



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Quality

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Arnold Schwarzenegger
Governor

FEB 04 2010

To All Interested Parties:

NOTICE OF PREPARATION OF A STATEWIDE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR A GENERAL EXCEPTION TO THE CALIFORNIA OCEAN PLAN WASTE DISCHARGE PROHIBITION FOR SELECTED DISCHARGES INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE, INCLUDING SPECIAL PROTECTIONS FOR BENEFICIAL USES

The State Water Resources Control Board (State Water Board) will be the lead agency for preparation of a statewide program environmental impact report (EIR) for exceptions to the California Ocean Plan, which address selected discharges into Areas of Special Biological Significance (ASBS) as described in this Notice of Preparation (NOP) and in the attached initial study (IS). One of the principal goals of this NOP and the accompanying IS is to inform agencies and the public about issues related to the project and request information on the scope and content of the program EIR. The IS contains the project description and list of environmental issues to be addressed in the EIR. This NOP and the accompanying IS may also be viewed and downloaded from the State Water Board's ASBS web page at http://www.waterboards.ca.gov/water_issues/programs/ocean/asbs.shtml. We encourage recipients of this notice to inform others who may have an interest or responsibility regarding ASBS that this NOP is available for review.

State Water Board staff has made a preliminary determination that the following issues of concern should be addressed in the program EIR: California Ocean Plan for Areas of Special Biological Significance Waste Discharge Prohibition for Storm Water and Nonpoint Sources Discharges and Special Protections; aesthetics, air quality, biological resources, cultural resources, greenhouse gas emissions, hazards & hazardous materials; hydrology & water quality, noise, public services, transportation/traffic.

This NOP and the accompanying IS are being circulated for a 30-day public review period. Because of time limits mandated by state law, agency responses should be submitted as soon as possible and must be received no later than March 15, 2010.

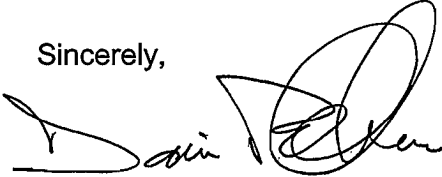
Please send comments concerning the scope or content of the program EIR to:

Constance Anderson, Environmental Scientist
State Water Resources Control Board, Division of Water Quality, Ocean Unit
P.O. Box 100
Sacramento, CA 95812-0100
phone: (916) 341-5280
email: csanderson@waterboards.ca.gov

Please identify a contact person who would be available to answer any questions regarding your comments.

Public scoping meetings to solicit public input were conducted on August 1, 8, and 15, 2006. Those persons wishing to participate further in the California Environmental Quality Act process or learn more about the EIR can contact Constance Anderson at (916) 341-5280.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrin Polhemus". The signature is fluid and cursive, with a large loop at the end.

Darrin Polhemus, Deputy Director
Division of Water Quality

Attachments

**STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER QUALITY
P.O. BOX 100
SACRAMENTO, CA 95812-0100**

INITIAL STUDY

I. Background

Project Title: Exception to the California Ocean Plan (Ocean Plan) waste discharge prohibition for the City of Carmel-by-the-Sea, Connolly-Pacific Company, California Department of Parks and Recreation, California Department of Transportation (Caltrans), Humboldt County, Humboldt Bay Harbor District, Irvine Company, City of Laguna Beach, Los Angeles County, City of Malibu, Marin County, City of Monterey, Monterey County, Newport Beach, City of, City of Newport Beach (and on behalf of the Pelican Point Homeowners), City of Pacific Grove, Pebble Beach Company, City of San Diego, San Mateo County, Santa Catalina Island Company (and on behalf of the Santa Catalina Island Conservancy), the Sea Ranch Association, City of Trinidad, Trinidad Rancheria, U.S. Department of Interior (Point Reyes National Seashore), U.S. Department of Interior (Redwoods National and State Parks), U.S. Department of Defense (Air Force) and U.S. Department of Defense (Navy) for selected discharges into Areas of Special Biological Significance (ASBS), including special protections for beneficial uses. The following ASBS are included in this exception: Redwoods National Park, Trinidad Head, King Range, Saunders Reef, Del Mar Landing, Jughandle Cove, Gerstle Cove, Point Reyes Headlands, Duxbury Reef, James V. Fitzgerald, Año Nuevo, Pacific Grove, Carmel Bay, Point Lobos, Julia Pfeiffer Burns, Salmon Creek Coast, Laguna Point to Latigo Point, San Nicolas Island and Begg Rock, Northwest Santa Catalina Island, Western Santa Catalina Island, Southeast Santa Catalina Island, Heisler Park, Robert E. Badham, Irvine Coast, La Jolla, and San Clemente Island.

Applicant:

Table 1. Applicants and Contact Persons

Applicant	Applicant Contact Person(s)
Carmel-by-the-Sea, City of	Ms. Heidi Burch, Assistant City Administrator Carmel-by-the-Sea City Hall P.O. Box CC Carmel-by-the-Sea, CA 93921
Connolly-Pacific Company	Mr. Ralph Larison Connolly-Pacific Company 1925 Pier D Street Long Beach, CA 90802
Department of Parks and Recreation	Mr. Theodore Jackson, Deputy Director Park Operations California Department of Parks and Recreation P.O. Box 942896 Sacramento, CA 94296-0001
Department of Transportation (Caltrans)	Mr. Scott McGowen, Chief Environmental Engineer Division of Environmental Analysis Department of Transportation 1120 N Street, MS-27 Sacramento, CA 95814

Applicant	Applicant Contact Person(s)
Humboldt County	Ms. Ann Glubczynski, Environmental Analyst Department of Public Works County of Humboldt 1106 Second Street Eureka, CA 95501-0579
Humboldt Bay Harbor District	Mr. David Hull, Chief Executive Officer Humboldt Bay Harbor, Recreation and Conservation District P.O. Box 1030 Eureka, CA 95502-1030
Irvine Company	Mr. Sat Tamaribuchi, Vice President Environmental Affairs The Irvine Company 550 Newport Center Drive P.O. Box 6370 Newport Beach, CA 92658-6370
Laguna Beach, City of	Mr. Will Holoman, Senior Water Quality Analyst City of Laguna Beach 505 Forest Avenue Laguna Beach, CA 92651
Los Angeles County	Mr. Donald L. Wolfe, Director Department of Public Works County of Los Angeles 900 South Fremont Avenue Alhambra, CA 91803-1331
Malibu, City of	Mr. Jim Thorsen, City Manager City of Malibu 23815 Stuart Ranch Road Malibu, CA 90265-4861
Marin County	Ms. Elizabeth Lewis, Storm Water Manager Department of Public Works County of Marin P.O. Box 4186 San Rafael, CA 94913-4186
Monterey, City of	Mr. Fred Meurer, City Manager City of Monterey, City Hall Monterey, CA 93920
Monterey County	Ms. Elizabeth Krafft, Program Manager Monterey County Water Resources Agency P.O. Box 930 Salinas, CA 93902
Newport Beach, City of	The Honorable Steven Rosansky, Mayor City of Newport Beach, City Hall 3300 Newport Blvd. Newport Beach, CA 92658-8915
Newport Beach, City of, and on behalf of the Pelican Point Homeowners	Ms. Terri L. Vaccher, CCAM The Merit Companies Pelican Point Community Association 1 Polaris Way, 100 Aliso Viejo, CA 92656-5356
Pacific Grove, City of	Ms. Celia Perez Martinez, Public Works Superintendent

Applicant	Applicant Contact Person(s)
	City of Pacific Grove 2100 Sunset Drive Pacific Grove, CA 93950
Pebble Beach Company	Mr. Mark Stilwell Executive Vice President and General Council Pebble Beach Company P.O. Box 1767 Pebble Beach, CA 93953
San Diego, City of	Mr. Jay Goldstone, Chief Operating Officer City of San Diego 2392 Kincaid Road San Diego, CA 92101
San Mateo County	Mr. Thomas F. Casey, III County Counsel Hall of Justice and Records County of San Mateo 400 County Center, 6 th Floor Redwood City, CA 94063-1661
Santa Catalina Island Company, and on behalf of the Santa Catalina Island Conservancy	Mr. Michael B. Whitby, Director Real Estate Planning Santa Catalina Island Company P.O. Box 737 Avalon, CA 90704
The Sea Ranch Association	Mr. Bill Weimeyer, Director Compliance and Environmental Management The Sea Ranch Association 975 Annapolis Road The Sea Ranch, CA 95497-0016
Trinidad, City of	The Honorable Stan Binnie, Mayor City of Trinidad 409 Trinity Street, P.O. Box 390 Trinidad, CA 95570
Trinidad Rancheria	Mr. Garth Sundberg Tribal Chair Trinidad Rancheria P.O. Box 630 Trinidad, CA 95570
U.S. Dept. of Interior, Point Reyes National Seashore	Mr. Don L. Neubacher, Superintendent United States Department of the Interior National Park Service Point Reyes National Seashore Point Reyes, CA 94956
U.S. Dept. of Interior, Redwoods National and State Parks	Mr. Steve W. Chaney, Superintendent Redwood National and State Parks 1111 Second Street Crescent City, CA 95531
U.S. Dept. of Defense, Air Force, Pillar Point	Ms. Beatrice L. Kephart, Chief Environmental Flight Department of the Air Force 30 CES/CEV 1028 Iceland Avenue Vandenberg AFB, CA 93437-6010

Applicant	Applicant Contact Person(s)
U.S. Dept. of Defense, Navy, San Nicolas Island	Captain James J. McHugh Environmental Division Department of the Navy Naval Base Ventura County Complex 311 Main Road, Building 1 Point Mugu, CA 93042
U.S. Dept. of Defense, Navy, San Clemente Island	Mr. Brian Gordon, Water Program Director Department of the Navy 33000 Nixie Way, Building 50, Suite 336 San Diego, CA 92147

Introduction

EXCEPTION TO THE CALIFORNIA OCEAN PLAN

The above identified parties seek an exception from the Ocean Plan's prohibition of discharges into ASBS. The exception with conditions, if approved, would allow their continued selected storm water and nonpoint source discharges into the Redwoods National Park, Trinidad Head, King Range, Saunders Reef, Del Mar Landing, Jughandle Cove, Gerstle Cove, Point Reyes Headlands, Duxbury Reef, James V. Fitzgerald, Año Nuevo, Pacific Grove, Carmel Bay, Point Lobos, Julia Pfeiffer Burns, Salmon Creek Coast, Laguna Point to Latigo Point, San Nicolas Island and Begg Rock, Northwest Santa Catalina Island, Western Santa Catalina Island, Southeast Santa Catalina Island, Heisler Park, Robert E. Badham, Irvine Coast, La Jolla, and San Clemente Island ASBS. This would provide additional protections for beneficial uses that are not currently provided.

On October 18, 2004, the State Water Resources Control Board (State Water Board) notified applicants to cease storm water and nonpoint source waste discharges into ASBS or to request an exception under the Ocean Plan. Several applicants submitted requests, or conditional requests, for exceptions. Subsequently, the State Water Board provided general instructions for exception application packages via its Web site.¹ The State Water Board sent letters to applicants, providing specific instructions and deadlines for submission of the application packages.

The State Water Board has received 27 applications for the general exception to the Ocean Plan prohibition against waste discharges to ASBS. The applications were filed by permitted storm water dischargers and nonpoint source dischargers, who are identified in Table 2.

Table 2. Applicants and ASBS Where Discharges Occur

Applicant	ASBS
Carmel-by-the-Sea, City of	Carmel Bay
Connolly-Pacific Company	Southeast Santa Catalina Island
California Department of Parks and Recreation	Redwoods National Park, Trinidad Head, King Range, Jughandle Cove, Gerstle Cove, James V. Fitzgerald, Año Nuevo, Carmel Bay, Point Lobos, Julia Pfeiffer Burns, Laguna Point to Latigo Point, Irvine Coast
California Department of Transportation (Caltrans)	Redwoods National Park, Saunders Reef, James V. Fitzgerald, Año Nuevo, Carmel Bay, Point Lobos, Julia Pfeiffer Burns, Salmon Creek Coast, Laguna Point to Latigo Point, Irvine Coast
Humboldt County	King Range
Humboldt Bay Harbor District	King Range
Irvine Company	Irvine Coast
Laguna Beach, City of	Heisler Park

¹ http://www.waterboards.ca.gov/water_issues/programs/ocean/asbs.shtml

Applicant	ASBS
Los Angeles County	Laguna Point to Latigo Point
Malibu, City of	Laguna Point to Latigo Point
Marin County	Duxbury Reef
Monterey, City of	Pacific Grove
Monterey County	Carmel Bay
Newport Beach, City of, and on behalf of the Pelican Point Homeowners	Robert E. Badham and Irvine Coast
Pacific Grove, City of	Pacific Grove
Pebble Beach Company	Carmel Bay
San Diego, City of	La Jolla
San Mateo County	James V. Fitzgerald
Santa Catalina Island Company, and on behalf of the Santa Catalina Island Conservancy	Northwest and Western Santa Catalina Island
The Sea Ranch Association	Del Mar Landing
Trinidad, City of	Trinidad Head
Trinidad Rancheria	Trinidad Head
U.S. Dept. of Interior, Point Reyes National Seashore	Point Reyes Headlands, Duxbury Reef
U.S. Dept. of Interior, Redwoods National and State Parks	Redwoods National Park
U.S. Dept. of Defense, Air Force	James V. Fitzgerald
U.S. Dept. of Defense, Navy	San Nicolas Island & Begg Rock
U.S. Dept. of Defense, Navy	San Clemente Island

The mitigating terms and conditions for the general exception are the Draft Special Protections (Attachment A) that will limit the storm water and nonpoint source waste discharges by the applicants to the affected ASBS. The intent is to ensure that such discharges will be controlled to protect beneficial uses within ASBS and to protect and maintain the natural hydrologic cycle and coastal ecology (e.g., the flow of clean precipitation runoff into the ocean, while preserving coastal slope stability, and preventing anthropogenic erosion). The fundamental requirements include: (1) Cessation of non-storm water runoff, (2) Maintenance of natural water quality within ASBS, including during precipitation (design storm) events, by limiting wastes in storm water runoff and other activities that would otherwise cause a degradation of ocean water quality in the ASBS, and (3) Adequate monitoring to assure that beneficial uses are protected.

Project Description

The Public Resources Code defines six categories of Marine Managed Areas, one of which are State Water Quality Protection Areas. A State Water Quality Protection Area is a "marine or

estuarine area designated to protect marine species or biological communities from an undesirable alteration in natural water quality....” The Public Resources Code further states that in State Water Quality Protection Areas “waste discharges shall be prohibited or limited by the imposition of special conditions” in accordance with the California Water Code and implementing regulations, including, but not limited to, the Ocean Plan. ASBS “are a subset of state water quality protection areas, and require special protection as determined by the State Water Board pursuant to the California Ocean Plan....”

The Ocean Plan states “Waste shall not be discharged to areas designated as being of special biological significance. Discharges shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in these areas.” This absolute discharge prohibition in the Ocean Plan stands, unless an “exception” is granted.

A survey of ASBS in 2003 recorded 1,658 outfalls, primarily storm water and nonpoint sources. On October 18, 2004, the State Water Board notified applicants to cease storm water and nonpoint source waste discharges into ASBS or to request an exception under the Ocean Plan. The State Water Board has received 27 applications from nonpoint source dischargers and National Pollutant Discharge Elimination System (NPDES) permitted storm water dischargers for an exception to the Ocean Plan prohibition against waste discharges to ASBS.

Stringent terms, prohibitions, and special conditions have been proposed by State Water Board staff that comprises the limitations on point source storm water and nonpoint source discharges, providing Special Protections for marine aquatic life and natural water quality in ASBS. These Special Protections are proposed for adoption by the State Water Board in an Ocean Plan exception. The requirements in the proposed Special Protections may be summarized generally to eliminate dry weather runoff, ensure that wet weather runoff does not alter natural water quality in the ASBS, and that adequate monitoring be conducted to determine if natural water quality and the marine life beneficial use is protected.

Baseline biological information indicates that functioning marine communities persist in ASBS, but there is some inconclusive evidence that shows biota near discharges has a different species composition than areas away from discharges. Baseline water quality data indicates that wastes are present in storm water runoff into ASBS, but that waste concentrations vary considerably. Many, but not all, storm water runoff samples met various Table B instantaneous maximum objectives. Receiving water samples were lower in concentration for Table B metals than discharges. Additional monitoring is required to fully evaluate compliance with the prohibitions and conditions in the Special Protections.

The conditions in the Special Protections will assure protection of beneficial uses while allowing the continuation of essential public services, including flood control, slope stability, erosion prevention, maintenance of the natural hydrologic cycle between terrestrial and marine ecosystems, public health and safety, public recreation and coastal access, commercial and recreational fishing, navigation, and essential military operations (national security).

Environmental Setting

The State Water Board designated 34 ASBS in the 1970's to protect ocean water quality, the habitats and marine life within these ASBS. ASBS were selected for their unique biological assemblages, species, and geologic features which support certain habitat. ASBS are located throughout the California's coast including the offshore islands encompassing 500 miles of shoreline or about 32 percent of the State's coast, and 900 square miles of ocean waters. Each ASBS varies in size, and boundaries begin at the onshore mean high tide line to variable offshore distances, up to the State's three nautical mile limit.

II. Environmental Impacts

The environmental factors checked below could be potentially affected by this project. See the checklist on the following pages for more details.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Issues (and Supporting Information Sources):

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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1. AESTHETICS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Depending on what measures each applicant uses to comply with the proposed exception, there may be an impact on aesthetics. However, the State Water Board believes that mitigation is available to reduce any potential impacts to aesthetics to less than significant levels. The mitigation measures would be implemented at the project-specific level.

2. AGRICULTURAL AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental impacts, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping & Monitoring Program of the California Resources Agency, to non-agricultural uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

As part of the scoping and environmental analysis conducted for the general exception project, these agricultural and forest resources were considered, but no potential for adverse impacts to these resources were identified.

Issues (and Supporting Information Sources):

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|--|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Depending on what measures each applicant uses to comply with the proposed exception, there may be an impact on air quality. However, the State Water Board believes that mitigation is available to reduce any potential impacts to air quality to less than significant levels. The mitigation measures would be implemented at the project-specific level.

4. BIOLOGICAL RESOURCES. Would the project:

- | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the DFG or USFWS? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the DFG or USFWS? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the federal Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Biological Resources Impacts

The general exception project has the potential to impact species, habitat, and sensitive natural communities within each of the 26 ASBS identified in this general exception, if existing inadequate controls currently in force are allowed to continue. The applicants submitted biological monitoring reports

characterizing near shore marine biota. Four reports provided data sufficient to statistically compare impact from reference locations at San Clemente and San Nicolas Islands (Navy), Del Mar Landing, and Trinidad ASBS. Based on comparison of community composition, there is evidence that at three ASBS the impact locations are different from reference locations, but there is some question whether the differences are due to discharges or sample design. Caltrans reports for multiple ASBS locations include Redwood National Park, James V. Fitzgerald, Año Nuevo, Point Lobos, Carmel, and Irvine Coast ASBS. While certain ASBS sites within Caltrans area of impact differed from reference sites, there was no strong support that this was due to discharges. Differences between impact and reference locations were also found at Duxbury Reef ASBS (County of Marin) and at the Pillar Point area of James V. Fitzgerald ASBS (Air Force). Again at these locations, the data was inadequate to attribute the variation to the impacts of the discharge.

The project, granting an exception with special mitigating conditions (i.e., special protections) will allow the continued discharge of wastes from various origins including storm water runoff into ASBS. It is anticipated that the mitigating terms and conditions of the special protections will result in improved water quality conditions. Further, the terms and conditions of the special protections provide for continued water quality improvements over time if all of the special protections designed to limit discharges of waste from the applicants are implemented.

It is anticipated that, as the applicants identified in this general exception plan for and design individual control projects to comply with the terms and conditions or "Special Protections," each applicant will assess biological impacts on a project-by-project basis. If it is determined that a project will have biological impacts, then potential mitigation measures must be considered. A technical biological impact analysis may include evaluation of terrestrial and marine biota of an individual project. The impact analysis may assess mitigation measures that are determined to be reasonable and feasible, and at the time of final design would then be incorporated into projects' plans and specifications. Indirect effects to biological resources may extend throughout the duration of construction and may include increased erosion, siltation, and runoff. Projects should result in long-term, beneficial effects to biological resources within each individual project.

5. CULTURAL RESOURCES. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Depending on what measures each applicant uses to comply with the proposed exception, there may be an impact on cultural resources. However, the State Water Board believes that mitigation is available to reduce any potential impacts to cultural resources to less than significant levels.

6. GEOLOGY and SOILS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated in the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines & Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternate wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As part of the scoping and environmental analysis conducted for the general exception project, these environmental resources were considered, but no potential for adverse impacts to these resources were identified.

7. GREENHOUSE GAS EMISSIONS -- Would the project:

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Depending on what measures each applicant uses to comply with the proposed exception, there may be an impact on greenhouse gas emissions. However, the State Water Board believes that mitigation is available to reduce any potential impacts to greenhouse gas emissions to less than significant levels.

8. HAZARDS and HAZARDOUS MATERIALS. Would the project:

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Issues (and Supporting Information Sources):

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Depending on what measures each applicant uses to comply with the proposed exception, there may be an impact from hazards and hazardous materials. However, the State Water Board believes that mitigation is available to reduce any potential impacts from hazards and hazardous materials to less than significant levels.

9. HYDROLOGY and WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Hydrology and Water Quality Impacts

The general exception project has the potential to violate the ASBS waste discharge prohibition of the Ocean Plan if existing inadequate controls currently in force are allowed to continue. The project, granting an exception with special mitigating conditions (i.e., special protections) will allow the continued discharge of wastes from various origins including storm water runoff into ASBS. Existing ocean water quality conditions within ASBS have had measured concentrations of constituents which exceed the Table B water quality objectives of the Ocean Plan. Exceedances of the Table B Ocean Plan water quality objectives were also found in the storm water runoff of some of the applicants. It is expected that the mitigating terms and conditions of the special protections will result in improved water quality conditions. Further, the terms and conditions of the special protections provide for continued water quality improvements over time if all of the conditions designed to limit discharges of waste from the 27 applicants are implemented.

Granting the general exception will not violate federal antidegradation requirements because water quality will not be lowered, but rather, will be improved within the ASBS affected. Further, allowance of the general exception will not violate the State Water Board's antidegradation policy (SWRCB 1968) since water quality conditions are anticipated to improve; the discharges will not unreasonably affect present and anticipated beneficial uses; the discharge will not result in water quality lower than that prescribed in the Ocean Plan; and beneficial uses will be protected and potential impacts will be less than significant with mitigation incorporated.

It is anticipated that the applicants identified in this general exception project will implement various individual or collaborative projects to comply with the terms and conditions or "Special Protections." As part of the scoping and environmental analysis conducted for the general exception project, project types identified include: Low Impact Development (LID); dry-weather flow diversions; and Best Management Practices (BMPs), such as Pollution Prevention BMPs and Treatment BMPs, such as infiltration basins and Gross Solids Removal Devices (GSRDs). Under the State Water Board's storm water program, these types of projects may require coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit). Dischargers whose projects disturb 1 or more acres of soil or whose project disturbs less than 1 acre but are part of a larger common plan of development that in total disturbs 1 or more acres, are required to obtain coverage under this permit. The activity would include clearing, grading, and disturbances to the ground such as stockpiling, or excavation.

Additional requirements of the Construction General Permit require the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and storm water collection and discharge points and drainage patterns across the project. The SWPPP includes a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs during a project's construction.

These hydrology and water quality resource impacts were considered to be short-term and no potential for adverse impacts to these resources were identified.

10. LAND USE AND PLANNING. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Issues (and Supporting Information Sources):

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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As part of the scoping and environmental analysis conducted for the general exception project, the land use and planning impacts were considered, but no potential for adverse impacts to these resources were identified.

11. MINERAL RESOURCES. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

As part of the scoping and environmental analysis conducted for the general exception project, the mineral resources were considered, but no potential for adverse impacts to these resources were identified.

12. NOISE. Would the project result in:

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing in or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing in or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The California Health and Safety Code Section 46022 defines noise as "excessive undesirable sound, including that produced by persons, pets and livestock, industrial equipment, construction, motor vehicles, boats, aircraft, home appliances, electric motors, combustion engines, and any other noise-producing objects" the degree to which noise can affect the human environment range from levels that interfere with speech and sleep (annoyance and nuisance) to levels that cause adverse health effects (hearing loss and psychological effects). Human response to noise is subjective and can vary greatly from person to person. Factors that influence individual response include the intensity, frequency, and pattern of noise; the amount of background noise present before the intruding noise; and the nature of work or human activity that is exposed to the noise source

Depending on what measures each applicant uses to comply with the proposed exception, there may be an impact on noise. However, the State Water Board believes that mitigation is available to reduce any potential impacts to noise to less than significant levels. Mitigation measures will be implemented at the project-specific level.

Issues (and Supporting Information Sources):

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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13. POPULATION AND HOUSING. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

As part of the scoping and environmental analysis conducted for the general exception project, the impacts to population and housing resources associated with the implementation of the Special Protections were considered, but no potential for adverse impacts to these resources were identified.

14. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:

- | | | | | |
|-----------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

As part of the scoping and environmental analysis conducted for the general exception project, these resources were considered, but no potential for adverse impacts to these resources were identified and are not expected to result in permanent, direct, or indirect impacts to public services, nor would it create new demand for community services since no capital improvements are included in this general exception project.

Depending on what measures each applicant uses to comply with the proposed exception, there may be an impact on public services. However, the State Water Board believes that mitigation is available to reduce any potential impacts to public services to less than significant levels.

15. RECREATION. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Recreational resources include public parks, golf courses, beaches wildlife areas. As part of the scoping and environmental analysis conducted for the general exception project, impacts to these resources were considered for some structural and non-structural controls, but no potential for adverse impacts to these resources were identified. The general exception project does not include recreational facilities or require the construction or expansion of recreational facilities.

Issues (and Supporting Information Sources):

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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16. TRANSPORTATION / TRAFFIC. Would the project:

- | | | | | |
|--|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Depending on what measures each applicant uses to comply with the proposed exception, there may be an impact on transportation/traffic. However, the State Water Board believes that mitigation is available to reduce any potential impacts to transportation/traffic to less than significant levels.

17. UTILITIES AND SERVICE SYSTEMS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

As part of the scoping and environmental analysis conducted for the general exception project, utilities and service systems were considered, but no potential for adverse impacts to these resources were identified and are not expected to result in permanent, direct, or indirect impacts, nor would it create new

Issues (and Supporting Information Sources):

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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demand for utilities and service systems since no capital improvements are included in this general exception project.

Depending on what measures each applicant uses to comply with the proposed exception, there may be an impact on utilities and service systems. However, the State Water Board believes that mitigation is available to reduce any potential impacts to utilities and service systems to less than significant levels.

18. MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Depending on what measures each applicant uses to comply with the proposed exception, there may be an impact to aesthetics, air quality, biological resources, cultural resources, greenhouse gas emissions, hazards & hazardous materials, hydrology & water quality, land use & planning, noise, public services, transportation & traffic. However, the State Water Board believes that mitigation is available to reduce any potential impacts to air quality to less than significant levels.

DETERMINATION

On the basis of this initial evaluation I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

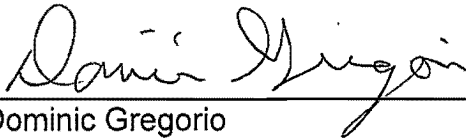
Prepared By:

 2/2/10

Constance S. Anderson
Environmental Scientist

Date

Reviewed by:

 2/2/10

Dominic Gregorio
Senior Environmental Scientist

Date

 2/2/10

Frank Roddy
Staff Environmental Scientist

Date

(Form

Authority: Public Resources Code Sections 21083, 21084, 21084.1, and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.1 through 21083.3, 21083.6 through 21083.9, 21084.1, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal. App. 3d 1337 (1990).

Attachment A - Special Protections for Areas of Special Biological Significance, Governing Point Source Discharges of Storm Water and Nonpoint Source Waste Discharges

I. PROVISIONS FOR POINT SOURCE DISCHARGES OF STORM WATER AND NONPOINT SOURCE WASTE DISCHARGES

The following terms, prohibitions, and special conditions (hereafter collectively referred to as special conditions) comprise the limitations on point source storm water and nonpoint source discharges that provide Special Protections for marine aquatic life and natural water quality in Areas of Special Biological Significance (ASBS). These Special Protections are adopted by the State Water Resources Control Board (State Water Board) in a California Ocean Plan (Ocean Plan) exception.

The special conditions are organized by category of discharge. The State Water Board and Regional Water Quality Control Boards (Regional Water Boards) will determine categories and the means of regulation for those categories [e.g., Point Source Storm Water National Pollutant Discharge Elimination System (NPDES) or Nonpoint Source].

A. PERMITTED POINT SOURCE DISCHARGES OF STORM WATER

1. General Provisions for Permitted Point Source Discharges of Storm Water

- a. Existing storm water discharges into an ASBS are allowed only under the following conditions:
 - (1) The discharges are authorized by an NPDES permit issued by the State Water Board or Regional Water Board;
 - (2) The discharges comply with all of the applicable terms, prohibitions, and special conditions contained in these Special Protections; and
 - (3) The discharges:
 - (i) Are essential for flood control or slope stability, including roof, landscape, road, and parking lot drainage;
 - (ii) Are designed to prevent soil erosion;
 - (iii) Occur only during wet weather;
 - (iv) Are composed of only storm water runoff.

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- b. Discharges composed of storm water runoff shall not alter natural ocean water quality in an ASBS.
- c. The discharge of trash is prohibited.
- d. Only discharges from existing storm water outfalls are allowed. Any proposed or new storm water runoff discharge shall be routed to existing storm water discharge outfalls and shall not result in any new contribution of waste to an ASBS (i.e., no additional pollutant loading). "Existing storm water outfalls" are those that were constructed or under construction prior to January 1, 2005. "New contribution of waste" is defined as any addition of waste beyond what would have occurred as of January 1, 2005.
- e. Non-storm water discharges are prohibited except as provided below:
 - (1) The term "non-storm water discharges" means any waste discharges from a municipal separate storm sewer system (MS4) or other NPDES permitted storm drain system to an ASBS that are not composed entirely of storm water.
 - (2) The following non-storm water discharges are allowed, provided that the discharges are essential for emergency response purposes, structural stability, or slope stability:
 - (i) Discharges associated with emergency fire fighting operations.
 - (ii) Foundation and footing drains.
 - (iii) Water from crawl space or basement pumps.
 - (iv) Hillside dewatering.
 - (v) Naturally occurring groundwater seepage via a storm drain.
 - (3) Authorized non-storm water discharges shall not cause or contribute to a violation of the water quality objectives in Chapter II of the Ocean Plan nor alter natural ocean water quality in an ASBS.

2. Storm Water Management Plans (SWMP) and Storm Water Pollution Prevention Plans (SWPPP)

The discharger shall specifically address the prohibition of non-storm water runoff and the requirement to maintain natural water quality for storm water discharges to an ASBS in a SWMP or a SWPPP, as appropriate to permit type.

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- a. The SWMP or SWPPP shall include a map of surface drainage of storm water runoff, showing areas of sheet runoff, prioritize discharges, and describe any structural Best Management Practices (BMPs) already employed and/or BMPs to be employed in the future. The map shall also show the storm water conveyances in relation to other features such as service areas, sewage conveyances and treatment facilities, landslides, areas prone to erosion, and waste and hazardous material storage areas, if applicable. The SWMP or SWPPP shall also include a procedure for updating the map and plan when changes are made to the storm water conveyance facilities.
- b. The SWMP or SWPPP shall describe the measures by which all non-authorized non-storm water runoff (e.g., dry weather flows) has been eliminated, how these measures will be maintained over time, and how these measures are monitored and documented.
- c. For MS4s, the SWMP shall require minimum inspection frequencies as follows:
 - (1) The minimum inspection frequency for construction sites shall be weekly during rainy season;
 - (2) The minimum inspection frequency for industrial facilities shall be monthly during the rainy season;
 - (3) The minimum inspection frequency for commercial facilities (e.g., restaurants) shall be twice during the rainy season; and
 - (4) Storm water outfall drains equal to or greater than 18 inches (457 mm) in diameter or width shall be inspected once prior to the beginning of the rainy season and once during the rainy season and maintained to remove trash and other anthropogenic debris.
- d. The SWMP or SWPPP shall address storm water discharges (wet weather flows) and, in particular, describe how pollutant reductions in storm water runoff, that are necessary to comply with these special conditions, will be achieved through BMPs. BMPs to control storm water runoff discharges (at the end-of-pipe) during a design storm shall be designed to achieve the following target levels:
 - (1) Table B Instantaneous Maximum Water Quality Objectives in Chapter II of the Ocean Plan; or
 - (2) A 90 percent reduction in pollutant loading for the Table B parameters during storm events, for the applicant's total discharges. The baseline for the reduction is the effective date of the exception. The baseline for these determinations is the effective date of the exception, and the reductions must be achieved and documented within four (4) years of the effective date.

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- e. The SWMP or SWPPP shall address erosion control and the prevention of anthropogenic sedimentation in ASBS. The natural habitat conditions in the ASBS shall not be altered as a result of anthropogenic sedimentation.
- f. The SWMP or SWPPP shall describe the non-structural BMPs currently employed and planned in the future (including those for construction activities), and include an implementation schedule. The SWMP or SWPPP shall include non-structural BMPs that address public education and outreach. Education and outreach make it a recommendation that the public is adequately informed that direct waste discharges from private property not entering an MS4 are prohibited. The SWMP or SWPPP shall also describe the structural BMPs, including any low impact development (LID) measures, currently employed and planned for higher threat discharges and include an implementation schedule.
- g. The BMPs and implementation schedule shall be designed to ensure that natural water quality conditions in the receiving water are achieved and maintained by either reducing flows from impervious surfaces or reducing pollutant loading, or some combination thereof.
- h. If the results of the receiving water monitoring described in IV.B. of these special conditions indicate that the storm water runoff is causing or contributing to an alteration of natural water quality in the ASBS, the discharger shall submit a report to the Regional Water Board within 30 days of receiving the results.
 - (1) The report shall identify the constituents in storm water runoff that alter natural water quality and the sources of these constituents.
 - (2) The report shall describe BMPs that are currently being implemented, BMPs that are identified in the SWMP or SWPPP for future implementation, and any additional BMPs that may be added to the SWMP or SWPPP to address the alteration of natural water quality. The report shall include a new or modified implementation schedule for the BMPs.
 - (3) Within 30 days of Regional Water Board approval of the report, the discharger shall revise its SWMP or SWPPP to incorporate any new or modified BMPs that have been or will be implemented, the implementation schedule, and any additional monitoring required.
 - (4) As long as the discharger has complied with the procedures described above and is implementing the revised SWMP or SWPPP, the discharger does not have to repeat the same procedure for continuing or recurring exceedances of natural water quality conditions due to the same constituent.

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- i. If the discharger anticipates that it will fail to meet the implementation schedule in the approved SWMP or SWPPP, the discharger shall submit a technical report as soon as practicable to the Regional Water Board. The technical report shall contain reasons for failing to implement the approved SWMP or SWPPP, and propose a revised implementation schedule.

3. Compliance Schedule

- a. On the effective date of the exception, all non-authorized non-storm water discharges (e.g., dry weather flow) are effectively prohibited.
- b. Within one year from the effective date of the exception, the dischargers shall submit a written report to the Regional Water Board that describes their strategy to comply with these special conditions, including the requirement to maintain natural water quality in the affected ASBS. The report shall include a time schedule to implement appropriate non-structural and structural controls to comply with these special conditions for inclusion in the discharger's SWMP or SWPPP.
- c. Within 18 months of the effective date of the Exception, any non-structural controls that are necessary to comply with these special conditions shall be implemented.
- d. Within four (4) years of the effective date of the Exception, any structural controls identified in the SWMP or SWPPP that are necessary to comply with these special conditions shall be operational.
- e. Within four (4) years of the effective date of the Exception, all dischargers must comply with the requirement that their discharges into the affected ASBS maintain natural water quality.
- f. Except as provided above for non-authorized non-storm discharges, the Regional Water Board, for good causes, may authorize additional time to comply with these special conditions.

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B. NONPOINT SOURCE DISCHARGES

1. General Provisions for Nonpoint Sources

a. Existing nonpoint source waste discharges are allowed into an ASBS only under the following conditions:

- (1) The discharges are authorized under waste discharge requirements, a conditional waiver of waste discharge requirements, or a conditional prohibition issued by the State Water Board or a Regional Water Board.
- (2) The discharges are in compliance with the applicable terms, prohibitions, and special conditions contained in these Special Protections.
- (3) The discharges:
 - (i) Are essential for flood control or slope stability, including roof, landscape, road, and parking lot drainage;
 - (ii) Are designed to prevent soil erosion;
 - (iii) Occur only during wet weather;
 - (iv) Are composed of only storm water runoff.

b. Discharges composed of storm water runoff shall not alter natural ocean water quality in an ASBS.

c. The discharge of trash is prohibited.

d. Only existing nonpoint source waste discharges are allowed. "Existing nonpoint source waste discharges" are discharges that were ongoing prior to January 1, 2005. "New nonpoint source discharges" are defined as those that commenced on or after January 1, 2005.

e. Non-storm water discharges from nonpoint sources (those not subject to an NPDES Permit) are prohibited except as provided below:

- (1) The term "non-storm water discharges" means any waste discharges that are not composed entirely of storm water.
- (2) The following non-storm water discharges are allowed, provided that the discharges are essential for emergency response purposes, structural stability, or slope stability:

DRAFT

- (i) Discharges associated with emergency fire fighting operations.
 - (ii) Foundation and footing drains.
 - (iii) Water from crawl space or basement pumps.
 - (iv) Hillside dewatering.
 - (v) Naturally occurring groundwater seepage via a storm drain.
- (3) Authorized non-storm water discharges shall not cause or contribute to a violation of the water quality objectives in Chapter II of the Ocean Plan nor alter natural ocean water quality in an ASBS.
- f. At the San Clemente Island ASBS, the discharge of military ordinance and explosives is allowed, except in the two military closure areas in the vicinity of Wilson Cove and Castle Rock. The discharge of explosives or deposition of waste ordinance is prohibited within ASBS waters at the two military closure areas. Discharges must not result in a violation of the water quality objectives, including the protection of the marine aquatic life beneficial use, anywhere in the ASBS.
 - g. At the San Nicolas Island and Begg Rock ASBS, the discharge of missiles is allowed. No other discharges of explosives or deposition of waste ordinance are allowed within ASBS waters. Discharges must not result in a violation of the water quality objectives, including the protection of the marine aquatic life beneficial use, anywhere in the ASBS.
 - h. All other nonpoint source discharges not specifically authorized above are prohibited.

2. Planning and Reporting

- a. The nonpoint source discharger shall develop a pollution prevention plan, including an implementation schedule, to address storm water runoff and any other nonpoint source discharges from its facilities. The Pollution Prevention Plan must be equivalent in contents to a SWMP as described in I (A)(2) in this document.
- b. The Pollution Prevention Plan shall address storm water discharges (wet weather flows) and, in particular, describe how pollutant reductions in storm water runoff that are necessary to comply with these special conditions, will be achieved through Management Measures and associated Management Practices

DRAFT

(Management Measures/Practices). Management measures to control storm water runoff during a design storm shall achieve the following target levels:

- (1) Set as the Table B Instantaneous Maximum Water Quality Objectives in Chapter II of the Ocean Plan; or
- (2) By reducing pollutant loading for the Table B parameters during storm events, for the applicant's total discharges, by 90 percent.

The baseline for these determinations is the effective date of the exception, and the reductions must be achieved and documented within four (4) years of the effective date.

- c. If the results of the receiving water monitoring described in IV.B. of these special conditions indicate that the storm water runoff or other nonpoint source pollution is causing or contributing to an alteration of natural water quality in the ASBS, the discharger shall submit a report to the Regional Water Board within 30 days of receiving the results.

- (1) The report shall identify the constituents that alter natural water quality and the sources of these constituents.
- (2) The report shall describe Management Measures/Practices that are currently being implemented, Management Measures/Practices that are identified in the Pollution Prevention Plan for future implementation, and any additional Management Measures/Practices that may be added to the Pollution Prevention Plan to address the alteration of natural water quality. The report shall include a new or modified implementation schedule for the Management Measures/Practices.
- (3) Within 30 days of Regional Water Board approval of the report, the discharger shall revise its Pollution Prevention Plan to incorporate any new or modified Management Measures/Practices that have been or will be implemented, the implementation schedule, and any additional monitoring required.
- (4) As long as the discharger has complied with the procedures described above and is implementing the revised pollution prevention plan, the discharger does not have to repeat the same procedure for continuing or recurring exceedances of natural water quality conditions due to the same constituent.

- d. If the discharger anticipates that it will fail to meet the implementation schedule in the approved Pollution Prevention Plan, the discharger shall submit a technical report as soon as practicable to the Regional Water Board. The technical report

DRAFT

shall contain reasons for failing to implement the approved Pollution Prevention Plan and propose a revised implementation schedule.

3. Compliance Schedule

- a. On the effective date of the exception, all non-authorized non-storm water discharges (e.g., dry weather flow) are effectively prohibited.
- b. Within one year from the effective date of the exception, the dischargers shall submit a written Pollution Prevention Plan to the Regional Water Board that describes their strategy to comply with these special conditions, including the requirement to maintain natural water quality in the affected ASBS. The Pollution Prevention Plan shall include a time schedule to implement appropriate non-structural and structural controls to comply with these special conditions for inclusion in the discharger's pollution prevention plan.
- c. Within 18 months of the effective date of the exception, any non-structural controls that are necessary to comply with these Special Protections shall be implemented.
- d. Within four (4) years of the effective date of the exception, any structural controls identified in the Pollution Prevention Plan that are necessary to comply with these special conditions shall be operational.
- e. Within four (4) years of the effective date of the exception, all dischargers must comply with the requirement that their discharges into the affected ASBS maintain natural water quality.
- f. Except as provided above for non-authorized non-storm discharges, the Regional Water Board may authorize additional time to comply with these special conditions.

II. ADDITIONAL REQUIREMENTS FOR PARKS AND RECREATION FACILITIES

In addition to the provisions in Section I (A) or I (B), respectively, a discharger with parks and recreation facilities shall comply with the following:

- A. The discharger shall include a section in a SWMP (for NPDES dischargers) or Pollution Prevention Plan (for nonpoint source dischargers) to address storm water runoff from parks and recreation facilities.

DRAFT

1. The plan shall identify all pollutant sources, including sediment sources, which may result in waste entering storm water runoff. Pollutant sources include, but are not limited to, roadside rest areas and vistas, picnic areas, campgrounds, trash receptacles, maintenance facilities, park personnel housing, portable toilets, leach fields, fuel tanks, roads, piers, and boat launch facilities.
2. The plan shall describe BMPs or Management Measures/Practices that will be implemented to control soil erosion (both temporary and permanent erosion controls) and reduce or eliminate pollutants in storm water runoff in order to achieve and maintain natural water quality conditions in the affected ASBS. The plan shall include BMPs or Management Measures/Practices to ensure that trails and culverts are maintained to prevent erosion and minimize waste discharges to ASBS.
3. The plan shall include BMPs or Management Measures/Practices to prevent the discharge of pesticides or other chemicals, including agricultural chemicals, in storm water runoff to the affected ASBS.
4. The plan shall include BMPs or Management Measures/Practices that address public education and outreach. The goal of these BMPs or Management Measures/Practices is to ensure that the public is adequately informed that waste discharges to the affected ASBS are prohibited or limited by special conditions in these Special Protections. The BMPs or Management Measures/Practices shall include signage at camping, picnicking, beach and roadside parking areas, and visitor centers, or other appropriate measures, which notify the public of any applicable requirements of these Special Protections and identify the ASBS boundaries.
5. The plan shall include BMPs or Management Measures/Practices that address the prohibition against the discharge of trash to ASBS. The BMPs or Management Measures/Practices shall include measures to ensure that adequate trash receptacles are available for public use at visitor facilities, including parking areas, and that the receptacles are adequately maintained to prevent trash discharges into the ASBS. Appropriate measures include covering trash receptacles to prevent trash from being wind blown and periodically emptying the receptacles to prevent overflows.
6. The plan shall include BMPs or Management Measures/Practices to address runoff from parking areas and other developed features to ensure that the runoff does not alter natural water quality in the affected ASBS. BMPs or Management Measures/Practices shall include measures to reduce pollutant loading in runoff to the ASBS through installation of natural area buffers (LID), treatment, or other appropriate measures.

DRAFT

- B. Maintenance and repair of park and recreation facilities must not result in waste discharges to the ASBS. The practice of road oiling must be minimized or eliminated, and must not result in waste discharges to the ASBS.

III. ADDITIONAL REQUIREMENTS – WATERFRONT AND MARINE OPERATIONS

In addition to the provisions in Section I (A) or I (B), respectively, a discharger with waterfront and marine operations shall comply with the following:

- A. For discharges related to waterfront and marine operations, the discharger shall develop a Waterfront and Marine Operations Management Plan (Waterfront Plan). The Waterfront Plan shall contain appropriate Management Measures/Practices to address nonpoint source pollutant discharges to the affected ASBS.
 1. The Waterfront Plan shall contain appropriate Management Measures/Practices for any waste discharges associated with the operation and maintenance of vessels, moorings, piers, launch ramps, and cleaning stations in order to ensure that beneficial uses are protected and natural water quality is maintained in the affected ASBS.
 2. For discharges from marinas and recreational boating activities, the Waterfront Plan shall include appropriate Management Measures, described in The Plan for California's Nonpoint Source Pollution Control Program, for marinas and recreational boating, or equivalent practices, to ensure that nonpoint source pollutant discharges do not alter natural water quality in the affected ASBS.
 3. The Waterfront Plan shall include Management Practices to address public education and outreach to ensure that the public is adequately informed that waste discharges to the affected ASBS are prohibited or limited by special conditions in these Special Protections. The management practices shall include appropriate signage, or similar measures, to inform the public of the ASBS restrictions and to identify the ASBS boundaries.
 4. The Waterfront Plan shall include Management Practices to address the prohibition against trash discharges to ASBS. The Management Practices shall include the provision of adequate trash receptacles for marine recreation areas, including parking areas, launch ramps, and docks. The Waterfront Plan shall also include appropriate Management Practices to ensure that the receptacles are adequately maintained and secured in order to prevent trash discharges into the ASBS. Appropriate Management Practices include covering the trash receptacles to prevent trash from being windblown, staking or securing the trash receptacles so they don't tip over, and periodically emptying the receptacles to prevent overflow.

DRAFT

5. The discharger shall submit its final Waterfront Plan to the Regional Water Board within six months of the effective date of these special conditions. The Regional Water Board, in consultation with the State Water Board's Division of Water Quality, will review the Waterfront Plan. The Waterfront Plan must be fully implemented within 18 months of the effective date of the exception.
- B. The discharge of chlorine, soaps, petroleum, other chemical contaminants, trash, fish offal, or human sewage to ASBS is prohibited. Sinks and fish cleaning stations are point source discharges of wastes and are prohibited from discharging into ASBS. Anthropogenic accumulations of discarded fouling organisms on the sea floor must be minimized.
- C. Limited-term activities, such as the repair, renovation, or maintenance of waterfront facilities, including, but not limited to, piers, docks, moorings, and breakwaters, are authorized only in accordance with Chapter III.E.2 of the Ocean Plan.
- D. If the discharger anticipates that the discharger will fail to fully implement the approved Waterfront Plan within the 18 month deadline, the discharger shall submit a technical report as soon as practicable to the Regional Water Board. The technical report shall contain reasons for failing to meet the deadline and propose a revised schedule to fully implement the Waterfront Plan. The Regional Water Board may, for good cause, extend the deadline.

IV. MONITORING REQUIREMENTS

Monitoring is mandatory for all dischargers to assure compliance with the Ocean Plan. Monitoring requirements include both: (A) core discharge monitoring, and (B) ocean receiving water monitoring. The State and Regional Water Boards must approve sampling site locations and any adjustments to the monitoring programs. All monitoring must be comparable* with the Water Boards' Surface Water Ambient Monitoring Program (SWAMP).

Safety concerns: Sample locations and sampling periods must be determined considering safety issues. Sampling may be postponed upon notification to the Regional Water Board if hazardous conditions prevail.

Analytical Chemistry Methods: All constituents must be analyzed using the lowest minimum detection limits comparable to the Ocean Plan water quality objectives. For metal analysis, all samples, including storm water effluent, reference samples, and ocean receiving water samples, must be analyzed by the approved analytical method with the lowest minimum detection limits (currently Inductively Coupled Plasma/Mass Spectrometry) described in the Ocean Plan.

DRAFT

A. CORE DISCHARGE MONITORING PROGRAM

1. General sampling requirements for timing and storm size:
Runoff must be collected during a storm event that is greater than 0.1 inch and generates runoff, and at least 72 hours from the previously measurable storm event.
2. Runoff flow measurements
 - a. For municipal/industrial storm water outfalls in existence as of December 31, 2007, 18 inches (457mm) or greater in diameter/width (including multiple outfall pipes in combination having a width of 18 inches (457mm), runoff flows must be measured or calculated, using a method acceptable to and approved by the Regional Water Board.
 - b. This will be reported annually for each precipitation season to the Regional Water Board.
3. Runoff samples – storm events
 - a. For outfalls equal to or greater than 18 inches (0.46m) in diameter or width:
 - (1) samples shall be analyzed annually for all Ocean Plan Table A constituents and indicator bacteria, and
 - (2) samples of storm water runoff shall be analyzed to assess compliance with the chronic toxicity (one invertebrate or algal species) objective in Table B of the Ocean Plan at least once every five (5) years. The chronic toxicity sampling may be performed on a rotating basis to ensure that each outfall is measured once per five-year period.
 - b. For outfalls equal to or greater than 36 inches (0.91m) in diameter or width:
 - (1) samples shall be analyzed annually for all Ocean Plan Table A constituents and indicator bacteria;
 - (2) samples shall be further analyzed at least once annually during wet weather (storm events) for those pollutants with chemical water quality objectives for the protection of marine aquatic life in Table B of the Ocean Plan, and for PAHs, pyrethroids, OP pesticides, nitrates, and phosphates; and
 - (3) samples of storm water runoff shall be analyzed to assess compliance with the chronic toxicity (one invertebrate or algal species) objective in Table B of the Ocean Plan at least once every five (5) years. The chronic toxicity sampling may be performed on a rotating basis to ensure that each outfall is measured once per five-year period.

DRAFT

- c. For an applicant not participating in a regional monitoring program [see below in Section IV (B)] in addition to (a.) and (b.) above, a minimum of the two largest outfalls or 20 percent of the larger outfalls, whichever is greater, shall be sampled (flow weighted composite samples) at least three times during the wet weather and analyzed for all Ocean Plan Table A constituents, Table B constituents for marine aquatic life protection (except for toxicity, only chronic toxicity for three species shall be required), DDT, PCBs, PAHs, OP pesticides, pyrethroids, nitrates, phosphates, and Ocean Plan indicator bacteria. For applicants discharging to ASBS in more than one Regional Water Board region, at a minimum, one such discharge shall be sampled in each Region.

B. OCEAN RECEIVING WATER MONITORING PROGRAM

In addition to performing the Core Discharge Monitoring Program in Section II.A above, all applicants having authorized discharges must perform ocean receiving water monitoring. In order to fulfill the requirements for monitoring the physical, chemical, and biological characteristics of the ocean receiving waters within their ASBS, dischargers may choose either (1) an individual monitoring program, or (2) participation in a regional integrated monitoring program.

1. Individual Monitoring Program: The requirements listed below are for those dischargers who elect to perform an individual monitoring program to fulfill the requirements for monitoring the physical, chemical, and biological characteristics of the ocean receiving waters within the affected ASBS. In addition to Core Discharge Monitoring, the following additional monitoring requirements shall be met:
 - a. Three times annually, during wet weather (storm events), the receiving water at the point of discharge from the outfalls described in section (IV)(A)(3)(c) above shall be sampled and analyzed for Ocean Plan Table A constituents, Table B constituents for marine aquatic life, DDT, PCBs, PAHs, OP pesticides, pyrethroids, nitrates, phosphates, salinity, chronic toxicity (three species), and Ocean Plan indicator bacteria.

The sample location for the ocean receiving water shall be in the surf zone at the point of discharges; this must be at the same location where storm water runoff is sampled. Storm water runoff and receiving water shall be sampled at approximately the same time prior to and during (or immediately after) the same storm.

- b. Sediment sampling shall occur at least three times during every five (5) year period. The subtidal sediment (sand or finer, if present) at the discharge shall be sampled and analyzed for Ocean Plan Table B constituents for marine aquatic life, DDT, PCBs, PAHs, pyrethroids, and OP pesticides. For sediment toxicity testing, only an acute toxicity test using the amphipod *Eohaustorius estuarius* must be performed.

DRAFT

- c. A quantitative survey of intertidal benthic marine life shall be performed at the discharge and at a reference site. The survey shall be performed at least once every five (5) year period. The Regional Water Board, in consultation with the State Water Board's Division of Water Quality, must approve the survey design. The results of the survey shall be completed and submitted to the Regional Water Board at least six months prior to the end of the permit cycle.
 - d. Once during each five (5) year period, a bioaccumulation study shall be conducted to determine the concentrations of metals and synthetic organic pollutants at representative discharge sites and at representative reference sites. The Regional Water Board, in consultation with the State Water Board's Division of Water Quality, must approve the study design. The bioaccumulation study may include California mussels (*Mytilus californianus*) and/or sand crabs (*Emerita analoga* or *Blepharipoda occidentalis*). Based on the study results, the Regional Water Board, in consultation with the State Water Board's Division of Water Quality, may adjust the study design in subsequent permits, or add or modify additional test organisms (such as shore crabs), or modify the study design appropriate for the area and best available sensitive measures of contaminant exposure.
 - e. Marine Debris: Representative quantitative observations for trash by type and source shall be performed along the coast of the ASBS within the influence of the discharger's outfalls. The design, including locations and frequency, of the marine debris observations should be acceptable to and approved by the Regional Water Board.
 - f. The monitoring requirements of the Individual Monitoring Program in this section are minimum requirements. Regional Water Boards may require additional monitoring. After a minimum of one (1) year of continuous water quality monitoring of the discharges and ocean receiving waters, the Regional Water Board may adjust the list of minimum requirements for chemical constituents, if there is good cause to do so.
2. Regional Integrated Monitoring Program: Applicants may elect to participate in a regional integrated monitoring program, in lieu of an individual monitoring program, to fulfill the requirements for monitoring the physical, chemical, and biological characteristics of the ocean receiving waters within their ASBS. This regional approach shall characterize natural water quality in ocean reference areas near the mouths of identified open space watersheds and the effects of the discharges on natural water quality (physical, chemical, and toxicity) in the ASBS receiving waters, and should include benthic marine aquatic life and bioaccumulation components. The design of the ASBS stratum of a regional integrated monitoring program may deviate from the otherwise prescribed individual monitoring approach (in Section IV.B.1) if approved by the State Water Board's Division of Water Quality and the Regional Water Boards.

DRAFT

3. Waterfront and Marine Operations: In addition to the above requirements for ocean receiving water monitoring, additional monitoring must be performed for marinas and boat launch and pier facilities:
 - a. For all marina or mooring field operators, in mooring fields with 10 or more occupied moorings, the ocean receiving water must be sampled for Ocean Plan indicator bacteria, residual chlorine, copper, zinc, grease and oil, methylene blue active substances (MBAS), and ammonia nitrogen.
 - (1) For mooring field operators opting for an individual monitoring program (Section IV.B.1 above), this sampling must occur weekly (on the weekend) from May through October.
 - (2) For mooring field operators opting to participate in a regional integrated monitoring program (Section IV.B.2 above), this sampling must occur monthly from May through October on a high use weekend in each month.
 - b. For all mooring field operators, the subtidal sediment (sand or finer, if present) within mooring fields and below piers shall be sampled and analyzed for Ocean Plan Table B metals (for marine aquatic life beneficial use), acute toxicity, PAHs, and tributyltin. For sediment toxicity testing, only an acute toxicity test using the amphipod *Eohaustorius estuarius* must be performed. This sampling shall occur at least three times during a five (5) year period.

Glossary

At the point of discharge(s) – Means in the surf zone immediately where runoff from an outfall meets the ocean water (a.k.a., at point zero).

Areas of Special Biological Significance (ASBS) – Those areas designated by the State Water Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. All Areas of Special Biological Significance are also classified as a subset of State Water Quality Protection Areas.

Design storm – For purposes of these Special Protections, a design storm is defined as one inch of precipitation per day.

Effectively prohibited – Means that, to the knowledge of the discharger, prohibited discharges have ceased. If prohibited discharges are discovered through the discharger's illicit connection and illegal discharge program, the discharger shall take action to identify the source and halt the discharge.

Higher threat discharges - permitted storm drains discharging equal to or greater than 18 inches, industrial storm drains, agricultural runoff discharged through an MS4, discharges associated with waterfront and marina operations (e.g., piers, launch ramps, mooring fields, and associated vessel support activities, except for passive discharges defined below), and direct discharges associated with commercial or industrial activities to ASBS.

Low Impact Development (LID) – A sustainable practice that benefits water supply and contributes to water quality protection. Unlike traditional stormwater management, which entails collecting and conveying storm water runoff through storm drains, pipes, or other conveyances to a centralized storm water facility, LID focuses on using site design and storm water management to maintain the site's pre-development runoff rates and volumes. The goal of LID is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source of rainfall.

Marine Operations – Marinas or mooring fields that contain slips or mooring locations for 10 or more vessels.

Management Measure (MM) - economically achievable measures for the control of the addition of pollutants from various classes of nonpoint sources of pollution, which reflect the greatest degree of pollutant reduction achievable through the application of the best available nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives. For example, in the "marinas and recreational boating" land-use category specified in the Plan for California's Nonpoint Source Pollution Control Program (NPS Program Plan) (SWRCB, 1999),

“boat cleaning and maintenance” is considered a MM or the source of a specific class or type of NPS pollution.

Management Practice (MP) - the practices (e.g., structural, non-structural, operational, or other alternatives) that can be used either individually or in combination to address a specific MM class or classes of NPS pollution. For example, for the “boat cleaning and maintenance” MM, specific MPs can include, but are not limited to, methods for the selection of environmentally sensitive hull paints or methods for cleaning/removal of hull copper anti-fouling paints.

Municipal Separate Storm Sewer System (MS4) – A municipally-owned storm sewer system regulated under the Phase I or Phase II storm water program implemented in compliance with Clean Water Act section 402(p). Note that an MS4 program’s boundaries are not necessarily congruent with the permittee’s political boundaries.

Natural Ocean Water Quality - The water quality (based on selected physical, chemical and biological characteristics) that is required to sustain marine ecosystems, and which is without apparent human influence, *i.e.*, an absence of significant amounts of: (a) man-made constituents (e.g., DDT); (b) other chemical (e.g., trace metals), physical (temperature/thermal pollution, sediment burial), and biological (e.g., bacteria) constituents at concentrations that have been elevated due to man's activities above those resulting from the naturally occurring processes that affect the area in question; and (c) non-indigenous biota (e.g., invasive algal bloom species) that have been introduced either deliberately or accidentally by man. Discharges “*shall not alter natural ocean water quality*” as determined by a comparison to the range of constituent concentrations in reference areas agreed upon via the regional monitoring program(s). If monitoring information indicates that *natural ocean water quality* is not maintained, but there is sufficient evidence that a discharge is not contributing to the alteration of natural water quality, then the Regional Water Board may make that determination. In this case, sufficient information must include runoff sample data that has equal or lower concentrations for the range of constituents at the applicable reference area(s).

Nonpoint source – Nonpoint pollution sources generally are sources that do not meet the definition of a point source. Non-point source pollution typically results from land runoff, precipitation, atmospheric deposition, agricultural drainage, marine/boating operations or hydrologic modification. Nonpoint sources, for purposes of these Special Protections, include discharges that are not required to be regulated under an NPDES permit.

Non-storm water discharge – Any runoff that is not the result of a precipitation event. This is often referred to as “dry weather flow.”

Representative – Are to be proposed by the discharger, with appropriate rationale, and approved by Water Board staff.

Sheet-flow – Runoff that flows across land surfaces at a shallow depth relative to the cross-sectional width of the flow. These types of flow may or may not enter a storm drain system before discharge to receiving waters.

Significant – means a statistically significant difference in the arithmetic means of two distributions of sampling results at the 95 percent confidence level.

Surf Zone - The surf zone is defined as the area between the breaking waves and the shoreline at any one time.

Surface Water Ambient Monitoring Program (SWAMP) comparable – means that the monitoring program must 1) meet or exceed 2008 SWAMP Quality Assurance Program Management Plan (QAPP) Measurement Quality Objectives, or 2) have a Quality Assurance Project Plan that has been approved by SWAMP; in addition data must be formatted to match the database requirements of the SWAMP Information Management System.

Waterfront Operations - Piers, launch ramps, and cleaning stations in the water or on the adjacent shoreline.