

CITY HALL
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March 12, 2010

Ms. Constance Anderson
Environmental Scientist
State Water Resources Control Board
Division of Water Quality, Ocean Unit
P.O. Box 100
Sacramento, CA 95812-0100

Subject: ASBS Notice of Preparation of Statewide Program EIR and Special Protections

Dear Ms. Anderson:

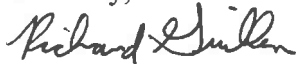
This letter responds to the SWRCB's letter dated February 4, 2010 regarding the Notice of Preparation (NOP) of a Statewide Program Environmental impact Report for a General Exception to the California Ocean Plan Waster Discharge Prohibition for Selected Discharges into Areas of Special Biological Significance, Including Special Protections for Beneficial Uses. This letter contains the comments of the City of Carmel-by-the-Sea on these documents, as presented in the table attached to this letter. The table references our comments to specific sections of the Initial Study and the Special Protections.

The City of Carmel-by-the-Sea is a member of the Group of Monterey area dischargers which is developing the Monterey Regional ASBS Dischargers Monitoring Program. This program will be used to fulfill the monitoring requirements of the Special Protections, once those have been adopted by the SWRCB and are imposed on these dischargers.

This Group currently includes the cities of Pacific Grove, Monterey, and Carmel-by-the-Sea, the County of Monterey, the Monterey Bay Aquarium, Hopkins Marine Station, and the Pebble Beach Company. Membership in the Group may be expanding to include some other dischargers as well. The Group meets periodically to coordinate on issues pertaining to ASBS discharges, and recently met to discuss the NOP and related matters. The comments contained in this letter are a result of both the City's individual review of the NOP, and the discussions held with other members of the Group.

As discussed in the General Comments section of the attached table, the City feels strongly that the issuance of the Notice of Preparation at this time is premature and not consistent with CEQA Guidelines, because the "Project" has not been sufficiently developed so that an adequate Initial Study can be prepared. The City urges that the Notice of Preparation be reissued after an opportunity for interested and affected parties to first review and comment on the new version of the Special Protections contained in Attachment A to the Initial Study has been provided, and for the comments that are received to be addressed through revisions to the Special Protections.

Sincerely,



Richard Guillen
City Administrator

CITY OF CARMEL-BY-THE-SEA'S COMMENTS ON THE NOTICE OF PREPARATION OF AN EIR FOR THE SWRCB's EXCEPTIONS TO THE OCEAN PLAN

(Dated February 4, 2010)

Abbreviations Used in This Table:

City = City of Carmel-by-the-Sea

Special Protections = Special Protections for Areas of Special Biological Significance, Governing Point Source Discharges of Storm Water and Nonpoint Source Discharges (Attachment A to the Notice of Preparation Initial Study)

SWRCB = State Water Resources Control Board

GENERAL COMMENTS

The letter transmitting the Notice of Preparation, dated February 4, 2010, states in its closing paragraph that "Public scoping meetings to solicit public input were conducted on August 1, 8, and 15, 2006." The implication of this statement appears to be that the Special Protections that are included in Attachment A to the Initial Study were discussed in those meetings. This is incorrect. The version of the Special Protections contained in Attachment A are significantly different from the 2006 version and from the March 3, 2008 version which is the most recent version that has been made available to the public for review. The version contained in Attachment A was first provided to, and seen by, the City through the publication of the Notice of Preparation. The City has not had any prior opportunity to review or comment on this version of the Special Protections.

The documents should be edited to make it clear that any exceptions to the Ocean Plan prohibition against waste discharges to ASBS which are granted to entities that submitted their applications for a general exception to the in response to the SWRCB's October 18, 2004 notification will be retroactive to that October 18, 2004 date. This is necessary in order to clearly implement those exceptions in the spirit in which they were applied for by the applicants, and in which they were intended by the SWRCB.

The issuance of the Notice of Preparation at this time is premature and not consistent with CEQA Guidelines, because the "Project" has not been sufficiently developed so that an adequate Initial Study can be prepared. The "Project" description does not include reasonably foreseeable implementation projects, and their impacts, that will be necessary for the applicants to implement, and which will therefore be a direct result of the "Project." The Project Description and scope of the analysis needs to disclose and analyze reasonably foreseeable projects and their cumulative impacts if this "project" were instituted (CEQA Code Sections 15063(d)(3), 15064(d), 15168(c)(5)).

GENERAL COMMENTS

As required by the CEQA Guidelines, evaluation of environmental impacts must take into account the whole of the action involved, including off-site as well as on-site impacts, cumulative as well as project-level impacts, direct as well as indirect impacts, and construction as well as operational impacts (CEQA Guidelines Appendix G, Evaluation of Environmental Impacts). A brief explanation of the noted impacts needs to be provided for all Initial Study answers except those elements of the checklist marked as "No Impact". Many of the answers provided in the Initial Study provide no explanation for the potential impacts as marked in the check boxes (excluding the "No Impact" answers). Neither do they provide supporting information sources. Often, the same general statement is utilized, which states, "However, the State Water Board believes that mitigation is available to reduce any potential impacts...to less than significant". This blanket-type of statement does not adequately evaluate (1) the foreseeable impacts, (2) the mitigation proposed, or (3) the supporting information sources, as required by CEQA Guidelines Appendix G, Evaluation of Environmental Impacts. Without this information, which is necessary to properly and initially evaluate impacts envisioned, it is not possible to effectively comment on the proposed "Project."

The Notice of Preparation should be reissued after an opportunity for interested and affected parties to review and comment on the new version of the Special Protections contained in Attachment A to the Initial Study has been provided, and for the comments that are received to be addressed through revisions to the Special Protections. Numerous ambiguities in, and problems associated with trying to comply with, the Special Protections are cited in the comments below as evidence that work needs to be done to address them before preparing an Initial Study and issuing a Notice of Preparation.

SPECIFIC COMMENTS – INITIAL STUDY		
INITIAL STUDY PAGE NO.	INITIAL STUDY PARA NO.	COMMENTS
7	2nd and 4 th paras on this page	These paras contain citations from the Ocean Plan pertaining to the term “waste.” Since the Special Protections result directly from the prohibition of discharging “waste” to the ASBS, it is essential that this term be much better defined than it currently is in the Ocean Plan and in the Special Protections. For example if “waste” is construed to include even the smallest amount of urban stormwater runoff, regardless of its water quality, then the consequences of imposing the Special Protections will be enormous. If “waste” is constructed to mean pollutants at concentrations in excess of Ocean Plan Table B levels, the consequences would be lower. Without better definition of this term, and how it is applied in the Special Protections, it is not clear what the “project” really is. Therefore, better definition is necessary in order for the public and affected ASBS dischargers to provide meaningful and appropriate comments.
7	Last para of the Introduction Section	The statement is made that the conditions in the Special Protections will allow the continuation of essential public services. As noted in the comments below pertaining to Initial Study para 18.c), it is likely that imposing the Special Protections will result in ASBS dischargers having to discontinue providing some of their essential public services due to the costs associated with complying with the Special Protections. This language should be edited to reflect this reasonably foreseeable consequence of imposing the Special Protections.
9	1.a), b), and c)	Aesthetics could be significantly impacted through the construction of facilities necessary to comply with the Special Protections. Examples of this are contained in photographs provided by CalTrans in their presentation on projects they constructed to manage their storm water discharges in several locations along the California coast. Therefore, each of these should be assigned a Potentially Significant Impact.
10	4	The levels of impact in this whole section of the Initial Study seem to have been evaluated based on <u>not</u> implementing the general exception project, rather than <u>implementing</u> it. These impacts should be re-evaluated accordingly. Also, if current storm water discharges to the ASBS are eliminated or significantly altered in order to comply with the Special Protections, there could be adverse effects on fish and marine habitats in the areas to which these discharges occur, if species in those areas depend of those discharges to help create or maintain their environments. An analogous example of this was when the wastewater treatment plant previously serving the city of Salinas was taken out of service and its discharge to the Salinas River was eliminated. A riparian habitat survey had to be conducted to determine the consequences of this on the river environment at, and downstream from, that outfall.

SPECIFIC COMMENTS – INITIAL STUDY		
INITIAL STUDY PAGE NO.	INITIAL STUDY PARA NO.	COMMENTS
10	4, narrative under “Biological Resources Impacts”	In this para the statement “...if existing inadequate controls currently in force are allowed to continue.” is made. This statement implies that existing controls are inadequate, and thus should not be allowed to continue. This statement is unjustified and unsubstantiated and should be removed from this narrative discussion. In fact to the contrary, studies to date and most recently the October 2009 study conducted on selected ASBS outfalls in southern California indicate that there are little to no detectable impacts on the receiving water from the discharges from those outfalls during storm events.
11	4, narrative under “Biological Resources Impacts”	In the 2 nd para on this page the statement “It is anticipated that the mitigating terms and conditions of the special protections will result in improved water quality conditions.” The basis for this statement and its conclusion are unclear. To date the City is unaware of any studies which indicate that the current storm water discharges to ASBS are contributing to a deterioration of water quality, and thus it is not clear how imposing the Special Protections will result in improved water quality conditions within the ASBS. Further, it is not clear from either the Initial Study or the Special Protections how improvement in water quality would have to be demonstrated by the dischargers.
11	4, narrative under “Biological Resources Impacts”	In the 3 rd para on this page there is discussion of applicants having to prepare project-specific biological impact assessments. Depending on what is expected of such work, this could be a very costly and difficult undertaking, particularly as it will likely be virtually impossible to accurately predict the biological impacts of certain types of projects, e.g. dry weather diversions of storm water outfall discharges. In order to effectively comment on this item, a description needs to be included in the Special Projections of what is expected/required when applicants prepare project-specific biological impact assessments.
11	5, narrative under “Cultural Resources”	It is reasonably foreseeable that cultural resources will be impacted by having to install facilities particularly along the coastline in Monterey County where many Indian archeological resources are known to exist. This was found to be the case during the construction of Monterey Regional Water Pollution Control Agency’s Regional Wastewater System pipelines and pump stations in the late 1970s and early 1980s. In some instances such impacts may be extremely difficult if not impossible to mitigate, since the locations of the discharges subject to the Special Protections already exist. Without knowing what types of projects applicants may end up needing to implement to comply with the Special Protections, it is not reasonable to state that “...the State Board believes that mitigation is available to reduce any potential impacts to cultural resources to less than significant levels.”

SPECIFIC COMMENTS – INITIAL STUDY

INITIAL STUDY PAGE NO.	INITIAL STUDY PARA NO.	COMMENTS
12	6, narrative under “Geology and Soils”	It is reasonably foreseeable that facilities to comply with the Special Protections may well need to be installed in soil that is unstable, because many of the outfalls are located on bluffs adjacent to the ocean. Consequently, item 6.c), and perhaps other items under this section, should be assigned Potentially Significant Impact, rather than making the statement that “...these environmental resources were considered, but no potential for adverse impacts to these resources were identified.”
12	8, narrative under “Hazards and Hazardous Materials”	No basis is provided for the assignment of any of the degrees of impact in this section. No basis is provided for the blanket statements in the narrative that “...there may be an impact from hazards...” but that “...the State Water Board believes that mitigation is available to reduce any potential impacts...to less than significant levels.”
13	9, narrative under “Hydrology and Water Quality”	Items c, d, h, i, and j in this section are incorrectly checked for <u>implementing</u> the Special Protections. Rather, they are checked for <u>not implementing</u> the Special Protections.
14	9, narrative under “Hydrology and Water Quality Impacts”	In the 1 st para on this page the statement “...if existing inadequate controls currently in force are allowed to continue.” is made. This statement implies that existing controls are inadequate, and thus should not be allowed to continue. This statement is unjustified and unsubstantiated and should be removed from this narrative discussion. In fact to the contrary, studies to date and most recently the October 2009 study conducted on selected ASBS outfalls in southern California indicate that there are little to no detectable impacts on the receiving water from the discharges from those outfalls during storm events.
14	9, narrative under “Hydrology and Water Quality Impacts”	In the 1 st para on this page the statement “Further, the terms and conditions of the special protections provide for continued water quality improvements over time if all of the conditions designed to limit discharges of waste from the 27 applicants are implemented.” is made. No proof or basis for stating that these terms and conditions will provide for continued water quality improvements over time, since it has not been shown that the existing discharges in their current states are in fact causing a degradation of water quality. For these reasons this statement should be removed.

SPECIFIC COMMENTS – INITIAL STUDY

INITIAL STUDY PAGE NO.	INITIAL STUDY PARA NO.	COMMENTS
14	9, narrative under “Hydrology and Water Quality Impacts”	In the 2nd para on this page the statement “Granting the general exception will not violate federal antidegradation requirements because water quality will not be lowered, but rather, will be improved within the ASBS affected.” The City is not aware of any federal or state requirement that water quality in the ASBS be <u>improved</u>, only not degraded. The basis for this statement and its conclusion are unclear. To date the City is unaware of any studies which indicate that the current storm water discharges to ASBS are contributing to a deterioration of water quality, and thus it is not clear how imposing the Special Protections will result in improved water quality conditions within the ASBS. In fact to the contrary, studies to date and most recently the October 2009 study conducted on selected ASBS outfalls in southern California indicate that there are little to no detectable impacts on the receiving water from the discharges from those outfalls during storm events.
14	10.b) and 10.c)	Land Use and Planning could be easily impacted by restrictions imposed under the Special Protections, because drainage quantities, drainage areas, and water quality issues would have to be addressed in part by revising current land use and land use plans within the City. The parts of the City that contribute to storm water entering the ASBS are essentially fully developed, with no open space parcels for the future construction of treatment facilities. Therefore, the imposition of the Special Protections will likely result in the loss of housing and conflict with the City’s Land Use and Zoning Policies and Plans. These are potentially significant land use impacts of the Project, and should therefore be assigned Potentially Significant Impact.
16	13.b) and c)	The high cost to cities in order to comply with the Special Protections could result in increases in fees and/or taxes making it so expensive that some people would no longer be able to continue residing in their communities. Therefore, these items should be assigned Potentially Significant Impact.
16	14.d)	Imposition of Special Protections restrictions could result in impacts on the City’s performance objectives for parks and beach use areas, e.g. limit or reduce public use of such facilities which would be in conflict with a policy or objective of the City, particularly due to the highly tourist-related nature of the City and its economy. Potential significant impacts could result from physical improvements to parks to accommodate the project/program objectives. Because our City is essentially fully built-out, no other viable location may be available for facilities necessary to comply with the Special Protections except those lands designated as open space or parks. Therefore, this item should be assigned Potentially Significant Impact.

SPECIFIC COMMENTS – INITIAL STUDY

COMMENTS		
INITIAL STUDY PAGE NO.	INITIAL STUDY PARA NO.	
16	14.e)	The next to last narrative para in this section states that that “...no capital improvements are included in this general exception project.” However, it is clear that imposing the Special Protections will require that extensive capital improvement projects be made by virtually <u>all</u> of the affected ASBS dischargers in order to comply. Since such projects are reasonably foreseeable as a direct result of the general exception project, they need to be addressed in the EIR as part of “Other Public Facilities” impacts.
16	15.a)	Although the language in this item pertains to increased use of recreational facilities leading to deterioration of those facilities, construction and operation of facilities, e.g. pipelines, diversion pump stations, storage and/or treatment facilities, that will likely be required to comply with the Special Protections could well result in deterioration of beach and park areas. Therefore, this item should be assigned Potentially Significant Impact.
17	17.a), b), c), and e)	Storm drainage and wastewater systems, which are utilities, will definitely be impacted by restrictions imposed under the Special Protections. This will occur in part as a result of having to construct dry weather storm water diversion facilities that in many instances will need to be diverted to the wastewater systems. These types of projects will be significant capital improvement projects, which is contrary to the conclusion made in the Initial Study explanation provided for this item. Therefore, these items in this section should be assigned Potentially Significant Impact.
18	18.a)	This item is assigned a Potentially Significant Impact, thus implying that the existing ASBS stormwater discharges are degrading the quality of the environment. This finding is inaccurate and unsubstantiated. In fact to the contrary, studies to date and most recently the October 2009 study conducted on selected ASBS outfalls in southern California indicate that there are little to no detectable impacts on the receiving water from the discharges from those outfalls during storm events. Hence, an assignment of Less Than Significant should be assigned to this item.

SPECIFIC COMMENTS – INITIAL STUDY		
INITIAL STUDY PAGE NO.	INITIAL STUDY PARA NO.	COMMENTS
18	18.c)	There will be significant capital and operations/maintenance costs associated with having to construct and operate the facilities necessary to comply with the Special Protections. A preliminary estimate of the City's costs to comply with the earlier (March 3, 2008) version of the Special Protections was prepared. That estimate indicated that the City's ongoing annual costs to comply could easily be more than \$75,000, and that there could easily be one-time costs on the order of \$3 million, some of which might be covered by a grant from the SWRCB. However, even with a grant the local share of the one-time costs could easily be on the order of \$150,000. In addition to these costs for the most clearly defined requirements, there are unknown costs associated with a number of the other requirements which are currently vague and unclear in the Special Protections (as discussed in the comments below). The costs of compliance with those requirements could well be as much as if not much greater than the costs cited in the preceding sentences. These costs will be incurred by entities that are already struggling financially to provide both essential and desirable public services to their residents. The additional costs that will be imposed on these dischargers through the Special Protections will foreseeably result in the entities having to discontinue providing some of the services they currently provide to their residents. This will likely include such things as closing or cutting back on public libraries, parks and recreation activities, and road and other infrastructure maintenance. This will have substantial adverse effects on human beings (residents and visitors), and should therefore be assigned a Potentially Significant Impact. Given these reasonably foreseeable consequences of the "Project," the City and the public in general have good reason to question the wisdom of the SWRCB in imposing the Special Protections, particularly with the lack of evidence that the current storm water discharges are having any adverse effects on the receiving waters. The requirements of the Project, and the reasonably foreseeable projects that are not discussed in the Project Description and which will inevitably have to be implemented by the applicants to comply with the Special Protections, will definitely have a substantial economic impact on the City. This may well cause the City to shift funds/resources from important and/or necessary functions and operations to accommodate the implementation of the proposed Project. Because of these significant impacts, the EIR must include an Economic and Social Effects evaluation section (CEQA Code Section 15131). As required under CEQA Code Section 15021, the SWRCB must minimize environmental damage and balance competing public objectives. CEQA Code Section 15021(a)(2) states that "A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment." Additionally, CEQA Code Section 15021(b)

SPECIFIC COMMENTS – INITIAL STUDY		
INITIAL STUDY PAGE NO.	INITIAL STUDY PARA NO.	COMMENTS
18	18.c) (Cont'd)	states “In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors”. Feasible alternatives exist to the proposed Special Protections and other alternatives should be explored in light of the potentially significant and cumulative environmental impacts of this Project and the resulting economic and social ramifications of implementing it. Additionally, Code Section 15168(b)(4) states, “Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts”. The SWRCB should explore other Project alternatives and mitigation measures because of the numerous problems and cumulative impacts which are described in the Comments below.

SPECIFIC COMMENTS – SPECIAL PROTECTIONS (ATTACHMENT A TO INITIAL STUDY)		
ATTACH- MENT A PAGE NO.	PARA NO.	COMMENTS
B-1	A.1.a.(3)(iii) and (iv)	These items seem to require that 100% of non-stormwater discharges be eliminated. It is not clear how compliance with this requirement is supposed to be achieved or demonstrated by the discharger, and doing so could be extremely costly and difficult. This needs to be described and clarified in order to effectively comment on this item.
B-2	A.1.b	It is not clear how compliance with this requirement is supposed to be achieved or demonstrated by the discharger, and doing so could be extremely costly and difficult. This needs to be described and clarified in order to effectively comment on this item.
B-2	A.1.c	Clearly it will be impossible to comply with an absolute prohibition on trash discharge. In spite of signage and public education, some residents and tourists will discard paper products and other forms of trash which will end up in the storm drainage systems. In spite of regular cleaning of streets and storm water catch basins, some trash will undoubtedly be discharged from those systems. This requirement is unrealistic and should be reworded to be realistically achievable.
B-2	A.1.d	It is not clear whether the term "waste" could refer to flow alone, or only to pollutants contained in that flow. It is also unclear what the specific pollutants are that would constitute "waste." The term "waste" needs to be defined in order to effectively comment on this item.
B-3	A.2.a	Preparing the detailed mapping required under this item will be expensive and time-consuming. No justification of the need to perform such detailed mapping is provided and it is not clear why it would be necessary to achieve desired ASBS water quality levels. This needs to be described and clarified in order to effectively comment on this item.
B-3	A.2.c(3)	This will add a substantial amount of inspection beyond that already required under the City's approved MS4 Storm Water Management Program. This <u>major increase</u> in the inspection frequency, and specifically for the numerous restaurants within the City, is <u>not warranted</u> as there is no connection between additional inspections and impacts on receiving water quality. Initial inspections of nearly all of the City's businesses found that the commercial facilities were being properly maintained and were not posing a storm water pollution threat. Those inspections <u>rarely</u> found violations, and those that were found were immediately corrected. This additional inspection requirement should be deleted, and the normal MS4 Storm Water Management Program business inspection program should be deemed to be sufficient.

SPECIFIC COMMENTS – SPECIAL PROTECTIONS (ATTACHMENT A TO INITIAL STUDY)		
ATTACH- MENT A PAGE NO.	PARA NO.	COMMENTS
B-3	A.2.c(4)	It is not clear whether the term "outfall drains" refers to the outlet of the outfalls themselves, or to all of the drain inlets, e.g. catch basins, that are connected to those outfalls. What is expected of dischargers in order to demonstrate compliance with the requirement that outfall drains are to be "...maintained to remove trash an other anthropogenic debris..." is not made clear. These issues need to be described and clarified in order to effectively comment on this item.
B-3	A.2.d(2)	There is no known "baseline" data in the ASBS to which the City discharges, nor in the discharges themselves. It is not clear how achieving a 90 percent reduction in pollutant loading for the Table B parameters during storm events would be demonstrated, nor how it could even be achieved. These issues need to be described and clarified in order to effectively comment on this item.
B-4	A.2.e	The requirements for the SWMP or SWPPP to address erosion control and the prevention of anthropogenic sedimentation in the ASBS, and for the natural habitat conditions in the ASBS not to be altered as a result of anthropogenic sedimentation, are vague and no explanation as to how these will be achieved or demonstrated for compliance is provided. These issues need to be described and clarified in order to effectively comment on this item.
B-4	A.2.f	Many requirements for the SWMP (such as the City's SWMP which was approved for its MS4 permit by the RWQCB) are listed. This language should be revised to provide for an SWMP that has been approved by the RWQCB for the MS4's permit as constituting fulfillment of this requirement, rather than leaving that unresolved, by adding a sentence at the end of this item reading: "If an applicant has an SWMP that has been approved by its RWQCB and whose storm water discharges have been permitted under the provisions of that SWMP, then the applicant will be considered to have complied with this requirement of the Special Protections as long as it has fulfilled the BMPs and Measurable Goals of its SWMP that pertain to these requirements.
B-4	A.2.g	No explanation of how this requirement will be achieved, or how compliance will be demonstrated is provided. This needs to be described and clarified in order to effectively comment on this item.
B-6	B.1	No definition is provided for the term "non-point source." One should be included in the Glossary at the end of the Special Protections to help clarify the intent of the requirements in this section in order to effectively comment on them.

SPECIFIC COMMENTS – SPECIAL PROTECTIONS (ATTACHMENT A TO INITIAL STUDY)		
ATTACH- MENT A PAGE NO.	PARA NO.	COMMENTS
B-6	B.1.b	The term “alter natural ocean water quality” is vague and is open to wide interpretation. This term needs to be quantitatively defined in order to effectively comment on the requirements of this section.
B-13	IV.A.1	It is believed that the requirement is for runoff samples to be collected once per year. The words “collected once per year” should be inserted in this section to clarify this.
B-13	IV.A.1	It is believed that the requirement applies to a storm event that results in greater than 0.1 inch of precipitation in 24 hours. Therefore, the words “0.1 inch in 24 hours” should be inserted to replace the words “0.1 inch” in this section..
B-13	IV.A.1	The term “measurable storm” is not defined. A definition of “measurable storm” should be included in the Glossary as being a storm event in which precipitation is at least 0.1 inches in a 24 hour period, in order to clarify the intent of this requirement.
B-14	IV.A.3.c	The term “larger outfalls” is not defined. Define “Larger outfalls” as being those greater than 36 inches diameter.
B-14	IV.B.1.a	The term “storm event” is not defined. Define a storm event as being the same as a “measurable storm” per the comment above.
B-14	IV.B.1.a	There is no requirement to sample the discharge 2X or 3X per year in this section, i.e. “prior to and during (or immediately after)..a storm. The only requirement is to sample “...during storm events...” This discrepancy needs to be clarified. Also, applicants will have to rely on weather forecasts to obtain the “prior to” sample, but what if the forecasted rain does not occur? If that happens, needless sample collection costs will be incurred. These issues need to be discussed and clarified in order to effectively comment on the requirements of this section.
B-15	IV.B.1.c	A comprehensive and concise definition of what will constitute an acceptable “quantitative survey” must be provided. This term is too vague and is subject to wide interpretation. Therefore, it is impossible to effectively comment on the requirements of this section.
B-15	IV.B.1.e	The “source” of trash is generally not known, only the “type.” This item needs to be rewritten so as to be clear and achievable, so that effective comments can be submitted. The term “along the coast” is vague. How much of the coast is intended needs to be specified in order to provide effective comments.
B-15	IV.B.1.f	The allowance for Regional Water Boards to “...require additional monitoring...” is extremely open-ended, i.e. unlimited. Applicants need to have a clear understanding of what is being proposed and what will be required of them in order to provide effective comments. Giving “carte balance” to RWQCBs to add <u>any</u> requirements they wish is not reasonable and makes it impossible to provide effective comments on this section.
Glossary	N/A	The term “design storm” is not used in these Special Protections, so this definition should be deleted.

SPECIFIC COMMENTS – SPECIAL PROTECTIONS (ATTACHMENT A TO INITIAL STUDY)		
<u>ATTACH- MENT A PAGE NO.</u>	PARA NO.	COMMENTS
Glossary	N/A	The term "Point Source" is not defined. A definition of "Point Source" such as the one included in the definitions section of the State's General Permit for MS4s should be included in the Glossary.