



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Quality
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Arnold Schwarzenegger
Governor

APR 23 2007

Ms. Sue McCloud, Mayor
Carmel by the Sea
PO Box M-1
Carmel, CA 93921

Dear Ms. McCloud:

VIOLETION OF THE CALIFORNIA OCEAN PLAN WASTE DISCHARGE PROHIBITION INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE

On October 18, 2004, the State Water Resources Control Board (State Water Board) notified responsible parties to either cease discharging storm water and nonpoint source waste into Areas of Special Biological Significance (ASBS) or to request an exception according to the requirements of the California Ocean Plan (Ocean Plan). The 2005 Ocean Plan prohibits waste discharges to ASBS but allows the State Water Board to grant exceptions to this prohibition, provided that the exception "will not compromise protection of ocean waters for beneficial uses, and, the public interest will be served." Prior to granting an exception, the State Water Board must hold a public hearing, and there must be compliance with the California Environmental Quality Act. The United States Environmental Protection Agency must also concur.

This letter is to inform you that the State Water Board has not received your application requesting an exception from the Ocean Plan waste discharge prohibition for your discharges into the Carmel Bay ASBS; this was due no later than May 31, 2006. Because a completed application has not been received, staff assumes that you do not wish to be covered by an Ocean Plan exception for your discharges to the ASBS. Only those responsible parties with completed applications will be considered for coverage under an exception.

Since you have neither responded to our notification to cease discharging storm water and nonpoint source waste into the ASBS, nor submitted a completed application for an exception, you continue to be in violation of the Ocean Plan's absolute prohibition against discharge to ASBS.

California Environmental Protection Agency

Ms. Sue McCloud

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Should you have any questions, please feel free to contact me at (916) 341-5458 (dpolhemus@waterboards.ca.gov) or Dominic Gregorio, Senior Environmental Scientist, Ocean Unit, at (916) 341-5488 (dgregorio@waterboards.ca.gov).

Sincerely,



Darrin Polhemus, Deputy Director
Division of Water Quality

cc: Mr. Roger W. Briggs, Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Mr. Reed Sato, Director
Office of Enforcement
State Water Resources Control Board

California Environmental Protection Agency

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