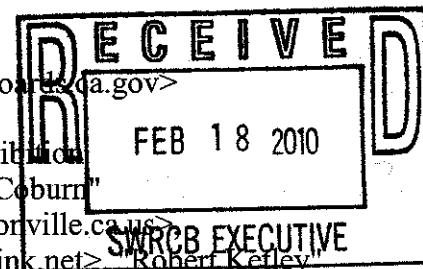


commentletters - Comments on Pajaro River Human Fecal Material Discharge Prohibition

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Date: 2/18/2010 9:22 AM
Subject: Comments on Pajaro River Human Fecal Material Discharge Prohibition
CC: "Michael Buckman" <MBuckman@waterboards.ca.gov>, "Chris Coburn" <ENV041@co.santa-cruz.ca.us>, "David Koch" <dkoch@ci.watsonville.ca.us>, <crose@waterboards.ca.gov>, "Darlene Din" <darlenedin@earthlink.net>, <rketley@ci.watsonville.ca.us>



Santa Cruz County's Water Resources Program is pleased to provide the following comments regarding the proposed Pajaro River Human Fecal Matter Material Discharge Prohibition. These comments support comments provided in an email from the City of Watsonville, and follow previous email discussions County staff have had with Central Coast Regional Water Quality Control Board staff regarding the San Lorenzo and Corralitos human fecal matter discharge prohibition. The proposed resolution for the Pajaro River represents the first time that this prohibition is inserted in the Central Coast Basin Plan. Subsequent TMDL's adopted by the Regional Board add additional waterways to the prohibition and it is important that it be worded initially to reflect conditions that may be important for other waterways, such as the San Lorenzo River.

We understand that the prohibition's purpose is to address human fecal contamination from homeless persons and other sources that are not already subject to regulation through NPDES permits or onsite wastewater management programs. We have also heard that the purpose is eliminate allocations from sewer leaks and overflows under TMDL programs, although that doesn't necessarily make sense, given the exception language. We fully support the goal of eliminating human fecal contamination to the maximum extent practicable, however, it is unclear what additional benefit the prohibition brings to those protections already existing in WDRs and NPDES permits for those systems. Further, the prohibition needs to be modified to reflect subsequent Central Coast Regional Water Quality Control Board Resolutions that state that compliance with such a prohibition can be obtained through implementation of onsite wastewater management efforts (such as those approved through Resolution 95-04). Additionally, even if we are fully successful in eliminating sewage leaks and spills, there will likely be other sources of human fecal contamination that exceed a de facto zero MPN standard and the waterbody would be non-compliant, potentially exposing local government to significant legal and practical ramifications.

In light of our above concerns we respectfully request the State Water Resources Control Board to:

1. provide justification for a de facto 0 MPN standard given adopted environmental and human health standards that, for example, consider a fecal coliform concentration of 200 MPN/100ml to be compliant and safe for swimming.
2. identify responsibilities, particularly for monitoring or assessing human contribution, under this prohibition
3. clarify the purpose of the prohibition, and what actions will be required should the waterbody be non-compliant
4. indicate explicitly that compliance with the human fecal discharge prohibition can be obtained through implementation of onsite wastewater management efforts such as those adopted in Resolution 95-04. We previously suggested that the exception language in the prohibition be modified to read as follows: "... Exceptions to this prohibition include discharges in accordance with Waste Discharge Requirements, discharges in accordance with an Executive Officer approved Onsite Wastewater Management Plan (pursuant to Section 13282), or other provisions of the California Water Code, Division 7, as amended:"

Thank you for the opportunity to comment.

John Ricker

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