



Matthew Rodriguez
Secretary for
Environmental Protection

California Regional Water Quality Control Board 11/1/11 Bd. Hearing
Ocean Plan Amendment
Deadline: 10/24/11 by 12:00 noon
Central Coast Region

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Edmund G. Brown Jr.
Governor

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Lisa McCann

FROM: Lisa McCann
Watershed Planning and Protection Section Manager
CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD

DATE: October 24, 2011

SUBJECT: CENTRAL COAST WATER BOARD COMMENTS ON PROPOSED AMENDMENTS TO THE CALIFORNIA OCEAN PLAN REGARDING MODEL MONITORING, CONTROL OF COMMERCIAL VESSEL DISCHARGES AND INVASIVE SPECIES, AND NON-SUBSTANTIVE ADMINISTRATIVE CHANGES AND THE DRAFT SUBSTITUTE ENVIRONMENTAL DOCUMENTATION FOR THE PROPOSED AMENDMENTS

Thank you for providing Central Coast Water Board staff an opportunity to comment on proposed Ocean Plan amendments. Staff has reviewed the document and have the following comments, mostly about Appendix II, proposed Standard Monitoring Procedures.

General Comments:

The Standard Monitoring Procedures (p.37, Section 1) state that Regions are responsible for implementing this guidance with deviations allowed only with State Board approval. We assume this means a State Board approval process, not a staff approval process, but if not, this should be clarified. This requirement adds significantly to the time and complexity associated with approval of a Permit monitoring program with a minor deviation from the guidance set forth here.

The language stating that "core monitoring may be waived at the discretion of the Regional Water Board, if the permittee participates in a regional monitoring program" implies no State Board approval is required. So, our reading of this is that approval by State Board is required for deviations at the level of the individual permit, but not at the level of a regional monitoring program. Is this correct?

California Environmental Protection Agency

We believe these requirements should be consistent enough with those for ASBS and MS4 monitoring to allow development of regionalized approaches that include ASBS and stormwater program requirements without having to address complexities associated with differing requirements. The proposed revisions state: "If the permittee participates in a regional monitoring program, core monitoring may be suspended for that period at the discretion of the Regional Water Board." It is unclear if the regional monitoring contemplated by the draft Phase II stormwater permit, and current AB 411 monitoring, can serve to satisfy the requirements. The Ocean Plan revisions and draft Phase II permit stormwater monitoring need to fit together.

We do not think Phase II stormwater dischargers should be exempt from receiving water monitoring because receiving water monitoring is the only way to understand whether there are existing impacts associated with the discharge. The current draft monitoring guidance for Phase II MS4 requires monitoring in inland receiving waters; this ocean plan guidance does not. This guidance should have some level of consistency with that document.

It would be useful if this document included guidance on what a regionalized approach would look like that addresses the basic questions posed here, keeping in mind that not all parts of the State are currently part of an existing regional program rooted in large NPDES discharge programs.

Flexibility should be allowed for effluent monitoring to be included as part of a regional approach. As written, it appears to only include receiving water, sediment and bioaccumulation monitoring.

Page-specific Comments:

Page 14 has some conditions regarding whether acute or chronic toxicity testing is required based on the minimum initial dilution. Although not changed in this version of the California Ocean Plan the relationship between requiring acute toxicity tests at higher minimum dilutions and chronic toxicity tests at lower minimum initial dilutions does not make intuitive sense. It seems that the requirements for the acute toxicity test should occur at lower minimum initial dilutions (less mixing so bigger chance to have an issue with short term toxicity) and the requirement for chronic toxicity testing occur at higher minimum initial dilutions (more dilution so less of a worry)?

Page 25 K.2. states, "Discharges incidental to the normal operation large passenger vessels and oceangoing vessels must be covered and comply with an individual or general NPDES permit." It is not clear what permit is necessary and what NPDES permits there are to cover the discharges?

p. 39, Section 3.3. The document should clarify whether agricultural and golf course discharge conditions apply to discharges via a river system or only to direct discharges to the ocean from an agricultural or golf course facility. Some river systems serve as defacto drains for agricultural discharge. For example, if flow from a river system draining to the ocean is dominated by agricultural discharge, would these requirements apply?

P. 40, Section 4.2, Stormwater Bacteria Monitoring. These provisions include significant new bacteria monitoring requirements. All outfalls greater than 36-inches need to be monitored during three storms a year, as well as 5 times per month at AB 411 beaches. Because bacteria levels in stormwater during wet weather are often high and don't easily indicate differences

between locations and contributing natural sources, confining monitoring to locations that receive moderate to heavy use during the winter months (AB411 beaches) may be sufficient. P. 41, Section 5.1 NPDES. A primary stated question is "What is the fate of the discharge plume?", but there does not appear to be other supporting guidance as to how plume fate is to be determined.

P. 41, Section 5.2 Storm Water. Primary questions about relative runoff contribution to pollutant loading and extent and magnitude of receiving water problems from stormwater runoff imply measurement of flow in stormwater and its impact outside the Zone of Initial Dilution in receiving water to assess contribution. Flow is not mentioned as required monitoring parameter and it is unclear how effluent monitoring and receiving water monitoring are tied together through monitoring design. The guidance should be sufficiently detailed to ensure that study designs that adhere to it are able to answer the primary questions.

p. 43, Section 7.2 Stormwater - Primary questions about relative contribution of runoff contribution to toxicity in receiving water do not appear to be addressed by the provided guidance without requiring measures of flow volume in effluent (see similar comment above) and an understanding if there is existing toxicity in receiving water from other sources. Also, requiring 10% of discharges over 36" to be monitored is inherently a regional monitoring design and doesn't lend itself to implementation at the level of individual permits (unless this is intended to mean 10% of discharges within a given permit jurisdiction). Sediment monitoring off of open coast storm drains may be an ineffective and expensive tool in high energy environments. It would make more sense to require all discharges to monitor that are greater than 36" and are in low energy environments with depositional areas, rather than setting an arbitrary requirement of 10% of all discharges.

Page 43, "Core monitoring for acute sediment toxicity will utilize alternative amphipod species (*Eohaustorius estuarius*, *Leptocheirus plumulosus*, *Rhepoxynius abronius*)." It is not clear whether a baseline monitoring requirement for utilizing these specific amphipod species is in addition to EPA acute toxicity guidance already implemented in NPDES permits? For example, NPDES permits have the following language, "Compliance with acute toxicity objective shall be determined using a USEPA approved methodology protocol as provided in 40 CFR 136 (Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, USEPA Office of Water, EPA-821-R-02-012 (2002) or the latest edition)."

p. 43-44, Section 7.3 Nonpoint Sources. Primary questions about relative contribution of runoff to pollutant loading and toxicity in receiving water do not appear to be addressed by the provided guidance without requiring measures of flow volume in effluent (see similar comment above).

p. 44, Section 8.1. How is degradation defined? The guidance should include more detail about comparison to reference monitoring. How does the study design requiring monitoring once per permit term allow the discharger to prove or disprove that differences in community structure found at the site are related to water quality (as opposed to currents, substrate size, etc.).

Throughout the document, the requirement that monitoring is for discharges one nautical mile or less from shore virtually includes every NPDES ocean discharge permit in our region.

Although some parameters should be monitored by "every" discharge, Page 44 has requirements for benthic community monitoring and bioaccumulation monitoring that are expensive and should not be necessary for essentially every discharge. Regional Board staff however appreciates that benthic community monitoring and bioaccumulation monitoring "may be satisfied by core monitoring individually or through participation in a regional monitoring program at the discretion of the Regional Board."

p. 45, Section 9.1 and 9.2. The Guidance should be explicit about which guideline values are appropriate to use to define tissue levels that are harmful to human health or marine communities. Also, if human health is the endpoint of most interest, allowing monitoring using non-food organisms may make interpretation more difficult.

P. 45 Receiving Water Characteristics. Item 1, natural light, is to be measured at any point outside the Zone of Initial Dilution. Is this true of Items 2 through 6?

p. 46; Section 10.2. In the absence of a regional monitoring program, this requirement seems difficult and potentially unfair to implement. It states that 10% of Phase 1 MS4 discharges are required to do basic receiving water monitoring (water turbidity, color, dissolved oxygen, pH, nitrate, phosphate, and ammonia). The 10% requirement appears to be written with regional monitoring in mind. This requirement should be clarified from the standpoint of individual monitoring. Does it mean 10% of the outfalls for any given Phase 1 program needs to be monitored? Regardless, this provision will have minimal effect in our region.

p. 60 – 64. The figure labels for the figures on page 60-64 are on the next pages and not just below the figures.

Thank you for considering these comments. If you have questions, please contact me at (805) 549-3132 (lmccann@waterboards.ca.gov) or Karen Worcester at (805) 549-3333 (kworcester@waterboards.ca.gov).