

October 24, 2011

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: Proposed Ocean Plan Amendments

Dear Ms. Townsend and Members of the Board:

The City appreciates the opportunity to provide comments on the State Water Resources Control Board's (Water Board) proposed Model Monitoring Amendment to the California Ocean Plan. We support the question-driven approach of the Model Monitoring Amendment, especially the questions that we reviewed regarding Storm Water discharges. We are encouraged that the Amendment specifies that monitoring should not be "just gathering data." We are also supportive of the inclusion of pyrethroid pesticides in the list of chemical concerns. However, upon reviewing the Proposed Amendment, we find that the Model Monitoring Plan as specified for Storm Water will not result in a dataset that will answer the questions posed.

General Comments:

1. Lack of Peer Review: The Proposed Amendment comprises a one-time opportunity for the State Water Board to coordinate NPDES-required sampling with California Ocean Plan goals and guidance. Ocean water quality is a vital topic for Californians. It is imperative that the limited monitoring resources are spent to effectively address the valuable questions raised in the Proposed Amendment. Because there are no specific water quality objectives updated in the Proposed Amendment, the Water Board states that peer-review is not required. The City feels that peer-review is essential to creating a Model Monitoring Program that will have a chance at answering the questions posed. Peer review should include a regulatory review, to see how this plan integrates with the Water Board's ongoing Toxicity Standards update and the new Sediment Quality Objectives, along with the proposed Phase II General Permit. It should also include a data simulation, to predict in how many years, if ever, the posed questions can be answered with the proposed sampling scheme. Sediment objectives are clearly missing from the Proposed Amendment and if included would trigger the need for peer review.
2. It is unclear whether creek, stream, or river outlets are included in the definition of "outfall." The answer to this question will impact the conclusions of the dataset generated by the Proposed Amendment.
3. It is unclear how the bacteria sampling recommended for Storm Water discharges (wet and dry weather) relate to AB411 requirements.

4. The Proposed Amendment does not appear consistent with the Workplan derived in the Triennial Review. Specifically, the Workplan recommends coordination of monitoring efforts among Regional Water Quality Control Boards, SCCWRP, and SFEI, and DF&G, which is not required in the Proposed Amendment. It seems that the overall goal of the Storm Water component is to have all jurisdictions in Southern California participate in the Southern California Coastal Water Research Project's (SCCWRP) Model Monitoring Coalition and Bight studies. If this is the case, it should be stated up front to alleviate confusion. Furthermore, similar programs with a central point for data collection, analysis, and reporting should be formed for areas outside of Southern California.

Specific Comments:

1. For Indicator Bacteria wet weather sampling (4.2), sampling three storms per year will not provide answers or even insight to Question 3, 4, 5, or 6. Furthermore, sufficient data has already been collected throughout California to conclude that the vast majority of stormwater runoff, and the associated receiving water, exceeds recreation contact and shellfish standards during storm events (Question 1 and 2). The most important outstanding questions about indicator bacteria in storm event runoff are: what is the source of the indicator bacteria (Question 5) and/or are there associated health risks. There has not been an epidemiological study or large source tracking study on wet-weather recreational exposure in California, i.e. for surfers, and it is important to do so. None of the proposed sampling answers Question 5.
2. For dry weather indicator bacteria sampling, changing the sampling requirement to "point zero" will result in a resetting of our clock for monitoring long-term changes (4.2, question 4). Many agencies have over fifteen years of beach indicator bacteria data and can start to see trends in space and time. Starting anew will not help answer the questions posed. This requirement appears to be a roundabout way to increase the protectiveness of the AB411 sampling, which may be a valuable goal, but not one that is stated for the proposed amendment.
3. For long-term monitoring, in an era in which hydromodification is a key concern of the General Permit, it would seem necessary to monitor load (flow x concentration), rather than just concentration, of indicator bacteria. In many cases, reduced flow will result in a reduced load to the ocean, but concentrations at point zero will remain consistent due to microbial ecology in storm drains.
4. For Chemical Constituents in Storm Water (5.2), it is unclear where the sampling is to take place.
5. For Section 5.2, the questions are valuable, but they will not be answerable with the dataset to be generated in the proposed amendment. There is no guidance about where the sampling is to take place, or when during a storm, or when during a season. The variability in chemical concentrations among storms and during individual storms is greater than we can expect to see over decades of looking for a trend in randomly collected storm samples.

6. In section 5.2, question 3 would require greater spatial and temporal sampling to solve.
7. In section 5.2, question 4 regarding loading will be unanswerable without flow data being collected.
8. In section 5.2, none of the sampling addresses question 5 about the sources of runoff pollution.
9. In Section 6.2, Sediment Monitoring for Storm Water, it is unclear where the sediment samples are to be collected. It is also very unclear how occasional (permit cycle) sediment collection will answer question 1. For question 2 and 3, there is no guidance put forth for assessing chemical constituent levels. If objectives were put in place, much more peer review would be required, and that would be a very beneficial outcome. The Water Board and its stakeholders worked tirelessly on the Sediment Quality Objectives for Enclosed Bays and Estuaries, and that guidance should be put to use in the this document.
10. For section 7.2, Aquatic Life Toxicity, question 1 is *de facto* unanswerable because the Water Board is in the middle of a process to update how toxicity tests are evaluated. If the Water Board is going through a lengthy, peer-reviewed process, should that knowledge not be put to use in the proposed amendment?

Thank you for your consideration of our comments. If you have any questions, please contact me at (805)897-2508 or cbenson@santabarbaraCA.gov.

Sincerely,

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