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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, California 93940

December 29, 2004

Roger Briggs
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

**SUBJECT: COMMENTS ON THE MONTEREY REGIONAL STORM WATER
MANAGEMENT PROGRAM AND ISSUANCE OF COVERAGE
UNDER W.Q. ORDER No. 2003-0005-DWQ**

Dear Mr. Briggs,

Previously, in letters dated April 28 and June 18th, 2004, and in oral communications presented at a workshop on June 8, 2004, the Monterey Bay National Marine Sanctuary (MBNMS) has commented to the Regional Water Quality Control Board (RWQCB) and the Monterey Regional Storm Water Permit Group (Group) regarding the Monterey Regional Storm Water Management Program (MRSWMP or program). The MBNMS has also reviewed this program under its authority defined at 15 CFR Sections 922.49 and 922.134 (b), and procedures defined in Section V.E. of the Memorandum of Agreement on water quality protection within the MBNMS (June 1992).

Based in part on these comments, the Group revised the MRSWMP and informally presented a revised Best Management Practice (BMP) table for the MRSWMP for review by interested stakeholders. After revision based on input from the MBNMS and others, the MRSWMP was submitted to the RWQCB for approval by the board. Currently, the MRSWMP is posted for a thirty-day public review prior to consideration by the Board.

The MBNMS again appreciates and welcomes the opportunity to comment on the MRSWMP. In general, the MBNMS has been encouraged with the openness of the Group to consider modifications to the management program, as well as their commitment to ensuring good water quality. The revised BMP describes a program that is more integrated across the permit coverage area and describes more quantitative "Measurable Goals" – two of the MBNMS's main concerns with prior editions. The MBNMS looks forward to a program that will result in a program that protects and improves water quality, meets the requirements mandated under the Clean Water Act, and will serve to develop new, and further existing, water quality protection efforts.

As per these comments and the procedures established in the MOA between the two agencies, the MBNMS supports the adoption of the MRWMP by the RWQCB. Further delay would serve only to delay addressing an issue that has critical importance to health of our aquatic resources and the MBNMS. The Group has put forth a good faith effort in developing a plan that is realistic considering available resources, and any issues regarding the MRSWMP can be addressed through the annual reporting process. A concerted effort will now be needed to follow through on the implementation of the



plan. We look forward to the reports on the Groups' progress and coordination their implementation efforts with MBNMS activities on urban runoff. The following paragraphs provide the basis for our support of this program.

■ **Minimum Control Measure 1: Public Education and Outreach**

This Minimum Control Measure (MCM) acknowledges that an effective program must target the multitude of behaviors and activities that introduce pollution at its source. Previous MBNMS comments on the MRSWMP's education and outreach program focused on the need for measurable goals that evaluate the program's effectiveness, a more thorough description of the mechanism for annual revision of the program, and for collaboration with the MBNMS and other NPDES permittees.

Accordingly, the MBNMS is encouraged by the commitment of resources for the education and outreach task, which outlines a program of outreach to students and adults, teaching them about urban runoff and its impacts. The MBNMS welcomes the opportunity for collaboration with the Group as outlined in the education and outreach program, and will seek to allocate staff and resources accordingly.

The main goal of this effort must be to move beyond simple awareness and have the message result in an actual behavioral change – MS4s merely convey waste generated through numerous improper behaviors, and a truly effective program will be one that is successful in changing these behaviors. Accordingly, the MRSWMP has identified several tasks, including outreach to restaurant personnel, store displays as part of Our Water, Our World (OWOW), and student outreach that will track changes in awareness and behavior. This information will be compiled and reported on an annual basis and will help to direct the future implementation of the program.

The MBNMS is encouraged to see the education program will be targeting BMPs for commercial industries, construction and gardeners, homeowners, and landscapers. The MBNMS welcomes the opportunity to collaborate on this effort, and also supports the idea of working with other Monterey Bay jurisdictions on this task.

For the first year of the permit program, the Education and Outreach plan does not specifically state that activities will be coordinated with other permittees. The MBNMS maintains that this will be necessary for an effective and efficient program as it will save money on advertising and ensure consistent messages. However, the MBNMS recognizes that committing to this now, while other programs are still being developed, is difficult. Instead, the MBNMS acknowledges the good faith effort expressed to do so, and will work with all permittees to facilitate this in future permit years.

After reviewing the Education and Outreach program as described in the June 23rd Agenda Packet, and the revised BMP table the MBNMS feels that our concerns regarding MCM 1: Public Education and Outreach have been sufficiently addressed.

■ **Minimum Control Measure 2: Public Participation and Involvement**

Previous comments from the MBNMS regarding public participation and involvement centered on the need to determine which specific activities each jurisdiction will participate in.

The revised BMP table details that all MRSWMP jurisdictions will recruit volunteers and provide logistical and financial support for the Annual Coastal Cleanup event, storm drain stenciling, and Urban Watch and First Flush events.

The MBNMS is encouraged by the commitment to these programs outlined by the MRSWMP Group members, and welcomes the collaboration with MBNMS programs. After reviewing the MCM #2 activities in the revised BMP table, the MBNMS feels that our concerns regarding it have been addressed.

■ **Minimum Control Measure 3: Illicit Discharge and Detection**

Previous comments from the MBNMS regarding the illicit discharge and detection control measure focused on the need to have all entities participate in a public reporting system, and to develop compatible storm drain maps for each jurisdiction. The revised BMP table indicates that a map will be created, and updated annually as needed, which shows all of the outfalls, locations of waters of the state, and other MS4s that receive discharges from those outfalls.

Additionally, as illicit discharge detection is necessary to control sources of pollution from the urban landscape. The MBNMS supports the notion of a '1-800' number to report such occurrences, and encourages the jurisdictions to utilize, as appropriate, citizen volunteer monitors to track and identify pollution sources.

After reviewing the MCM #3 activities in the revised BMP table, the MBNMS feels that our concerns regarding it have been addressed.

■ **Minimum Control Measure 4: Construction Site Storm Water runoff control**

This MCM recognizes the potential contribution of sediments and pollutions from construction activities. The MBNMS has not previously commented on any BMPs or MGs listed under this MCM. The MBNMS supports the Group's intention to address this for of pollution through the development of an ordinance and enforcement capabilities. Additionally, the MBNMS feels that the '1-800' number will be critical in identifying potential problems associated with construction runoff as well as illicit discharges.

■ **Minimum Control Measure 5: Post-Construction Storm Water Management in New Development and Redevelopment**

This MCM recognizes the potential impact that conversion of open space to residential or commercial uses can have on water quality. This impact can be partially mitigated, along behavioral modifications affected through the use of education and outreach, with BMPs. Previous MBNMS comments on MCM 5 have centered around the issue of Attachment 4 to the General Permit, which calls for stricter BMPs, and whether or not the Group as a whole should be held to requirements contained therein.

The MBNMS recognizes that Attachment 4 not only requires stricter BMPs, but also monitoring. By participating in the Urban Watch and First Flush programs and developing a strict ordinance that is consistent with Local Coastal Permit (LCP) requirements, the MBNMS feels that this issue will be resolved.

■ **Minimum Control Measure 6: Pollution Prevention / Good Housekeeping for Municipal Operations**

Previous MBNMS comments on MCM 6 questioned why different jurisdictions adopted different BMPs, the need for more quantitative MGs, and questioned the selection of BMPs for some jurisdictions.

Much of what is described for this MCM in the revised BMP table relies upon the training of employees regarding proper BMPs, and the implementation of programs such as Integrated Pest Management (IPM), haz mat storage, and used motor oil disposal. The MBNMS looks forward to working with the Group on the implementation of these programs, and urges to the group to seek to develop strong feedback mechanisms to ensure that the water quality message is being delivered, and that staff are correctly implementing the BMPs. Regarding street sweeping, the MBNMS again urges the Group to adopt more quantitative measurable goals – such as the miles of road swept, frequency, and analysis of debris collected (e.g. amount, weight, etc.).

Thank you for considering our comments. The MBNMS supports the adoption of the MRSWMP by the RWQCB as per the procedures set forth in the 1992 Memorandum of Agreement. The MBNMS does not have any additional requirements, separate from those identified above, that need to be added to the RWQCB permit at this time. Please send a copy of the signed permit to our office upon issuance.

Sincerely,



DR. HOLLY PRICE
Acting Superintendent

cc: Donette Dunaway, RWQCB
John Amour, NMSP
Bob Jaques, MRWPCA