Letter 6: From Lisa McCann of the Central Coast Regional Water Quality Control Board

Comment 6.1
The Central Coast Regional Board is supportive of a regional monitoring approach, but would like clarification regarding relationship with ASBS, Phase II MS4, and AB 411.

Response 6.1
Requirements for water quality monitoring in an ASBS are separate from monitoring outside of an ASBS. ASBS monitoring is specified in the relevant Board adopted exception for that discharge. Phase II MS4 and AB 411 are specifically mentioned in the proposed monitoring requirements. The proposed model monitoring provisions would be implemented through an NPDES permit, including Phase II MS4.

Comment 6.2
The Regional Board requests guidance on what a regionalized approach would look like that addresses the basic questions, keeping in mind that not all parts of the State are currently part of an existing regional program rooted in large NPDES discharge programs.

Response 6.2
Regional monitoring has been successfully conducted by SCCWRP in collaboration with dischargers and regulators in the Southern California Bight. In the Central Coast Region the four CCLEAN wastewater dischargers have employed a regional approach. Staff realizes that not all parts of the state, and/or classes of dischargers have taken advantage of a regional approach, but our experience is that regional monitoring is cost-effective and informative. Staff will be available to help the Central Coast region in developing a regional approach that encompasses all discharger classes.

Comment 6.3
Flexibility should be allowed for effluent monitoring to be included as part of a regional approach.

Response 6.3
Staff will be changing the proposed storm water requirements to be for receiving water monitoring, rather than effluent (runoff) monitoring. However, the Regional Board may require additional monitoring, such as runoff monitoring, as appropriate.

Comment 6.4
Some clarification was requested regarding State vs. Regional Board approvals.

Response 6.4
The intention of the amendment is for the permitting authority, typically Regional Boards but occasionally the State Board (e.g., for Phase II or Caltrans), to approve monitoring programs. In cases where the State Board is the permitting authority we would work closely with Regional Board staff in approving monitoring programs.

Comment 6.5
Page 14 has some conditions regarding whether acute or chronic toxicity testing is required based on the minimum initial dilution. It seems that the requirements for the acute toxicity test should occur at lower minimum initial dilutions (less mixing so bigger chance to have an issue with short term toxicity) and the requirement for chronic toxicity testing occur at higher minimum initial dilutions (more dilution so less of a worry).

Response 6.5
This section of the Ocean Plan is not being proposed for changes and is outside the scope of this amendment.

Comment 6.6
Page 25 K.2. states: "Discharges incidental to the normal operation of large passenger vessels and oceangoing vessels must be covered and comply with an individual or general NPDES permit." It is not clear what permit is necessary and what NPDES permits there are to cover the discharges.

Response 6.6
This would be covered under the U.S. EPA Vessel General Permit.

Comment 6.7
Page 39, Section 3.3: The document should clarify whether agricultural and golf course discharge conditions apply to discharges via a river system or only to direct discharges to the ocean from an agricultural or golf course facility. For example, if flow from a river system draining to the ocean is dominated by agricultural discharge, would these requirements apply?

Response 6.7
The Ocean Plan is only applicable to discharges directly to the ocean and is not applicable to discharges via a river system, as stated in the Introduction of the Ocean Plan, Section C.1. Inland surface waters are regulated under the Basin Plan.

Comment 6.8
P. 40, Section 4.2 (Storm Water Bacteria Monitoring): Because bacteria levels in storm water during wet weather are often high and don’t easily indicate differences between locations and contributing natural sources, confining monitoring to locations that receive moderate to heavy use during the winter months (AB411 beaches) may be sufficient.

Response 6.8
The proposed amendment provides for indicator bacteria to be monitored through individual core monitoring or through a regional monitoring program in collaboration with local health agencies. It is at the Regional Water Board’s discretion to require monitoring during wet weather at locations that relate to beach usage. The Regional Water Board has the authority to specify where the monitoring will take place and may use regional monitoring to focus on areas of high usage.

Comment 6.9
Page 41, Section 5.1 (NPDES): A primary stated question is “What is the fate of the discharge plume?”, but there does not appear to be other supporting guidance as to how plume fate is to be determined.

Response 6.9
This question has been removed from the section. The amendment is not specifically requiring monitoring of plumes for the chemical constituents in Section 5.1. However receiving water monitoring in the plume is required in Section 10. For any plume monitoring the amendment encourages the use and participation in ocean observing collaboratives, such as the Central and Northern California Ocean Observing System (CeNCOOS) and the Southern California Coastal Ocean Observing System (SCCOOS).

Comment 6.10
Page 41, Section 5.2 (Storm Water): Flow is not mentioned as required monitoring parameter and it is unclear how effluent monitoring and receiving water monitoring are tied together through monitoring design.

Response 6.10
Core monitoring for runoff is intended for receiving water. Dischargers may also collect information on flow. Nothing in the amendment precludes the Regional Board’s discretion to require flow monitoring, if it wishes.

Comment 6.11
P. 43, Section 7.2 Storm water - Primary questions about relative contribution of runoff contribution to toxicity in receiving water do not appear to be addressed by the provided guidance without requiring measures of flow volume in effluent (see similar comment above) and an understanding if there is existing toxicity in receiving water from other sources. Also, requiring 10% of discharges over 36” to be monitored is inherently a regional monitoring design and doesn’t lend itself to implementation at the level of individual permits (unless this is intended to mean 10% of discharges within a given permit jurisdiction). Sediment monitoring off of open coast storm drains may be an ineffective and expensive tool in high energy environments. It would make more sense to require all discharges to monitor that are greater than 36” and are in low energy environments with depositional areas, rather than setting an arbitrary requirement of 10% of all discharges.

Response 6.11
The requirement of 10% of discharges over 36” in width or diameter is intended to mean 10% of the permit jurisdiction. Staff agrees that sediment monitoring should not be required in high energy environments and has edited the proposed amendment to only require monitoring of sediments in low energy environments with deposition, at the Regional Water Board’s discretion.

Comment 6.12
Page 43: "Core monitoring for acute sediment toxicity will utilize alternative amphipod species (*Eohaustorius estuarius*, *Leptocheirus plumulosus*, *Rhepoxynius abronius*)." It is not clear whether a baseline monitoring requirement for utilizing these specific amphipod species is in addition to EPA acute toxicity guidance already implemented in NPDES permits. For example, NPDES permits have the following language, "Compliance with acute toxicity objective shall be determined using a USEPA approved methodology protocol as provided in 40 CFR 136 (Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, USEPA Office of Water, EPA-821-R-02-012 (2002) or the latest edition)."

Response 6.12
The Draft Monitoring Quality Objectives (MQOs) for amphipod sediment toxicity are available on our webpage, under the heading "MQOs for SWAMP Comparabilty in Marine Waters", at:
http://www.waterboards.ca.gov/water_issues/programs/ocean/index.shtml.

We are not requiring amphipod sediment toxicity as specified by the referenced U.S. EPA methodology; that methodology is for water column organisms. The amphipod toxicity test was developed as part of the sediment quality objectives program, and you may read the details in our Sediment Quality Objective, Phase I document, located at:
http://www.waterboards.ca.gov/water_issues/programs/bptcp/sediment.shtml.

Comment 6.13
Page 43-44, Section 7.3 (Nonpoint Sources): Primary questions about relative contribution of runoff to pollutant loading and toxicity in receiving water do not appear to be addressed by the provided guidance without requiring measures of flow volume in effluent (see similar comment above).

Response 6.13
Staff agrees that these questions are not adequately addressed through core monitoring, but they may be addressed through a regional monitoring program. The amendment was edited, and some questions were removed.

Comment 6.14
Page 44, Section 8.1: How is degradation defined? The guidance should include more detail about comparison to reference monitoring. How does the study design requiring monitoring once per permit term allow the discharger to prove or disprove that differences in community structure found at the site are related to water quality (as opposed to currents, substrate size, etc.).

Although some parameters should be monitored by "every" discharge, Page 44 has requirements for benthic community monitoring and bioaccumulation monitoring that are expensive and should not be necessary for essentially every discharge. Regional Board staff however appreciates that benthic community monitoring and bioaccumulation

monitoring "may be satisfied by core monitoring individually or through participation in a regional monitoring program at the discretion of the Regional Board."

Response 6.14
Degradation is already defined in Appendix I of the current Ocean Plan, which states: "Degradation shall be determined by comparison of the waste field and reference site(s)…"

Staff agrees that some parameters should not be monitored by every discharger, and most parameters are limited to some discharge types only. Staff appreciates that the Regional Water Board agrees with the proposed benthic community and bioaccumulation monitoring.

Comment 6.15
p. 45, Section 9.1 and 9.2. The Guidance should be explicit about which guideline values are appropriate to use to define tissue levels that are harmful to human health or marine communities. Also, if human health is the endpoint of most interest, allowing monitoring using non-food organisms may make interpretation more difficult.

Response 6.15
Staff does not want to be overly prescriptive in the Appendix III requirements. The bioaccumulation study may be designed by the Regional Water Board, focusing on what is most important to the region. For example, the National Mussel Watch Program's targeted approach is used by various agencies and organizations to compare relative concentrations of constituents in specific areas.

Comment 6.16
Page 45 (Receiving Water Characteristics): Item 1, natural light, is to be measured at any point outside the Zone of Initial Dilution. Is this true of Items 2 through 6?

Response 6.16
One of the proposed changes is the addition of a definition for receiving water, which, if adopted, would be defined as follows: "RECEIVING WATER, for permitted storm water discharges and nonpoint sources, should be measured at the point of discharge(s), in the surf zone immediately where runoff from an outfall meets the ocean water (a.k.a., at point zero)." This would be applicable to all questions posed for Receiving Water Characteristics.

Comment 6.17
Page 46, Section 10.2: In the absence of a regional monitoring program, this requirement seems difficult and potentially unfair to implement. The 10% requirement appears to be written with regional monitoring in mind. This requirement should be clarified from the standpoint of individual monitoring. Does it mean 10% of the outfalls for any given Phase 1 program needs to be monitored? Regardless, this provision will have minimal effect in our region.

Response 6.17
The ten percent requirement is for individual core monitoring. The amendment has been edited to allow a waiver for this monitoring, at the Regional water Board's discretion, if BMP's have been installed and shown to successfully control pollutants.

Comment 6.18
Page 60 – 64: The figure labels for the figures on page 60-64 are on the next pages and not just below the figures.

Response 6.18
This error was created when it was prepared for posting and has been corrected.