

Commenter	Comment	Staff Response
Issue 2: Model Monitoring Amendment		
CASA, Tri-Tac	CASA supports the process to develop an amendment for model monitoring.	Thank you. Comment noted.
CASQA	CASQA supports the development of consistent statewide guidance for monitoring but is concerned that the proposed program will greatly increase monitoring efforts and costs and is not within the financial capability of most MS4s.	Staff agrees that there will be an increase in monitoring required by the amendment if adopted, but believes that monitoring of discharges is essential to understanding marine water quality and protection of marine beneficial uses.
Heal the Bay	The Board should consider amendment to monitoring section, to require annual benthic infauna community monitoring for POTW and MS4, to require annual monitoring for CECs (Constituents of Emerging Concern).	Staff is already proposing to include benthic community monitoring in the Model Monitoring amendment. The SWRCB has been funding research and conducting NOAA Mussel Watch sampling for CECs (sampling in 2010 and analysis ongoing), and is considering incorporating CEC bioaccumulation monitoring into the amendment in order to develop more information about the prevalence of these compounds associated with discharges.
North San Mateo County Sanitation District	Re. Scoping Doc: recommends that minimum requirements are included, to provide for consistent statewide monitoring; requests that the SWRCB provide for further opportunity to comment on Model Monitoring Amendment.	Staff has held a series of public workshops to consider consistent monitoring elements for ocean discharge monitoring programs. Staff is currently completing the Model Monitoring Draft Substitute Environmental Document (SED), which will be open for public comment and presented to the Board in 2011.
Issue 3: Control of Commercial Vessel Discharges and Invasive Species		
California Coastkeeper Alliance, Center for Biological Diversity	Delete exclusion for vessel wastes and insert new language to reflect current state and federal requirements for regulating discharges from vessels.	The Ocean Plan will be amended to align the Ocean Plan with requirements in existing law and regulation. The amendment is in progress and expected in 2011.
Issue 4: Desalination Facilities and Brine Disposal, Water Recycling		
Association of California Water Agencies Avista Technologies Inc. CalDeseal City of Santa Cruz Water Department Dietrich Consulting Group, LLC Marina Coast Water District Mesa Consolidated Water District Municipal Water District of Orange County R.W. Beck, Inc. San Diego County Water Authority Toray Membrane USA Inc.	Consider Alternative #1: No Action. Brine WQ objectives are not necessary, as the NPDES permits required for brine discharges are already protective of the environment. It is not appropriate to have a statewide percent of natural background, as suggested in Alternative #2, and Alternative #3 is not feasible. The Ocean Plan already offers good methods of protection by allowing for site specific permits and the NPDES permits and acute and chronic toxicity protects the marine species.	Staff is required to consider all alternatives, including "no action". This option was presented in the 2007 scoping document for the purpose of guidance for discussion and will also be included in the Substitute Environmental Document (SED). However, it is unlikely that staff will recommend "no action" due to the numerous requests by the public to address this issue, and Staff's judgment that brine discharges and desalination intakes are important issues to address.
California Association of Sanitation Agencies (CASA, Tri-TAC)	Should require WQ testing at end of ocean outfall rather than at multiple input points along the outfall. Desalination facilities should not be under the same regulations as industrial facilities, since they are more appropriately categorized as municipal water supply facilities. The State should undertake a separate policy initiative to address brine discharges from wastewater recycling. The Ocean Plan should be amended to encourage water recycling, and proper brine discharge by allowing brines to be discharged to the ocean without the construction of new outfalls for this purpose - the issues need to be addressed either directly through the Ocean Plan, through the adoption of a new policy, or by amending the existing Water Recycling Policy.	Staff is currently working on an amendment to the Ocean Plan to address salinity objectives, brine discharges and intakes, and will consider these and other issues in preparing draft amendments. The State Board already encourages and requires water recycling as stated in the Water Recycling Policy, and amendments to the Ocean plan must be consistent with the Water Recycling Policy.
General Public/ Joseph Rizzi	The State (and Federal governments) need to support natural desalination.	The Ocean Plan is a water quality control plan and does not promote specific industries.
California WaterReuse	Impairing the discharge of brine will negatively impact existing and planned recycled water projects. The Ocean Plan already includes adequate provisions to protect beneficial uses from adverse effects of brine discharge. A "one-size-fits-all" state-wide approach to fit all coastal environments would not recognize the range of natural background levels. Acute and chronic toxicity standards already allow the regional boards to successfully develop permits for brine discharge.	Staff does not intend to prohibit brine discharges, and in fact water recycling is required by the State Board. However the Ocean Plan does not have an objective for elevated salinity, and staff maintains that a narrative objective for salinity is needed for the protection of beneficial uses. Narrative objectives in the Ocean Plan may be designed to account for environmental conditions that occur naturally.
Poseidon Resources	Suggests alternative #1 (from the 2007 Scoping Document), that no action be taken on the amendment.	The No Action alternative will be included, as an option for Board consideration, in the Substitute Environmental Document when that is released; however it is unlikely that staff will recommend that alternative.

Poseidon Resources	A statewide narrative or numeric water quality objective for salinity would not be able to address site-specific considerations. The State Water Board should provide guidance to the Regional Boards for establishing salinity limits based on project and site-specific conditions.	Narrative objectives in the Ocean Plan are designed to account for environmental conditions. For example the pH and dissolved oxygen narrative objectives are both relative to conditions that occur naturally ("The dissolved oxygen concentration shall not at any time be depressed more than 10 percent from that which occurs naturally, as the result of the discharge of oxygen demanding waste* materials." and "The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.") Any narrative objective that staff would propose for elevated salinity would be similarly phrased, and that would be relative to the salinity level that occurs naturally in the vicinity of the discharge. With regard to site specific objectives, there are already existing provisions under the Clean Water Act. Training has been provided, and regional boards have adopted site specific objectives in certain water bodies of the state. However site-specific objectives are typically relevant to numeric objectives rather than the kind of narrative objective we are considering for elevated salinity.
West Basin Municipal Water District	Amendment for salinity objectives/desalination should be developed along with a broader policy supporting desalination and water recycling. An artificial standard, such as percent deviation from natural background salinity, should not be added as a water quality objective. The state should undertake a separate policy initiative to address brine discharges from desalination and water recycling, instead of creating a patchwork of regulatory approaches in state planning documents. In the absence of a separate policy, the Ocean Plan should be amended to encourage water recycling, and create a place to bring brines to the ocean.	The State Board already encourages and requires water recycling as stated in the Water Recycling Policy, and amendments to the Ocean plan must be consistent with the Water Recycling Policy. The Ocean Plan does not currently have an objective for elevated salinity, and staff maintains that a narrative objective for salinity is needed for the protection of beneficial uses. Narrative objectives in the Ocean Plan may be designed to account for environmental conditions that occur naturally.
South Orange County Wastewater Authority South Coast Water District	"The Ocean Plan should be clear in preventing situations where individual Regional Boards imposes effluent limitations on individual facilities that produce potable or recycled quality water from brackish and/or degraded groundwater" and the costs of development of water supply project should be kept "within the reach of Californians" by allowing brine to be discharged through a common ocean outfall (which the Ocean Plan does not currently restrict as long as the discharge meets Ocean Plan Standards). California's policy on brine discharges should adequately protect "the environment while providing agencies with certainty that they wastewater recycling and brackish groundwater treatment facilities can be permitted in a fair and predictable manner"; "The Ocean Plan must set a statewide standard that is consistent through the State and in accord with State policy requiring the development and use of local water sources."	The Ocean Plan is a statewide water quality control plan that <u>does</u> provide consistent standards throughout all of the State's near coastal ocean waters, regardless of Region. Amendments to the Ocean Plan to address brine discharges will provide statewide consistency.
Clifornia Coastkeeper Alliance, Center for Biological Diversity	Would like a chance for further comment on this issue.	Staff will prepare a Draft Substitute Environmental Document (SED), which will be open for public comment and presented to the Board.
Issue 5: Fecal Coliform Standard for Shellfish		
North San Mateo County Sanitation District	Re. Scoping Document, Alt. 2: this standard should apply only to those areas where shellfish is actually being harvested for human consumption. Unsure what is being considered/intended objective in second part of the alternative; statement to address non-human sources of bacteria for all beneficial uses is too broad to comment on. Re. Scoping Document, Alt. 3: opposes adding the 14 per 100ml standard to all coastal ocean water because it is overly protective and doesn't need to be applied to areas where shellfish is not being harvested. Reminds the State Water Board that an appropriate analysis as required by the Water Code sect.13241 must be prepared.	Staff is currently considering the addition of fecal coliform to be consistent with DPH shellfish standards. This amendment is being planned to not only address indicator bacteria objectives, but also natural sources of indicator bacteria in recreational shellfish waters, and alignment of Ocean Plan and Basin Plan beneficial uses related to shellfish. This may possibly include the separation of commercial shellfish from recreational shellfish.
Issue 6: Review Existing Exceptions		
Allen Matkins Gamble Malloy & Natsis, LLP	The Ocean Plan List of Exceptions (Appendix VII, Table VII-1) needs to be updated to include Freshwater Tissue Company LLC's pulp mill, under NPDES Permit No. CA0005894/WDR Order No. R1-2010-0033, issued by the North Coast Regional Water Board, which has three exceptions to Table A Effluent Limitations, granted to the Mill in 1977 and 1987 by the State Water Board.	This exceptions will be added to Appendix VII, Table VII-1 and will be reviewed by Staff.
Issue 8: Plastic Debris Regulation Numeric Water Quality Objective for Trash		
Heal the Bay California Coastkeeper Alliance, Center for Biological Diversity	Zero trash discharge is the only WQ objective that will guarantee protection of the beneficial uses of the ocean environment with an appropriate margin of safety.	Staff agrees that an objective should be included to address trash, which is considered a very important issue and therefore Very High Priority.
Issue 9: Review Table B Chemical WQ Objectives		
Los Angeles County Flood Control District	The Ocean Plan objectives should be refined to reflect the most current scientific findings. The Ocean Plan should clarify that Table B objective only apply to receiving ocean water.	Staff believes that the review, development and recommendation of Table B water quality objectives is a primary function and responsibility of the Ocean Unit. Table B objectives are in fact the applicable criteria for ocean water. Radioactivity has been identified as a High Priority, per the Scoping Meeting in 2007 and is an amendment in progress. Other amendments

North San Mateo County Sanitation District	Re. Scoping Document, Table B Water Quality Objectives, Radioactivity: Comments that they are unable to comment until an appropriate analysis, as required by Porter-Cologne, is conducted.	meeting in 2007, and is an amendment in progress. Other amendments may be considered in the future to address emerging contaminants.
ASBS Natural Water Quality Committee	Recommends a change in the required method for TRC (total residual chlorine) and/or allow for altering the interpretation of results (i.e. total residual oxidants)	This is not a change to the objectives, however, it is related. Staff will consider amending the analytical methods and/or the implementation in the future.
Issue 10: Review of WQ Objectives Dioxins (TCDD) and Related Compounds		
California Association of Sanitation Agencies (CASA, Tri-TAC)	Suggest updating the Ocean Plan to incorporate USEPA-recommended TEFs (2005 WHO TEFs for chemical release reporting under EPCRA) in Appendix I to be used in the calculation of TCDD equivalents, and reference the current USEPA BEFs and stipulate their use.	Staff is aware that the toxicity equivalent factors in Appendix I of the Ocean Plan do not reflect the latest values used by the World Health Organization and agrees that the Ocean Plan TCDD equivalents numeric objective should be updated. In preparing that amendment staff would strongly consider the BEFs.
North San Mateo County Sanitation District	Encourages amendment to definition of TCDD equivalents to be consistent with SF-RWQCB Order R2-2010-0054; to incorporate BEFs when calculating dioxin-Toxic Equivalent (TEQ). Recommends that the Ocean Plan be amended to include compliance language that specifically states that where there are estimated values below minimum levels for dioxins and furans, such values be excluded when calculating dioxin-TEQs for determining compliance, consistent with SF-RWQCB Order R2-2010-0054.	
San Francisco Bay Regional Water Board	Recommends that the Ocean Plan be "revised to allow the use of national or, if available, site-specific BEF's."	
Issue 11: Acute Toxicity Definition		
ASBS Natural Water Quality Committee	"Revise the acute toxicity equation in cases when survival in undiluted effluent is greater than control survival."	Staff agrees and considers this a high priority. A peer review will most likely be required.
Issue 12: Biological Objectives		
Los Angeles County Flood Control District	Provisions should be added in Chapter II that require the use of multiple lines of evidence consisting of chemical and toxicological, physical, and biological factors for compliance determination.	Staff agrees that the Ocean Plan existing narrative objective for biota, particularly for the benthic community, would benefit by adding tools and thresholds for implementation.
Issue 13: Update Biological Objectives and Chemical Characteristic Sections to Account for Climate Change/Acidification		
Heal the Bay	Recommends that the Chemical Characteristics (Ocean Plan section II.D.2) be modified to account for global climate change, as follows: "The pH shall not be changed at any time more than 0.2 units from that which occurs naturally <u>or in amounts that negatively impact calcium carbonate-dependent organisms.</u> "	Staff agrees that ocean acidification does pose a risk. Staff believes that the existing narrative pH objective is currently protective, and the existing narrative biological objective section II.E.3 for marine communities and species is also currently protective in relation to changes in pH from traditional sources. Staff acknowledges that more research, monitoring and assessment should take place, both in California and globally to address and understand decreases of pH (trends and effects) before further changes to the objective or program of implementation is amended.
California Coastkeeper Alliance, Center for Biological Diversity	The Ocean Plan should address current and projected impacts of climate change on the ocean with regard to ocean acidification, warming, and sea level rise. Should add a provision calling for "resiliency to current and potential climate change impacts" to Section II.A. of the Ocean Plan.	
Issue 14: Define "Objectionable Aquatic Growth"		
Heal the Bay	Recommends defining "objectionable aquatic growth" in the narrative for nutrients and algae and using a numeric threshold for algal growth, such as percent cover.	Staff agrees that a clear definition would be helpful. Narrative objectives already exist in the Ocean Plan, however tools and thresholds are not provided, particularly with regard to planktonic algal blooms. However, staff does not believe that numeric objectives are appropriate for algal cover.
Issue 15: Update Table C Background Values		
California Association of Sanitation Agencies (CASA, Tri-TAC) Natural Water Quality Committee West Basin Municipal Water District	Table C should be updated to reflect latest data on background concentrations.	Staff agrees that Table C is not accurate for many constituents, and that it should be amended to give representative concentrations for naturally occurring constituents, with synthetic constituents remaining as "zero." Staff also argues that it is necessary to clarify that presently Table C is to be employed for traditional point sources and not near-shore storm water discharges.
Issue 16: Explicitly express conversion from E.coli to fecal coliform		
Heal the Bay	Suggests one of three amendments to the Ocean Plan: (1) Require all public agencies to measure fecal coliform instead of <i>E. coli</i> ; (2) Require all labs using Colilert® to determine a conversion value for converting <i>E. coli</i> to fecal coliform and provide rationale for determined conversion value; or (3) Codify and standardize the historical conversion value of 0.8 for converting <i>E. coli</i> to fecal coliform, until more studies have been conducted regarding a conversion value.	Staff sees the value in clarifying this matter, but there is not enough information currently available to base a conversion factor on. Staff is proposing to allow substitution of <i>E. coli</i> analysis for fecal coliform in the Model Monitoring amendment (expected in 2011), in order to be consistent with local health department beach monitoring.
Issue 17: Clarify Water Contact Recreation Section		
Heal the Bay	The Ocean Plan not clarify that it is a "rolling" 30-day geometric mean, though a later section of the Ocean Plan states the "[t]he geometric mean shall be calculated using the five most recent sample results" Clarification is needed in the implementation section, stating that weekly samples are a minimum requirement and that they should be collected on a year-round basis and suggest the following language changes: "At a minimum, weekly samples shall be collected on a year-round basis from each site."	The Ocean Plan, in Section II.B.1.a(1) states that the standards are based on a "geometric mean of the five most recent samples from each site" indicating that the 30-day mean does not refer to a calendar month. Clarification is not necessary but would be helpful.
Issue 18: Eliminate Reasonable Potential Analysis		

Heal the Bay	Comments that the Reasonable Potential Analysis found in Appendix VI should be eliminated because it weakens the permits and has led to decreases in water quality.	Staff disagrees because the Ocean Plan Reasonable Potential (2004 amendment) provisions have an excellent statistical basis and are widely considered among the best in the nation.
Issue 19: Mixing Zones and Dilution		
North San Mateo County Sanitation District	Comments that the definition is overly stringent because it does not take into account horizontal movement of wastewater; would like the Ocean Plan to allow NPDES permittees to consider ocean currents in dilution modeling to set acute and chronic mixing zones.	Originally the Ocean Plan included a required technology based acute toxicity effluent limit where compliance was determined at end-of-pipe. The present language first appeared in the 1978 Ocean Plan. The only major amendment to this dilution and mixing zone policy was recognition of an acute toxicity regulatory mixing zone in 2001. The Ocean Plan provides criteria for calculating minimum initial dilution for turbulent submerged buoyant plumes. The dilution of the plume as it rises in the receiving water is dependent upon the flow rate, the outfall specifications, effluent density and receiving water characteristics. This information is used in a computer model (e.g. Visual Plumes) that calculates the dilution as the plumes rises. For such submerged plumes, mixing is complete when the plume ceases to rise vertically and begins spreading horizontally (trapping level). The momentum of the plume causes turbulent mixing, and once the plume reaches the trapping level turbulent mixing decreases rapidly. Due to variable receiving water characteristics, the Ocean Plan relies on conservati
CASA, Tri-Tac	Request that an Ocean Plan amendment remove the prohibition on the use of currents in models and replace it with an instruction to utilize scientifically-based modeling approaches, with limited staff effort to assess and implement this change. When calculating effluent limits for Table B, currents should be incorporated into the models for daily, 6-month median, and 30-day average.	
San Francisco Bay Regional Water Board	Suggest "revising text to allow realistic model inputs (if available) and more sophisticated modeling" in a way that will allow the Regional Water Boards to "apply their professional expertise and discretion to reflect the best scientific information available concerning dilution." They suggest revising the text as follows: "For the purpose of this Plan, minimal initial dilution is the lowest initial dilution reasonably likely to occur. Dilution estimates shall be based on the best available information regarding waste flow and receiving water characteristics, and provide a margin of safety that reflects uncertainties of the available information and the dilution models used, and the timeframes for the water quality objectives implemented."	
Heal the Bay	"Applying a dilution credit to acute and chronic toxicity is improper." Suggest modifying Section III.C.3 language as follows: "Effluent limitations shall be imposed in a manner perscribed by the State Water Board such that the concentrations set forth below as water quality objectives shall not exceed in the receiving water upon completion of initial" dilution, except that objectives indicated for radioactivity <u>and acute and chronic toxicity</u> shall apply directly to the undiluted waste" effluent."	
West Basin Municipal Water District	Daily, 6-month median, and 30-day average objectives should be incorporated into models, except in limited situation.	
Issue 20: Compliance Schedule		
California Association of Sanitation Agencies (CASA, Tri-TAC)	Non-substantive changes made to compliance schedule language during the last TR review may be substantive. SWRCB should add provision to the cop to allow use of compliance schedules where immediate compliance with COP requirements is demonstrated to be infeasible.	The State Water Board adopted a Compliance Schedule Policy in 2008. The 2009 Ocean Plan, approved by OAL and US EPA, authorizes compliance schedules in NPDES permits in accordance with the Compliance Schedule Policy. Furthermore that provision of the Ocean Plan applies to NPDES permits in general, including storm water permits. Staff disagrees that the amendment that was placed in the 2009 Ocean Plan was substantive. Staff recommends no action.
California Storm water Quality Association (CASQA)	Non-substantive changes made to compliance schedule language during the last TR review may be substantive. Non-enforcement compliance schedules are necessary while the SWRCB develops regulatory approaches for addressing the ABS prohibition related to storm water and the COP should be revised by explicitly allowing compliance schedules for storm water discharges.	
City of Malibu	"The Water Board should reverse its earlier decision and explicitly allow compliance schedules for storm water in the Ocean Plan, which is now precluded from using them." Recommends employing BMPs and monitoring to demonstrate compliance. The City is concerned that the implementation of ASBS special protections along with existing NPDES MS4 permit requirements and TMDL program implementation are in total "the most expensive element of an agency's annual budget."	
Los Angeles County Flood Control District	Deletion of the language from the previous TR gives regional water boards authority to provide a compliance schedule but provides no statewide authority. [similar comment as CASA]	
Issue 21: Remove Daily Maximum Limits for POTWs		
California Association of Sanitation Agencies (CASA, Tri-TAC)	COP should specify that the only limitations applicable to POTWs are the weekly and monthly limitations (with exception of those demonstrated by substantial evidence to be impracticable)	Staff disagrees. The 2009 Ocean Plan and previous versions have had these requirements and were approved by US EPA. Staff recommends no action.
Issue 22: Site Specific Objectives		
California Association of Sanitation Agencies (CASA, Tri-TAC)	Issue (from 2005-08 TR Workplan) is still relevant and should provide the same flexibility that the State Implementation policy provides to inland waters.	The Water Boards already have general authority to allow site specific objectives where warranted, and the Ocean Plan also already has exception procedures.
West Basin Municipal Water District		

Los Angeles County Flood Control District	Water Quality standards (beneficial uses and objectives) for the ocean should be established on a regional or site-specific basis, as opposed to having a one size-fits-all Statewide standard.	Generally ocean waters are quite uniform, and in California the California Current runs the length of the state's coastline. The Ocean Plan provides consistent standards to protect beneficial uses in near coastal ocean waters of the state (e.g., marine aquatic life and contact recreation). The Water Boards already have general authority to allow site specific objectives where warranted, and the Ocean Plan also already has exception procedures.
Issue 23: Need For Case-by-Case Exceptions		
West Basin Municipal Water District	The State Water Board should consider including case-by-case exceptions to the Ocean Plan in order to facilitate water recycling projects, similar to the SIP.	There are already exception provisions in the Ocean Plan.
Issue 24: Need for Explicit Exception Process for SW Discharge to ASBS		
City of Malibu	"No guidelines currently exist for the process which would establish an exception" to the Ocean Plan. Recommends that the State Water Board establish "a functioning and consistent process for applying for and granting exceptions to the Ocean Plan."	The Ocean Plan has very clear requirements for exceptions (see section III.J of the Ocean Plan).
City of Malibu	The City of Malibu "favors a practical but protective ASBS regulatory approach in lieu of an outright prohibition" on discharges to ASBS. Proposes that the Ocean Plan be amended to allow the discharge of storm water to ASBS subject to compliance with this standard and to establish attainable criteria for these discharges." Recommends that the Ocean Plan "be modified to allow the continuation of existing storm water discharges to ASBS."	Staff disagrees with altering the prohibition to waste discharges into ASBS at this time. Staff is currently working to address wet weather flows into ASBS through the Ocean Plan exception process. Staff may consider further work, including amendments to the Ocean Plan, only well after the results of the current efforts are understood.
Los Angeles County Flood Control District	The General Exception should be made retroactive (from the date of application) to protect dischargers who have applied and waited for nearly six years for the exception process to be completed.	The draft general exception for ASBS storm water discharges is only now being proposed for Board adoption (2011) and has not yet been adopted yet. This comment is relevant to that exception process and not to an Ocean Plan amendment.
Latham and Watkins, LLP	The Table A and B standards were promulgated for application to industrial and municipal wastewater and not intended to be applied to storm water flowing into the ocean. The application of these standards to storm water never had been processed pursuant to CEQA, which would require an analysis of unintended adverse environmental impacts associated with such policy (i.e., increased greenhouse gas emission)	The Ocean Plan is applicable, in its entirety, to point source discharges to the ocean. The 2009 Ocean Plan and previous versions have been approved by OAL. NPDES storm water discharges are point sources under the Clean Water Act, and have been since 1983.
Latham & Watkins, LLP	The prohibition against waste discharge entering ASBS never has been subject to the appropriate legal process which would allow it to be applied to storm water, and it should be addressed.	Staff disagrees. The waste discharge prohibition for ASBS applies to both point sources (including NPDES permitted storm water) and nonpoint sources.
CASA, Tri-Tac	Allow discharge of storm water to ASBS and establish attainable criteria for these discharges. This should be a top-priority amendment.	Staff is currently working to address wet weather flows into ASBS through the Ocean Plan exception process. Staff may consider further work, including amendments to the Ocean Plan, only well after the results of the current efforts are understood.
CASQA	The Ocean Plan needs to address the infeasible prohibition on discharges to ASBS. The documents for the amendments implementing the prohibition on storm water to ASBS do not indicate consideration by the State Water Board of the costs or environmental consequences of the prohibition. CASQA suggests that the Ocean Plan require dischargers work toward the goal that "any detectable human influence on the water quality must not hinder the ability of marine life to respond to natural cycles and processes." CASQA proposes implementation of BMPs while determining if storm water discharges are causing identifiable adverse effects.	Staff disagrees with altering the prohibition to waste discharges into ASBS at this time. Staff is currently working to address wet weather flows into ASBS through the Ocean Plan exception process. The alternative to adoption of the exception for storm water and nonpoint sources is the maintenance of the absolute prohibition, compliance with which would be much more expensive than compliance with the Special Protections (see draft PEIR on the State Board website). Staff may consider further work, including amendments to the Ocean Plan, only well after the results of the current efforts are understood.
Issue 25: Nonsubstantive changes		
Los Angeles County Flood Control District	"Natural water quality" (III.E.1) should be defined in Appendix I and associated objectives, based on multiple lines of evidence, should be developed. The definition of "waste" should be updated to a clear science-based definition.	Staff is currently using the definition of Natural Water Quality in its draft exceptions for ASBS discharges. It is possible that staff will see a need to propose inclusion of such a definition in the Ocean Plan, but is not prepared to do so at this time. Staff does not recommend altering the definition of waste.
	Reference to Appendix VIII should be included in the COP document in the Introduction/Section C.1 as follows: "This plan is applicable, in its entirety, to point source discharges to the ocean (see Appendix VIII for maps of California Ocean Waters)." A reference should also be added to III.E.1 as follows: "Waste shall not be discharged to areas designated as being of special biological significance (see Appendix VIII for the locations of ASBS)." Reference to Appendix VII should be added to III.J as follows: "3. Current exceptions to the Ocean Plan are listed in Appendix VII."	Staff does not agree with including a reference to Appendix VIII in the Introduction Section C.1. Staff does see some merit and will consider amending section III.E.1 and Section III.J to refer to the relevant appendices.
Teresa Jordan, General Public	All comments reference Final Staff Report from September 2009 and not the 2009 Ocean Plan: Comment regarding spacing between maps and captions being inconsistent. Made multiple comments regarding the Staff Report and Appendix B of the Staff Report.	Comments noted. Staff will correct spacing when updating Figure VIII-5.

North San Mateo County Sanitation District	Clarify Section III.A.1.d that it does not apply to existing dischargers that maintain current discharge locations so that assessment would not be required with every permit renewal.	Staff believes that the commenter meant to refer to Section III.A.2.d. Staff does not think that this is a priority but may possibly consider this as a clarification only when amending the Ocean Plan.
Issue 26: Expression of Metals in Ocean Plan		
Los Angeles County Flood Control District	Does not support the use of total recoverable metals as an appropriate WQ objectives and would like the objective be expressed as dissolved metals, per USEPA California Toxics Rule.	Wording was changed to add clarification to the Ocean Plan during the previous Triennial Review and was included in the 2009 non-substantive amendments, which was approved by the Office of Administrative Law. Staff recommends no action at this time but will continue to investigate the relationship between total and dissolved metals. This may be brought up again in a future Triennial Review
North San Mateo County Sanitation District		
Misc. Comments		
Revision of Beneficial Uses		
CASA, Tri-Tac	Develop implementation policies in the COP that address wet weather flows, applicable to MS4 and other wet weather discharges	Staff is currently working to address wet weather flows into ASBS through the Ocean Plan exception process. Staff is also proposing Model Monitoring amendments that would apply to MS4's. Further work on MS4 wet weather discharges is not planned at this time pending the results of the current efforts mentioned above.
Source Control		
CASQA	The Ocean Plan should provide direction to the Board to address problem constituents on a statewide basis, such as efforts at statewide source control/participation in the Green Chemistry Initiative.	While staff agrees that source control is very beneficial towards protecting water quality, the Ocean Plan is designed to provide beneficial uses, objectives, and a program of implementation to address and limit discharges of waste. Staff does not see a role for the Ocean Plan in providing direction on source control or the Green Chemistry Initiative.
Separate chapter dedicated to SW		
Los Angeles County Flood Control District	Provisions and standards in the Ocean Plan were developed based on knowledge of non-storm water discharges but are applied to all discharges therefore a separate chapter designed specifically to address storm water discharges should be added to the Ocean Plan.	Staff disagrees that a separate chapter is necessary for storm water. The Ocean Plan is clearly applicable in its entirety to all NPDES point sources.
Consistent requirements in all NPDES permits		
Los Angeles County Flood Control District	Establish consistent requirements in all NPDES permits for discharges that will enter an ASBS so that unfair burden is not placed on municipal ABSB dischargers.	The Ocean Plan is applicable, in its entirety, to point source discharges to the ocean. The 2009 Ocean Plan and previous versions have been approved by OAL. NPDES storm water discharges are point sources under the Clean Water Act, and have been since 1983.
Improve Extraction Method for Trace Metals		
ASBS Natural Water Quality Committee	Improve trace metal sample extraction to eliminate interferences with seawater (such as using EPA Method 1640)	Staff agrees and will consider adding this to a future Ocean Plan amendment.