

---

## State Water Resources Control Board

Mr. Thomas Harty, Civil Engineer  
Environmental Services  
County of Monterey  
168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901

Dear Mr. Harty:

### COMMENTS ON DRAFT COMPLIANCE PLAN FOR CARMEL BAY (NO. 34) AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE FROM THE COUNTY OF MONTEREY

The State Water Resources Control Board (State Water Board) received the Areas of Special Biological Significance (ASBS) draft Compliance Plan from the County of Monterey (County) dated September 20, 2014. A draft Compliance Plan is required under Section I.A.3.b. of Attachment B of the State Water Board's Resolution No. 2012-0012 *Approving Exceptions to the California Ocean Plan for Selected Discharges into ASBS, Including Special Protections for Beneficial Uses, and Certifying a Program Environmental Impact Report (General Exception)*. Attachment B in the General Exception contains the *Special Protections for ASBS, Governing Point Source Discharges of Storm Water and Nonpoint Source Waste Discharges (Special Protections)*, which describes special conditions required of the discharger.

State Water Board staff has reviewed the draft Compliance Plan and provides the following comments:

1. **Map of storm water runoff:** Section I.A.2.a. of the Special Protections requires a map of surface drainage of storm water runoff, showing areas of sheet runoff, prioritized discharges, and a description of any structural Best Management Practices (BMPs) already employed or to be employed. Priority discharges are those that pose the greatest water quality threat and which are identified to require installation of structural BMPs. The map also shall show storm water conveyances in relation to other features. Furthermore, the Compliance Plan shall include a procedure for updating the map and plan when changes are made to storm water conveyance facilities.

The maps in Figures 1.1-1.5 of the draft Compliance Plan do not depict surface drainage of storm water runoff, areas of sheet runoff, prioritized discharges, or structural BMPs. In addition, these maps do not depict storm water conveyances in relation to other features, such as service areas, sewage conveyances and treatment facilities, landslides, areas prone to erosion, and waste and hazardous material storage areas. This list of features cited in Section I.A.2.a. of the Special Protections is not inclusive; it is the responsibility of the County to determine the features that should be depicted in

relation to storm water conveyances. Please include this information, as applicable, in the maps in the final Compliance Plan.

Staff understands that the County is still in the process of performing and analyzing data from receiving water and core discharge monitoring and that these results may influence which discharges should be prioritized. In the final Compliance Plan, please include a procedure for updating the maps and Compliance Plan when changes are made to storm water conveyance facilities.

2. **Compliance and implementation schedule:** Section I.A.3.b. requires the final Compliance Plan to include a schedule for structural controls based on results from the runoff and receiving water monitoring. Also, Section I.A.3.d. stipulates that any structural controls identified in the final Compliance Plan shall be operational within six years of the effective date.

After the County has completed monitoring, analysis of receiving water and core discharge monitoring may change which non-structural and structural controls are necessary to comply with the Special Protections. Staff understands that the future structural BMPs described in Section 5.2.3. of the draft Compliance Plan are dependent on monitoring results. In the final Compliance Plan, please provide an update if any progress is made on these BMPs. Also, in the final Compliance Plan, please include a description and schedule for any additional projects to be implemented and operational by the compliance deadline of March 20, 2018. If this deadline cannot be met, please submit the information required to support a request for an extension. Staff will evaluate the request, but please note that submitting a request does not guarantee an extension.

3. **Exceedances in natural water quality:** Section I.A.3.e. of the Special Protections requires that, if initial results of post-storm receiving water quality testing indicate levels higher than the 85<sup>th</sup> percentile threshold of reference water quality data and the pre-storm receiving water levels, then the discharger must re-sample the receiving water pre- and post-storm.

Section 6.1.1. of the draft Compliance Plan explains that the County is still developing a process for evaluating whether there are alterations of natural ocean water quality in the ASBS. However, this process is outlined in the Special Protections. Section I.A.3.e. of the Special Protections stipulates that "if the initial results of post-storm receiving water quality testing indicates levels higher than the 85<sup>th</sup> percentile threshold of reference water quality data and the pre-storm receiving water levels, then the discharger must resample the receiving water, pre- and post-storm. If after re-sampling the post-storm levels are still higher than the 85<sup>th</sup> percentile threshold of reference water quality data, and the pre-storm receiving water levels, for any constituent, then natural ocean water quality is exceeded." Additionally, this process is outlined in Attachment 1 of the Special Protections. The County should follow this process to determine if the natural water quality is exceeded once the 85<sup>th</sup> percentile threshold is available. Finally, Section I.A.2.h. of the Special protections requires the County to submit an exceedance report to the State Water Board and Regional Water Resources Control Board within 30 days of receiving results that indicate the natural water quality has been exceeded. The core discharge monitoring data may be used to identify which of the core discharges may be contributing to the observed exceedances in natural ocean water quality. For questions regarding exceedances, please contact State Water Board staff whose contact information is provided below.

4. **Monitoring of discharges:** Section IV. of the Special Protections states that the State and Regional Water Boards must approve sampling site locations and any adjustments to the monitoring programs.

Section 3.3. of the draft Compliance Plan describes how County staff conducted field surveys to verify outfall data from the 2003 Southern California Coastal Water Research Project's study and subsequently made corrections to several discharges into the Carmel Bay ASBS. Based on the field surveys, the County is responsible for a total of five discharges, which previously were attributed to Carmel-by-the-Sea's Department of Public Works in the General Exception's Programmatic Final Environmental Impact Report. Since the County staff's corrections have not been reviewed or approved by the State Water Board, the County must work with State Water Board staff to receive approval for these changes regarding discharge sites. Staff requests that the County initiate this process by submitting a letter that describes and justifies the proposed changes to the discharges to the State Water Board.

Staff appreciates the efforts of the County of Monterey on the draft Compliance Plan and will continue to collaborate to resolve the comments mentioned in this letter. Please submit the final Compliance Plan addressing these comments for approval by the State Water Board Executive Director by the deadline of September 20, 2015.

For further questions pertaining to this subject matter, please contact Dr. Kimberly Tenggardjaja at (916) 341-5473 or [Kimberly.Tenggardjaja@waterboards.ca.gov](mailto:Kimberly.Tenggardjaja@waterboards.ca.gov), or Dr. Maria de la Paz Carpio-Obeso, Ocean Unit Chief, at (916) 341-5858 or [MarielaPaz.Carpio-Obeso@waterboards.ca.gov](mailto:MarielaPaz.Carpio-Obeso@waterboards.ca.gov).

Sincerely,



Paul Hann, Environmental Project Manager  
Division of Water Quality

cc: Mr. Jonathan Bishop  
Chief Deputy Director  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Ms. Marleigh Wood  
Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Mr. Ken Harris  
Executive Officer  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401