

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2011-0040**

APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL COAST REGION (BASIN PLAN) TO: 1) ADOPT TOTAL MAXIMUM DAILY LOADS FOR FECAL COLIFORM IN LOWER SALINAS RIVER WATERSHED; 2) ADD THE LOWER SALINAS RIVER WATERSHED TO THE DOMESTIC ANIMAL WASTE DISCHARGE PROHIBITION; AND 3) ADD THE LOWER SALINAS RIVER WATERSHED TO THE HUMAN FECAL MATERIAL DISCHARGE PROHIBITION.

WHEREAS:

1. On September 2, 2010, the Central Coast Water Board adopted [Resolution No. R3-2010-0017](#) amending the Basin Plan to establish a Total Maximum Daily Load (TMDL) and implementation plan for fecal coliform in the Lower Salinas River Watershed, add the Lower Salinas River Watershed to the Domestic Animal Waste Discharge Prohibition, and add the Lower Salinas River Watershed to the Human Fecal Material Discharge Prohibition.
2. The Central Coast Water Board found the Basin Plan amendment was consistent with the provisions of State Water Resources Control Board (State Water Board) [Resolution No. 68-16](#), "Statement of Policy with Respect to Maintaining High Quality of Waters in California" and 40 CFR section 131.12.
3. The Central Coast Water Board may, pursuant to California Water Code section 13243, specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted (i.e., prohibitions). The Implementation Plan for the TMDLs for the Lower Salinas River Watershed requires compliance with the Human Fecal Material Discharge Prohibition and the Domestic Animal Waste Discharge Prohibition for discharges in the Lower Salinas River Watershed. Supporting documentation for adding the Lower Salinas River Watershed to the above-named prohibitions is provided in the Final Project Report for Total Maximum Daily Loads for Fecal Coliform in the Lower Salinas River Watershed. Consistent with California Water Code section 13244, the Central Coast Water Board complied with public notice and hearing requirements for adding the Lower Salinas River Watershed to the Human Fecal Material Discharge and the Domestic Animal Waste Discharge Prohibitions.
4. The elements of a TMDL are described in 40 CFR sections 130.2 and 130.7 and section 303(d) of the CWA and U.S. Environmental Protection Agency guidance documents. A TMDL is defined as "the sum of individual waste load allocations for point sources and load allocations for nonpoint sources and natural background" (40 CFR §130.2). The Central Coast Water Board has determined that the TMDLs for fecal coliform in the Lower Salinas River Watershed are set at levels necessary to attain and maintain the applicable numeric water quality objectives taking into account seasonal variations and any lack of knowledge concerning the relationship between effluent limitations and water quality (40 CFR §130.7(c)(1)). The regulations in 40 CFR section 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading, and water quality parameters. TMDLs are often expressed as a mass load of the pollutant but can be expressed as a unit of concentration if appropriate (40 CFR §130.2(i)). Expressing these TMDLs as units of concentration is appropriate in this case because an existing concentration-based water quality objective was used as the basis for determining the impairment.

5. The Central Coast Water Board concurred with the analyses contained in the [Final Project Report, the California Environmental Quality Act "Substitute Environmental Document"](#) for the Basin Plan amendments (including the CEQA Checklist), the staff report, and responses to comments, and found that these analyses comply with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in California Code of Regulations, Title 23, section 3775 et seq. Furthermore, the Central Coast Water Board found that these analyses fulfill the Central Coast Water Board's obligations attendant with the adoption of regulations "requiring the installation of pollution control equipment, or a performance standard or treatment requirement," as set forth in section 21159 of the Public Resources Code. The Central Coast Water Board's environmental analysis has taken into account a reasonable range of environmental, economic, and technical factors.
6. 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, section 13242, which requires a program of implementation to achieve water quality objectives, and section 13243, which authorizes regional water quality control boards to specify certain conditions or areas where the discharges of certain types of waste will not be permitted. The State Water Board also finds that the TMDLs, as reflected in the Basin Plan amendment, are consistent with the requirements of CWA section 303(d).
7. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subd. (b). The necessity of developing the TMDL is established in the TMDL project report, the section 303(d) list, and the data contained in the administrative record documenting the pathogen impairments of the Lower Salinas River Watershed.
8. 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 receive approval from the U.S. Environmental Protection Agency.
9. Central Coast Water Board staff determined that minor, non-substantive changes to the language of the Basin Plan amendment were necessary to correct minor clerical errors, to improve clarity, and to ensure that the amendment is consistent with the Basin Plan update adopted under Resolution No. R3-2010-0017. The Central Coast Water Board's Executive Officer submitted these minor changes in a memorandum dated October 7, 2010.

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. R3-2010-0017.

2. Authorizes the Executive Director or designee to submit the amendment adopted under Central Coast Water Board Resolution No. R3-2010-0017 as approved and the administrative record for this action to the Office of Administrative Law and the TMDL to the U.S. Environmental Protection Agency 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 September 19, 2011.

AYE:            Chairman Charles R. Hoppin  
                    Vice Chair Frances Spivy-Weber  
                    Board Member Tam M. Doduc

NAY:            None

ABSENT:        None

ABSTAIN:       None

  
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Jeanine Townsend  
Clerk to the Board