

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

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 8-9, 2016

Prepared on November 15, 2016

ITEM NUMBER: 16

SUBJECT: 2014 Integrated Report Assessing Waters of the Central Coast Region- Clean Water Act (CWA) Section 303(d) List of Water Segments not Meeting Water Quality Standards and CWA Section 305(b), Water Quality Condition Report.

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THIS ACTION: Adopt Resolution No. R3-2016-0053, Approving the Changes to the 303(d) List for the Central Coast Region.

SUMMARY

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) is responsible for developing an Integrated Report for waters within the Central Coast Region in accordance with federal Clean Water Act (CWA) Sections 303(d) and 305(b). Section 303(d) requires the State and Regional Water Boards to establish and periodically update a list of “water quality limited segments” or impaired waters (303(d) List). Section 305(b) requires the state to develop a water quality conditions report (305(b) Report). Together, the 303(d) List and the 305(b) Report are referred to as an Integrated Report. The Integrated Report is important because it describes the overall condition of our surface waters and drives the Water Board’s priorities and decisions for many programs.

This staff report summarizes the process for developing the 2014 Integrated Report¹, including proposed changes to the 303(d) List of impaired waters, water quality conditions, and public comments and staff’s responses.

As part of this process, staff is proposing changes to the Integrated Report as described in this staff report. In accordance with the Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List (Listing Policy), the Regional Water Quality Control Boards and the State Water Resources Control Board (State Water Board) must adopt changes to the 303(d) List prior to submittal to the US Environmental Protection Agency (USEPA). However, neither the CWA Section 305(b) nor the Listing Policy requires the State or Regional Water

¹ These reports take years to develop due to the massive amount data, the analysis required, and the public participation process. Hence, staff is summarizing the “2014” Integrated Report at this time.

Boards to take formal action on or approve the 305(b) Report. This staff report supports a recommendation for the Central Coast Water Board to adopt Resolution No. R3-2016-0053 approving changes to the 303(d) List.

If approved, Central Coast Water Board staff will provide the 2014 303(d) List to the State Water Board for inclusion in a statewide 2014 303(d) List. State Water Board staff will ultimately submit a statewide 2014 303(d) List to USEPA.

DISCUSSION

In conformance with USEPA guidance from 2005, the State and Regional Water Quality Control Boards prepare a single Integrated Report that meets the reporting requirements of CWA Sections 303(d) and 305(b). The Central Coast Water Board is responsible for developing an Integrated Report for waters within the Central Coast Region. Attachment 3 contains a summary report that describes the Integrated Report assessment process including the procedures utilized by State and Regional Water Board staff to gather and analyze data.

Developing the 303(d) List

Under CWA Section 303(d), states are required to develop, update, and submit to USEPA for approval, a list of waterbody segments (water segments) that do not meet water quality standards (the 303(d) List). Under Title 40 Code of Federal Regulations (40 CFR) Section 130.7(d)(1), states are required to submit the 303(d) List biennially. After approval of the 303(d) List, water segments placed on the 303(d) List must be addressed through either the development of Total Maximum Daily Loads (TMDLs), or an existing regulatory program or action that is reasonably expected to result in the attainment of the water quality standard within a specified timeframe. Prior to submitting the list to USEPA, the Regional and State Water Boards must review and approve the 303(d) List, pursuant to requirements and procedures of the Listing Policy, including opportunity for public comment and responding to any comments. Attachment 1, Resolution No. R3-2016-0053 provides the findings and conclusions for the Central Coast Water Board to approve changes to the 303(d) List for the Central Coast Region.

The water quality assessment process begins with the solicitation of data, pursuant to Title 40 CFR Section 130.7(b)(5) which asserts "each state shall assemble and evaluate all existing and readily available water quality-related data and information" when updating the 303(d) List. The State Water Board solicited data from the public with a formal data solicitation period that began on January 14, 2010 and concluded on August 30, 2010.

State and Central Coast Water Board staff analyzed the data to determine if a water segment is meeting water quality standards in conformance with the Listing Policy (State Water Board, 2004, amended 2015). The approach for developing California's 2014 303(d) List included two steps:

- 1) State and Regional Water Board staff developed Lines of Evidence, in which data were compared to water quality objectives, criteria, and guidelines (protective limits) for each beneficial use; and
- 2) Central Coast Water Board staff combined all Lines of Evidence into fact sheets for each waterbody segment and pollutant combination (water segment/pollutant combination), and employed a statistical approach defined in the Listing Policy to determine whether water quality standards are attained.

Next, Central Coast Water Board staff developed or updated existing fact sheets and, in conformance with the Listing Policy, provided a decision to “list,” “de-list,” or “do not list.” Each fact sheet contains all of the data and information available for a unique water segment/pollutant combination. A decision of “do not list” means that there is not sufficient evidence under the Listing Policy to determine that a water segment/pollutant combination is exceeding water quality standards. Decisions to “list” mean that there is sufficient evidence under the Listing Policy that the water segment/pollutant combination should be added to, or remain on, the 303(d) List. Decisions to “de-list” mean that there is sufficient evidence under the Listing Policy that water quality standards are attained and the water segment/pollutant combination should be removed from the 303(d) List. Central Coast Water Board staff evaluated 23,055 Lines of Evidence and developed 5,431 fact sheets for the 2014 Integrated Report.

Based on the available data and information, and following the Listing Policy procedures to make decisions, staff proposes the following numbers of decisions:

- 4,426 decisions of “do not list;”
- 922 decisions of “list” (add to the 303(d) List or remain on the 303(d) List); and
- 83 decisions of “de-list” (remove from the 303(d) List).

Therefore, Central Coast Water Board staff proposes 922 water segment/pollutant combinations for the 2014 303(d) List, including 279 new combinations added to the 303(d) List and 643 existing combinations. Approximately one-third (298 of the 922) of the water segment/pollutant combinations proposed for the 2014 303(d) List have an USEPA approved TMDL or an action other than a TMDL that is expected to result in attainment of the water quality standard. Two-thirds (624) are yet to be addressed by a TMDL or an action other than a TMDL.

Pursuant to Section 5 of the Listing Policy, Central Coast Water Board staff assigned an expected TMDL completion date to each water segment/pollutant combination placed on the 303(d) List for which a TMDL has not yet been completed. Central Coast Water Board staff prioritized development of TMDLs for nutrients, pesticides, and toxicity in all watersheds, and are evaluating methodologies to address turbidity and temperature impairments in the Central Coast Region. These priorities are aligned with the Region’s priorities to prevent and correct threats to human health and aquatic life. Expected TMDL completion dates are included in each fact sheet (Attachment 3, see Appendix H). Staff assigned TMDL completion dates as follows:

- TMDL completion by 2018 for all water segment/pollutant combinations that are in the current TMDL work plan;
- TMDL completion by 2023 for all water segments on the 303(d) List for turbidity, temperature, toxicity, or nutrients; and
- TMDL completion by 2027 for all remaining water segments on the 303(d) List.

The assessment process for the 2014 Integrated Report was more intensive than for the previous Integrated Report update due to the increased amount of data available and analyzed (Table 1). For each assessment cycle, staff adds new data and information to the existing administrative record and all available data are used to determine water quality condition.

Table 1. Comparison of data assessment effort for the Integrated Report cycles 2006-2014.

	2006 Integrated Report	2008/2010 Integrated Report	2014 Integrated Report
Number of Lines of Evidence	382	11,719	23,055
Number of Fact Sheets	286	3,640	5,431

Developing the 305(b) Report

Pursuant to CWA Section 305(b) requirements to report on water quality conditions, Central Coast Water Board staff evaluated all readily available data and developed a Water Quality Condition Report (305(b) Report). The 305(b) Report incorporates the 303(d) List but also reports on waters that are, either attaining water quality standards, or for which there is insufficient information to make a determination.

For each water segment and beneficial use, staff followed the assessment process defined in the Listing Policy to determine a beneficial use support rating. Central Coast Water Board staff assigned a use support rating of “not supporting” to water segment/pollutant combinations that meet the requirement of the Listing Policy to place a water segment on the 303(d) List. Central Coast Water Board staff assigned a use support rating of “fully supporting” to water segment/pollutant combinations that meet the sample count requirements of the Listing Policy and are attaining water quality standards. Consequently, when neither of the above is true, staff assigned a use support rating of “insufficient information.”

The combination of beneficial use support ratings assigned to each water segment determines its placement into one of five, non-overlapping categories. Category reports are available in Attachment 3 (Appendices B-G). For the 2014 Integrated Report, Central Coast Water Board staff categorized 388 water segments into the five Categories as shown in Table 2.

Pursuant to Section 2 of the Listing Policy, water segments remain in Category 5 until all 303(d) listed pollutants are addressed by either USEPA approved TMDLs, or by another action that is expected to result in the reasonable attainment of the water quality standards, at which point the water segment will be placed into Category 4a or 4b.

There are 223 water segments placed in Categories 4a or 5. Many of those water segments are not meeting water quality standards, as defined in the Listing Policy, for more than one pollutant, (e.g. 22 pollutants do not meet water quality standards for Orcutt Creek). Therefore, the 922 water segment/pollutant combinations proposed for the 2014 303(d) List are associated with 223 water segments.

The Central Coast Water Board may provide direction to staff regarding staff's recommended changes to the 305(b) Report. However, neither the CWA Section 305(b) nor the Listing Policy requires the State or Regional Water Boards to take formal action on or approve the 305(b) Report. Therefore, staff did not prepare a formal recommendation by resolution for action/approval of the 305(b) Report. Attachment 3, Appendices B-G contains the Central Coast Region's 305(b) Report.

Table 2. Number of water segments assigned to each of the 305(b) Report categories.

Category	Category Definition	Number of water segments
1	All assessed beneficial uses are supported and no beneficial uses are known to be impaired.	71
2	There is insufficient information to determine beneficial use support.	92
3	There is insufficient data and/or information to make a beneficial use support determination but information and/or data indicates beneficial uses may be potentially threatened.	2
4a	At least one beneficial use is not supported and a TMDL has been developed and approved by USEPA for all water segment/pollutant combinations and the implementation plan is expected to result in full attainment of the water quality standard within a specified time frame.	21
4b	At least one beneficial use is not supported and another regulatory program is reasonably expected to result in attainment of the water quality standard within a reasonable, specified time frame.	0
4c	At least one beneficial use is not supported but the non-attainment of any applicable water quality standard for the water segment is the result of pollution and is not caused by a pollutant.	0
5	At least one beneficial use is not supported and a TMDL is needed.	202

Summary of Recommended 303(d) List Decisions

Attachment 2 contains a summary of all proposed changes to the Central Coast Water Board's 2014 303(d) List. These changes include the following:

- Recommendations to add a water segment/pollution combination to the 303(d) List;
- Recommendations to remove a water segment/pollution combination from the 303(d) List;
- Recommendations to change a pollutant name (e.g. from "pathogens" to "indicator bacteria"); and
- Changes to the TMDL status (e.g. from "TMDL required" to "TMDL completed and approved").

COMMENTS

A 30-day public comment period began on August 22, 2016 and ended September 23, 2016 and included a public workshop, hosted at the Central Coast Water Board office on September 14, 2016. Central Coast Water Board staff received nine comment letters during the public comment period, participated in six conference calls with interested parties, and responded to

questions and comments from eleven interested parties via email correspondence. Attachment 4 contains written responses to comment letters submitted during the public comment period and a list of changes made to the Integrated Report in response to public comments.

CHANGES MADE SUBSEQUENT TO THE RELEASE OF THE DRAFT DOCUMENTS

In addition to the changes made to the Integrated Report in response to public comment, Central Coast Water Board staff made two changes to the Integrated Report. Staff identified errors in the Integrated Report assessment and revised the 303(d) List status for two waterbodies as follows:

- Revised the 303(d) List status for Carpinteria Creek (below Gobernador Creek)/toxicity from “do not list” to “list.” Staff added this waterbody segment and pollutant combination to the 303(d) List. This change has no effect on the 305(b) Report status of this waterbody segment, which remains in Category 5.
- Revised the 303(d) List status for Canada del Capitan/toxicity from “do not list” to “list.” This change also results in a change to the 305(b) Report status of this waterbody segment, which, by definition of California’s 305(b) Report categories, is now in Category 5.

Staff updated associated documents including the Recommended Changes for the Central Coast Region’s 2014 303(d) List (Attachment 2) and the Central Coast Water Board Summary Report for the 2014 Integrated Report (Attachment 3) to reflect all changes made subsequent to the release of the draft documents for public review and comment.

CONCLUSION

The Integrated Report and the specifically the 303(d) List serves to inform the Water Board and public of which waterbodies and pollutants exceed protective water quality standards in the Central Coast Region, and guides the Central Coast Water Board in priority, timing, and approaches to improving water quality conditions per our mission and Vision for Healthy Watershed’s. Approval of the 303(d) List, as part of the Integrated Report process, is one of the first steps in the on-going planning and implementation efforts to protect beneficial uses and improve conditions in the waters of the Central Coast Region.

RECOMMENDATION

Adopt Resolution No. R3-2016-0053, as proposed, to approve the changes to the Central Coast Water Board’s 303(d) List.

ATTACHMENTS

1. Resolution No. R3-2016-0053
2. Recommended Changes for the Central Coast Region's 2014 303(d) List
3. Central Coast Water Board Summary Report for the 2014 Integrated Report*
4. Public Comments and Staff's Responses for the 2014 Integrated Report Assessing Waters of the Central Coast Region Including Clean Water Act (CWA) Section 303(d) List of Water Segments not Meeting Water Quality Standards and CWA Section 305(b), Water Quality Condition Report

*Due to the high volume of information and number of pages associated with the Appendices A-J in Attachment 3, live links have been provided on the agenda web page for item 16.