

# **Attachment B - 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) are established as limitations on point source storm water and nonpoint source discharges. These special conditions provide Special Protections for marine aquatic life and natural water quality in Areas of Special Biological Significance (ASBS), as required for State Water Quality Protection Areas pursuant to California Public Resources Code Sections 36700(f) and 36710(f). These Special Protections are adopted by the State Water Board as part of the California Ocean Plan (Ocean Plan) General Exception.

The special conditions are organized by category of discharge. The State Water Resources Control Board (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.
- 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.

- 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% 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.
- 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.
- 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. If the initial results of post-storm receiving water quality testing indicate levels higher than the 85<sup>th</sup> percentile of reference water quality data, then the discharger must re-sample. If after re-sampling the post-storm levels are still higher than the 85<sup>th</sup> percentile of reference water quality data for any constituent, then natural water quality is exceeded. See attached Flowchart.
- 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.

## **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:
    - (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 (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%.

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 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. If the initial results of post-storm receiving water quality testing indicate levels higher than the 85<sup>th</sup> percentile of reference water quality data, then the discharger must re-sample. If after re-sampling the post-storm levels are still higher than the 85<sup>th</sup> percentile of reference water quality data for any constituent, then natural water quality is exceeded. See attached Flowchart.
- 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.
  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.
- 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). This 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 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.
  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 Plan. The 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 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.

## 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.
  - 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.
- 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.
  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*

*estuarium* 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. Nonpoint 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.

# Flowchart to Determine Compliance with Natural Water Quality

