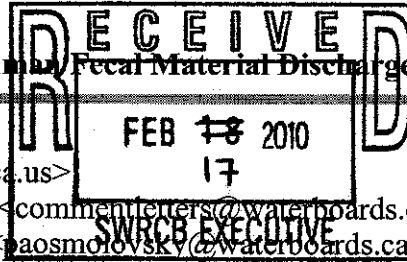


**commentletters - Comments on Pajaro River Human Fecal Material Discharge Prohibition**



**From:** Robert Ketley <rketley@ci.watsonville.ca.us>  
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**Date:** 2/17/2010 12:04 PM  
**Subject:** Comments on Pajaro River Human Fecal Material Discharge Prohibition  
**CC:** 'Michael Buckman' <MBuckman@waterboards.ca.gov>, 'John Ricker' <ENV012@co.santa-cruz.ca.us>, 'Chris Coburn' <ENV041@co.santa-cruz.ca.us>, David Koch <dkoch@ci.watsonville.ca.us>, "crose@waterboards.ca.gov" <crose@waterboards.ca.gov>, 'Darlene Din' <darlenedin@earthlink.net>

The City of Watsonville would like to comment on the proposed Pajaro River Human Fecal Matter Material Discharge Prohibition.

It is the City's understanding that this prohibition was basically developed to eliminate "allocations" for sewer leaks and overflows under TMDL programs. The City supports this. However, we have concerns regarding how the prohibition is ultimately interpreted and enforced. The City believes that the prohibition needs clarifying language from the SWRCB to ensure the original intent of the prohibition is maintained. Our concerns are based primarily on comments made by CCRWQCB staff in 2009.

- The Human Fecal Material Discharge Prohibition was discussed during the CCRWQCB Corralitos Creek TMDL hearing ( March 2009). During the hearing, Executive Officer Roger Briggs asked Board staff if a sample with 10 MPN of human fecal coliforms would be considered non-compliant. Board staff stated that any level of human fecal coliforms over 0 MPN would be a violation of the prohibition.
- During a 2009 meeting between Santa Cruz area municipal stormwater staff and CCRWQCB stormwater and TMDL staff, Executive Officer Roger Briggs stated that for TMDLs, MEP (Maximum Extent Practicable) is the minimum level of action required for compliance.

Based on the above, it seems likely that local government will have no alternative but to use advanced (and expensive) techniques such as QPCR, Ribotyping and Phylochip to show compliance/noncompliance with the prohibition. Should the results of these tests show any level of human fecal material (including levels far below existing State health standards), the waterbody would be non-compliant. Since MEP does not apply to TMDL programs, local governments could potentially be forced to spend significant funds attempting to find and eliminate the source of these coliforms. It is likely that human fecal coliforms will be found in the Pajaro and other many other waterbodies. They could be generated and dispersed under a wide variety of scenarios, including water contact/ recreational activities such as swimming - a cornerstone of the 1972 Clean Water Act. The potential ramifications of this prohibition go well beyond leaks and overflows associated with sanitary sewers and septic systems.

In light of the above concerns, the City respectfully requests that the SWRCB provide guidance on how the prohibition is to be implemented and enforced.

Should you have any questions, please feel free to contact me via e-mail or by phone (831) 768 3137.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Ketley".

Robert Ketley