



**MARCH 20, 2012
ADOPTION HEARING**

**GENERAL EXCEPTION TO THE CALIFORNIA
OCEAN PLAN WASTE DISCHARGE
PROHIBITION for
SELECTED DISCHARGES INTO AREAS OF
SPECIAL BIOLOGICAL SIGNIFICANCE including
SPECIAL PROTECTIONS, and FINAL PEIR**

**TRICIA WOTAN
ASSOCIATE PLANNER, CITY OF MONTEREY**

City of Monterey Involvement

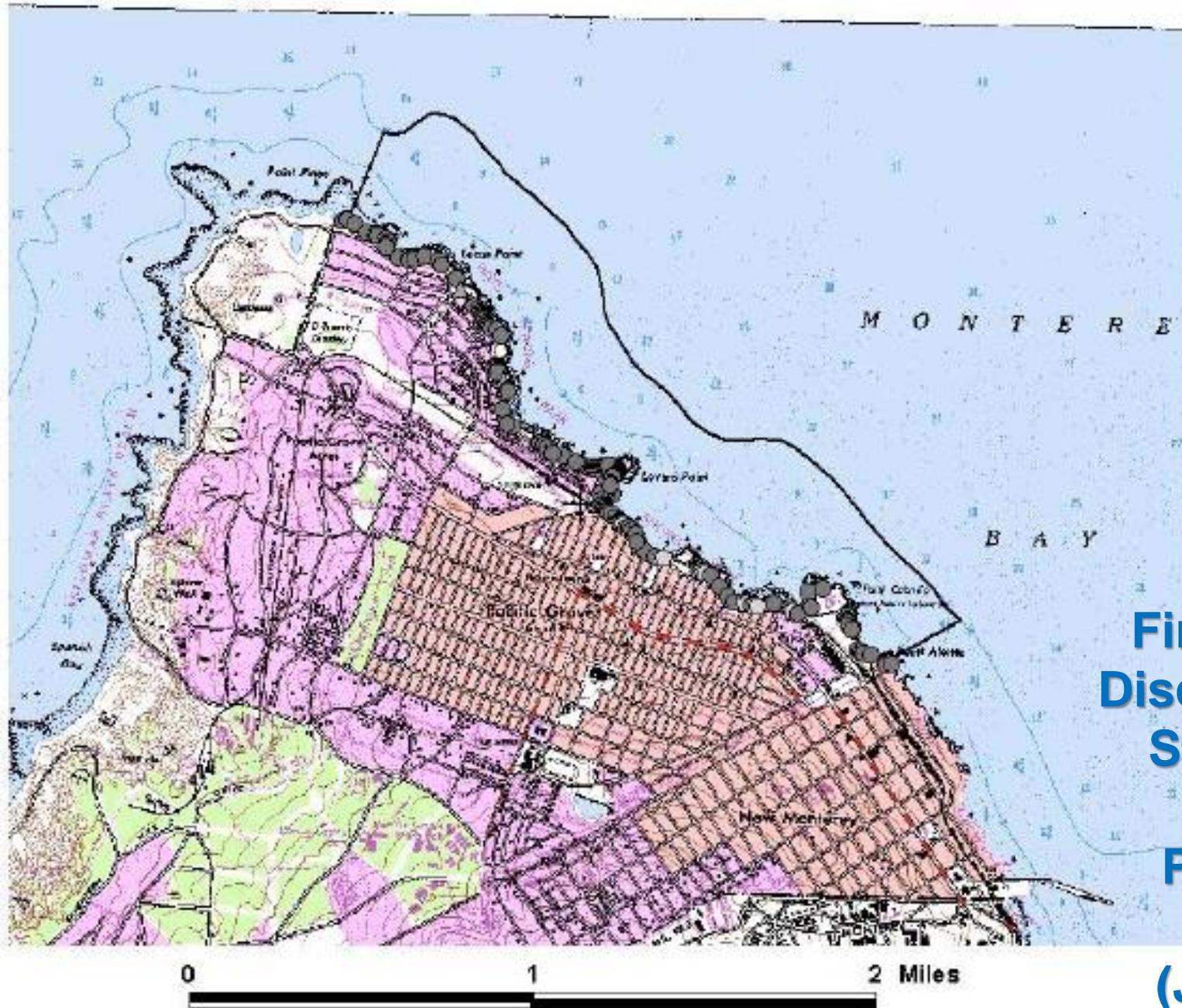
2003 Final Report - Discharges into SWQPAs

- No ocean discharges from City of Monterey included/noted
- Upstream flow from City to Pacific Grove not included
- “The Monterey Bay Aquarium is located immediately adjacent to the SWQPA and Hopkins laboratory, and its discharge undoubtedly enters SWQPA waters.”

2004 SWRCB Letters

- Sent to “higher threat” dischargers
 - City included despite not having discharges in 2003 report
 - SWRCB directed dischargers to cease discharging storm water or apply for Ocean Plan Exception
 - Letter sent again in August 2005
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19-Pacific Grove Marine Gardens Fish Refuge and Hopkins Marine Life Refuge



- Drainages
- Discharges
 - ▲ Outlets
 - ⊙ Springs/Seeps
 - SWQPA Boundary



**Final Report:
Discharges into
State Water
Quality
Protection
Areas
(July 2003)**

0 1 2 Miles



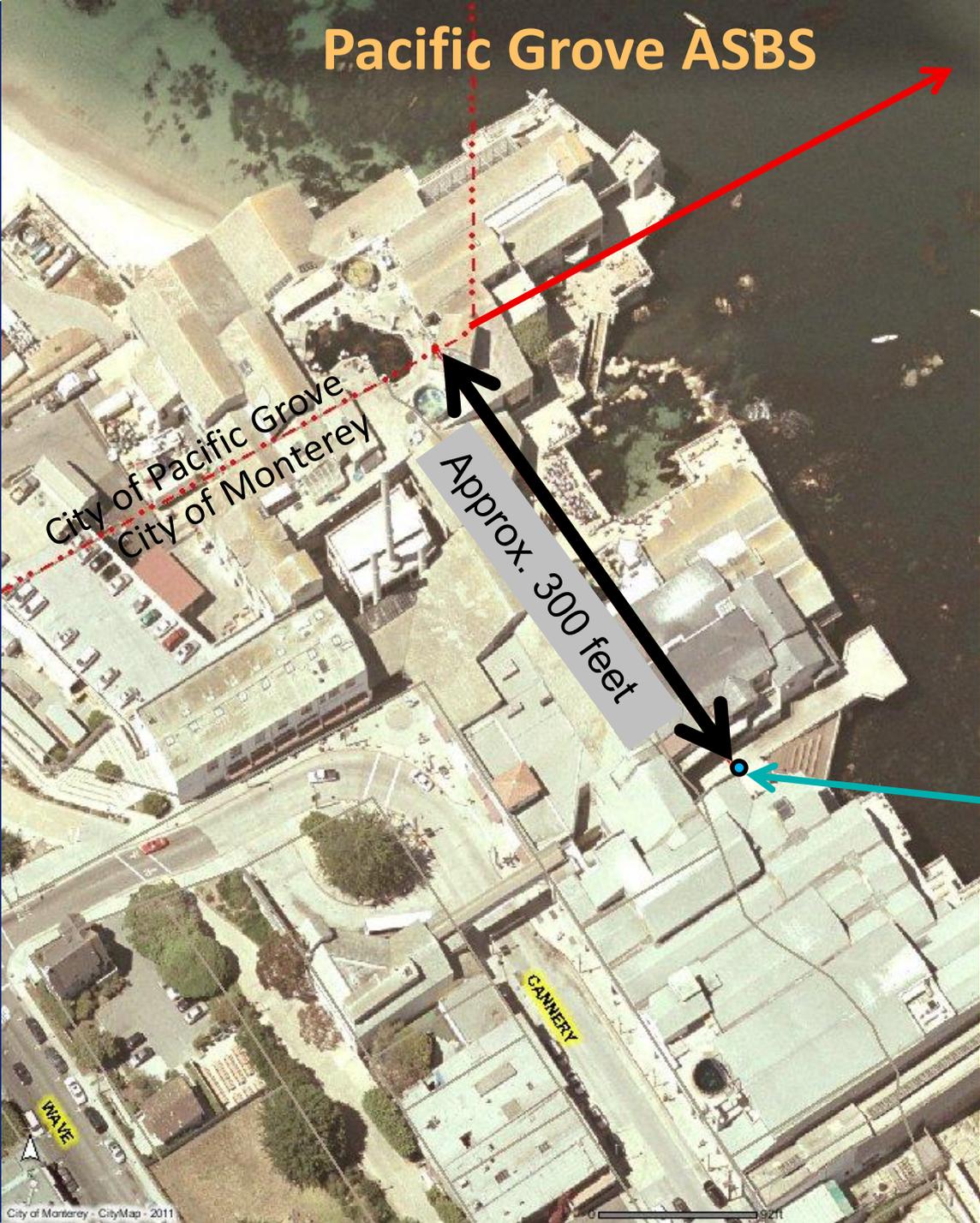
Hovden
Way
Outfall

ASBS

Pacific Grove ASBS



City Limit Line



City of Pacific Grove
City of Monterey

Approx. 300 feet

Hovden Way
Outfall (City of
Monterey)

City of Monterey Involvement (cont.)

2006 SWRCB ASBS Status Report

- City included on list - “Higher Threat Waste Discharge Locations”
- “Pacific Grove has several municipal storm water outfalls, one of which receives contributions of runoff from the City of Monterey near the point of discharge.”
- “The Monterey Bay Aquarium discharges waste seawater and desalination brine through the same discharge, and the City of Monterey discharges storm water runoff below the Aquarium”

2006 Letter from Celest Cantu, SWRCB

- “Monterey is considered a “direct” discharger in that the City discharges directly to the Pacific Grove storm drain, which flows into the Pacific Grove ASBS”

City Attempts to Seek Clarification or Reconsideration

- **May 25, 2006** – City Letter responding to initial correspondence from SWRCB
 - **May 18, 2007** – City follow-up letter on same topic
 - **2006 & 2007** - Various Public Records Act requests
→ No response received
 - **Since then** - Various informal contact w/ SWRCB staff
→ All responses direct Monterey to seek Exception
 - **May 10, 2011** – City comments on Project/DEIR
 - **October 18, 2011** – City presentations at hearing
 - **To date** - No Response to Comment has been received by the City from the SWRCB on this matter
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CONCLUSIONS

- **To its knowledge, City is only “upstream” or “nearby” source included and**
 - Stated by SWRCB to be subject to ASBS waste discharge prohibition
 - **Factual basis for including City in Exception**
 - Not yet clarified in Project Description/EIR or responded to by SWRCB
 - **City requests for Project clarity unsuccessful**
 - Through General Exception Project / PEIR public review and comment process
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