

For the Attachment B to the General Exception, Special Protections for Areas of Special Biological Significance, Governing Point Source Discharges of Storm Water and Nonpoint Source Waste Discharges, change the following:

Change Section I.A.2.d(2) as follows:

- (2) A 90% reduction in pollutant loading during storm events, for the applicant's total discharges. ~~The baseline for the reduction is the effective date of the Exception.~~ The baseline for these determinations is the effective date of the Exception, except for those structural BMPs installed between January 1, 2005 and adoption of these Special Protections, and the reductions must be achieved and documented within four (4) years of the effective date.

Change Section I.A.2.f. as follows:

f. The ASBS Compliance Plan shall describe the non-structural BMPs currently employed and planned in the future (including those for construction activities), and include an implementation schedule. The ASBS Compliance Plan shall include non-structural BMPs that address public education and outreach. Education and outreach efforts must adequately inform the public that direct discharges of pollutants from private property not entering an MS4 are prohibited. The ASBS Compliance Plan shall also describe the structural BMPs, including any low impact development (LID) measures, currently employed and planned for higher threat discharges and include an implementation schedule. To control storm water runoff discharges (at the end-of-pipe) during a design storm, permittees must first consider, and use where feasible, LID practices to infiltrate, use, or evapotranspire storm water runoff on-site, if LID practices would be the most effective at reducing pollutants from entering the ASBS.

Change Section I.A.2.h(5) as follows:

- (5) ~~Compliance with~~ The requirements of this section are in addition to the this section does not excuse violations of any terms, prohibitions, or and conditions contained in these Special Protections.

Change Section I.A.3.e. as follows:

Within four (4) years of the effective date of the Exception, all dischargers must comply with the requirement that their discharges into the affected ASBS maintain natural ocean water quality. If the initial results of post-storm receiving water quality testing indicate levels higher than the 85th 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. If after re-sampling the post-storm levels are still higher than the 85th percentile threshold of reference water quality data, and the pre-storm receiving water levels, for any constituent, ~~then natural ocean water quality is exceeded~~ the discharger must comply with section I.A.2.h. See

attached Flowchart. **Sampling results that are above the levels specified in this subsection are considered action levels and do not constitute a violation of these Special Protections.**

Change Section I.A.3.f.2. as follows:

2. for other governmental agencies, a demonstration and documentation of a good faith effort to acquire funding through that agency's budgetary process, **and a demonstration that funding was unavailable or inadequate.**

Change Section I.B.2.b(1) as follows:

- (1) ~~Set as the~~ Table B Instantaneous Maximum Water Quality Objectives in Chapter II of the Ocean Plan; or

Change Section I.B.2.b as follows:

- (2) **A 90% reduction in** ~~By reducing~~ pollutant loading during storm events, for the applicant's total discharges, ~~by 90%.~~

The baseline for these determinations is the effective date of the Exception, **except for those structural BMPs installed between January 1, 2005 and adoption of these Special Protections,** and the reductions must be achieved and documented within four (4) years of the effective date.

Change Section I.B.2.c(5) as follows:

- (5) ~~Compliance with~~ **The requirements of this section are in addition to the this section does not excuse violations of any** terms, prohibitions, ~~or and~~ conditions contained in these Special Protections.

Change Section I.B.3.e as follows:

Within four (4) years of the effective date of the Exception, all dischargers must comply with the requirement that their discharges into the affected ASBS maintain natural ocean water quality. If the initial results of post-storm receiving water quality testing indicate levels higher than the 85th 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. If after re-sampling the post-storm levels are still higher than the 85th percentile threshold of reference water quality data and the pre-storm receiving water levels, for any constituent, ~~then natural ocean water quality is exceeded~~ **the discharger must comply with section I.B.2.c.** See attached Flowchart. **Sampling results that are above the levels specified in this subsection are considered action levels and do not constitute a violation of these Special Protections.**

Change Section I.B.3.f(2) as follows:

2. for governmental agencies, a demonstration and documentation of a good faith effort to acquire funding through that agency's budgetary process, **and a demonstration that funding was unavailable or inadequate.**

Change III.E.2. as follows:

2. for governmental agencies, a demonstration and documentation of a good faith effort to acquire funding through that agency's budgetary process, **and a demonstration that funding was unavailable or inadequate.**

Change Section IV.A.1. as follows:

1. General sampling requirements for timing and storm size:
Runoff must be collected during a storm event that is greater than 0.1 inch and generates runoff, and at least 72 hours from the previously measurable storm event. Runoff samples shall be collected **during the same storm and at approximately the same time** when post-storm receiving water is sampled, and analyzed for the same constituents as receiving water and reference site samples (see section IV B) as described below.

Change Section IV.A.3.a(1) as follows:

- (1) samples of storm water runoff shall be **collected and analyzed** during the same storm as receiving water samples **and analyzed** for oil and grease, total suspended solids, and, within the range of the southern sea otter indicator bacteria or some other measure of fecal contamination; and

Change Section IV.A.3.a(2) as follows:

- (2) samples of storm water runoff shall be **collected and** analyzed for critical life stage chronic toxicity (one invertebrate or algal species) at least once during each storm season when receiving water is sampled in the ASBS.

Change Section IV.A.3.a(3) as follows:

- (3) If an applicant has no outfall greater than 36 inches, then storm water runoff from the applicant's largest outfall shall be further **collected and analyzed** during the same storm as receiving water samples **and analyzed** for Ocean Plan Table B metals for protection of marine life, Ocean Plan polynuclear aromatic hydrocarbons (PAHs), current use pesticides (pyrethroids and OP pesticides), and nutrients (ammonia, nitrate and phosphates).

Change Section IV.A.3.b(1) as follows:

- (1) samples of storm water runoff shall be collected ~~analyzed~~ during the same storm as receiving water samples and analyzed for oil and grease, total suspended solids, and, within the range of the southern sea otter indicator bacteria or some other measure of fecal contamination; and

Change Section IV.A.3.b(2) as follows:

- (2) samples of storm water runoff shall be further collected ~~analyzed~~ during the same storm as receiving water samples and analyzed for Ocean Plan Table B metals for protection of marine life, Ocean Plan polynuclear aromatic hydrocarbons (PAHs), current use pesticides (pyrethroids and OP pesticides), and nutrients (ammonia, nitrate and phosphates); and

Change Section IV.A.3.b(3) as follows:

- (3) samples of storm water runoff shall be collected and analyzed for critical life stage chronic toxicity (one invertebrate or algal species) at least once during each storm season when receiving water is sampled in the ASBS.

Change Section IV.B.1.a., second paragraph, as follows:

The sample location for the ocean receiving water shall be in the surf zone at the point of discharges; this must be at the same location where storm water runoff is sampled. Receiving water shall be sampled ~~at approximately the same time~~ prior to (pre-storm) and during (or immediately after) the same storm (post storm). Post storm sampling shall be during the same storm and at approximately the same time as when the runoff is sampled. Reference water quality shall also be sampled three times annually and analyzed for the same constituents pre-storm and post-storm, during the same storms seasons when receiving water is sampled. Reference stations will be determined by the State Water Board's Division of Water Quality and the applicable Regional Water Board(s).

Change Section IV.B.2.a. as follows:

a. Ocean reference areas shall be located at the drainages of flowing watersheds with minimal development (in no instance more than 10% development), and shall not be located in CWA Section 303(d) listed waterbodies or have tributaries that are 303(d) listed. Reference areas shall be free of wastewater discharges and anthropogenic non-storm water runoff. A minimum of low threat storm runoff discharges (e.g. stream highway overpasses and campgrounds) may be allowed on a case-by-case basis. Reference areas shall be located in the same region as the ASBS receiving water monitoring occurs. The reference areas for each Region are subject to approval by the participants in the regional monitoring program and the State Water Board's Division of Water Quality and the applicable Regional Water Board(s). A minimum of three ocean reference water samples must be collected from each station, each from a separate storm during the same storm season that receiving water is sampled. A minimum of one reference location shall be sampled for each ASBS receiving water site sampled per

responsible party. For parties discharging to ASBS in more than one Regional Water Board region, at a minimum, one reference station and one receiving water station shall be sampled in each region.

Change Section IV.B.2.c. as follows:

c. Reference and receiving water sampling shall commence during the first full storm season following the adoption of these special conditions, and post-storm samples shall be collected **during the same storm event** when ~~annual~~ storm water runoff is sampled. Sampling shall occur in a minimum of two storm seasons. For those ASBS dischargers that have already participated in the Southern California Bight 2008 ASBS regional monitoring effort, sampling may be limited to only one storm season.

Change Glossary as follows:

Design storm – For purposes of these Special Protections, a design storm is defined as the volume of runoff produced from one inch of precipitation per day or, if this definition is inconsistent with the discharger's applicable storm water permit, then the design storm shall be the definition included in the discharger's applicable storm water permit.