State Water Resources Control Board



Executive Office

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rnold Schwarzenegg Governor

October 18, 2004

Ms. Karen Henry, Deputy Director City of San Diego Storm Water Pollution Prevention Division 1970 B Street San Diego, CA 92102

Dear Ms. Henry:

PROHIBITION OF WASTE DISCHARGES INTO THE SAN DIEGO-LA JOLLA ECOLOGICAL RESERVE AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE

The California Ocean Plan (Ocean Plan), adopted by the State Water Resources Control Board (State Board) and approved by the U.S. Environmental Protection Agency (U.S. EPA), lists 34 coastal marine waters which the State Board has designated as Areas of Special Biological Significance (ASBS). ASBS are defined as "those areas designated by the State Board requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable."

The Ocean P1an, Section III.E.1., requires that: "Waste* shall not be discharged to areas designated as being of special biological significance. Discharges shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in these areas." "Waste" is defined as the "total discharge, of whatever origin." Your discharge of storm water (dry and wet weather runoff) into the San Diego-LaJolla Ecological Reserve Area of Special Biological Significance is subject to the prohibition against waste discharges to an ASBS.

The Ocean Plan, Section III.I.1, allows the State Board to grant exceptions to this prohibition, provided that the exception "will not compromise protection of ocean waters for beneficial uses, and, [t]he public interest will be served." Prior to granting an exception, the State Board must hold a public hearing, and there must be compliance with the California Environmental Quality Act (CEQA). The U.S. EPA must also concur.

Information regarding the Ocean Plan, ASBS, or existing exceptions to the Ocean Plan may be found at <u>http://www.swrcb.ca.gov/plnspols/oplans/index.html</u>.

Because you do not already have an exception issued by the State Board for discharges to the ASBS, you are required to cease discharging. You may, however, request an exception to the

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prohibition if you believe your discharge will not compromise protection of ocean waters for beneficial uses, and the public interest will be served. Please notify the State Board prior to January 1, 2005 whether you intend to cease discharging to the specified ASBS or whether you will seek an exception. We will discuss further steps with you subsequently. Your response should be sent to Dominic Gregorio of the Division of Water Quality, Ocean Standards Unit, with a copy sent to the San Diego Regional Water Quality Control Board.

The State Board staff will hold a workshop, at a date and location as yet to be determined, for those parties interested in pursing an exception. The purpose of this workshop will be to provide information on the procedures for applying for an exception and possible funding sources that may be available to address discharges into ASBS. You will receive an invitation to this workshop in the near future.

If you have any questions, please feel free to contact Stan Martinson, Chief, Division of Water Quality, at (916) 341-5458 (<u>marts@swrcb.ca.gov</u>) or Dominic Gregorio, Division of Water Quality, Ocean Standards Unit, at (916) 341-5488 (<u>gregd@swrcb.ca.gov</u>).

Sincerely,

Original signed by Tom Howard for

Celeste Cantú Executive Director

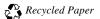
cc: Mayor Dick Murphy City of San Diego 202 C Street San Diego, CA 92101

> Mr. John Snyder, Director of Public Works County of San Diego Department of Public Works 5555 Overland Avenue, Building #2 San Diego, CA 92123

Suzanne J. Lawrence Government Relations/Special Projects Scripps Institution of Oceanography University of California, San Diego 9500 Gilman Drive 0210 La Jolla, CA 92093-0210

Mr. John H. Robertus, Executive Officer San Diego Regional Water Quality Control Board 9174 Sky Park Court, Suite 100 San Diego, CA 92123-4340

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bcc: Board members, EXEC Tom Howard, EXEC Sheila Vassey, OCC Betsy Jennings, OCC John Norton, OSI Stan Martinson, DWQ John Ladd, DWQ Gerald Bowes, DWQ Bruce Fujimoto, DWQ Frank Palmer, DWQ Frank Roddy, DWQ Dominic Gregorio, DWQ

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