

State Water Resources Control Board  
Division of Water Quality, Ocean Unit  
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# Special Protections for Selected Storm Water and Nonpoint Source Discharges into Areas of Special Biological Significance

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## Introduction

Since 1983, the California Ocean Plan (Ocean Plan) has prohibited the discharge of both point and nonpoint source waste to Areas of Special Biological Significance (ASBS), unless the State Water Resources Control Board (State Water Board) grants an exception. The Ocean Plan allows the State Water Board to grant exceptions to plan requirements where the State Water Board determines that the exception "will not compromise protection of ocean waters for beneficial uses, and, [t]he public interest will be served." Prior to granting an exception, the State Water Board must hold a public hearing and comply with the California Environmental Quality Act, Public Resources Code §21000 et seq. (CEQA). In addition, the United States Environmental Protection Agency must concur.

ASBS are also accorded special protection under the Marine Managed Areas Improvement Act (Act), Public Resources Code §36600 et seq. Under the Act, ASBS are a subset of state water quality protection areas and, as such, "require special protection as determined by the [State Water Board]" pursuant to the Ocean Plan. (Pub. Resources Code §36700(f).) In all state water quality protection areas, waste discharges must be prohibited or limited by special conditions, in accordance with state water quality law, including the Ocean Plan (*Id.* §36710(f).)

On October 18, 2004 the State Water Board notified responsible parties to cease storm water and nonpoint source waste discharges into ASBS or to request an exception under the Ocean Plan. Several responsible parties submitted requests, or conditional requests, for exceptions. Subsequently, the State Water Board provided general instructions for exception application packages via its website. The State Water Board sent letters (in a few cases later in 2005) to responsible parties, providing specific instructions and a deadline for submission of the application package by May 31, 2006.

The State Water Resources Control Board (State Water Board) has received 27 applications for the general exception to the California Ocean Plan (Ocean Plan) prohibition against waste discharges to Areas of Special Biological Significance (ASBS). The applications were filed by permitted storm water dischargers and nonpoint source dischargers, who are identified in Appendix A. Staff recommends that the State Water Board grant the exceptions, provided that the dischargers comply with the Special Protections that are contained in this document.

The following is a staff proposal for State Water Board action on the exception applications that would establish “Special Protections” to address the applicants’ storm water and nonpoint source discharges into the affected ASBS. The proposed action is consistent with the Ocean Plan, which authorizes limited exceptions to the ASBS discharge prohibition, and with the Act, which authorizes waste discharges to ASBS only if they are limited by special conditions and conform to Ocean Plan requirements. The State Water Board will consider adoption of the Special Protections under the exception provisions of the Ocean Plan. The proposed special conditions in these Special Protections would limit waste discharges to protect beneficial uses, including marine aquatic life and the maintenance of natural water quality within ASBS.

This **draft** is in part modeled after State Water Board Resolutions 2004-0052, 2006-0013, and 2007-0058, individual exceptions/Special Protections related to the Scripps Institution of Oceanography, Wrigley Marine Science Center, and Bodega Marine Lab discharges, respectively. The applicants for coverage identified in Appendix A have submitted extensive information. This **draft** is based on staff’s review of that information, public comments received at the Board workshops, and stakeholder meetings.

It is not the intent of these Special Protections to restrict flows from naturally occurring streams that flow into ASBS. The return of clean fresh water into the ocean via naturally occurring streams is an essential component of coastal ecology that must be maintained.

Upstream discharges to streams tributary to ASBS are not subject to these Special Protections but are instead regulated by Regional Water Boards under the Basin Plan or other applicable statewide water quality control plans. The Regional Water Boards must regulate these upstream discharges to ensure that downstream water quality standards are met.

Downstream water quality standards include the Ocean Plan prohibition on wastes being discharged to ASBS. Upstream discharges must be controlled to maintain natural water quality conditions in the ASBS.

# SPECIAL PROTECTIONS

## I. GENERAL

The purpose of these Special Protections is to define the terms and conditions that will limit the storm water and nonpoint source waste discharges by the applicants listed in Appendix A to the affected ASBS. The intent is to ensure that such discharges will be controlled to protect beneficial uses within ASBS and to protect and maintain the natural hydrologic cycle and coastal ecology (e.g., the flow of clean precipitation runoff into the ocean, while preserving coastal slope stability, and preventing anthropogenic erosion).

### **Fundamental Requirements**

The conditions in these Special Protections limit the applicants' storm water and nonpoint source waste discharges and include three fundamental requirements. These are:

1. Cessation of non-storm water runoff
2. Maintenance of natural water quality within ASBS, including during precipitation (design storm) events, by limiting wastes in storm water runoff and other activities that would otherwise cause a degradation of ocean water quality in the ASBS.
3. Monitoring water quality and marine aquatic life within ASBS to ensure the protection of beneficial uses over time.

Discharges must comply with all other applicable provisions of the Ocean Plan. Natural ocean water quality must not be altered as a result of the discharge(s), and marine communities must be protected from pollution.

### **Compliance Strategy**

These terms and conditions are designed to address the applicants' waste discharges in a practical framework, acknowledging that the first priority controls are for higher threat discharges to the beneficial uses of ASBS. The time schedule order provision of these terms and conditions provides an action strategy for the applicants to achieve compliance with these terms and conditions.

The proposed Special Protections cover only those persons\* discharging waste into an ASBS, who submitted an approved or conditionally approved exception application, on or before December 31, 2007, identified in Appendix A. In addition, the proposed Special Protections cover only the applicants' permitted storm water discharges and nonpoint source discharges.

If the State Water Board adopts the proposed Special Protections, the State Water Board will, in effect, grant an exception to the ASBS discharge prohibition for the applicants. In order for the applicants to discharge waste to an ASBS, the applicants need both an exception and authorization to discharge, through an appropriate permit or other regulatory mechanism. Any discharge subject to these Special Protections must be appropriately regulated, either under a National Pollutant Discharge Elimination System (NPDES) permit for point source discharges or under waste discharge requirements, a conditional waiver, or a conditional prohibition for nonpoint source discharges.

## **A. POINT SOURCES:**

### **1. Non-Storm Water Point Sources (traditional waste water)**

Point source discharges of waste to an ASBS, except permitted storm water point sources, are prohibited, unless these discharges are authorized under an approved individual exception to the Ocean Plan.

### **2. NPDES Permitted Storm Water Point Sources**

The applicants' existing storm water discharges into an ASBS are allowed, only under the following conditions:

- a. The discharges are authorized by an NPDES storm water permit issued by the State Water Board or Regional Water Board, and;
- b. The discharges comply with all of the applicable terms and conditions contained in these Special Protections.

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\* "Person" is defined in Water Code section 13050(c) to include any city, county, district, the state, and the United States, to the extent authorized by federal law.

- c. Furthermore, discharges are allowable only if they:
  - 1. Are essential for flood control or slope stability, including roof, landscape, road, and parking lot drainage;
  - 2. Are designed to prevent soil erosion;
  - 3. Occur only during wet weather;
  - 4. Are composed of only storm water runoff.

Discharges composed of storm water runoff must not alter natural ocean water quality in an ASBS. Trash is prohibited from being discharged. Furthermore discharges composed of storm water runoff during a design storm should be controlled at the end-of-pipe so as not to exceed target levels set as the Table B instantaneous maximum Water Quality Objectives in Chapter II of the Ocean Plan.

Only discharges from existing storm water outfalls are allowed. Any proposed or new storm water runoff discharge must be routed to existing storm water discharge outfalls and must not result in any new contribution of waste to an ASBS. "Existing storm water outfalls" are those that were constructed or under construction prior to January 1, 2005. "New contribution of waste" is defined as any addition of waste beyond what would have occurred as of January 1, 2005.

### **3. Non-Storm Water Runoff**

"Discharges of non-storm water runoff" means any waste discharge from an MS4 (or other NPDES permitted storm drain system) to an ASBS that is not composed of storm water. Discharges of non-storm water runoff to an ASBS are prohibited except:

- a. Discharges associated with emergency fire fighting operations.
- b. Foundation and footing drains.
- c. Water from crawl space or basement pumps.
- d. Hillside dewatering.

These allowable discharges must be essential for emergency response purposes, structural stability or slope stability; must

not cause or contribute to a violation of the water quality objectives in Chapter II of the Ocean Plan; and must not alter natural ocean water quality in an ASBS.

All other discharges from an MS4 not specifically authorized above are strictly prohibited.

## **B. NONPOINT SOURCES (not from an MS4)**

“Existing nonpoint source waste discharges” are discharges that were ongoing prior to January 1, 2005. “New nonpoint source discharges” are defined as those that commenced on or after January 1, 2005.

Existing nonpoint source waste discharges are allowed into an ASBS only under the following conditions:

1. The discharges are authorized under waste discharge requirements, a conditional waiver of waste discharge requirements, or a conditional prohibition issued by the State Water Board or a Regional Water Board.
2. The discharges are also in compliance with the terms and conditions in these Special Protections.
3. Allowable nonpoint source waste discharges into or adjacent to ASBS under this resolution must:
  - a. Be essential for flood control or slope stability, such as roof, landscape, road and parking lot drainage.
  - b. Be designed in such a way so as to prevent soil erosion.
  - c. Occur only during wet weather.
  - d. Be composed of only storm water runoff.
4. Discharges composed of storm water runoff must not alter natural ocean water quality in an ASBS. Trash is prohibited from being discharged. Furthermore discharges composed of storm water runoff during a design storm should be controlled so as not to exceed target levels at the end-of-pipe set as the Table B instantaneous maximum Water Quality Objectives in Chapter II of the Ocean Plan.

5. If such discharges are associated with mooring field operations. Only those discharges incidental to mooring field operations that are low threat and low volume are allowable, and only if they do not cause or contribute to a violation of the water quality objectives in Chapter II of the Ocean Plan; and do not alter natural ocean water quality in an ASBS.
6. All other nonpoint source discharges not specifically authorized above are prohibited.

## II. MONITORING FOR COMPLIANCE

Monitoring is mandatory for all dischargers to assure compliance with the Ocean Plan. Monitoring requirements include both: A) core discharge monitoring, and B) ocean receiving water monitoring. The State and Regional Water Boards must approve sampling site locations and any adjustments to the monitoring programs. All monitoring must be comparable\* with the Water Boards' Surface Water Ambient Monitoring Program (SWAMP).

**Safety concerns:** Sample locations and sampling periods must be determined considering safety issues. Sampling may be postponed upon notification to the Regional Water Board if hazardous conditions prevail.

**Analytical Chemistry Methods:** All constituents must be analyzed to the lowest minimum detection limits comparable to the Ocean Plan water quality objectives. For metals analysis, all samples, including storm water effluent, reference samples, and ocean receiving water samples, must be analyzed by the approved analytical method with the lowest minimum detection limits (currently Inductively Coupled Plasma/Mass Spectrometry) described in the Ocean Plan.

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\* must meet or exceed SWAMP QAMP Measurement Quality Objectives and the data is formatted to match the database requirements of the SWAMP Information Management System

## **A. CORE DISCHARGE MONITORING PROGRAM**

### **General sampling requirements for timing and storm size:**

For responsible parties having authorized runoff discharges, runoff and receiving water samples 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.

#### **1. Runoff flow measurements**

- a. For municipal/industrial storm water outfalls that, as of May 31, 2006, were 18 inches (457mm) or greater in diameter/width (including multiple outfall pipes in combination having a width of 18 inches (457mm), runoff flows for each storm event (that results in measurable runoff) must be measured or calculated, using a method acceptable to the Regional Water Board.
- b. This will be reported quarterly to the Regional Water Board.

#### **2. Runoff samples – storm events**

- a. Annual sampling of storm water runoff must be sampled at all outfalls equal to or greater than 18 inches (457mm) in diameter or width.

Samples must be analyzed for all Ocean Plan Table A constituents and indicator bacteria. Sampling must occur once annually, during wet weather (storm events).

- b. In addition to 2.a., during wet weather (storm events), samples of storm water runoff must be analyzed for Ocean Plan Table B acute toxicity.

This must occur once annually for a minimum of one out of every five outfalls, equal to or greater than 18 inches (457mm) in diameter/width.

This sampling may be performed on a rotating basis to ensure that each representative outfall is measured once per five-year period.

- c. In addition to 2.a. and 2.b., for representative agricultural runoff, representative industrial storm water outfalls, and for all municipal storm water outfalls equal to or greater than 36 inches (0.91m) in diameter or width, samples must be further analyzed at least once annually during wet weather (storm events) for Ocean Plan Table B constituents for marine aquatic life, PAHs, pyrethroids, OP pesticides, nitrates, and phosphates.
- d. For a responsible party not participating in a regional monitoring program (see below in Section B) a minimum of the two largest outfalls must be sampled and analyzed three times annually; for responsible parties with more than ten discharges, 20% of all large outfalls must be sampled and analyzed per year. Sampling shall be during wet weather (storm events) by using flow weighted composites. For responsible parties discharging to ASBS in more than one Region, at a minimum, one such discharge must be sampled in each Region. All samples must be analyzed for all Ocean Plan Table A constituents, Table B constituents for marine aquatic life, DDT, PCBs, PAHs, OP pesticides, pyrethroids, nitrates, phosphates, and Ocean Plan indicator bacteria.

## **B. Ocean Receiving Water Monitoring Program**

In addition to performing the Core Discharge Monitoring Program in Section IIA above, all responsible parties having authorized discharges must perform ocean receiving water monitoring. In order to fulfill the requirements for monitoring the physical, chemical and biological characteristics of the ocean receiving waters within their ASBS, dischargers may choose either 1) an individual monitoring program, or 2) a regional integrated monitoring program as their approach.

1. **Individual Monitoring Program:** The requirements listed below are for those dischargers who elect to perform an individual monitoring program as their approach to fulfill the requirements for monitoring the physical, chemical and biological characteristics of the ocean receiving waters within their ASBS. In addition to Core Discharge Monitoring, the following additional monitoring requirements must be met:

- a. Three times annually, during wet weather (storm events), the receiving water at the point of discharge from the outfalls described in section A.2.d above must be sampled and analyzed for Ocean Plan Table A constituents, Table B constituents for marine aquatic life, DDT, PAHs, OP pesticides, pyrethroids, nitrates, phosphates, salinity, and Ocean Plan indicator bacteria. The sample location for the ocean receiving water will be in or immediately seaward of the surf zone adjacent to the discharges monitored per Section A.2.e above. Storm water effluent runoff and receiving water must be sampled at approximately the same time (same storm).
- b. Sediment sampling must occur at least three times during a permit (five year) period. The subtidal sediment (sand or finer, if present) at the discharge must be sampled and analyzed for Ocean Plan Table B constituents for marine aquatic life, DDT, PCBs, PAHs, pyrethroids, and OP pesticides. For sediment toxicity testing, only an acute toxicity test using the amphipod *Eohaustorius estuarius* must be performed.
- c. A quantitative survey of intertidal benthic marine life must be performed at the discharge and at a reference site. The survey must be performed at least once every permit cycle (every five years). The Regional Water Board in consultation with the State Water Board's Division of Water Quality must approve the survey design. The results of the survey must be completed and submitted to the Regional Water Board at least six months prior to the end of the permit cycle.
- d. Once during each permit (five year) period, a bioaccumulation study must be conducted to determine the concentrations of metals and synthetic organic pollutants at representative discharge sites and at representative reference sites. The Regional Water Board in consultation with the State Water Board's Division of Water Quality must approve the study design. The bioaccumulation study may include California mussels (*Mytilus californianus*) and/or sand crabs (*Emerita analoga* or *Blepharipoda occidentalis*).
- e. The bioaccumulation study must be performed at least once every five years. Based on the study results, the

Regional Water Board, in consultation with the State Water Board's Division of Water Quality, may adjust the study design in subsequent permits, or add or modify additional test organisms (such as shore crabs), or modify the study design appropriate for the area and best available sensitive measures of contaminant exposure.

- f. Marine Debris: During the storm season, and following each storm event, representative quantitative observations for trash by type and source must be performed along the coast of the ASBS within the influence of the discharger's outfalls.
- g. The monitoring requirements of the Individual Monitoring Program in this section are minimum requirements. Regional Water Boards may also require additional monitoring. After a minimum of one year of continuous water quality monitoring of the discharges and ocean receiving waters, the Regional Water Board may adjust the list of minimum requirements for chemical constituents if there is good cause to do so.

2. **Regional Integrated Monitoring Program:** Responsible parties may elect to participate in a regional integrated monitoring program as their approach to fulfill the requirements for monitoring the physical, chemical and biological characteristics of the ocean receiving waters within their ASBS. This regional approach must characterize natural water quality in ocean reference areas near the mouths of identified open space watersheds and the effects of the discharges on natural water quality (physical, chemical, and toxicity) in the ASBS receiving waters, and should include benthic marine aquatic life and bioaccumulation components. The design of the ASBS stratum of a regional integrated monitoring program may deviate from the otherwise prescribed monitoring approach (in these Special Protections) if approved by the State Water Board's Division of Water Quality and the Regional Water Boards.

3. **Waterfront and Marine Operations:** In addition to the above requirements for ocean receiving water monitoring, additional monitoring must be performed for marinas, boat launch and pier facilities:

- a. For all mooring field operators, in mooring fields with more than ten occupied moorings, the ocean receiving water must be sampled for Ocean Plan indicator bacteria, copper, zinc, grease and oil, methylene blue active substances (MBAS), and ammonia nitrogen.
  - i. For mooring field operators opting for an individual monitoring program (Section II.B.1 above), this sampling must occur weekly (on the weekend).
  - ii. For mooring field operators opting to participate in a regional integrated monitoring program (Section II.B.2 above), this sampling must occur monthly from May through October on the highest use weekend of that month.
- b. For all mooring field operators, the subtidal sediment (sand or finer, if present) within mooring fields and below piers must be sampled and analyzed for Ocean Plan Table B metals (for marine aquatic life beneficial use), acute toxicity, PAHs, and tributyltin. For sediment toxicity testing, only an acute toxicity test using the amphipod *Eohaustorius estuarius* must be performed. This sampling must occur at least three times during a five year period.

### **III. TIME SCHEDULE FOR COMPLIANCE**

Discharges must be controlled to protect natural water quality in the ocean receiving water of the ASBS, as determined by comparison to reference areas identified via the regional monitoring program(s).

These requirements shall be met in accordance with the following schedule:

1. On the effective date of these Special Protections, all non-authorized non-storm water runoff (e.g., dry weather flow) is effectively prohibited.
2. Six months from the effective date of these Special Protections, the dischargers shall describe their action strategy to achieve these waste discharge reductions in their Storm Water Management Plans (SWMP), Storm Water Pollution Prevention Plans (SWPPP) and/or Waterfront Management Plans.

3. Within eighteen months after the effective date of these Special Protections, non-structural controls must be instituted to reduce waste discharges into ASBS.
4. Any structural controls identified in the SWMP/SWPPP must be operational within four years of the effective date of these Special Protections.
5. Ultimate compliance with these Special Protections must be met as ASBS ocean receiving water limits. Within four years of the effective date of these Special Protections, all ASBS ocean receiving water shall meet natural ocean water quality conditions.

#### **IV. STORM WATER MANAGEMENT PLANS AND STORM WATER POLLUTION PREVENTION PLANS**

The discharger must specifically address the prohibition of non-storm water runoff and the reduction of pollutants in storm water discharges draining to an ASBS in a SWMP or a SWPPP as appropriate to permit type. The Regional Water Board will require these terms and conditions of the Special Protections to be included and addressed in the SWMP/SWPPP. Six months from the effective date of these Special Protections, the discharger shall describe their action strategy to achieve these waste discharge reductions in their SWMP or SWPPP.

The SWMP/ SWPPP must include a map of surface drainage of storm water runoff, prioritizing discharges, showing areas of sheet runoff, and any structural Best Management Practices (BMPs) employed. The map must also show the storm water conveyances in relation to other features such as service areas, sewage conveyances and treatment facilities, landslides, areas prone to erosion, and waste and hazardous materials storage areas. The SWMP/ SWPPP must also include a procedure for updating the map and plan when other changes are made to the storm water conveyance facilities.

The SWMP/ SWPPP must describe the measures by which all non-authorized non-storm water runoff (e.g., dry weather flows) has been eliminated, how these measures will be maintained over time, and how these measures are monitored and documented.

**Small Storm Water Discharges From Individual Properties:** It is requested that the MS4 SWMP also describe how the permittee

will work with individual property owners having direct storm water discharges to the ASBS, to prevent pollution.

For MS4s, the SWMP must address minimum inspection frequencies:

- a. The minimum inspection frequencies for construction sites will be weekly during rainy season.
- b. The minimum inspection frequencies for industrial facilities will be monthly per rainy season, and
- c. The minimum inspection frequencies for commercial (e.g. restaurants) will be twice per rainy season.
- d. Storm water outfalls drains equal to or greater than 18 inches (457 mm) in diameter/width must be inspected at least twice annually during the rainy season and maintained to remove trash and other anthropogenic debris.

The SWMP/ SWPPP must address storm water discharges (wet weather flows), and how pollutants have been and will be reduced in storm water runoff into the ASBS through the implementation of BMPs. For planning and implementation purposes, BMPs to control storm water runoff discharges (at the end-of-pipe) during a design storm should focus on achieving target levels set as the Table B instantaneous maximum Water Quality Objectives in Chapter II of the Ocean Plan.

The SWMP/ SWPPP must address erosion control and the prevention of anthropogenic sedimentation in ASBS. The natural habitat conditions in the ASBS must not be altered as a result of anthropogenic sedimentation.

The SWMP/SWPPP must describe the non-structural BMPs currently employed and planned (including those for construction activities), and an implementation schedule. The SWMP/SWPPP must also describe the structural BMPs, including low impact development (LID) measures, currently employed and planned for higher priority discharges and an implementation schedule. Higher threat discharges include permitted storm drains discharging large volumes of urban and suburban, transportation, and industrial runoff, military industrial storm drains, agricultural runoff, discharges associated with marina operations (e.g., piers, launch ramps, mooring fields, and associated vessel support activities) and discharges

associated with other commercial or industrial activities within ASBS.

The BMPs and implementation schedule must be designed to ensure natural water quality conditions in the receiving water due to either a reduction in flows from impervious surfaces or reduction in pollutants, or some combination thereof. The implementation schedule must be developed to ensure that BMPs are implemented to meet the Time Schedule for Compliance (Section III).

**Violations of Natural Water Quality in the ASBS Receiving Waters:** If the results of the receiving water monitoring indicate that the storm runoff is causing or contributing to an alteration of natural water quality in the ASBS, the discharger is required to submit a report to the Regional Water Board within 30 days of receiving the results.

Those constituents in storm runoff that alter natural water quality must be identified in that report. The report must describe BMPs that are currently being implemented, BMPs that are planned for in the SWMP/ SWPPP, and additional BMPs that may be added to the SWMP/ SWPPP. The report shall include a new or modified implementation schedule.

The Regional Water Board may require modifications to the report. Within 30 days following approval of the report by the Regional Water Board, the discharger must revise its SWMP/ SWPPP to incorporate any new or modified BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required. As long as the discharger has complied with the procedures described above and is implementing the revised SWMP/ SWPPP, then the discharger does not have to repeat the same procedure for continuing or recurring exceedances of the same constituent.

## **V. ADDITIONAL REQUIREMENTS FOR SWPPPS - PARKS AND RECREATION FACILITIES**

At camping, picnicking, beach and roadside parking areas, public outreach and information signs must be placed in all ASBS. These signs must explain the ASBS waste discharge prohibition and the applicable requirements of these Special Protections, and demarcate the ASBS boundaries (and parks boundaries where applicable). The signage will facilitate

protection of resources and inform the public of permitted uses and beneficial uses to be protected in the ASBS.

Visitor facilities including parking areas must have adequate trash receptacles. Trash receptacles must be covered to prevent trash from being wind-blown. Trash receptacles must be periodically emptied so as not to overflow.

Maintenance and repair of rock and wood barriers around parking lots and modifications of parking areas must not result in waste discharges to the ASBS.

Runoff from parking areas must be attenuated via natural area buffers, or otherwise treated, before reaching an ASBS. Any new surface of parking areas must be gravel or a form of permeable paving (LID).

The use of asphaltic trails is prohibited. Trails and culverts must be maintained to prevent erosion.

The SWMP/SWPPP must include an erosion control plan that describes BMP's to be used in all areas to control soil erosion (both temporary and permanent erosion controls) and storm water runoff.

The SWMP/SWPPP must identify all pollutant and sediment sources that may result in waste entering storm water runoff. Pollutant and sediment sources include but are not limited to roadside rest areas and vistas, picnic areas, campgrounds, trash receptacles, maintenance facilities, park personnel housing, portable toilets, leach fields, fuel tanks, roads, piers and boat launch facilities. The SWPPP must identify BMPs that will be implemented to reduce or eliminate pollutants and sediment erosion.

The SWMP/SWPPP must address BMPs to prevent run off or aerial over-spraying of pesticides or other chemicals, including agricultural chemicals, at parks and recreation properties.

## **VI. ADDITIONAL REQUIREMENTS - WATERFRONT AND MARINE OPERATIONS MANAGEMENT PLAN**

At marine recreation areas, public outreach and information signs must be placed in all ASBS. These signs must explain the ASBS waste discharge prohibition and the applicable requirements of these Special Protections, and demarcate the ASBS boundaries. The signage will facilitate protection of

resources and inform the public of permitted uses and beneficial uses to be protected in the ASBS.

Marine recreation areas, including parking areas, must have adequate trash receptacles. Trash receptacles must be covered to prevent trash from being wind-blown. Trash receptacles must be periodically emptied so as not to overflow.

For discharges related to waterfront and marine operations and where otherwise applicable, in addition to their SWMP/ SWPPP a waterfront and marine operations management plan is required. This plan must contain appropriate management measures to address non-point source pollutant discharges. Appropriate management practices need to achieve the goals of the Management Measures described in the State's Non-point Source Program Implementation Plan for marinas and recreational boating, as applicable.

The required Plan must also address protection of beneficial uses and natural ocean water quality from waste discharges associated with the operation and maintenance of vessels, moorings, piers, launch ramps, and cleaning stations. There shall be no discharge of chlorine, soaps, petroleum, other chemical contaminants, trash, fish offal or human sewage. Anthropogenic accumulations of discarded fouling organisms must be minimized.

The discharger is required to submit its final waterfront and marine operations management plan to the Regional Water Board within six months of the effective date of these Special Protections. The waterfront and marine operation management plan may be included as a part of the SWMP or SWPPP when applicable. The Regional Water Board, in consultation with the State Water Board's Division of Water Quality, will review the plan. The Regional Water Board shall appropriately regulate non-point source discharges in accordance with the State Water Board's Policy for Implementation and Enforcement of the Non-point Source Pollution Control Program. The plan must be fully implemented within eighteen months of the effective date of these Special Protections.

Further habitat modification as a result of operation of the mooring fields, piers, launch ramps and other marine operations must be avoided. The discharger must notify the Regional Water Board within 180 days prior to any construction activity that could result in any discharge or habitat modification in the ASBS. Furthermore, the discharger must receive approval and

appropriate terms and conditions from the Regional Water Board prior to performing any significant modification, re-building, or renovation of any water front facilities, including but not limited to piers, docks, moorings, and breakwaters, according to the requirements of Section III.E.2 of the Ocean Plan.

## VII. Additional Prohibitions

Discharges of waste are known to be conveyed via seeps or springs that discharge as surface flows from coastal bluffs into ASBS. Waste discharges from irrigation activities, on-site sewage or gray water disposal systems, or other anthropogenic activities to an ASBS via seeps or springs are prohibited. These waste discharges must be eliminated within five years of the effective date of these Special Protections.

## Glossary

**At the point of discharge(s)** – Means in the surf zone immediately where runoff from an outfall meets the ocean water (a.k.a. at point zero). For storm water discharges, outfall is defined in 40 CFR 122.26(b)(9).

**Areas of Special Biological Significance (ASBS)** – Those areas designated by the State Water Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. All Areas of Special Biological Significance are also classified as a subset of State Water Quality Protection Areas.

**Design storm** – For purposes of these Special Protections a design storm is defined as one inch of precipitation per day.

**LID** – Low Impact Development. LID is a sustainable practice that benefits water supply and contributes to water quality protection. Unlike traditional stormwater management, which collects and conveys storm water runoff through storm drains, pipes, or other conveyances to a centralized storm water facility, LID takes a different approach by using site design and storm water management to maintain the site's pre-development runoff rates and volumes. The goal of LID is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source of rainfall.

**Municipal Separate Storm Sewer System (MS4)** – A municipally-owned storm sewer system regulated under the Phase I or Phase II storm water program implemented in compliance with Clean Water Act section 402(p). Note that an MS4 program’s boundaries are not necessarily congruent with the permittee’s political boundaries.

**Natural Water Quality** - determined by comparison to reference areas agreed upon via the regional monitoring program(s).

**Non-point source** – Non-point pollution sources generally are sources that do not meet the definition of a point source. Non-point source pollution typically results from land runoff, precipitation (except those discharges regulated by an NPDES permit), atmospheric deposition, drainage, seepage, or hydrologic modification. Non-point sources, for purposes of these Special Protections, include storm water discharges that are not required to be regulated under an NPDES permit.

**Person** - “Person” as defined in Water Code section 13050(c).

**Point Source** - A “point source” as defined in Clean Water Act §502(14).

**Representative outfalls** – Note, this still needs to be defined.

**Sheet-flow** – Runoff that flows across land surfaces at a shallow depth relative to the cross-sectional width of the flow. These types of flow may or may not enter a storm drain system before discharge to receiving waters.

**Significant difference** – Statistically significant difference in the arithmetic means of two distributions of sampling results at the 95 percent confidence level.

**Storm Water** – Storm water as defined in 40 CFR 122.26(b)(13).

**Surf Zone** - The surf zone is defined as the area between the breaking waves and the shoreline at any one time.

**Waste** – Waste as defined in Water Code 13050(d).

## Appendix A

### List of Applicants for General Exception

<b>Applicant</b>	<b>ASBS</b>
City of Carmel by the Sea	Carmel Bay
Conolly-Pacific Company	Southeast Santa Catalina Island
Department of Parks and Recreation	Redwoods National Park, Trinidad Head, King Range, Jughandle Cove, Gerstle Cove, James V. Fitzgerald, Año Nuevo, Carmel Bay, Point Lobos, Julia Pfeiffer Burns, Irvine Coast
Department of Transportation (CalTrans)	Redwoods National Park, Saunders Reef, James V. Fitzgerald, Año Nuevo, Carmel Bay, Point Lobos, Julia Pfeiffer Burns, Salmon Creek Coast, Laguna Point to Latigo Point, Irvine Coast
U.S. Dept. of Defense, Air Force	James V. Fitzgerald
Humboldt County	King Range
Humboldt Harbor District*	King Range
Irvine Company	Irvine Coast
City of Laguna Beach	Heisler Park
Los Angeles County	Laguna Point to Latigo Point
City of Malibu	Laguna Point to Latigo Point
Marin County	Duxbury Reef
City of Monterey	Pacific Grove
City of Newport Beach	Robert E. Badham
City of Pacific Grove	Pacific Grove
Pebble Beach Company	Carmel Bay
Pelican Point Homeowners, in conjunction with City of Newport Beach	Irvine Coast
U.S. Dept. of Interior, Point Reyes National Seashore	Point Reyes Headlands, Duxbury Reef
San Diego City	La Jolla

San Mateo County	James V. Fitzgerald
Santa Catalina Island Company, including Santa Catalina Island Conservancy	Northwest Santa Catalina Island
Sea Ranch Association	Del Mar Landing
City of Trinidad City	Trinidad Head
Trinidad Rancheria	Trinidad Head
U.S. Dept. of Interior, Redwoods National and State Park	Redwoods National Park
U.S. Dept. of Defense, Navy	San Nicolas Island & Begg Rock
U.S. Dept. of Defense, Navy	San Clemente Island

\* red print indicates that an exception was requested but the application was substandard

DRAFT