

January 28, 2005

Ms. Donette Dunaway  
Regional Water Quality Control Board, Region 3  
895 Aerovista, Place., Suite 101  
San Luis Obispo, CA 93401-7906

**Subject: Monterey Regional Storm Water Management Program (MRSWMP)**

Dear Ms. Dunaway,

Friends of the Sea Otter is active in the Monterey Regional Storm Water Management Program because sea otters, a threatened species, suffer fatal illnesses linked to contamination that moves from land to sea. Storm water runoff contains heavy metals, pesticides, hydrocarbons and pathogens that pollute the nearshore ocean habitat, as well as sea otter foodstuffs such as shellfish. We value the collaborative process that the Regional Board has facilitated between the public agencies and community organizations to establish a basin-wide management plan. On behalf of our thousands of local and national members, we respectfully submit these comments. This letter addresses concerns regarding the final version of the MRSWMP document revised on December 8<sup>th</sup> 2004.

***Our concerns lie in the practicability of the program as proposed. A successful program must have secure finances, and clearly specified program objectives with monitoring and reporting. The regional board should insist on a comprehensive program, that exceeds current storm water management.***

Most importantly the program should invite consistency within the watershed. We would encourage the individual jurisdictions to collaborate on as many BMPs as possible in order to build broader public support and understanding. Collaboration will facilitate the efficient use of limited resources. At a recent meeting of the management committee of the Monterey Regional Storm Water Pollution Prevention Program, member entities discussed the lack of secured funding sources for the program. Funding is addressed in the MRSWMP, in certain cases such as public education, because consultants have already been engaged and work has begun. But the public agencies appear unprepared to address the majority of projected expenses. We recommend the Board prioritize securing long-term funding in partnership with the member entities, to support the program.

We support the letters submitted by the environmental groups NRDC, The Ocean Conservancy and Save Our Shores. The lack of specific requirements and obligations in the MRSWMP is the base of most of the organizations' concerns. The following points briefly reaffirm the central arguments of documents submitted by The Ocean Conservancy, which FSO wholly supports.

- The BMPs and implementation schedule fail to describe sufficient detailed plans, rather they restate general conceptual goals. The timelines in the plan do not provide adequate useful information about when and how the goals are to be met. We recommend that the Regional Board deny the adoption of the MRSWMP until the program contains more detailed BMPs. To do otherwise would leave important decisions and work to the smaller jurisdictions at a later date.

- The dischargers within the regional watershed must cease discharging or else be issued an exception to the Ocean Plan before the board may approve the MRSWMP.
- The Cease and Desist orders, issued to the dischargers, do not satisfy the requirement to prevent all discharge into ASBS.

Thank you for your consideration of these comments. We look forward to continuing to work with your agency to develop a MRSWMP that fulfills the intent of the Clean Water Act and the California Ocean Plan.

Sincerely,

Heather J. Allen  
Policy Director