefore, Board staff's unilateral designation of beneficial uses cannot be effective without Regional Board, State Board, and EPA approval through the Basin Plan Amendment process.

In addition, the phrase "and all beneficial uses associated with aquatic life" is overly broad and cannot serve as a proper designation for these flood control channels. There are many different types of beneficial uses that might be "associated" with aquatic life. The Regional Board, and not Board staff, should consider at a public hearing which, if any, of such standards are attainable for these water

bodies.

A Use Attainability Analysis Should be Prepared for these Water Bodies

As noted by Board staff, the Basin Plan does not designate beneficial uses for Bradley Channel, Blosser Channel, or the Main Street Canal. Consistent with Section 101(a)(2) of the Clean Water Act, the Basin Plan does appear to set the basic "fishable/swimmable" goal for all waters within the Region. However, the "fishable/swimmable" goal controls where feasible. The City believes that the "fishable/swimmable" goal is not feasible and that a Use Attainability

Analysis (UAA) will demonstrate that it is not feasible. The Bradley Channel, Blosser Channel, and the Main Street Canal meet several of the criteria established by 40 CFR 131.11(g), and a UAA should be conducted.

The City's request here is very consistent with the policy behind State Board Resolution 2005-0050, and consistent with similar efforts underway in other Regions. As State Board Resolution 2005-0050 provides, "in some instances part or the entire cause of the impairment will be due to problems with the standards themselves". This is such an instance. As State Board Resolution 2005-0050 also required "revision of the standards themselves may be the best (or only) way to address the impairment". This is such an instance. Therefore, consistent with state policy, a UAA should be conducted for these water bodies.

Conducting a UAA action would also be consistent with the approaches taken in Regions 4 and 8. Region 4 is currently conducting a re-evaluation of recreational uses in the engineered channels of the Los Angeles River Watershed. Similarly, Region 8 has long been working on a standards review for similar channels within the Santa Ana Region. A similar process is warranted here.

For all of these reasons, the City requests that Bradley Channel, Blosser Channel, and the Main Street Canal be removed from this TMDL process, and placed on a separate UAA track. This would be the best use of City and Regional Board resources, be consistent with federal and state authority, and result in a better and more accurate regulatory process.

Bacteriological Criteria

The designations have bacteriological criteria associated with them. The bacteriological water quality objective for Water Contact Recreation matches Allocation 1 in Table 21. The bacteriological water quality objective for Shellfish Harvesting matches up with Allocation 3, and there is no water quality objective that matches up with Allocation 2, meaning there is no basis for the receiving water objective per the Basin Plan. Any water body assigned with Allocation 2 should be removed from further discussion. Water bodies with Allocation 1 should be verified as having the beneficial use of water contact recreation before responsible parties are asked to meet the stringent bacteriological requirements associated with this beneficial use.

Santa Maria River; Beneficial Use Designations

Pgs. 6, 7, and Table 2

The City requests that the Regional Board consider whether several beneficial use designations for the Santa Maria River are attainable. The Beneficial Uses in question include Municipal and Domestic Supply (MUN), Industrial Service Supply (IND), Contact Water Recreation (REC-1), Non-Contact Water Recreation (REC-2), and Commercial and Sport Fishing (COMM). The City believes that these uses cannot be, and have not been attained.

The Santa Maria River is not drawn upon for municipal water supply, nor is the River used for contact or non-contact Water Recreation. It is dry for most of the year. Any flow that may result from heavy storm events is swift and treacherous. The River is bordered on the City-side by a protective levee, and prohibited from human access. The River does not support industrial service supply or commercial and sport fishing. Therefore, the City requests a UAA

before a TMDL is developed to support these uses.

Santa Maria Estuary; Beneficial Use Designations

The City requests that the Regional Board consider whether several beneficial use designations for the Santa Maria Estuary are attainable. The Beneficial Uses in question include Water Contact Recreation (REC-1), Non-Contact Water Recreation (REC-2), Commercial and Sport Fishing (COMM), and Shellfish Harvesting (SHELL).

The estuary land is privately owned and inaccessible. As Board staff recognizes, no shellfishing is occurring in the estuary at the present time. There is no evidence that shellfishing is expected to occur in the future. Therefore, a UAA should be conducted.

Monitoring Data

City of Santa Maria has more current sampling data (2008 - 2010) than that used for this report (2005). See the City's first Storm Water Annual Report dated December 2009, pgs. 7-3 through 7-10, available here: www.santamariacleanwater.org.

Monitoring Locations

Pg. 20 §4.3.3, The City's current Monitoring Plan utilizes carefully selected sites intended to isolate urban flows from mixed flows. Sample sites used in 2005 (Prell Basin, Hobbs Basin, and Main Street Channels North and South) were never intended to produce samples representative of urban flows, but rather were selected to show the incoming flows from surrounding agricultural activities. See Appendix A to the City's Storm Water Annual Report, available as noted above for the City's current Storm Water Quality Monitoring Program.

Pg. 20 ¶3 states, "The City plans to continue stormwater monitoring efforts indefinitely, with a minimum of three sampling events per wet season". More accurately, the City is committed to continuing storm water monitoring efforts as currently performed for the term of the General Permit. Also, the City's monitoring plan includes taking samples during two events per wet season, rather than three as stated in this report.

Pg. 20 Table 7, Prell Basin is described as being "west of Highway One and south of Nicholson Street". It is actually east of Highway 101.

Various

Pgs. 26, 27, and Table 10 attributes inaccurate land cover acreage to the Bradley Channel, which is said to have three acres of forest; there is no forest. Table also references both the Santa Maria River, and the Santa Maria River Channel, with no explanation as to the difference between the two.

Pg. 44 ¶1 states, "Because there is no controllable source organism that staff can identify from agricultural fields, staff concluded irrigated agriculture is not a source of fecal indicator bacteria contributing to exceedance of water quality objectives." Since Water Board is assigning source to sewage collection systems and septic systems, it is reasonable to expect in-field outhouses as being potential sources also. During high winds and storms, overturned outhouses have been observed in local farm fields.

Pg. 50 ¶15 references the City of Santa Maria's January 2009 Storm Water Management Plan. The most recent version of the City's SWMP is dated March 2010, and is available on the City's website: www.santamariacleanwater.org.

Pg. 59 Table 21, The City of Guadalupe is noted as a responsible party for urban runoff to the Santa Maria River with "pending" Storm Water General Permit status. City is unaware of any action underway to bring the City of Guadalupe under the Storm Water General Permit.

We appreciate your time in considering the above comments. If you have any questions, or need further information, please feel free to contact Utilities Engineer Steve Kahn or me at 805-925-0951, extension 7211.



RICHARD G. SWEET, P.E.
Director of Utilities

cc: Tom Fayram, Santa Barbara County Flood Control and Water Conservation District



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May 22, 2009

Mr. Steven Saiz
Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

SUBJECT: 2009 TRIENNIAL REVIEW OF THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL COAST BASIN

Dear Mr. Saiz:

The City of Santa Maria appreciates the opportunity to provide comments to Regional Water Quality Control Board staff on the Triennial Review of the Water Quality Control Plan for the Central Coast Basin. The City values the efforts of the Regional Board to accurately designate beneficial uses for water bodies in the Central Coast Region and establish water quality objectives and implementation plans to protect those beneficial uses.

The City here submits its comments on three primary concerns related to this project:

1. Designation of the Blosser, Bradley, and West Main Street Channels as water bodies;
2. Beneficial Uses assigned to the channels and the Santa Maria River; and
3. TMDL Scheduling - Watershed TMDL Approach.

DESIGNATION OF BLOSSER, BRADLEY, AND WEST MAIN STREET CHANNELS AS WATER BODIES

Two concrete-lined flood control channels, the Blosser and Bradley, and one unlined roadside ditch, the West Main Street Channel, which are all owned and operated by Santa Barbara County Flood Control and Water Conservation District, have been mistakenly referred to as natural water bodies. All of these channels are straight, engineered drainages designed to convey storm flows from the City of Santa Maria and adjacent agricultural areas. They were constructed upland for the specific purpose of flood control; no historic, relic water courses or waters of the State were involved in their designs.

Secondarily, in both wet and dry weather, they receive heavy agricultural tail flows from farm fields surrounding the City. They were not designed for this purpose, but are the recipient of the agricultural runoff due to gravity flow.

BENEFICIAL USES ASSIGNED TO THE CHANNELS AND THE SANTA MARIA RIVER

Flood Control Channels

The definition of the Blosser, Bradley, and West Main Street Channels as Surface Water Bodies is inaccurate and problematic. It is our understanding that within the Basin Plan, if a water course is defined as a Surface Water Body within the Region, but does not have specific Beneficial Uses designated to it, it is automatically assigned designations of 1) Municipal and Domestic Water Supply; and 2) Protection of both recreation and aquatic life. These uses have no relevance to these channels. These channels are in some sections very steep and inaccessible. They function much like an extension of the City's curb and

Attachment "C"

gutter systems that direct storm water flows on City streets. They were never designed for water supply, recreation, or to support aquatic life. Such uses would be highly inappropriate. These flood control channels should be removed from the listed water bodies in the Basin Plan and should have no related Beneficial Uses assigned to them.

Santa Maria River

The Santa Maria River is an appropriately listed water body assigned thirteen beneficial uses under the Basin Plan. Most of these are fitting designations, but some are not and should be deleted.

Included among the thirteen Beneficial Uses assigned to the Santa Maria River are Municipal and Domestic Supply and Contact Water Recreation. The Santa Maria River is not drawn upon for municipal water supply, nor is the River used for Contact Water Recreation. It is dry for most of the year. Any flow that may result from heavy storm events is swift and treacherous. The River is bordered on the City-side by a protective levee and prohibited from human access.

The River does recharge groundwater, which the City resources from municipal wells approximately five to six miles south of the River. The City agrees that Ground Water Recharge is an appropriate Beneficial Use designation for the River. Municipal and Domestic Supply and Contact Water Recreation are not. These two Beneficial Uses should be deleted from those assigned to the Santa Maria River

TMDL SCHEDULING - WATERSHED TMDL APPROACH

The Central Coast Water Board has signified the lower Santa Maria watershed as being a High Priority Watershed due to "multiple impairments affecting a spectrum of beneficial uses" and noting a "greater exceedance of water quality objectives" relative to other watersheds. Although the City has concerns regarding some of the current water body listings and assigned Beneficial Uses (as stated earlier in this communication), City agrees with the Water Board's possible use of a Watershed TMDL approach to maximize efforts and address multiple related constituents in multiple waterbodies within the watershed. This approach may well fit in with the multiple listings in the Santa Maria watersheds and the TMDL development currently underway. We look forward to working with Water Board staff, Santa Barbara County, agricultural interests, and all other contributing entities to forward this project.

SUMMARY

As a part of the project to update the Basin Plan, the City of Santa Maria respectfully requests that the Regional Board staff 1) remove the Blosser, Bradley, and West Main Street flood control channels from designated Surface Water Bodies; 2) more closely align actual uses of the Santa Maria River with Beneficial Uses assigned within the Basin Plan; and 3) work closely with the City, the County, agricultural interests, and all other entities within the Santa Maria watershed on a Watershed TMDL approach.

We appreciate your time in considering the above comments. If you have any questions or need further information, please feel free to contact Utilities Engineer Steve Kahn or me at (805) 925-0951, extension 7270.



RICHARD G. SWEET, P.E.
Director of Utilities

c: Tom Fayram, Santa Barbara County Flood Control and Water Conservation District



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May 22, 2009

Ms. Mary Adams
Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

**SUBJECT: PROPOSED REVISIONS TO THE 303(d) LIST OF IMPAIRED WATER BODIES
AND CONSIDERATION OF AN INTEGRATED ASSESSMENT REPORT FOR
THE CENTRAL COAST REGION**

Dear Ms. Adams:

The City of Santa Maria appreciates the opportunity to provide comments to Regional Water Quality Control Board staff on the Proposed Revisions to the 303(d) List of Impaired Water Bodies and Consideration of an Integrated Assessment Report for the Central Coast Region. The City values the efforts of the Regional Board to provide changes to the Clean Water Act Section 303(d) List of Impaired Waterbodies and provide accurate, updated information for the draft Clean Water Act Section 305(b) report on water quality condition of waters within the Central Coast Region.

The City here submits its comments on three primary concerns related to this project:

1. Designation of the Blosser, Bradley, and West Main Street Channels as water bodies;
2. Beneficial Uses assigned to the channels and the Santa Maria River; and
3. Sanitary Sewer Overflows as a source of impairment.

DESIGNATION OF BLOSSER, BRADLEY, AND WEST MAIN STREET CHANNELS AS WATER BODIES

Two concrete-lined flood control channels, the Blosser and Bradley, and one unlined roadside ditch, the West Main Street Channel, which are all owned and operated by Santa Barbara County Flood Control and Water Conservation District, have been mistakenly referred to as natural water bodies. All of these channels are straight, engineered drainages designed to convey storm flows from the City of Santa Maria and adjacent agricultural areas. They were constructed upland for the specific purpose of flood control; no historic, relic water courses or waters of the State were involved in their designs.

Secondarily, in both wet and dry weather, they receive heavy agricultural tail flows from farm fields surrounding the City. They were not designed for this purpose, but are the recipient of the agricultural runoff due to gravity flow.

BENEFICIAL USES ASSIGNED TO THE CHANNELS AND THE SANTA MARIA RIVER

Flood Control Channels

The definition of the Blosser, Bradley, and West Main Street Channels as Surface Water Bodies is inaccurate and problematic. It is our understanding that within the Basin Plan, if a water course is defined as a Surface Water Body within the Region, but does not have specific Beneficial Uses designated to it, it is automatically assigned designations of 1)

Attachment "D"

Municipal and Domestic Water Supply; and 2) Protection of both recreation and aquatic life. These uses have no relevance to these channels. These channels are in some sections very steep and inaccessible. They function much like an extension of the City's curb and gutter systems that direct storm water flows on City streets. They were never designed for water supply, recreation, or to support aquatic life. Such uses would be highly inappropriate. These flood control channels should be removed from the listed water bodies in the Basin Plan and should have no related Beneficial Uses assigned to them.

Santa Maria River

The Santa Maria River is an appropriately listed water body assigned thirteen beneficial uses under the Basin Plan. Most of these are fitting designations, but some are not and should be deleted.

Included among the thirteen Beneficial Uses assigned to the Santa Maria River are Municipal and Domestic Supply and Contact Water Recreation. The Santa Maria River is not drawn upon for municipal water supply, nor is the River used for Contact Water Recreation. It is dry for most of the year. Any flow that may result from heavy storm events is swift and treacherous. The River is bordered on the City-side by a protective levee and prohibited from human access

The River does recharge groundwater, which the City resources from municipal wells approximately five to six miles south of the River. The City agrees that Ground Water Recharge is an appropriate Beneficial Use designation for the River. Municipal and Domestic Supply and Contact Water Recreation are not. These two Beneficial Uses should be deleted from those assigned to the Santa Maria River

SANITARY SEWER OVERFLOWS AS A SOURCE OF IMPAIRMENT

The City is particularly interested in the inclusion of sanitary sewer overflows (SSO) in the discussion of pollutant sources. The City has had several SSOs documented through CIWQS, California's on-line SSO reporting site. As documented in CIWQS, all of the overflows were fully captured by City staff and discharged at the City's wastewater treatment plant. The potential contribution of fully captured, infrequent releases from sanitary sewers is inconsequential compared to the regular releases of nutrients and pathogens from other potential sources.

The sources of nutrients and pathogens are widespread, and include both natural and anthropogenic processes. The Regional Board has not clarified to the City's satisfaction what the actual sources contributing to water impairments may be, or what may be the relative contribution of each possible source.

In addition, sanitary systems have recently been subject to new regulations that aim to reduce the likelihood of future SSOs. Improved operation and maintenance, repairs, and documentation are expected to substantially reduce the frequency of SSOs. These regulations are new, and need time to take effect. Extra requirements on municipal sewer agencies should not be necessary to reduce the minor impacts from SSOs, and additional costly control measures should not be imposed on suspected anthropogenic sources without a full knowledge that the measures will achieve the desired objectives. If the control measures are imposed, and the desired objectives are still not met, there is no assurance that more control measures will not be imposed in an effort to "correct" what may be a natural occurrence.

SUMMARY

As a part of the project to provide revisions to the 303(d) List, the City of Santa Maria respectfully requests that the Regional Board staff 1) remove the Blosser, Bradley, and West Main Street flood control channels from designated Surface Water Bodies; 2) more closely align actual uses of the Santa Maria River with Beneficial Uses assigned within the Basin Plan; and

3) make studied determinations of the actual sources of water impairments and the relative contributions of each source.

We appreciate your time in considering the above comments. If you have any questions or need further information, please feel free to contact Utilities Engineer Steve Kahn or me at (805) 925-0951, extension 7270.

A handwritten signature in blue ink, appearing to read 'R.G. Sweet', with a stylized flourish at the end.

RICHARD G. SWEET, P.E. ^{FOR}
Director of Utilities

c: Tom Fayram, Santa Barbara County Flood Control and Water Conservation District



CITY OF SANTA MARIA
UTILITIES DEPARTMENT
Business Services • Fleet Services
Flood Control • Regulatory Compliance
Solid Waste Services
Water Resources • Wastewater Resources

2065 EAST MAIN STREET • SANTA MARIA, CALIFORNIA 93454-8026 • 805-925-0951, EXT. 7270 • FAX 805-928-7240

October 29, 2008

Katie McNeill, Environmental Scientist
Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

**SUBJECT: CENTRAL COAST WATER QUALITY CONTROL PLAN AMENDMENTS
PERTAINING TO SANTA MARIA WATERSHED**

Dear Ms. McNeill:

The City of Santa Maria appreciates the opportunity to work with Regional Water Quality Control Board (Regional Board) staff on the Total Maximum Daily Loads (TMDL) Projects for nutrients and pathogens for impaired water bodies in Northern Santa Barbara County. The City appreciates and values the goals of the Regional Board to reduce nutrient and pathogen loadings that impact beneficial uses of our water bodies. We share the Water Board's vision of a healthy functioning watershed.

The City here submits its comments on three primary concerns related to the Project Descriptions under consideration:

1. Designation of the Blosser, Bradley, and West Main Street Channels as water bodies;
2. Beneficial Uses assigned to the channels and the Santa Maria River; and
3. Sanitary Sewer Overflows as a source of impairment.

BLOSSER, BRADLEY, AND WEST MAIN STREET CHANNELS AS WATER BODIES

Two concrete-lined flood control channels, the Blosser and Bradley, and one unlined roadside ditch, the West Main Street Channel, which are all owned and operated by Santa Barbara County Flood Control and Water Conservation District, have been mistakenly referred to as natural water bodies. All of these channels are straight, engineered drainages designed to convey storm flows from the City of Santa Maria and adjacent agricultural areas. They were constructed upland for the specific purpose of flood control; no historic, relic water courses or waters of the State were involved in their designs.

Secondarily, in both wet and dry weather, they receive agricultural tail flows from farm fields surrounding the City. They were not designed for this purpose, but are the recipient of the agricultural runoff due to gravity flow. In the summer, the flows from east of the City do not even make it to the Santa Maria River. They discharge to the Bradley Basin where the water either evaporates or percolates back to groundwater. These flood control channels should be removed from the listed water bodies in the Basin Plan.

BENEFICIAL USES ASSIGNED TO THE CHANNELS AND THE SANTA MARIA RIVER

Flood Control Channels

The definition of the Blosser, Bradley, and West Main Street Channels as Surface Water Bodies is inaccurate and problematic. Within the Basin Plan, if a water course is defined as

a Surface Water Body within the Region, but does not have specific Beneficial Uses designated to it, it is automatically assigned designations of 1) Municipal and Domestic Water Supply, and 2) Protection of both recreation and aquatic life. These uses have no relevance at all to these channels. These channels function much like an extension of the City's curb and gutter systems that direct storm water flows on City streets. They were never designed for water supply, recreation, or to support aquatic life. Again, these flood control channels should be removed from the listed water bodies in the Basin Plan and have no Beneficial Uses assigned to them.

Santa Maria River

The Santa Maria River is an appropriately listed water body assigned thirteen beneficial uses under the Basin Plan. Most of these are fitting designations, but some are not and should not be utilized to determine TMDLs.

Included among the thirteen Beneficial Uses assigned to the Santa Maria River are Municipal and Domestic Supply and Contact Water Recreation. The Santa Maria River is not drawn upon for municipal water supply, nor is the River used for Contact Water Recreation. The River does recharge groundwater, which the City resources from municipal wells approximately five to six miles south of the River. The City agrees that Ground Water Recharge is an appropriate Beneficial Use designation for the River, and TMDL determinations made upon that designation are certainly appropriate. Municipal and Domestic Supply and Contact Water Recreation are not. These two Beneficial Uses should be deleted from those assigned to the Santa Maria River

SANITARY SEWER OVERFLOWS AS A SOURCE OF IMPAIRMENT

The City is particularly interested in the inclusion of sanitary sewer overflows (SSO) in the discussion of pollutant sources. The City has had several SSOs documented through CIWQS, California's on-line SSO reporting site. As documented in CIWQS, all of the overflows were fully captured by City staff and discharged at the City's wastewater treatment plant. The potential contribution of fully captured, infrequent releases from sanitary sewers is inconsequential compared to the regular releases of nutrients and pathogens from other potential sources.

The sources of nutrients and pathogens are widespread, and include both natural and anthropogenic processes. The Regional Board has not clarified to the City's satisfaction what the actual sources contributing to water impairments may be or what may be the relative contribution of each possible source.

In addition, sanitary systems have recently been subject to new regulations that aim to reduce the likelihood of future SSOs. Improved operation and maintenance, repairs, and documentation are expected to substantially reduce the frequency of SSOs. These regulations are new, and need time to take effect. Extra requirements on municipal sewer agencies should not be necessary to reduce the minor impacts from SSOs, and additional costly control measures should not be imposed on suspected anthropogenic sources without a full knowledge that the measures will achieve the desired objectives. If the control measures are imposed, and the desired objectives are still not met, there is no assurance that more control measures will not be imposed in an effort to "correct" what may be a natural occurrence.

SUMMARY

Prior to any TMDL determinations for the Santa Maria Valley, the City of Santa Maria respectfully requests that the Regional Board staff 1) remove the Blosser, Bradley, and West Main Street flood control channels from designated Surface Water Bodies; 2) closely align actual uses of the Santa Maria River with Beneficial Uses assigned within the Basin Plan; and 3) make studied determinations of the actual sources of water impairments and the relative

contributions of each source.

We appreciate your time in considering the above comments. If you have any questions or need further information, please feel free to contact Utilities Engineer Steve Kahn or me at (805) 925-0951, extension 7270.



RICHARD G. SWEET, P.E.
Director of Utilities

c: Tom Fayram, Santa Barbara County Flood Control and Water Conservation District