



California Regional Water Quality Control Board Central Coast Region



Linda S. Adams.
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

May 12, 2008

Elizabeth Krafft, Program Manager II
Monterey County Water Resources Agency
P.O. Box 930
Salinas CA 93902

Dear Ms. Krafft,

COUNTY OF MONTEREY REQUIREMENT TO REGULATE STORMWATER DISCHARGES TO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS)

Central Coast Water Board staff received a call from Monterey County Planning Department (Craig Spencer; (831) 755-5233) on April 16, 2008, concerning an appeal of a construction project in an unincorporated area of Monterey County. The Planning Department asked for Water Board input on a single family construction project at 26327 Scenic Drive, which is a few blocks south of the Carmel-by-the-Sea (Carmel) city boundary (that runs west-east along Santa Lucia Avenue), and north of the Carmel River State Beach. The property owner has received Coastal Commission approval to build on a 4,700 sq. ft. lot in an existing residential neighborhood. The appellant argues that either the owner or County is ignoring state law concerning discharges to Areas of Special Biological Significance (ASBS). Stormwater and possibly non-stormwater discharges from the property would flow onto Scenic Drive and then to storm drains on Scenic Drive that direct flow to Carmel Bay (ASBS #34).

Staff checked relevant maps and discussed city limits with the City of Carmel-by-the-Sea. Staff confirmed this site is in the unincorporated area of the County. Staff also spoke with Connie Anderson [(916) 341-5280] and Dominic Gregorio [(916) 341-5488] at the State Board Ocean Plan Unit and found that five discharges from Scenic Drive are identified as ASBS discharges from the County maintained street.

Special Protections for ASBS

State Water Board has drafted "Special Protections for Selected Storm Water and Nonpoint Source Discharges into Areas of Special Biological Significance" dated March 3, 2008. You may find these draft special protections at:

http://www.waterboards.ca.gov/water_issues/programs/ocean/docs/asbs/draft_special_protections.pdf



These draft Special Protections will be the terms and conditions of the proposed coast-wide General Exception for the selected dischargers who submitted an application for an exception to the Ocean Plan absolute waste discharge prohibition. The protections are designed to preserve beneficial uses in the ASBS and maintain the natural hydrologic cycle and coastal ecology. The cities of Carmel-by-the-Sea, Pacific Grove and Monterey have applied for a General Exception, but Monterey County did not apply. Neither Central Coast Water Board or State Board staff adequately informed County staff to apply for the General Exception. At this time, the County is not authorized to discharge waste from these storm drains. State Board will allow a belated application for the General Exception because staff did not inform the County of these requirements. State Board will add conditions to the General Exception requiring the County to support a pilot biological, physical, and chemical monitoring program. For further information regarding General Exception requirements, please contact Connie Anderson (contact information below).

Individual Site Requirements

Generally, smaller projects are not required to enroll in the Construction Stormwater General Permit if they do not exceed the size threshold (1 acre) or are not part of a larger, common plan of development. The County must address these discharge points in the ASBS General Waiver and the Monterey Regional Stormwater Management Plan. In the spirit of both documents, Central Coast Water Board staff recommends the project proponent add specific Best Management Practices (BMPs) to the erosion and control plans and post-construction design that would:

- Maximize infiltration of clean stormwater and minimize volume and rate.
- Minimize pollutant loading.
- Provide long-term watershed (ocean) protection including Low Impact Development (LID) strategies with a goal to achieve an Effective Impervious Area of no more than 3 to 10% of the total project area.
- Design and install post-construction runoff volume and rate controls not exceeding 1% of the rate of stormwater runoff in the undeveloped condition for a range of events with return periods of 1-year to 10-years.
- Maintain these post-construction BMPs and institute an inspection program to ensure proper long-term performance.

Grant Funding Opportunity

Concept proposals for the Proposition 84 Areas of Special Biological Significance Grants Program must be submitted by 5:00 PM on May 22, 2008. We encourage grant project proposals that address Best Management Practices for stormwater discharges into ASBSs, such as those recommended above. We recommend you coordinate with other local groups. Dane Hardin (831-426-6326) with Coast Long-term Environmental Assessment Network is developing a concept proposal with Pebble Beach Company, Carmel-by-the-Sea, and Carmel Meadows.



We can assist you to develop your concept proposal, but the application must be submitted to the Financial Assistance Application Submittal Tool (FAAST), online at:

<https://faast.waterboards.ca.gov> .

If you have questions regarding the Storm Water Management Plan, please contact **David Innis** at (805) 549-3150 or dbinnis@waterboards.ca.gov. If you need assistance with Proposition 84 ASBS Grants, please contact **Peter von Langen** at (805) 549-3688 or pvonlangen@waterboards.ca.gov .

Sincerely,



Roger W. Briggs
Executive Officer

cc: (via email)

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