

May 19, 2004

*Sent electronically and via US mail*

Mr. Frank Roddy  
Division of Water Quality  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, Ca. 95812-0100

**SUBJECT: CALIFORNIA OCEAN PLAN - TRIENNIAL  
REVIEW**

Dear Mr. Roddy,

The Monterey Bay National Marine Sanctuary (MBNMS) appreciates the opportunity to comment on potential revisions to the California Ocean Plan (Ocean Plan).

Development of the Ocean Plan is directed by Section 13170.2 of the Porter-cologne Water Quality Control Act, which requires the State Water Resources Control Board (SWRCB) to formulate and adopt a water quality control plan for ocean waters of the State. The Ocean Plan establishes water quality objectives for California's ocean waters and provides the basis for regulation of wastes discharged into the State's coastal waters. The SWRCB adopts the Ocean Plan, and both the SWRCB and the six coastal Regional Water Quality Control Boards (RWQCBs), implement the Ocean Plan.

The Ocean Plan is to be reviewed at least every three years to guarantee that the current standards are adequate and are not allowing degradation to indigenous marine species or posing a threat to human health. The most recent triennial review of the Ocean Plan was completed in July 1999.

The Sanctuary reviewed this program under procedures defined in Section V.C. of the Memorandum of Agreement on water quality protection within the Sanctuary (June 1992). In this correspondence, the MBNMS will only provide comments on Issues 1 and 3 discussed in the SWRCB informational document.

## **Background**

The MBNMS was designated by Congress in 1992 for the purpose of resource protection, research, education, and public use. The MBNMS encompasses over 5,000 square miles of marine waters, and is home to the nation's largest kelp forest, one of its largest underwater canyons, and an enormous diversity of fishes, birds, mammals and other species, twenty-one of which are listed as endangered or threatened. Recognizing this diversity of unique resources, Congress and the National Oceanic and Atmospheric Administration assigned sanctuary managers a mandate of ecosystem protection. Protecting and enhancing water quality is central to meeting this mandate.

Because the MBNMS is adjacent to approximately 300 miles of California's coastline, it is susceptible to impacts from non-point source pollution, primarily from urban and agricultural lands. Monitoring within the Sanctuary has shown that near shore coastal areas, harbors, lagoons, estuaries and tributaries suffer from a number of problems associated with non-point pollution including elevated levels of nitrates, sediments, persistent pesticides, metals, bacteria, pathogens, detergents, and oils. These contaminants can have a variety of biological impacts including bioaccumulation, reduced recruitment of anadromous species, algal blooms, mortality due to toxicity, transfer of pathogens to wildlife and humans, and interference with recreational uses of the MBNMS.

### **Issue 1: Choice of Indicator Organisms for Water-Contact Bacterial Standards**

The MBNMS supports the staff recommendations for the choice of indicator organisms for water-contact bacterial standards. The MBNMS supports the inclusion of an enterococcus water-contact standard because it can be a superior indicator of adverse human health effects when used in combination with the fecal to total coliform ratio, and also so that SWRCB requirements can be comparable to Department of Health Services regulations. The MBNMS also supports the use of a geometric mean for use as water-contact standards as the use of a geometric mean is more representative of water quality conditions than single-sample or mathematical model results.

Further, the MBNMS has observed, and recent studies have suggested, that the current indicators used to evaluate water quality for water-contact recreation may be incorrect

and have inadequate predictive ability .<sup>1</sup> The MBNMS recognizes the need for improved monitoring to protect human and marine health, and supports the work being conducted by the SWRCB's Beach Water Quality Working Group, and the Monitoring and Reporting Subcommittee. The MBNMS urges that any recommendations for improved monitoring that arise from that group are incorporated into this, or future revisions of the Ocean Plan in collaboration with alterations to the DHS regulations.

**Issue 3: Reclassifying “Areas of Special biological Significance (ASBS)” to “State Water Quality Protection Areas (SWQPAs)” and establishing implementation provisions for discharges into SWQPAs.**

The MBNMS supports the change in name from ASBS to SWQPAs. The MBNMS also generally agrees with SWRCB staff recommendations regarding existing nonstormwater, stormwater covered by NPDES permits, and non-point stormwater discharges into SWQPAs. However, the MBNMS does have concerns related to discharges from new development adjacent to SWQPAs.

The MBNMS agrees with SWRCB staff that new outlets and non-storm water discharges must be prohibited from SWQPAs. However, the MBNMS urges caution when allowing new connections from adjacent development to be conveyed to SWQPAs through existing outlets. New development will increase the volume and potentially the pollutant load of runoff, which will have an impact on SWQPAs. At the very least, new development adjacent to SWQPAs must be designed to capture runoff from all storms meeting a certain criteria (e.g. return interval, amount of rainfall) through the use of improved design and storage techniques. Additionally, techniques described in the California Stormwater Quality Association (CASQA) handbooks or the Model Urban Runoff Program (MURP) document must be incorporated into site designs to ensure that runoff does not violate water quality standards. Monitoring will be integral to ensuring that discharges meet Ocean Plan water quality objectives, and the MBNMS urges the swift implementation of monitoring programs as described in the revised Ocean Plan.

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<sup>1</sup> *Public Mis-Notification of Coastal Water Quality: A Probabilistic Evaluation of Posting Errors at Huntington Beach, California.* Joon Ha Kim and Stanley B. Grant. Environ. Sci. Technol.; 2004; 38(9) pp 2497 - 2504; (Policy Analysis)

The MBNMS also recognizes that existing outlets will realistically need to convey stormwater discharges to SWQPAs. Accordingly, the MBNMS agrees with SWRCB staff that these discharges must be limited by restrictive conditions to ensure that it would not cause or contribute to an exceedance of the Ocean Plan's water quality objectives. Accordingly, an accelerated schedule for control of runoff from these outlets to the SWQPAs must be developed, and specifically identified in each responsible agency's storm water management plan. The MBNMS also supports the call for additional effluent and receiving water quality monitoring.

The MBNMS agrees with SWRCB staff recommendations to issue WDRs to all dischargers into SWQPAs that are considered essential for flood control or slope stability, while prohibiting all other non-point source discharges not subject to regulation under an NPDES permit.

Thank you again for consideration of MBNMS comments concerning the Ocean Plan revision. Please contact me at (831) 420-1670 if you have any concerns regarding our comments.

Sincerely,

CHRIS COBURN  
Water Quality Protection Program  
Director