

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING DECEMBER 1-2, 2005

Prepared on November 7, 2005

ITEM: 10

SUBJECT: ADOPTING THE PAJARO RIVER AND LLAGAS CREEK TOTAL MAXIMUM DAILY LOAD FOR NITRATE AND IMPLEMENTATION PLAN

SUMMARY

This item proposes Total Maximum Daily Loads for nitrate, and an implementation plan, for Pajaro River and Llagas Creek. A TMDL is the loading capacity of a pollutant that a water body can accept while protecting beneficial uses. Pajaro River and Llagas Creek are included on California's section 303(d) list of impaired waters for nutrients. Section 303(d) requires the Regional Water Quality Control Board (Water Board) to adopt a Total Maximum Daily Load (TMDL) for listed waterbodies. Staff recommends approval of a resolution to adopt a TMDL and implementation plan for nitrate in Pajaro River and Llagas Creek. The TMDL addresses the nitrate portion of the nutrient impairment in the Pajaro River watershed and includes follow-up monitoring to address any remaining impairment to ensure that beneficial uses are protected. The TMDL implementation plan will resolve nitrate impairment in 20 years.

The Central Coast Water Board will use the existing Conditional Waiver for Discharges from Irrigated Agricultural Lands to implement the Pajaro River and Llagas Creek TMDL.

DISCUSSION

Project Development

Pajaro River and Llagas Creek exhibit consistent nitrate violations, which demonstrates that the municipal and domestic water supply (MUN) beneficial use is impaired. Dissolved oxygen water quality objectives are also exceeded in both waterbodies. Algae is present but the data are inconclusive. Therefore, we cannot determine if and when algae is perceived as a nuisance, or

whether other beneficial uses in Pajaro River and Llagas Creek are impaired.

As such, the TMDL for Pajaro River and Llagas Creek is set at a maximum concentration for nitrate of 10 mg/l-N in receiving water to protect the MUN beneficial use. Load allocations of 10 mg/l-N are assigned to each source, including background and all watershed land uses (e.g., cropland and rangeland). Staff determined that the primary source of nitrates is croplands.

PUBLIC INVOLVEMENT

Water Board staff coordinated development of the TMDL with agencies and individuals in the Pajaro River watershed. In addition, public review and comment through the December 2, 2005 Water Board meeting provides another formal opportunity for public input prior to adoption of this TMDL. Notice of this public hearing was provided to the public via newspapers of general circulation within the Region, and a copy of the notice was mailed to all persons requesting such notice and all affected government agencies.

The Final Project Report for this proposed Water Board action is available on the Region 3 website at the following address:

<http://www.waterboards.ca.gov/centralcoast/Board/Agendas/120205/Item10/Index.htm>

Staff did not include the entire document in this staff report in order to save paper. Paper copies are available upon request.

ENVIRONMENTAL SUMMARY

The attached resolution finds that an existing project makes any further regulatory action (i.e., any "project") unnecessary. Therefore, this action is not a "project" that requires compliance with the California Environmental Quality Act (California Public Resources Code §21000 et seq.). The Water Board is not directly undertaking an activity, funding an activity or issuing a permit or other entitlement for use (Public Resources Code section 21065; 14 Cal. Code of Regs. §15378). The Water Board is not approving any activity; it is merely finding that an ongoing activity also satisfies other legislative requirements.

ANTI-DEGRADATION

This resolution does not allow degradation or a decrease in water quality, and does not approve an activity that produces or may produce a waste or increased volume or concentration of waste or an activity that discharges or proposes to discharge to existing high quality waters. This resolution therefore complies with Resolution 68-16 and 40 CFR §131.12.

COMMENTS

Notice of this item being proposed to the Water Board was distributed to a list of interested parties and agencies that have indicated interest in the Pajaro River and Llagas Creek watersheds.

The public comment period ended on October 24, 2005. Written comments (via mail, e-mail, and fax) concerning the proposed Pajaro River and Llagas Creek TMDL for Nitrate received prior to the requested date were considered in preparing this recommendation (See Attachment C). Staff did not make any substantive changes in response to these comments. Any comments received prior to the Water Board meeting will be considered prior to the Water Board's decision on this item

RECOMMENDATION

Approve Resolution R3-2005-0131 adopting the Pajaro River and Llagas Creek TMDL for Nitrate, finding the conditional waivers for irrigated agriculture and monitoring will achieve the TMDL's goal of nutrient reduction.

ATTACHMENTS:

- A. Resolution R3-2005-0131
- B. Final Project Report - available at the Region 3 website at <http://www.waterboards.ca.gov/centralcoast/Board/Agendas/120205/Item10/Index.htm>
- C. Public Comments and Staff Response

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