



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board

Central Coast Region



Arnold Schwarzenegger
Governor

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July 2, 2008

Ms. Suzanne Healy
City of Santa Cruz
809 Center Street, Room 201
Santa Cruz, CA 95060

Dear Ms. Healy:

ADDRESSING TOTAL MAXIMUM DAILY LOADS IN STORM WATER MANAGEMENT PLANS

We are writing this letter to convey our expectations regarding how Total Maximum Daily Loads (TMDLs) should be addressed in Storm Water Management Plans (SWMPs). TMDLs that identify urban storm water as a source of water quality impairment are important components of SWMPs. Since TMDLs and other available guidance provide limited information on the steps storm water managers should take to incorporate TMDL provisions into SWMPs, we are providing you with this guidance. We hope this letter is helpful as you draft your SWMPs and update them in the future.

TMDLs generally require that municipalities subject to the TMDLs explain in their SWMPs how they will achieve the provisions (e.g., wasteload allocations) of the TMDLs. As such, we are not requiring new work to be conducted with this letter. However, since TMDLs ultimately require receiving water quality standards to be achieved, they necessitate particular attention when SWMPs are drafted and updated. By providing this guidance to you, we expect that the SWMPs will expressly target the pollutants for which TMDLs have been developed within your jurisdictions.

We understand that you are currently in the process of drafting your SWMPs, and that the enrollment schedule for adopting the SWMPs is compressed. For this reason, we are limiting our expectations regarding the content of the forthcoming SWMPs. In future iterations of the SWMPs, however, we will expect the process and actions for addressing the TMDLs to be expanded. In the sections below, our TMDL expectations for the forthcoming SWMP submittals and future versions of the SWMPs are discussed in greater detail.

Addressing TMDLs in the Forthcoming SWMP Submittals

As we previously stated during the recently conducted water quality assessment process, each municipality's SWMP must address each applicable TMDL within their jurisdiction, provided that the TMDL has been adopted by the Central Coast Regional Water Quality Control Board (Water Board). The SWMPs must be tailored to directly target the pollutants for which TMDLs have been adopted. Municipalities can address each applicable TMDL in their SWMPs by committing to implementation of measures that target impairing pollutants on a jurisdiction-wide basis, or by committing to implementation of targeted measures in those portions of their jurisdictions subject to each TMDL.

At a minimum, the forthcoming SWMP submittals must clearly identify those best management practices (BMPs) and other measures that will be implemented to directly reduce the discharge of pollutants that have been addressed by Water Board-adopted TMDLs. We recommend that the

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specific BMPs and other measures that will be implemented to address a particular TMDL pollutant be compiled and listed in one location of the SWMP. This will facilitate municipality and Water Board assessment of the BMPs and other measures to determine the likelihood that they will be effective in ultimately achieving the TMDLs' wasteload allocations. We further recommend that BMPs and other measures addressing a particular TMDL pollutant be organized by watershed or sub-watershed, thereby exhibiting that their implementation will occur in locations subject to the TMDL.

In addition to the above measures, we anticipate that attaining wasteload allocations through the implementation of storm water programs will eventually require significant planning and assessment efforts on the part of the municipalities managing the programs. Moreover, TMDL compliance schedules often span decades, necessitating a carefully planned approach to achieving wasteload allocations. As such, we expect that the forthcoming SWMPs will include a BMP to develop, prior to the beginning of the second full implementation year, Wasteload Allocation Attainment Plans for each pollutant addressed by a TMDL that applies to their jurisdictions. Wasteload Allocation Attainment Plans can apply either jurisdiction-wide or on a watershed or sub-watershed basis. An example of the type of BMP language that should be included in the forthcoming SWMPs follows:

"Wasteload Allocation Attainment Plans will be developed for each applicable TMDL within the municipality's jurisdiction. The plans will describe the actions that will be taken to attain the applicable TMDLs' wasteload allocations, and will address: development of an implementation and assessment strategy; source identification and prioritization; BMP identification, prioritization, implementation, analysis, and assessment; monitoring program development and implementation; coordination with stakeholders; and other pertinent factors. The Wasteload Allocation Attainment Plans will be developed prior to the beginning of the second full implementation year."

For submitted SWMPs that do not include an adequate commitment to develop and implement necessary Wasteload Allocation Attainment Plans, Water Board staff will draft specific resolutions for Water Board consideration that will incorporate Wasteload Allocation Attainment Plan development and implementation into the SWMPs.

The expected content of the Wasteload Allocation Attainment Plans, to be developed by municipalities prior to the beginning of the second full implementation year, is discussed in detail below.

Addressing TMDLs Through SWMP Updates

With each annual report submitted, the General Phase II Municipal Storm Water Permit requires municipalities to include any updates to the SWMPs (section F.1.g). As such, you should include the Wasteload Allocation Attainment Plans as part of your SWMP updates in the annual reports. At a minimum, the Wasteload Allocation Plans should be appended to the SWMPs. New BMPs and other SWMP modifications identified in the Wasteload Allocation Plans should also be incorporated directly into updated SWMPs where appropriate. Since we expect the Wasteload Allocation Attainment Plans to be developed prior to the second full implementation year, the plans should be included in the annual reports submitted for the first full implementation year.¹

¹ We anticipate that annual reports for the first full implementation year will be due on September 15, 2010.

We expect the Wasteload Allocation Attainment Plans to be thorough plans designed to guide the implementation of activities that will achieve TMDL wasteload allocations. In many cases, municipalities and the Water Board have already made progress during the TMDL development process on some of the tasks necessary for development of Wasteload Allocation Attainment Plans. TMDL Project Reports and Resolutions can provide useful information during the development of the Wasteload Allocation Attainment Plans. The expected principle components of the Wasteload Allocation Attainment Plans are outlined below.

1. A detailed description of a strategy that will be used to guide BMP selection, assessment, and implementation, to ensure that BMPs implemented will be effective at abating pollutant sources, reducing pollutant discharges, and achieving wasteload allocations.
2. Identification of sources of the impairment within the municipality's jurisdiction, including specific information on various source locations and their magnitude within the jurisdiction.
3. Prioritization of sources within the jurisdiction, based on suspected contribution to the impairment, ability to control the source, and other pertinent factors.
4. Identification of BMPs that will address the sources of impairing pollutants and reduce the discharge of impairing pollutants.
5. Prioritization of BMPs, based on suspected effectiveness at abating sources and reducing impairing pollutant discharges, as well as other pertinent factors.
6. Identification of BMPs to be implemented, including an implementation schedule. For each BMP, identify any milestones to be used for tracking implementation, as well as any measurable goals to be used to assess implementation efforts. Expected BMP implementation for the future implementation years should be included to the extent possible, with the understanding that future BMP implementation plans may change as new information is obtained.²
7. An analysis exhibiting the connection between BMP implementation and wasteload allocation attainment, based on the expected wasteload reductions attributable to the BMPs to be implemented.
8. A detailed description of a monitoring program to be implemented to assess discharge and receiving water quality and BMP effectiveness, including a schedule for implementation of the monitoring program. At a minimum, the water quality monitoring program should be consistent with any monitoring program information included in the TMDL documentation.
9. A detailed description of how BMP and plan effectiveness will be assessed. The description should incorporate the assessment methods described in the California Stormwater Quality Association's *Municipal Stormwater Program Effectiveness Assessment Guide*.
10. A detailed description of how the plan will be modified to improve upon BMPs determined to be ineffective during the effectiveness assessment.
11. A detailed description of information to be included in annual reports.³
12. A detailed description of how the municipality will collaborate with other agencies, stakeholders, and the public to develop and implement the Wasteload Allocation Attainment Plan.
13. Any other items identified by TMDL Project Reports or Resolutions or currently being implemented to address TMDL provisions.

² Municipalities currently implementing programs to attain wasteload allocations are encouraged to build upon existing BMPs, milestones, and time-schedules.

³ Wasteload Allocation Attainment Plans, annual reports, and related documents are expected to be used by Water Board staff to assess TMDL implementation (e.g., TMDL Triennial Reviews).



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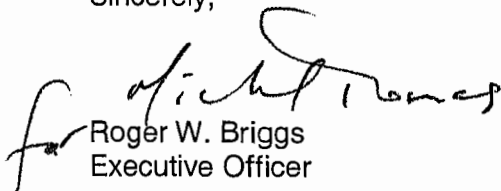
We plan to work closely with you during development of your Wasteload Allocation Attainment Plans. Upon receipt of the Wasteload Allocation Attainment Plans, we will review the plans, provide comments, and work with you to modify the plans, if necessary. The Wasteload Allocation Attainment Plans will be reviewed for the items above, as well as the overall likelihood of the plans ultimately achieving the applicable TMDLs' wasteload allocations according to the schedule outlined in the TMDL. We believe this standardized process of development, implementation, assessment, and review of the Wasteload Allocation Attainment Plans provides the greatest likelihood for the TMDLs' wasteload allocations to be attained.

In summary, we expect that the forthcoming SWMP submittals will (1) clearly identify the BMPs that will be implemented to address applicable Water Board-adopted TMDLs, according to the guidance discussed above, and (2) include commitments by the municipalities to develop, prior to the beginning of the second full implementation year, Wasteload Allocation Attainment Plans for pollutants addressed by applicable Water Board adopted-TMDLs. In addition, we expect that the annual reports for the first full implementation year will include SWMP updates in the form of Wasteload Allocation Attainment Plans for pollutants addressed by applicable Water Board adopted-TMDLs.

We are requesting the above information pursuant to sections F and G of the General Phase II Municipal Storm Water Permit (Water Quality Order No. 2003-0005-DWQ), as well as sections 13267 and 13383 of the California Water Code. The Water Board needs this information to assess the municipalities' progress towards attaining TMDL wasteload allocations in order to determine if the water quality and beneficial uses of the subject impaired water bodies will be restored. The municipalities have been identified as causing or contributing to the impairment of the subject water bodies in the Project Reports and Resolutions written for the various TMDLs within Santa Cruz County.

Thank you for your continued efforts to improve water quality and protect beneficial uses. If you have any questions regarding this letter, please contact Phil Hammer at (805) 549-3882, phammer@waterboards.ca.gov, or Matt Thompson at (805) 549-3159, mthompson@waterboards.ca.gov.

Sincerely,


for Roger W. Briggs
Executive Officer

