



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

NOV 30 2011

Roger Briggs
Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906

Dear Mr. Briggs:

Thank you for submitting the Certification of Fecal Indicator Bacteria Total Maximum Daily Loads (TMDLs) and Alternative Implementation Programs for the Lower San Antonio River, San Lorenzo Creek, Cholame Creek, Arroyo de la Cruz, and Tularcitos Creek watersheds. The certification and accompanying materials contain TMDLs for the following waterbodies in the Central Coast Region:

- Lower San Antonio River subwatershed, below San Antonio Dam, in Monterey and San Luis Obispo Counties, for fecal coliform and *E. coli*;
- San Lorenzo Creek watershed, Monterey and San Benito Counties, for fecal coliform and *E. coli*;
- Cholame Creek watershed, San Luis Obispo and Monterey Counties, for fecal coliform and *E. coli*;
- Arroyo de la Cruz watershed, Monterey County, for fecal coliform and *E. coli*; and
- Tularcitos Creek subwatershed, Monterey County, for fecal coliform.

Based on the U.S. Environmental Protection Agency's review of the TMDL submittals under Clean Water Act (CWA) section 303(d), I have concluded the TMDLs adequately address the pollutants of concern and, upon implementation, will result in attainment of the applicable water quality standards for the Lower San Antonio River, San Lorenzo Creek, Cholame Creek, Arroyo de la Cruz, and Tularcitos Creek watersheds. All required elements are adequately addressed; therefore, the TMDLs are hereby approved pursuant to CWA section 303(d)(2).

EPA received the Central Coast Regional Water Quality Control Board's (Regional Board's) complete TMDL package for approval on August 9, 2011. Under the State's Impaired Waters

Policy (State Board Resolution 2005-0050), TMDLs can be certified by the Regional Board's Executive Officer if a solution to an impairment is being implemented by a non-regulatory action of another entity, and the Regional Board finds that the solution will actually correct the impairment, in lieu of adopting a redundant program. In this case, the California Rangeland Water Quality Management Plan (State Board Resolution No. 95-43) will address the sole controllable source contributing to the impairment in the watersheds. A Basin Plan Amendment is not required for certification actions which resolve impairments; accordingly, the Regional Board directly requested EPA to approve these TMDLs.

The TMDLs include load allocations as needed, and we clarified that wasteload allocations are set at zero since there are no discharges of fecal coliform or *E. coli* from permitted facilities. These TMDLs take into consideration seasonal variations and critical conditions, and provide an adequate margin of safety. Moreover, the certification includes conditions to ensure that water quality standards will be attained within ten years. The State has provided adequate opportunities for public review and comment on the TMDLs, and demonstrated how public comments were considered in the final TMDLs.

The TMDL submittal also contains details of the implementing actions for the TMDLs. Current federal regulations do not define TMDLs as containing implementation plans; therefore, EPA is not taking action on the implementation plan provided with these TMDLs. However, EPA concurs with the State's proposed implementation approaches.

If you have any questions concerning this approval, please call me at (415) 972-3572 or Janet Parrish at (415) 972-3456.

Sincerely yours,

 30 Nov. 2011
Alexis Strauss
Director, Water Division