STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER QUALITY

WORKSHOP
CALIFORNIA OCEAN PLAN
AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS)
WASTE DISCHARGE PROHIBITION

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9:00 A.M.

PETERS SHORTHAND REPORTING CORPORATION  (916) 362-2345
## Index

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceedings</td>
<td>1</td>
</tr>
<tr>
<td>Opening Comments</td>
<td></td>
</tr>
<tr>
<td>Jerry Secundy</td>
<td>1</td>
</tr>
<tr>
<td>Staff Presentation</td>
<td></td>
</tr>
<tr>
<td>Dominic Gregorio</td>
<td>2</td>
</tr>
<tr>
<td>Public Comments</td>
<td></td>
</tr>
<tr>
<td>Mike Adackapara</td>
<td>28</td>
</tr>
<tr>
<td>Santa Ana Regional Water Quality Control Board</td>
<td></td>
</tr>
<tr>
<td>Paul Singarella</td>
<td>30</td>
</tr>
<tr>
<td>Pebble Beach Company</td>
<td></td>
</tr>
<tr>
<td>Tom Reeve</td>
<td>34</td>
</tr>
<tr>
<td>Mike Flake</td>
<td>36</td>
</tr>
<tr>
<td>Angela George</td>
<td>42</td>
</tr>
<tr>
<td>Los Angeles County</td>
<td></td>
</tr>
<tr>
<td>Dan Lafferty</td>
<td>43</td>
</tr>
<tr>
<td>Rob Chichester</td>
<td>45</td>
</tr>
<tr>
<td>Richard Watson</td>
<td>49</td>
</tr>
<tr>
<td>Coalition for Practical Regulation</td>
<td></td>
</tr>
<tr>
<td>Patti Krebs</td>
<td>50</td>
</tr>
<tr>
<td>Tim Eichenberg</td>
<td>52</td>
</tr>
<tr>
<td>The Ocean Conservancy</td>
<td></td>
</tr>
<tr>
<td>Anjali Jaiswal</td>
<td>54</td>
</tr>
<tr>
<td>NRDC</td>
<td></td>
</tr>
<tr>
<td>Rick Wilson</td>
<td>58</td>
</tr>
<tr>
<td>Surfrider Foundation</td>
<td></td>
</tr>
<tr>
<td>Heather Hoecherl</td>
<td>60</td>
</tr>
</tbody>
</table>

PETERS SHORTHAND REPORTING CORPORATION  (916) 362-2345
INDEX

Public Comments - continued

Suzanne Lawrence
Kimberly O'Connell
Scripps Institute of Oceanography 62

Closing Comments 73
Adjournment 75
Certificate of Transcriber 76

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345
MR. SECUNDY: Good morning. Welcome to our ASBS workshop. I'm Jerry Secundy, with five members of the State Water Resources Control Board. Pete Silva, our Vice-Chairman, will not be here today. Some of you may have heard that Pete will be leaving the Water Board to take a position with (inaudible), and he will probably be leaving abound mid-November, and we will absolutely miss him. So if you are, quote, stuck with me. I'm from the (inaudible). And hopefully, we'll enjoy that (inaudible).

Just some logistics. The restroom facilities are out the door to my left and across just a slight walkway, and then to your left as you enter the aquarium itself. Parking should have been free for each and every one of you if you simply identified yourself as a participant in this workshop, so if you have paid, just you should go back and get a refund.

Hopefully, what we're going to do this morning is first we will have a staff presentation, and then we will take public comments. I would ask you to limit your comments to five minutes each. If they are considerably longer than that I will probably cut you off, and if they are considerably longer than that, I hope you will have a way to submit your written comments. If you have additional
written comments today that you have not previously submitted, please submit them to the registration table to my right, in the corner over there.

If you want to make a verbal comment today please fill out a blue speaker card that we have at that table, and then turn it in to the registration table itself.

I'm now going to turn it over to Dominic Gregorio, who will kick off our presentation. Dominic.

MR. GREGORIO: Thanks, Jerry.

I'll go right in. I have a Power Point presentation here, basically covering all of the items that we put on the agenda. They won't be in exactly the same order, and I apologize for that, but once we started putting the presentation together we (inaudible), but we will do (inaudible) the way we ought to.

Some of this might also be a repeat of information from the Monterey workshop, and for that I (inaudible), so bear with me on that. There might be some additional people here that weren't at those workshops, so I wanted to at least start everybody off with some similar information.

There are 34 areas of special biological significance that are regulated through the California Ocean Plan, and in addition to that, also in the Thermal Plan, as well. According to the Ocean Plan, waste shall not be discharged to designated ASBS's, and according to the Public
Resources Code, ASBS's are a subset of State Water Quality Protection Areas. The ASBS's are located throughout the state. There's 34 of them.

In our vicinity here, in San Pedro you can see that to the -- to the north, number 24, that's the (inaudible) to Laguna Point ASBS. To the south we have three ASBS's in Orange County. Those are in Newport, Irvine, and the (inaudible) park, which is in Laguna Beach. And to the south, we have four ASBS's in Catalina, Catalina Island, and several other ASBS's on (inaudible) island, you can see them there, San Nichoas, the next one is San Clemente, Santa Barbara, it's in the National Park Service area.

We completed a survey in 2003. The survey was contracted to the Southern California Coastal Water Research Project. The board -- excuse me -- the board requested the survey to identify all of the locations where we might be getting discharges into ASBS's. There were 1658 discharges identified. You can see a breakdown there. There were 31 wastewater, which would be traditional points, those types of discharges, 1403 storm drain, and 224 non-point sources. The storm drains were further broken down into large and small, and in the report we refer to the large as (inaudible) industrial, and the small we determined that most of those were individual homeowners, for the most part.
Then there are a variety of different kinds of non-point sources, 224, and in addition to that number of 224, there were 66 potentially contaminated (inaudible). So are you see, there's another (inaudible). Many of the non-point sources, the 224, and most, I would say, of the small (inaudible) were basically of a low volume, low threat type. They drain very small areas. It might have even been somebody's stairway or ramp, it might've been a boat ramp, could've been just a walkway, but some were significant. And so I don't want to paint a picture that all of the non-point sources were no problem. Some of them were, and I'll show a couple of examples here.

The State Board sent out a letter, and actually that's a typo, it should be -- it states October 18th, 2005, that was October 18th, 2004. And then more recently, in October 18th, or (inaudible) in 2005. So the first letters were notifying the dischargers that, that we had identified them as being responsible for discharges. And (inaudible) to stop discharging, and to apply for an exception if they felt they had good cause for that. And then we received several letters back stating that the dischargers were interested in applying for the exceptions, and on, on the (inaudible) we sent a letter explaining exactly how to apply for those exceptions.

So this is an example of the Laguna Point to

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Latigo Point ASBS. It's seen in the inset, it, it states Mugu Lagoon to Latigo Point, that's because there was a name change in the, in the (inaudible). Several of the ASBS's were renamed because of the ongoing work by the various state agencies with regards to the various types of marine managed areas in the state. AB 4800 combined 18 different types of marine managed areas (inaudible) with the State Water Quality Protection Area, and then all of the marine managed areas, including the marine protected areas, were renamed according to a similar convention. So of all of the ASBS's, I would say about two-thirds got renamed, and those were approved by the Board in April.

This particular ASBS has the largest number of discharges. It was approximately 400 at one time, and then we went out and re-surveyed some of them more recently, and I think it's close to 500 now. There are many, many individual homeowners that discharge in the Malibu area. This is one of those, and it's in what we call the mystery drain. And I just found out last week from the executive officer of this particular regional board we're in now, the Los Angeles Regional Board, that there's a plan to go out and contact this particular individual that has this. This is a, almost a constant (inaudible) flow, and I think it's the washing machine into the ASBS, actually. It smells like fabric softener. We had some analysis run, and it was...
higher than allowable Ocean Plan levels.

This is another example further south in the La Jolla area. This is a municipal storm drain. This particular storm drain is partially controlled. During the summer it caps off and the (inaudible) comes in and picks up the, the wastewater out of the, out of this deck hole, basically that's what we're looking at, a concrete deck hole. During the winter the cap is removed and the stormwater runoff goes through it at that time. And you can see that there's a sign there that, you know, not to go swimming at the beach, contaminated water, but you can also see the sign above that it's an ecological reserve. So there are remaining problems with this particular storm drain. This was one of the storm drains identified in the survey. And again, this is in La Jolla, so it's operated by the city of San Diego.

We do get some statements sometimes, but there's no proof that there's ever been any impact to ASBS's. We know there's a storm drain, we know there's not a point source location, so what, what has that done to ASBS's. Now, what I'm showing you is a historical impact that we uncovered when we did the survey. Before 1983, the McWinn (phonetic) flows into a, a cove. That cove was identified in the reconnaissance survey that we had done. We had reconnaissance surveys done at almost all the ASBS's after...
they were designated in the 1970s, and the cover, you can see the cover for this particular ASBS (inaudible).

And in 1983, the, this El Nino period, the large El Nino in the 1980s, there was a landslide on the Highway One area. The road-clearing operations from that landslide entailed moving the landslide over the cliff, and that eventually caused the coast to be filled up. So the second photo is from February of 2003, during the time period we were doing the survey. This is the only cove in California that had a waterfall, and that was a, a filled in beach. And the impacts have been documented offshore as well as (inaudible) on the effect to marine life in the subtitles there, as well.

So I just wanted to share that with you as one example of how there have been changes, impacts to ASBS's. Again, the historical situation, it's not due to any ongoing type of activity. It's just an example.

And (inaudible) point sources. Four of those were covered in the previous exceptions. Those previous exceptions were for -- two of them for the Navy out of San Diego to the San Clemente Islands. San Clemente Island has a sewage treatment plant. San Nicolas Island has a desalination facility that has a waste brine discharge. There were, there were in northern and central California there were two sewage treatment plants, one in Carmel, one
in Shelter Cove. Those were the original four exceptions. As a result of the survey, we had identified 92 discharges at the Scripps facility, Scripps Institute of Oceanography, and, and subsequently we, we identified one additional one. So the survey (inaudible) at the time we know that there's 93 at Scripps, and they received an exception in July of 2004. There are about 23 remaining.

So I guess the point there is that if the dischargers use an exception it is not in compliance with the Ocean Plan, as long as it meets its permit requirements. So of the 1600-plus dischargers, we can remove 92 or 93, however you look at that, from the list of those that are not in compliance. So we have the remaining 23. Again, some of those received letters. We, in, in some of those letters, depending on the site specific conditions, we stated that sewage discharges, for example, in (inaudible), that one would not be recommended for an exception by the staff. There's a fish cleaning operation in Trinidad that would not be recommended for an exception. However, the non-point source and stormwater discharges from those facilities or those areas would be considered for an exception.

For the individual loading ramps, we -- we know that they have stormwater discharges to one extent or another, and the way we're dealing with that is to say the
way we dealt with the, the Scripps exception, where we issued one exception, they cover for point source and stormwater within the same exception. So these are the, the discharges from the marine laboratories that we would consider for point source exceptions, along with their stormwater and other non-point source discharges. (Inaudible) Monterey Bay Aquarium, Hopkins Point station, and (inaudible) up to Trinidad.

So one of the things that Jerry asked me to do today was to discuss a little bit the conditions that Scripps Institution of Oceanography has to comply with in their exception. You can see there, one of their point sources, you can see in, in the inset, the, a close-up and you can see four discharges running across the beach. Those are point sources. This was taken on a Sunday. There wasn't any rain. There are, like I said, several others that are stormwater. And some of their point source discharge is (inaudible) it was, at least at the time of the exception, with the stormwater and point sources commingled.

So we had 92 conditions that Scripps has to comply with. Some were point source oriented, some were stormwater and non-point source oriented. There were effluent and receiving water monitoring requirements. The general provisions were that the discharges must comply with the other provisions of the Ocean Plan. Natural water quality
in the receiving water must not be altered. Natural water quality would be defined by the advisory committee, and that committee is going to meet for the first time tomorrow, actually, (inaudible) we're having the first meeting.

And we're on to seawater analysis for copper, must employ a (inaudible) minimum (inaudible) in a, in an approved method, which currently is like CPMS for seawater. And full measurements must be taken at the major outfall. So those are the general provisions. And by the way, one other thing I should mention is (inaudible) not only, if you're measuring copper, you get the whole suite of metal. So basically, (inaudible) the metals.

These are specific waste seawater point source provisions. Scripps, we found, was adding quite a bit of material to their -- to their point source discharge, primarily from their aquarium, so we asked them to minimize that. We basically told them they had to minimize their chemical additives, formalin could no longer be discharged into the ocean, and the use of copper or treatment additives would have to be eliminated.

They had to, or they have to submit a quarterly report of all the chemical additives that they use. A study must be performed to determine the emission pollution, because they need to get a dilution ratio in their, they got a dilution credit in their original permit, so we allowed
that to go forward, but we needed to have (inaudible) value of it. And this is very important for marine laboratory discharges. They have to develop and implement controls to address the potential for aquatic species from entering an ASBS.

Now, for stormwater provisions, by January 1st, 2007, they have to eliminate all discharges from non-stormwater urban runoffs. Their stormwater management plan has to describe measures by which non-stormwater discharges will be eliminated, and the interim measures until they are eliminated. The stormwater management plan has to include a -- include a map of all their retention points for urban runoff into the drain system. Again, they have a lot of (inaudible) that was going on between their aquarium and laboratory discharges in, in the stormwater runoff.

The saltwater plan had to address stormwater discharges and how pollutants would be reduced in the runoff through the implementation of BMPs, so we applied (inaudible) and accelerated, and we required that the implementation schedule must be developed and implemented within one year of the approval of the stormwater plan for non-structural BMPs. The conditions went on to describe that structural BMPs had to be as soon as possible.

Continuation of stormwater provisions. And when I say stormwater (inaudible) stormwater non-point source
(inaudible). As a result of the receiving water (inaudible) discharges that were causing an alteration of natural water quality, Scripps is required to send the reports to the regional board. And within 30 days of getting that -- or, of approving of the report by the regional board, Scripps has to revise their stormwater plan to incorporate any new (inaudible) type BMPs that would have to be employed to correct the situation.

The implementation of the BMPs must be within one year of the approval by the regional board. If there is some reason, say, for example, the Coastal Commission required a coastal development permit as a, you know, as a part of the installation of that BMP. Maybe it might take a little longer, there might be some other local community issues. So (inaudible) to keep it a little flexible, but basically ask them to hurry up, let's get it done as soon as possible.

And as long as Scripps has complied with these procedures, they would not be held responsible for ongoing exceedence of the same problem. So if they (inaudible) all due diligence to correct the problem, (inaudible) include a statement in there to protect them during that period. They can only work as fast as they can get their permits and get their funding together to install the BMP, for example.

The monitoring components I think are pretty
strict, but they're the keystone of, of the entire
exception. (Inaudible) a quantitative survey of (inaudible)
marine life must be performed. And also, once every permit
cycle a bio-accumulation study of sand crabs and mussels.
The reason sand crabs were added is because it's primarily
sandy beach right at the outfall, and our Central Coast
Regional Board has had very good success using sand crabs in
addition to mussels for bio-cumulative types of studies, and
so we applied a combination of those two parcels to be able
to compare sort of the long-term trend with other sites in
the state, and then sand crabs (inaudible) and sorts of
situations.

The effluent from the aquarium outfall we sampled
(inaudible) for copper, but (inaudible) for that was because
there were additives flowing in. And again, there's some
commingling, as well.

During the first year of the permit cycle effluent
samples must be collected twice, once during dry weather and
once during wet weather and analyzed for all the Ocean Plan
Table B constituents, and during wet weather for bacteria,
as well. Remember that there's considerable number of
stormwater discharges.

One thing to add about that's not written here, or
not shown in the slide, but the Regional Board can reduce
the number of constituents to be monitored if it's shown
that after, you know, a few monitoring efforts, that, you
know, some constituents just aren't there. There's no
reason to continue to monitor that for the rest of the
permit cycle. So, and there's no -- the state laboratory
resources and, and monetary resources (inaudible) that
flexibility for the Regional Board to address that as it
comes up.

Again, slight (inaudible) during dry weather and
during wet weather. The receiving water (inaudible) must
also be sampled for the Ocean Plan Table B constituents,
and again for bacteria during the wet weather.

Based on our first year sampling results, again,
this is what I referred to, I was thinking ahead a little
bit, I guess. The Regional Board (inaudible) to determine
the specific constituents to be tested during the remainder
of the permit cycle. And those are (inaudible) will still
be there, and that's also a (inaudible) beach for pathogens,
so we included a requirement that they test for bacteria
coming off the marine mammal so the end total residual for
also (inaudible).

So I already mentioned this, we're having the
first meeting of the Water Quality Committee tomorrow. It's
where the members are a researcher from Scripps, and in
addition Steve Murray, from Cal State Fullerton, Bert Jones
from USC, a Regional Board representative, myself, a member
from (inaudible), and a representative from the local marine
laboratory that does a lot of the analysis, especially here
locally in southern California, a real expert in the field
of seawater chemistry, and that's Richard Austin.

Just a quick update on the USC facility. I
mentioned earlier that in close proximity last year there
are four ASBS's at Catalina Island. One of those has a
point source discharge and some stormwater runoff. You can
see the map here, it says (inaudible) cove area, two harbors
and a fisherman cove, where the USC Wrigley Marine Science
Center is located. The emission study will be (inaudible)
probably about the first week of November. You can get that
on the Internet, make that (inaudible), so they can look for
that. The proposed additions will be similar to the
(inaudible). You will see that when the initial study comes
out. Well, these are all recommendations, of course.

There are more (inaudible) differences. For
example, because -- and you can see the white dots there in
the area. Those are (inaudible), and even within the
footprint of the Wrigley Marine Science Center, so one of
the things that we are recommending is a waterfront
management plan to employ the state's non-point source
recommended management measures for marine and for boating
operations.

Another thing that is different, or that we're
recommending to be different from the Scripps program is the
use of the intake as a reference location. Instead of
having a (inaudible) for this location, we think that the,
the intake, which is the -- well, as you can see. the line
coming down, the ASBS boundary line, past (inaudible) and it
hits the coastline there, this green dot, and the triangular
dot. The green dot is the intake.

I wanted to give a brief update on the grant
programs. There were several integrated coastal water
(inaudible) management plan grants, or ICWM. You may be
familiar with that acronym. It's integrated coastal water
(inaudible). There were five grants that were identified
and, and recommended to the board. I believe the board
(inaudible). All of those sites have ASBS's. Trinidad
Head, the Mattole River grange to the King grange. The
Marin County coastline. Orange County, which included those
three ASBS's that I talked about earlier being to the south
of us. And the (inaudible) La Jolla ASBS, and that's within
the Scripps and La Jolla (inaudible) they're adjacent to one
another.

There were also four grants that will be picked up
by the Department of Water Resources funds, and two of those
have ASBS's, the Monterey area, I believe that's centered in
the Carmel River, and the Malibu area. So that's been in
development since the last workshop, and those, that money
will be used for planning, and I believe some monitoring will be used -- or will be funded by that. And a question comes up about whether that monitoring is going to be used in the application. And, you know, you can talk to me about that later, but I think this -- as long as it's not the preponderance of the, the fund, you know, these, these are planning grants, so we want a considerable amount of the money to go towards planning, and the monitoring is a part of that planning, and then that will be acceptable. So the idea is we, we're taking money out to help the planning for the exception process, and this is what we've done so far.

We were asked (inaudible). I believe we have a handout in the back of, of -- it's a draft, it's not permanent, it's not final, but we (inaudible) as trying to identify some of the priority ASBS's, and some of the criteria from the highest priority were the ASBS's with a large number of discharges. I'm not going to give you the complete list, but it would be places that are fairly urbanized, including the Malibu area, a large number of discharges, places like Pacific Grove, Carmel, Malibu, Laguna Beach, you know, Newport Beach, (inaudible). I have copies of the list, you can look up on the handout (inaudible).

There were (inaudible) of significant contact
recreation use. So the ASBS is, is a beneficial use, it's aimed at marine aquatic life, but we recognize that a lot of the ASBS's are heavily used for contact recreation, swimming, surfing, diving, and we feel that that's an important priority.

ASBS's with agricultural discharges. In Laguna, major discharge, agricultural discharge that we know of is at Ano Nuevo on the central coast. And the ASBS's with marine operation, for example, (inaudible). There's more information in the handout. I just wanted to point out that we submitted that draft.

So Carmel Bay would be an example of an ASBS with significant contact recreation. And this is (inaudible) sea otter photo for every slide presentation. And, and we have to remember that bacteria as an indicator organism, (inaudible) bacteria, (inaudible), it's not just an indicator for human health contact recreation. There have been indications that sea otters along the central coast are affected by (inaudible) runoff and/or sewage discharges. I think the jury's still out on exactly what the pathways are. But (inaudible), which is a pathogen, carries (inaudible) and it's affecting otters. And, of course, the indicator bacterias will be used for any indication of fecal matter in the water, whether it's from human sources or not.

Where we're going on the grant program. I was
asked to fill you all in on the coastal non-point source consolidated grant program. The staff (inaudible) was made to the Ocean Protection Council, where we recommended that initially our, our first (inaudible) priorities would be having indicators for bacterial contamination, pathogen contamination and the ASBS's for both implementation and for monitoring. The draft guidelines will be posted by, I believe, from financial systems, by the end of this month. There is a handout, looks sort of like this, that describes a (inaudible) development report, so if you're interested in funding, I suggest (inaudible) financial assistance that these, from these (inaudible).

The plan of action at this point is to go back before the State Water Board and the Ocean Protection Council for the -- there's a joint $10 million portion of this consolidated grant program to do the coastal non-point source program, and we will go back before those two bodies to get approval for our priorities. So that will be a public process, so stay tuned on that. And once we get those priorities identified in the guidelines and they're approved by the State Water Board, then we're going to solicit proposals and we're looking at the summer of 2006. So we've got it on this, a real accelerated schedule. So if you have a good (inaudible) start thinking about those, and stay tuned.
One of things we get asked a lot is what is waste. Because remember, the prohibition is on discharge of waste. In the Ocean Plan, if there is any drop of waste in stormwater, for example, the entire volume is not considered waste. But the question keeps coming back to me, well, what, a drop of what, what is waste? What makes the entire body you call waste? And (inaudible) to include sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human application or human or animal, or essentially this goes back to before (inaudible) there was a, a -- I'm told by our legal staff that there was a determination made that was (inaudible) and so this goes back even earlier than Porter Cologne.

That includes waste from a variety of activities, activities that we considered non-point source, such as drainage or seepage, return irrigation, pesticides improperly applied, draining to wastewater from construction sites, et cetera. So it's very, very broad. It's anything that comes from any sort of human inducement, essentially.

Some comments from the August workshop on (inaudible). We have about a, a two-page, a front side, a front and back side document. One side is a spreadsheet,. Jerry, at the last workshop, requested that we come up with a matrix so that (inaudible) our requirement for a matrix, and you can see that there were basically four alternatives
considering all of the comments and the staff recommendation at the last workshop. General exception, staff recommendation, time schedule order was basically promoted by (inaudible). Stewardship councils were promoted by Ms. (inaudible), and (inaudible) suggested amending the Ocean Plan.

I'm not going to go through those, them all verbally. I, as far as the advantages and disadvantages, I can put that down on paper for you. But from considering all of this, we are recommending (inaudible) that, that we address the dischargers through a general exception approach we're going to refer to as special conditions from the language in the Public Resources Code. The special conditions would allow (inaudible) coverage for the ABS discharges, which would then move them from the (inaudible) category to the legal category, compliance category.

Again, just (inaudible) the approach for stormwater. And again, this is, now this is referring to specifically the stormwater, the, the dedicated stormwater discharges at the coast to the point source commingled marine (inaudible). This is a general exception approach. A time schedule will be included in the, in the regulation. That's what we would recommended. And all the (inaudible) eliminated initially, and there would be percent reductions somewhere (inaudible), until the medical waste is
(inaudible). So what do we mean by (inaudible). Or, I should say minimal waste.

Zero (inaudible) and technical may not even be ecologically sound for all constituents. The ocean has natural levels of certain constituents. We don't want to make it an absolutely sterile H2O and salt ocean. That's (inaudible) level. On that, I've heard one suggestion about non-detect, that non-detection metal might not be natural. You know, there's certain metals that are found naturally in the ocean and in, even for (inaudible) from certain watersheds. So, you know, we're not really looking at a non-detectable way to go in all cases.

Some synthetic pollutants, however, should not be detectable. Some metals were found naturally, those are natural ingredients to seawater, but synthetics were an extreme example of PCBE, PBE synthetic compounds, those should not be detectable.

Runoff effluents should also (inaudible) comparable to natural background levels for measuring for seawater (inaudible). I think that that's one way we're going to have to look at this. And in the interim, (inaudible) start developing a lot of this information, the Ocean Plan (inaudible) would also be used as a target, but we won't currently have any plan to, to prescribe (inaudible).
So here's an example (inaudible), I think I showed this at the last workshop. (Inaudible) this is the first dry weather flow to a sewage treatment. And it's also (inaudible) river flows. These are the kinds of solutions that we think are practical. Just as an example.

Going on with the projected (inaudible).
Compliance would be determined by the intertidal water quality (inaudible) in the ASBS receiving waters. And we would have to have certain monitoring requirements to make that determination. We would encourage that the dischargers participate in a regional or watershed stakeholder group, and those would be modeled on (inaudible) committees. The idea is to collaborate on pooling resources for monitoring and data collection, planning for (inaudible), sharing information, and addressing watershed impacts, ASBS marine water, also working with the individual homeowners for their smaller discharges. All of that could be done, I think, through a collaborative effort.

And a critical coastal area pilot project that's already in existence now, I think I have a slide later that I, I'll talk about. Those are, those are things we, I think, very good models to follow. And so that's different than the stewardship council (inaudible) was suggested by the municipality. The, the stewardship council that were suggested were, I want to say that they were quasi-
regulatory, and I don't recommend that the state regional
board give up their regulatory authority in this or in any
case. So, but we've seen a value in collaboration, so I
think that this would be a, a good thing to encourage.

And as far as natural water quality, we'd like you
to use the model that we're following for the Scripps area
to establish three regional scientific panels to, to help
determine the answer to the question about meeting natural
water quality. And some people might think that's pretty
straightforward, but it's really not because during storm
conditions we know that in the near shore environment with
the wave action on the beach and the input even from natural
watersheds, that, that there could be some differences
between what is required in the Ocean Plan in terms of the
water quality checklist and what's actually found in, in the
near shore waters.

So (inaudible) or La Jolla, and the (inaudible)
coastal area programs have been, there's actually five of
them that have been identified and, and approved by the
(inaudible) Coastal Area Committee. Three of them are in
ASBS's, that's James FitzGerald ASBS, and then the Trinidad
(inaudible) ASBS, and the La Jolla and San Diego Scripps
ASBS's. And actually, I think I'm missing one, I think that
there's a power project in the Orange County area. Oh, it's
a typo on there, so it should've been four that are ASBS.
And these are in addition to the funding that I mentioned earlier, so Trinidad, La Jolla, and the Orange County ASBS's, those also were, you know, awarded the grants (inaudible).

One of the last things I wanted to mention is I wanted to talk about the authority for the special protection. I think we're going to kind of move away from referring to this as an exception, although that's what it really is, because of the Section 351 of the Ocean Plan, that's the authority for allowing a discharge of waste. Any deviation from the Ocean Plan will be covered under that exception provision. But we're sort of broadening that to be for the (inaudible) rely also on the California Water Code and the Public Resources Code. And so you'll hear it (inaudible) to the special protections. That's the reference to the language of the law. But realize that they also have some (inaudible) with the Ocean Plan and Section (inaudible).

So the next steps. Water quality staff will prepare a report of what we already know about ASBS's and what we don't know. And that report is in preparation for a (inaudible) equivalent document that will be required for an exception. Staff will resolve the draft board resolution, also. We'll have a scoping meeting, and the discharge
(inaudible) is due May 31st, 2006. If you're one of those remaining point sources or a couple of stormwater dischargers who might not have -- we sent letters, you might look into that. Essentially, we're going to be saying hey, (inaudible) for submitting the data.

And staff will incorporate what we know about ASBS's, and what we received on May 31st, into the draft (inaudible). And that should take about four to six months, and that will be followed by a (inaudible) and required Ocean Plan (inaudible).

So I'm ready for public comments.

MR. SECUNDY: Thank you, Dominic. Just a couple of comments. Number one, I'm glad that perhaps we're going to change the word "exception". For those of you (inaudible) presentation and you saw a (inaudible) that has to do with exceptions, not a waiver. That's just a rather stringent requirement, and I think exception is a very poor choice of words.

Secondly, you've seen the staff recommendation. That's exactly what it is, is a recommendation. Staff is not setting (inaudible) to the Water Board any individuals, to the board as a whole, so we have not yet reviewed the staff's recommendations. And part of the purpose of these workshops is to give input to the staff so that indeed they may be modifying some of their recommendations.
Third, for those of you that have not yet submitted your cards, please do submit your cards and get them up here as quickly as you can. I do not go through these in the order that they're presented. I try to have some continuity, so the counties, government agencies, the (inaudible) community will be lumped together so we have some continuity as we go through this.

And finally, I'm going to limit comments to five minutes, please come up to this podium over here, make your comments, there is a microphone there. This is being recorded, so please try to speak into the microphone. And I will cut you off after five minutes. For those of you that can speak in less than five minutes, that's even more appreciated.

And finally, for those of you that do fill out your cards, you know, I am a relatively new Board member, although I'm feeling very (inaudible) at this point in time, after seven months. I know most of the acronyms. There are some I do not know, so when you're filling out a card with an acronym I'm not quite sure which -- in which to place you. So just kind of keep that in mind as you go through.

With that, I think we will start off. And if I mis-pronounce names, I apologize in advance.

SPEAKER: Do you want to try this first one?

SPEAKER: I go back far.
SPEAKER: Yeah, we --

MR. SECUNDY: You're up first.

SPEAKER: And this is from the regional board.

MR. ADACKAPARA: Good morning. My name is Mike Adackapara, I'm with the Santa Ana Regional Water Quality Control Board. Since I am the first (inaudible) in the whole big gang here, (inaudible) what I'm going to say is (inaudible). I want my (inaudible).

In the (inaudible), the ASBS (inaudible) being in the book for the last 32 years. More than 30 years, actually. We (inaudible) for 30 years, being the (inaudible) sources and the regional water quality control board, to operate for the last 30 years, has not been (inaudible), do something. (Inaudible) but the ASBS's (inaudible) but it is going to cost some money. And (inaudible).

(Note: End Tape 1, Side A.

Start Tape 1, Side B.)

MR. ADACKAPARA: (Inaudible) and how easy it is to prevent, or how difficult it is to prevent. And (inaudible) a lot of times about (inaudible) that maybe the (inaudible) and the municipal promise to take care of us (inaudible). I am going to, because I come in and I'm going to make a (inaudible). What I'm going to go over is state why general (inaudible) for all ASBS's.
The state board will issue information from all
the ASBS's and all the (inaudible) ASBS's. All the ASBS's
could come (inaudible) to be covered under this permit. So
one (inaudible) and 34 permittee for the 34 area of ASBS's.
This way, it will reduce my (inaudible) the regional board
at the (inaudible). The regional board need to make an
accommodation (inaudible). Let's go straight to the state
board. (Inaudible.) State board can (inaudible). It can
be done effectively. It can be done in a timely manner. It
can be cost effective, it can be (inaudible). Should be
that is something practical, cannot be (inaudible) without
spending the 60 million or the 25 million that (inaudible).

(Note: Speaker difficult to hear
clearly.)

MR. SECUNDY: You're going to have to wind up.

MR. ADACKAPARA: Okay. That's essentially all
that I need to say. (Inaudible.) Thank you.

MR. SECUNDY: Thank you.

(Note: Balance of Tape 1, Side B,
is blank. Start Tape 1, Side A.)

MR. SECUNDY: Chris Zirkle.

MR. ZIRKLE: Dominic addressed my comments in the
presentation.

MR. SECUNDY: Thank you.

Paul Singarella.
MR. SINGARELLA: Good morning, Board Member Secundy, good morning to Mr. Gregorio. Paul Singarella here, on behalf of the Pebble Beach Company.

First, let me say that the Pebble Beach Company appreciates the State Board's commitment and interest through your ASBS documents, and commitment to the work (inaudible). And these proceedings have already been productive and have achieved some considerable progress. And I think that progress is marked by an emerging consensus on (inaudible) that reflects the, the gravamen that we're making here.

Number one, no one seems to be particularly thrilled with the idea of having the ASBS program based on exceptions, at least exceptions that are issued on a discharger by discharger basis. The board members (inaudible) in that regard at the last workshop, and we heard from Mr. Gregorio today, and you heard from NRDC at that hearing, and NRDC doesn't like the exception process, and I think you know how we feel about it.

Number two, I think everyone agrees that ASBS (inaudible), that's terrific. Number three, everyone seemed to agree that additional (inaudible) data for an ASBS requirement is important and should be, be accomplished. And number four, I don't think anybody in this room or anybody involved in (inaudible) ASBS, wants to see an
undesirable change in natural water falling into an ASBS go
unaddressed.

Now, with all that said, I think that's being
(inaudible) in this process. There are a couple of areas
where consensus has yet to emerge, and I'd like to address
those.

One is what is number one (inaudible) standard.
We have heard from the Southern Coast Regional Board that
it's a zero (inaudible) standards. We hear from Mr.
Gregorio this morning that zero doesn't make sense, but
we're not sure what we're hearing is interpretation
(inaudible) from the central coast or just some programmatic
gray of (inaudible) the underlying standards.

Number two, the other area where doesn't appear to
be a consensus yet is what's the (inaudible) here. If
you're (inaudible) or is that towards some opening
commitment to (inaudible) or something else, something
that's (inaudible), and this is very firm, remedial actions.
They have (inaudible) in step four, the ultimate (inaudible)
by remedial actions. What does that mean? That's not
(inaudible). So I'd like to address those two areas in
sequence here in a little more detail.

On the water falling standard, what we think we're
hearing is that actual compliance without, without
exception, without a waiver, and actual compliance
(inaudible) in the Ocean Plan requires pristine stormwater 
entering into a pristine ASBS. That's not reality, 
unfortunately. But we also (inaudible) it's what the law 
requires. We think that that (inaudible) in essence 
presumes that all stormwater is (inaudible), per se. Right. 
So if the water that you're discharging is stormwater and 
you're (inaudible), you are (inaudible). We thought that 
issue had already been raised back in 2001 in the San Diego 
permit proceeding when the San Diego Regional Board came out 
and said all stormwater is (inaudible), and this board and 
the water quality board in 2001 (inaudible) that it can't be 
(inaudible). You can't (inaudible) all stormwater from the 
state of California into waste, per se. It's the, and 
here's a term (inaudible) from the state board, it's the 
harmful quantities of pollutants if they exist in stormwater 
(inaudible).

Now, why is it so important to us? Well, number 
one, if you presume that all stormwater (inaudible), you end 
up (inaudible) by the fear of (inaudible). You don't need 
to know anything about the ASBS. All they need to know is 
(inaudible) and you conclude, by virtue of that legal 
interpretation, that we're violating the California Ocean 
Plan. It seems a hundred times different, in our 
(inaudible), that we should be presumed innocent. There's 
no evidence in many (inaudible) that there is a harmful
quantity of pollutant in (inaudible), that we're told that, in fact, we're violating the law.

(Inaudible) might have a different approach here, which we're (inaudible). It's one thing for, you know, (inaudible) in the private sector if you go to (inaudible) and say well, we think (inaudible) to be a polluter, you're violating the law. We need to get exceptions or some other permission from this agency in order to continue what we've been doing for decades. It's another thing for us to go and (inaudible). We're licensed. That's, that's a world, a world where we can get comfortable. But we understand we live in a world of having to go to agencies to get permits and licenses, so (inaudible) this dialogue is fine.

But we do need a way for this concept of exception, because words do make a difference. But we want it to be more than words. It really has to go to the underlying water falling standard. Are you saying it's not zero allocation? We hope (inaudible), hopefully you're saying that you're going to give us a chance to show you that we're not discharging harmful quantities of pollutants into the ASBS waters. We're going to come to (inaudible).

Okay. Now to my second point. The second point, it's (inaudible), is this agency (inaudible) an interpretation of the law that can give us some comfort that if we come to you and we're (inaudible) and come up with a

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real solid BMP based approach to addressing the runoff
(inaudible), is that, do you think that's going to be
enough? It's very (inaudible) policy position that you say
it's going to be (inaudible). Right now, you know,
(inaudible) they'll take the BMPs, of course, but their
proposal, but (inaudible). What about your proposal, are
you really going to stand up and say look, it's not your
(inaudible), are you going to, you know, break down the
(inaudible), as important as it seemed, and provide some
(inaudible) and guidance on the (inaudible).
MR. SECUNDY: You're going to have to wind it up,
Mr. Singarelli. I get your point.
MR. SINGARELLI: Okay. Okay. Thank you.
MR. SECUNDY: Thank you.
Tom Reeves.
MR. REEVES: Good morning. I appreciate your
bravery in holding these workshops (inaudible).
(Laughter.)
MR. REEVES: I, I think I must (inaudible) with
Mr. Singarelli said, I would echo his comments. One thing I
would like to request is to get some of the details of the
(inaudible), if you have anything in writing (inaudible), I
haven't seen that. And I understand that there may be some
issues with releasing that prior to it going before the
board. But for those of us in the arena, we'd like to see
something so that we can think about it. And unfortunately, I'm a very poor note-taker, so I have a hard time keeping up (inaudible). So it would be very helpful if you can (inaudible). (Inaudible) that we, as far as the California (inaudible) be posted on the web, can we do that?

SPEAKER: Yeah, we'll probably change a couple of typos and we'll put it on there.

MR. REEVES: Okay, that'd be great. I appreciate that. And now I can start to maybe comment, just kind of a, a (inaudible) person. I'm not, I'm not (inaudible), I was a biology major for one year in college, and switched majors. But, but I have been talking to some (inaudible) experts at Hopkins and in our area, and in, in all honesty, I, the -- the impression I get from many of these people who, their hearts are sincerely with preserving the ocean environment, they're wondering why, why are we doing this. The science seems to be working kind of backwards here. We're going about the process of monitoring water quality from, from both the discharge point of view and the receiving water point of view. And yet there's very few indications of harm being done in the, in the ocean environment itself.

Now, yes, there are some, there are some (inaudible) areas. In our area, for instance, (inaudible), there are others. But from a lay point of view, it seems to
make more sense to concentrate on what we know is a problem and then try to work backwards and find out what the (inaudible) of those are. My rig's already (inaudible) and we're conducting a (inaudible). We know we have some of these issues, and, and we're willing to own up to these issues, and we're willing to (inaudible) effort to, to try to track down what the sources of these contaminants are. But it seems like the obvious question is, from our point of view, what harm is being done, and then try to detect the sources, because when you go to the doctor and just saying I'm sick, and then start doing MRIs and cat scans and taking blood out of you for (inaudible). So I would hope that we take, move towards a little more what I would consider to be a science basis approach.

Thank you.

MR. SECUNDY: Thank you.

Mike Flake.

MR. FLAKE: We have another, I think it's similar to a Power Point presentation, so maybe we can turn the, the projector.

(Inaudible comments.)

MR. FLAKE: Thank you for having the workshop today, Mr. Secundy, (inaudible). We appreciate that, getting to come here and show you some of the information we have.
Just some quick comments. As you see, we (inaudible) go into some type of (inaudible) positive. I think there needs to be something again, like I heard before, (inaudible). I think that (inaudible) to the current stormwater permits could be feasible, and for the municipal dischargers in this room I think that's the way to go, developing some type of a generic provision for those kinds of ASBS areas and then (inaudible) by amendments to permits might be helpful.

(Inaudible) presentation. Okay. So this is (inaudible). So really, the big question for us is what the clean water (inaudible) is the salt water toxic, obviously, to the breeding water, but that's obviously not (inaudible) water quality. So knowing natural water quality is very important to us to be able to make decisions on what do we do if we into this (inaudible) process (inaudible).

Okay. And also, looking at natural water quality, statistics are going to be very important to this equation. This starts off at the, the exception for Scripps, for monitoring there. That doesn't sound like it's going to get you the statistical information that you need to, to determine where the natural water fall is, or what is the quality of the (inaudible).

Next slide.

This one's bigger. This is (inaudible) so they're
not compromised as part of the Ocean Plan (inaudible).
That's the protected.

Next slide.

(Inaudible) that's really (inaudible). As I said before, this is very important to us, knowing that discharge, that should something come about where maybe we get a permit provision or some type of waiver permitting process that has constituents listed in it with the (inaudible). But obviously, I, I don't believe the Ocean Plan will (inaudible) and something that we can (inaudible). Next slide.

And this is (inaudible). Dischargers will need to know what performance standards will apply. Is it (inaudible) whether we need to divert those discharges, you know, some (inaudible) what is that versus what is the (inaudible) understanding. Next slide.

And I read the NRDC issue paper this past week. It's pretty actually what we already did for our (inaudible) permit. That's got a (inaudible) listed in it, and, in fact, we (inaudible) with NRDC and said (inaudible), so we know it's feasible (inaudible). They've got public awareness up there for (inaudible) discharges. Those are all (inaudible) with the permit. So it sounds like continuing more of the same, except that some of these
permit provisions might apply outside of an urban area because it's (inaudible) in a rural area where perhaps you would not have a (inaudible) permit. So, next slide.

Once again, with the performance required for getting and maintaining an exception. So (inaudible) exception does not sound like an (inaudible). It sits in their process, and is it (inaudible). We could get out of that now knowing that we had to (inaudible) the dischargers all together, (inaudible) understand what (inaudible). So there will always be some constituent and (inaudible) that we generate. And so simply trying to meet natural water quality would probably not be very practicable.

Next slide.

Understanding what a discharge point (inaudible). Of all the discharge points that (inaudible) identified, over 1300, I believe. This is one of them. And we, from our perspective, and I don't think we (inaudible) a discharge plant. It goes through a tremendous amount of vegetated area before it gets to the ocean. And so we'd like some clear guidance back to us to what is a good discharge and what is a (inaudible). And I think the next slide will (inaudible). I showed these before at the last presentation.
I believe that (inaudible) throughout discharges. You can see those (inaudible), I labeled them where they are. But in the (inaudible). These are the indirect discharges. This is where there's some confusion for us as an agency, is how we need to treat these discharges. And incidentally, if we have to treat these, costs go up. If we don't, well, then, maybe we can do something about those. Seems like there's probably some real problems there.

Next slide.

We just put this in to sort of remind you that beach replenishment is an activity that's needed, so what happens when there's no discharge occurring. We you going to be able to do these activities.

Next slide.

Mixing drums. Is there going to be a discharge (inaudible) mixing drums should be evaluated. I think this (inaudible).

Next slide.

And here's the biggest problem that we see. Is it your (inaudible) the person who owns the land prior to the ASBS with being responsible for the discharge. However, upgradient you can see there's homes, there's parks, there's golf courses, whatever, that all discharge to the (inaudible) the obligation is passed on to the stormwater flows that goes into the ASBS. So this is a problem. And
here, if you are going to do something, it's just to illustrate some of the, the mechanisms that we would use to treat stormwater in the area, and some of the (inaudible) could be from the -- a lot of the construction.

That's just more. This is -- actually, Dominic had stated earlier that this was the one ASBS that has the most discharge from it, and I agree with you. And this is a very complex urban environment. And you can see how (inaudible) getting some (inaudible) flows. Looks like it's coming out of a driveway, driveway area that's run out to the Pacific Coast Highway. I wouldn't say that under a formal stormwater permitting program that we're going to be able to address these, but give us some time.

(Inaudible) infrastructure for stormwater treatment, but remember also that there's an engineering problem here. If there's no discharge, you can't engineer that. There will always be some type of discharge. So (inaudible) go back to the 25 year storm, (inaudible), what is that? We'll go ahead and see. (Inaudible). This would be all the infrastructure that we put in. What (inaudible) impact with that of trying to remove the discharge from the ASBS.

There's two (inaudible), the ACS is to the left. If we were just (inaudible) the discharge from the ASBS, as you can see over to the right, we get some, all we do is
(inaudible) out of the ASBS. Is that really the solution that we're looking for. Here's Salmon Creek. (Inaudible) have the perception is that we were hearing here (inaudible) we don't want to be back here in five years. So that's something that we need to know. In fact, (inaudible) that we heard earlier. If we potentially, if we can't get another exception or another permit after five years, then we need to have those discharges relocated.

MR. SECUNDY: Mr. Flake, you're going to have to wind up. I've let you go over.

MR. FLAKE: That's surprising because I'm the most significant discharger, but --

(Inaudible comments.)

MR. FLAKE: (Inaudible) all the letters that we've written back and forth and the times that we've met with you, and the major question remains the same that we had originally, and we look forward to getting (inaudible) on this question. Thank you.

MR. SECUNDY: Thank you very much.

Angela George.

MS. GEORGE: Good morning. My name is Angela George, I'm representing Los Angeles County.

I'm not going to belabor the point (inaudible), I won't try to reiterate things that other people have (inaudible). But with regard to the County of Los Angeles,
we do (inaudible). We also would like to just reiterate the
fact that we do, we are concerned about the need to quantify
the scope of the (inaudible). It should be science based.
We also (inaudible) with regard to the MS-4 dischargers, and
(inaudible) dischargers, as well, (inaudible) is stormwater
discharges versus (inaudible) or does that (inaudible) in
wet weather from (inaudible). With regards to zero
discharges, we feel it is not practical. This is
(inaudible). And we'd like to (inaudible) with you, as
well.

And that's all I have.

MR. SECUNDY: Thank you very much.

Dan Lafferty.

MR. LAFFERTY: Good morning, board members. Thank
you for having the, the workshop today. I especially
appreciate the opportunity to avoid air travel (inaudible).

A couple of things. First off, we sort of
(inaudible) previously, but in the (inaudible). The point
is to find where the problem is. You've heard that there
are problems in the ASBS's with water quality, but we still
haven't heard (inaudible) research necessary to (inaudible)
that problem. And then taking that one step further, if you
take a look at the (inaudible) specifically (inaudible) the
way you're treating this crisis, with this (inaudible)
crisis, then finding out what are the contributions to, to
that crisis. And specifically, (inaudible) dischargers, what portion of the problem is attributable to the (inaudible) so that we have a clear understanding of the scope of the problem, and the responsibility of the (inaudible), the, the different groups of dischargers, towards that problem.

I think, too, that we need to consider (inaudible). We heard this morning (inaudible) that zero may not be (inaudible). I would certainly agree with that. (Inaudible) to get 100 percent removal rates for (inaudible). It says that you're by and large left with something residual, so that zero is probably the wrong number. I think if we go back to (inaudible) where the problem is and identifying what that problem is, if you do that (inaudible), we can then figure out what (inaudible) in terms of the (inaudible) ASBS's and still preserve them the way we want to. But I think it's important to bear in mind that, that (inaudible) is not represented by (inaudible), although I think that (inaudible).

Another thing about (inaudible) is thinking that we need to have some regional and local flexibility. (Inaudible) and local conditions maybe have an impact on (inaudible). So I think it's important to recognize that (inaudible) the right approach, that we take into account the local conditions and, and (inaudible) in particular.
The last thing (inaudible). We saw (inaudible) workshop (inaudible) discharges, some that looked to us like traditional non-point sources. Or, or (inaudible) maybe one step (inaudible) private discharges, and we're concerned that, that our members may be required to somehow (inaudible) or be responsible for cleaning up the discharges from these non-point or private sources. We saw (inaudible) coming down, or people (inaudible) that are discharging into that ASBS. The MS-4 dischargers really don't have a jurisdictional authority to go in and monitor or control or remove those particular dischargers. They aren't discharging (inaudible), they're discharging directly into the ASBS (inaudible).

That, that completes (inaudible). I appreciate (inaudible) timed it just right.

MR. SECUNDY: Thank you.

Rob Chichester. (Inaudible.)

MR. CHICHESTER: My name is Rob Chichester, representing U.S. Navy.

MR. SECUNDY: Thank you.

MR. CHICHESTER: A couple quick statements or questions, one being we do have two of our (inaudible) discharging into ASBS's. We have received an additional letter, and there is a date of (inaudible) of May 2006. Some of these areas are very isolated, so data may or may
not be available due to weather conditions. We're talking wet weather conditions that the (inaudible) that they're looking for. There's one (inaudible) and be aware of that and have that a little bit of understanding that a lot of these things may or may not be available by that due date (inaudible) these other dischargers, as well.

The permit conditions that will be sampled, I will (inaudible) about wet weather and dry weather (inaudible) some of the (inaudible) up there that these are fairly rocky areas or isolated areas, as well, so that we're (inaudible) state personnel safety should be taken into consideration when you're developing these sampling plans, and the requests for samples for various (inaudible) areas. I'd kind of like that to be considered (inaudible). Maybe those Navy Seals could (inaudible).

(Laughter.)

MR. CHICHESTER: Yeah, that'd be (inaudible), some of those -- we'll see. We'll see if they can (inaudible).

I do have some questions that (inaudible) and you may have to (inaudible). And just, when you're looking at all these outfalls and you're asking for sampling for receiving water sampling as well, the questions come to mind, is that receiving water sample from the beach in the area outfall, because there was quite a few areas, for example, that we had Scripps Institute showed five or six
different areas and five or six different receiving water
outfalls, and I would hope that that's not the case, that
representative areas would be taken for (inaudible) or just
those (inaudible) would be taken into consideration when
you're giving out those, those permit requirements and other
conditions.

And that's all I have for (inaudible). I would
(inaudible) give some consideration in mind (inaudible).

MR. SECUNDY: Thank you very much.

Richard Watson, Coalition for Practical Regulation.

MR. WATSON: Thank you, Board Member Secundy. My
name is Richard Watson, I'm a member of (inaudible)
Coalition for Practical Regulation, which is over 41 cities
in Los Angeles County that have come together to address
water falling issues.

I'm encouraged that (inaudible) with the progress
made, and I'd like to support the comments made by Mr.
Singarella. And in the comments in question, he said
(inaudible). CPR, like many others is concerned about the
(inaudible) and consequences of the state's current
prohibition and exception (inaudible) to regulating ASBS's.
I believe the language of the Ocean Plan is being
misinterpreted. It (inaudible) should be amended to avoid
unnecessary regulation. Rainwater itself contains
pollutants before it becomes stormwater.

(Inaudible) and as someone also mentioned, stormwater is already heavily regulated through the NPDES permits (inaudible) requirements adopted by the State Board and the regional boards. These permits of the (inaudible) already have special conditions limiting stormwater and (inaudible) stormwater discharges and all receiving waters, including the ocean. If additional special conditions need to be added, so be it. And I think that was addressed a little bit earlier.

But we're all concerned that many of the (inaudible) discussion by (inaudible) don't recognize the appropriate standards for compliance for municipal stormwater systems and the source. And that, that was recommended by Congress in 1987, when they mandated that the (inaudible) be considered. And that applies to all the (inaudible).

I'd like to make a few comments about the (inaudible) plan, because you're, you're approaching (inaudible). The 2001 (inaudible) plan includes a provision that allows regional boards to do (inaudible) for limited term activities, and may develop (inaudible) temporary short-term changes (inaudible) water quality. Stormwater is, in fact, a limited term activity, regulated by municipal permits. We think that all permitted stormwater discharges
should be recognized as already being limited by special
conditions, and therefore not subject to prohibitions or
additional regulation to the Ocean Plan.

Special conditions by which stormwater discharges
are already limited satisfy the Public Resources Code,
particularly Section 36710(f), where it says that
waste discharge with individual stormwater (inaudible)
protection be prohibited or (inaudible) by special
conditions, so we think that's already taken care of.
And you've adopted a number of MS-4 permits (inaudible).

However, (inaudible) concludes that current
language in the Ocean Plan does not allow stormwater
discharges in the ASBS's, because stormwater can carry
waste. The Ocean Plan should be amended. Specifically,
Section 3-E should be amended to add a new subsection to add
a new subsection two, recognizing the limited term episodic
and (inaudible) nature of stormwater and allowing stormwater
discharges into ASBS's unless the discharges are shown to be
adversely impacting water quality. In other words, we
should be innocent until proven guilty.

So in conclusion, we (inaudible) the Ocean Plan be
amended. And thank you for allowing us here today.

MR. SECUNDY: Thank you.

We are now into six (inaudible), and call upon
representatives (inaudible), unless I have missed someone
from the municipalities or discharge community?

Come on up.

MS. KREBS: Good morning. My name is Patti Krebs.

MR. SECUNDY: I'm sorry.

MS. KREBS: From (inaudible).

MR. SECUNDY: Pardon me, please.

MS. KREBS: (Inaudible.) Thank you. I do appreciate you having your meeting in this location. I arrived by someone said (inaudible), but it was (inaudible) it was the fifth.

It's nice to be here. I came for the opportunity to address you today (inaudible) the State Board are trying to deal with the stormwater regulations at the ASBS's. My name is Patti Krebs, and I am here today representing the (inaudible), a very broad-based statewide coalition that is made up of cities, counties, chambers, business organizations, agriculture, forestry, and builders. And all of us are very concerned with the practicality and the reality of being able to eliminate all pollutants from stormwater.

We have worked hard together to come up with a resolution that we would like on record here with the board. And we are very concerned with the zero tolerance theory, which you have addressed. We consider it to be unworkable, and it will raise millions of dollars in paperwork and
(inaudible) procedures, and it does lack the proven benefits to get the (inaudible).

We are submitting this letter by (inaudible) today, it's signed by 33 different organizations. And we hope that you consider a reasonable and a practical approach with regard to the ASBS's. We're concerned with any program that is a policy of guilty before proven guilty. We don't want to see a program that would unintentionally complicate the path of what could be a more pragmatic ASBS program by inserting in the Ocean Plan only about a stormwater zero trace of all pollutants to enter an ASBS, because that would basically mean that all (inaudible) the stormwater runoff going into the ocean in an ASBS are considered guilty of harming the environment, with (inaudible) and therefore (inaudible).

And instead of prohibitions and exceptions, we feel (inaudible) that the State Board imposed on (inaudible) that we can try identifying who (inaudible) more than the local stakeholder groups, because things are different (inaudible) into the ASBS, or with your regional boards to develop and implement ASBS's (inaudible). Both (inaudible) identifiable problem areas and allow discharges that don't create any undesirable (inaudible) water falls. Compliance with these provisions would constitute special conditions, and would (inaudible) for the exception process.
Again, this has been a major effort to bring all of these groups together. They do want to bring this into the record, and I'll leave this letter with you, but it includes (inaudible), the Association of Counties, California (inaudible) Association, the Farm Bureau, California growers, and many others (inaudible).

Again, we do have very serious reservations regarding the potentially far-reaching and unintended consequences of the state proposed regulations of these ASBS's, but we are recommending that this (inaudible) and work hard with you, and to get the best regulations for the (inaudible) scenic coastal communities.

Thank you.

MR. SECUNDY: Thank you.

We will now step over to the environmental community. The Ocean Conservancy, Tim Eichenberg.

MR. EICHENBERG: Hi. My name is Tim Eichenberg, I'm representing the Ocean Conservancy. We're also here to support the board's efforts to clean up areas of special biological significance. We are going to be submitting a, a letter into the record which is signed not only by the Ocean Conservancy, Natural Resources Defense Council, but also the California Coastkeeper, Defenders of Wildlife, the Sierra Club, (inaudible), Friends of the Sea Otter, the San Francisco Baykeeper, San Luis Obispo Coastkeeper, San Diego
Baykeeper, the (inaudible) foundation.

These were put together, and (inaudible)

Californians that are concerned about the ASBS's because they are the most precious coastal areas that the state has identified, and (inaudible), because they're protected for ASBS's and for other (inaudible) such as stormwater permits, and so forth. That gives rise to concerns for us because we have already identified these areas as the areas which are supposed to be (inaudible) discharges, and the areas that are supposed to be cleaned up. They're pristine.

We recognize that cleaning up these areas will not happen overnight, and we also recognize that there will be costs for doing so. But these costs do not have to be prohibitive, and these are (inaudible) the California coastal economy. W believe that the board needs to look at a plausible strategy (inaudible) these areas and develop (inaudible) and timetables to clean them up. But they can (inaudible) best management practices used by (inaudible) cost effective measures such as (inaudible) and the things that you saw on the, the Power Point. And we also know that there's millions of dollars for funding that are available for these.

But we have great concerns that the -- for the use of (inaudible) general exception to the Ocean Plan for entire categories of discharges or appropriating these
discharges into the ASBS (inaudible). We don't think that is the way to go to do this. We think it sends the wrong message to the dischargers, and (inaudible) the Ocean Plan (inaudible).

Instead, we, we think that the board, the board should develop individual goals and timetables as we set out (inaudible) my colleague and the (inaudible) to protect natural water falling and stop dry river flows, and so forth. We think it can be done through a specific time (inaudible) not to interfere with (inaudible), or certainly not to incorporate the stormwater program, or certainly not by amending of the Ocean Plan. And Anjali will talk more about that.

MR. SECUNDY: Thank you.

Speak up.

(Inaudible comments.)

MR. SECUNDY: NRDC, what does that stand for?

MS. JAISWAL: (Inaudible). Good morning (inaudible). I'm Anjali Jaiswal, from the Natural Resources Defense Council. And I am (inaudible) and thank you for all of your hard work in designing and holding these workshops on ASBS's.

SPEAKER: (Inaudible), and I would like to thank you for the written presentation that you gave us. I found it very informative. And I would just like to say this for
the entire group, I really do try to read each and every
comment that comes in, so that does not go into some deep,
dark hole. And if you can get them in, obviously, before a
workshop like this, it really helps the (inaudible) to
understanding your presentations better. Please.

MS. JAISWAL: Thank you. I brought a hard copy of
that paper, that NRDC paper (inaudible), as well as the
letter. And the reason why we didn't submit it, I think
(inaudible) because we hadn't heard the state board
(inaudible) and we were working on it, as well, and so I
brought it today.

But there are three main points that I wanted to
talk about, and we will go in detail in our letter. But
again, we maintain that the general exception approach is
not the way that (inaudible). I'm going to expand on the
(inaudible) proposed, as well as discuss the effective
measures the (inaudible) and significance.

First, you know, the (inaudible) the other
conservation groups, (inaudible) environmental groups, it's
like how, how (inaudible). The state board (inaudible), but
they don't see, and you can't see (inaudible). And also,
what we have to see is (inaudible). And the Ocean Plan
doesn't support this kind of stuff. The Ocean Plan
(inaudible) protecting the ASBS's, and has throughout its
history. I'm not going to go through the reports, but the
state board knows about how our Ocean Plan (inaudible), and
the state board has itself made findings that stormwater
pollution is the number one source of pollution to our
coastal waters.

But we (inaudible). It's that the worst category
of pollution, stormwater discharge, has an exception and can
be discharged into our most (inaudible) waters, ASBS's.
It's a dangerous precedent. It's a dangerous precedent not
only for the stormwater discharges into the ASBS's, but as
well as the other (inaudible) discharges. (Inaudible) the
worst category it's (inaudible) our most fragile waters.

Has the city (inaudible) we're not talking about
the end of Long Beach there. We're talking about watersheds
that are partially natural, partially urban, that are
urbanizing, and how to protect the (inaudible) for the
ASBS's as a state program. Not saying that all the
stormwater is waste, we're not saying zero. And in terms of
(inaudible), the state (inaudible) in its own words, in the
(inaudible) decision, as well as others.

So I hope I'm not going too fast, but just to
summarize, we're (inaudible), dischargers submit a plan on
how they're going to (inaudible) one, notify the (inaudible)
at the earliest possible date providing (inaudible). They
also know, no non-stormwater flows, meeting water quality
standards within the same time, earliest possible date,
(inaudible).

(Note: Speaker mostly inaudible.)

Ms. Jaiswal: Again, this could be done through the concept (inaudible) proposed by the discharger.

So I just wanted to address some points (inaudible) this morning. (Inaudible) gave the state board more flexibility. It allows the, it allows the state board to maintain its enforcement (inaudible). And it's unclear to me how this would be more work than having a general permit that would be in violation of the Ocean Plan. It's unclear how this (inaudible) of the regional board and how (inaudible).

So, so I just wanted to go, wanted to go back to a practical framework and say how it's (inaudible) and how it works. (Inaudible.) I don't see the state board's evidence for showing why this isn't possible. (Inaudible.) We're not looking for zero discharges. (Inaudible) generated waste. (Inaudible) first submitted along with the letter. I'm sorry, the (inaudible) on stormwater control, (inaudible). And in addition to (inaudible) there's also a state board decision (inaudible) and the San Diego decision showing that BMPs are affected. BMPs that, that focus on pollution (inaudible) source control, treatment (inaudible) control.

I have (inaudible). I'm not going to go through
that, because I think Caltrans has (inaudible), as well as
the pollution control (inaudible), that can protect our
ASBS's. And, and over time, (inaudible) pollutants have
been (inaudible) and they can be designed to protect our
ASBS's to meet the discharge (inaudible) and I highlighted
that (inaudible). All of these efforts to protect our
coastal (inaudible).

MR. SECUNDY: Thank you.

MS. JAISWAL: Thanks to everyone (inaudible).

MR. SECUNDY: Rick Wilson.

MR. WILSON: Good morning. My name is Rick
Wilson. I'm (inaudible) with Surfrider Foundation. The
Surfrider Foundation is (inaudible) non-profit firm
(inaudible) and look forward to the protection of the small
(inaudible) and beaches. One of the central issues since we
got started 21 years ago has been ocean water quality. It
really started out as, as somewhat -- I shouldn't say
(inaudible), because we had surfers (inaudible) getting sick
from recreation in polluted water, and unfortunately, we
still have that condition. However, it didn't take us long
to realize that the problem was broader than just surfers
getting sick. The problem affects the whole ocean
environment and especially the areas of special biological
significance.

In fact, we have our own program is somewhat
analogous to the ASBS program (inaudible) program that seeks
to protect areas like ASBS's and including the ASBS's. We
have been active in this issue since it got started. You've
heard testimony (inaudible), our central coast coordinator,
at the Monterey workshop. We can actually turn in this
later (inaudible) the Scripps decisions.

I am also chairman of the Laguna Beach chapter of
Surfriders, so I've been working with the (inaudible) and we
support the diversion and treatment measures that they
(inaudible) park renovation. Also, we have chapters in
especially -- well, we have (inaudible) chapters in
California, so we have chapters in essentially all the areas
that contain ASBS's, and so I wanted to (inaudible) offer to
the municipalities and other entities that are responsible
for discharges in the ASBS's, that we're going to work with
them both from an education point of view and also in terms
of educating the public, and also from a technical point of
view on the (inaudible), over 30 years of engineering
experience in California. I'm a 42 year surfer, 43 year
surfer, so I think we can bring a lot to the table in
working towards a solution.

And so I'd like to end this by echoing the
comments of the first commenter that you heard from, Mr.
Adackapara of the Santa Ana Regional Board, reminding
everyone that this is a prohibition, this waste discharge
prohibition into ASBS's has (inaudible) for, for 30 years,
so it's time we got serious and did something about it.

    Thank you.

MR. SECUNDY: Thank you.

Would you pronounce your name for me?

MS. HOECHERL: I'm Heather Hoecherl.

MR. SECUNDY: Hoecherl, thank you.

MS. HOECHERL: And in (inaudible), and just to say
again (inaudible) protect water along the (inaudible)
California coastal waters (inaudible) our precious ASBS's
down here.

    I essentially agree with all the comments that
Anjali made, and I am not going to re-state them. But what
I am going to say is (inaudible) I actually have had a
(inaudible) of the Ocean Plan, including drafts, (inaudible)
since work began on the (inaudible). In 2000, as you
probably (inaudible). So it's very true to me from reading
all of that (inaudible) that the Ocean Plan of (inaudible)
the Ocean Plan's prohibition to (inaudible).

    As you know, unfortunately this prohibition was
basically ignored for over 30 years, and results in the
current problem. I would just say that many of these
dischargers shouldn't ever have been there in the first
place. The (inaudible) throughout the coast. And to sort
of reiterate the (inaudible). I heard somebody mention
I agree that dry flows and (inaudible) discharges should be removed within a year and (inaudible). I would say that (inaudible) by the discharge of the stormwater discharge can be removed (inaudible), it has to be (inaudible) choice (inaudible). So as (inaudible) I would encourage the board to encourage that to happen first, before some others (inaudible). And then we're going to have to go (inaudible).

One other thing I might add is it looks like it's going (inaudible) could also be added to that type of permit (inaudible) encourage at least a permit for the (inaudible).

Thank you.

MR. SECUNDY: Thank you.

I have a card from the Scripps Institute of Oceanography. Thank you. I'm going to -- (inaudible) four individuals. Is it necessary?

(Note: Inaudible speaker.)

MR. SECUNDY: Would you come to the front, please?

This is your opportunity. That was the last card.

Before we start, I should ask, that's the last card I had. Is there someone who has not spoken that submitted a card? Is there someone who did not submit a card that has (inaudible) to speak?

No. All right. Well, then I think we have an
opportunity. We have a (inaudible) here for those of you that have any questions about, quote, the exception, unquote, that they have received and how easy it is to get such an exception, and how easy it is to comply.

MS. LAWRENCE: We don't usually use the word easy (inaudible).

(Laughter.)

MS. LAWRENCE: And, and I (inaudible), as I did at the Monterey hearing, that the Scripps Institute of Oceanography (inaudible). And as we, we (inaudible) step up to the plate and our intention was to work with the state board as its partner. But I also want to make it clear to everyone in the audience that we support the processes we are all going through now to hone the process that we went through to make a better (inaudible). And I think we are here for, for question and answers. Kimberly O'Connell is the one who is here for -- to speak more as a technical (inaudible).

We are very happy to be (inaudible), and so we did step up to the plate for many (inaudible) and are committed to, where possible, work to create viable programs that will help (inaudible). But I'm very interested and concerned about the implementation from the (inaudible). I think that (inaudible) to work with the state board, the idea (inaudible) to our funding the plans for people to set up
their approach. And we all have a (inaudible) investments
that are going to be made to (inaudible). And the order of
magnitude of what that's going to be compared to what you're
going to get (inaudible) is not a very practical solution,
and will be (inaudible) to get everybody involved in the
planning process and then not, once we work together to come
up with the approaches to solve this, not be able to work
with us continually as partners to implement those with more
(inaudible).

So I welcome the opportunity to work with the
state board (inaudible) and having the priority (inaudible)
our criteria match the planning grant prospects. So that
the implementation (inaudible). And Kimberly O'Connell is
here to talk maybe about the, the (inaudible).

MR. SECUNDY: Okay. (Inaudible.)

SPEAKER: How do you put it (inaudible) in the dry
season (inaudible) there are no, no discharges in the dry
season.

(Note: Questions and answers inaudible.)

MS. HOECHERL: That's a new challenge (inaudible).

(Note: Unable to determine identity of speakers.)

SPEAKER: That's a new challenge, actually, in
making this (inaudible) is helping us with that. We just
submitted our stormwater (inaudible) to Scripps with our
(inaudible) programs to the state board and the regional
board for their review and approval. And (inaudible).

SPEAKER: So far we've had occasional occasions to
identify the stormwater discharges (inaudible).

(Note: Questions and comments inaudible.)

SPEAKER: Right now our deadline is January 1st, 2007. We'll have to get back to the state board
(inaudible), but right now we're in the process. I think
that (inaudible), education, looking at what our sources are
and trying to eliminate (inaudible) if possible.

(Note: Inaudible.)

SPEAKER: Correct. Right now we're in (inaudible)
trying to identify what (inaudible) sources are, and then
(inaudible).

(Note: Inaudible question.)

SPEAKER: Right now we don't have any plans to
eliminate that (inaudible) we're working on reducing the
(inaudible). But we don't have any plans at this time of
eliminating the stormwater discharges.

(Note: Inaudible question.)

SPEAKER: For stormwater?

SPEAKER: Yes.

SPEAKER: At this time, no. (Inaudible.) I don't know. I don't know that we'll ever get so (inaudible).

Some of those goals, especially for the (inaudible) I just,
I'm not aware of any treatment technology right now that would take it down to that level (inaudible).

(Note: Inaudible question.)

SPEAKER: As part of our Prop 50 funding, we intend to (inaudible), marketing studies, as well as (inaudible).

(Note: Inaudible question.)

SPEAKER: Suzanne can also speak to this. (Inaudible) so right now we're in the grant phase of it, and (inaudible).

SPEAKER: It will be maybe $500,000 for our (inaudible), and we're partnering with the city as well as the baykeeper under Prop 50, and we've got (inaudible) implementation money. So based on the, the findings that we do in our climate studies and our, and (inaudible) with some type of measures.

SPEAKER: And that (inaudible) about maybe (inaudible) financing for the implementation from the (inaudible), because we're all being asked to identify (inaudible) to determine what (inaudible). And then once we go through that, we (inaudible) not only cost, but there will be (inaudible) to know what that is, one way or another, and to (inaudible). So from the standpoint of identifying the cost and (inaudible) bring close to reality the ability to get that data (inaudible) that there will be
funding for those kinds of things down the road in the
implementation plan.

SPEAKER: What are your (inaudible) for the, all
of this planning, all of the monitoring, and then the
expected implementation? You must have a (inaudible).

MR. SECUNDY: You might want to identify yourself.

SPEAKER: I'm Greg (inaudible).

SPEAKER: Could you repeat your question?

SPEAKER: Yes. What are your cost estimates,
ballpark level, for the monitoring that you have to do
(inaudible) the planning and then your expected
implementation?

MS. LAWRENCE: We, we (inaudible) the scope
(inaudible) extremely complex, because we have both the
seawater and the stormwater combination, so we have,
Kimberly has taken on a lot of monitoring requirements that
are associated with the aquarium and our various research
facilities that bring seawater in, and then bring it back.
So we have divided our, mentally up our, our, the way we
look at things, to have a stormwater component, a seawater
component, and a receiving water monitoring component.
That's the only way we (inaudible) and the compliance
monitoring for both the aquarium and where the seawater
system (inaudible).

And the permit is something Kimberly can speak to,
but what we want to do is (inaudible) come up with some proposal for some parameters of how to get all of the receiving water (inaudible).

SPEAKER: Do you have any, just on the stormwater component by itself, what's it costing you for monitoring and planning, and have you done any estimates for what it will take to implement those BMPs? Just for stormwater.

SPEAKER: Do you know?

SPEAKER: I don't know. (Inaudible) to separate the stormwater system from our seawater system.

SPEAKER: But all the effort right now is (inaudible) to --

SPEAKER: (Inaudible.) And so, so basically, you know, get a (inaudible), so, so re-funding the institution is what I call it, so that we separate the stormwater from the seawater (inaudible) get a level playing field. That's our area (inaudible) right now, and that number isn't relevant to anyone. You would know better than I.

SPEAKER: It might even be relevant to other marine laboratories. It wouldn't be relevant to the municipalities.

SPEAKER: But all of our focus at this moment is (inaudible). But until they get separated, (inaudible) commingled facilities do not, is not in anybody's best interest.
SPEAKER: Certainly not in ours.

(Note: Inaudible comments.)

SPEAKER: My second question is what BMPs are you going to implement for your stormwater control? You have (inaudible) where the run-off comes.

SPEAKER: We are looking at the (inaudible) once a week for the (inaudible), giving the public education, holding a number of workshops which (inaudible), and we're going to be holding a workshop on December 13th. Hopefully (inaudible) send out flyers, to kind of educate everyone what our (inaudible) practices are, as well as what we're planning on doing with our seawater system. But (inaudible) a number of (inaudible) part of a municipal stormwater permit.

SPEAKER: Okay. But --

SPEAKER: But (inaudible) we want to see what (inaudible) best management practices? So we, we (inaudible) our stormwater is a concern, yeah. We've identified (inaudible) sediment. We, we, it's a concern. We're implementing our (inaudible). We're continuing (inaudible) of our stormwater, and basically we hope (inaudible) implement additionally resources (inaudible).

It's a concern (inaudible).

(Note: Inaudible question.)

SPEAKER: Yeah, the (inaudible).
SPEAKER: Yes.
SPEAKER: Those are (inaudible).
SPEAKER: (Inaudible) grease.
SPEAKER: Well, after we adjourn the meeting.
(Note: Inaudible comments.)
SPEAKER: It's probably (inaudible) that most of you are finding in your stormwater. We didn't see any (inaudible.)
(Note: Inaudible comments.)
SPEAKER: We got word that we will (inaudible) the first round of integrated coastal watershed planning grants that were talked about here, and (inaudible). And my point is that we're really happy to have (inaudible) and also talking about the fact that there's been a (inaudible) and do programs (inaudible), and there's, you know, not a whole bundle of (inaudible) at the end of the, at the end of that to help us implement the (inaudible) that we're, we're expecting them to (inaudible).
And our, our funding basically is, we've identified four areas (inaudible). And, and one of them is the public (inaudible), one of them is what we're calling (inaudible) super BMP, or, or some (inaudible) BMP. Using the Southern California Coastal Ocean (inaudible) and our resources to bring together a bigger management system that will be state of the art, and beginning to look at that
(inaudible). Those are the four areas we're going to concentrate on, in addition to all those (inaudible) that we have to (inaudible).

(Note: Inaudible comments.)

SPEAKER: Are you looking at (inaudible) in addition to this (inaudible) along with your, your analytical (inaudible)?

(Note: Inaudible comments.)

SPEAKER: (Inaudible) for the state board, we have concentration (inaudible) in mind in writing the exception. But I intend that (inaudible) be more a, more heavily aimed at the point source aspects of the aquarium, the laboratory seawater systems. It wasn't as heavily oriented towards the stormwater question, so that will be just from a overall standpoint for making exceptions (inaudible).

SPEAKER: (Inaudible) I just had a couple of comments. I was listening to the presenters, and there were three things that I want to comment about. One of them was the question of (inaudible) waste allocation, and that is correct. The, the Ocean Plan states that you shall not discharge waste, so it is verboten. That, that's absolutely correct. However, an exception for the special (inaudible), which is I think a way (inaudible) from now on is special protections. The special, the special protections would allow us to get out of the conundrum of a zero waste
problem. So, and I (inaudible) we don't expect that we will
have zero waste. We don't (inaudible), we don't expect that
we will have zero constituents. And that's the way we would
like to proceed.

So, and the Ocean Plan currently allows zero. The
board will decide on where these special protections are
going to be to stay in compliance with state law, the Public
Resources Code, California Water Code, and with the Ocean
Plan. And part of that compliance is the exception
privileges, and so whatever we call this, if we call it the
special protections, it still has to include in the
resolution a reference back to the exception provisions of
the Ocean Plan, and that's -- and you note that there's only
two of us here today, a board member and one staff.

Normally there would be another staff person that
would be from our legal department, and she was unable to
make it. So that was one of the, that was one of the
concepts that she wanted me to get across to everybody, that
the current situation is prohibited. We know that there are
wastes in stormwater. We can't say that there's waste in
every stormwater discharge, but we can say that certainly
there's no stormwater discharges especially from fairly
complex and urbanized areas, we're going to have waste in
it.

That's currently illegal, and what we're trying
to, through these special protections, is to apply
conditions that will rectify them and correct that so that
we protect the ASBS water quality. That's what our ultimate
goal is, to protect the ASBS water quality.

So there's, there's been some discussion of is an
exception a permit, is, are these special protections a
permit? They are not a permit. They allow a discharger to
be covered under a permit or a (inaudible) requirement. So
it's important to understand that distinction. There's not,
we are not in this process issuing a permit.

The other thing is that once the special
protections are permitted, then, just like with Scripps (inaudible), now
you're trying to deal with this. Now you're trying to make
sure that the water quality is going to be protected and
within the ASBS. And the condition that they have to meet
is natural water quality in the ASBS.

So (inaudible) we need your comments about well,
we need to show that there's an effect with an ASBS before
we go through this process. Now, the Ocean Plan says you
shall not discharge waste. It doesn't say you have to show
that that waste is affecting the ASBS. However, once the
special protections are determined by the state board, and
ultimately enforced by the regional boards, then we have to
make sure that natural water quality is maintained.
So that, that's the progression. I just wanted to kind of explain that, because (inaudible) and I heard some, some questions here about that today.

SPEAKER: Let me just wrap it up with comments of my own. We have 60 people here today, we had 130, 140 when we had our previous workshop. So it's (inaudible), and I want to thank the participants for coming. A lot of you had a great deal of interest in this topic. And public participation is absolutely critical for us to make an informed decision. And before I forget, I absolutely need to thank the curator for making the aquarium, for hosting this event for us. It's a wonderful facility, very easy to get to, so thank you very much for doing that.

Where do we go from here? We're going to be changing, and those of you that follow us closely sort of recognize that, too. Two of were appointed last March, we've been in our positions seven months. If we're lucky enough to get confirmed we'll be here for another three and a half years. Vice-Chair Silva will be leaving the board sometime in November, I think mid-November, and obviously he will be replaced. (Inaudible) expires on January 15th, and if he is not re-appointed, we'll be looking for an additional person also. And if all that comes to pass, it basically means we will have four out of five (inaudible) board members as fairly new members. And only Art Baggett...
is someone who has been here with quite some experience.

Having said that, I personally want to remain very much connected with our ocean challenges. I am going to be your hearing officer for the ASBS's. I am also going to be the hearing officer for the 316-B (inaudible). And then I've also, quote, been volunteered to do the (inaudible) list. So we're going to have other workshops in the next couple of months, so I have a feeling that we're going to be seeing some of the same faces at those additional workshops.

I would welcome finding people from the Scripps Institute for coming up and being available to answer some of the detail and questions, and I would suggest that after we adjourn the more formal part of the meeting, if you could stick around to ask any additional questions (inaudible) still some curiosity as to what you're (inaudible) at this point. (Inaudible) basically, and we certainly recognize that.

Again, let me reiterate that the board itself has not accepted the staff recommendation. That does not mean we disagree with it, but nor does it mean we agree with it at this point in time. We will be (inaudible) down individually, we will go through the staff recommendations, and of course we'll go over the (inaudible) for a final determination, which -- next summer, sometime. Probably sometime late summer of 2006, I think, before we come to a
final decision on this.

(Inaudible) we do not plan additional workshops at this point in time, but please, turn them in to us. We will read them, they are important. Please send them to Dominic directly, with copies to the board members. Actually, we know staff has gotten them, and we'll certainly be in a position to understand and respond to your comments.

Domenic, anything else?

With that, I think I will adjourn the formal portion of the, of the workshop, and ask the Scripps Institute folks to stay down here at the podium, and those of you who have additional questions, maybe you can wander down here.

Thank you very much for coming here today.

(Thereupon, the State Water Resources Control Board Workshop on the ASBS Waste Discharge Prohibition was concluded.)
CERTIFICATE OF TRANSCRIBER

TITLE: Public Workshop, California Ocean Plan

DATE: October 24, 2005

I hereby certify that the foregoing is a correct transcript from the tape recorded workshop of the above-referenced matter for the State Water Resources Control Board, to the best of my ability.

Lee Robb

DATE: December 14, 2005

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