



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

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

March 1, 2005

3

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

SUBJECT: Complaint For Mandatory Minimum Penalty, San Simeon Community Services  
District, San Luis Obispo County

Dear Mr. Briggs:

The Monterey Bay National Marine Sanctuary (MBNMS) has reviewed the Complaint For Mandatory Minimum Penalty, for the San Simeon Community Services District wastewater facility located in San Simeon, California. The Sanctuary reviewed this document 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 Sanctuary (June 1992).

The MBNMS is concerned about the recent number of water quality violations by this discharger into the waters of the National Marine Sanctuary. The MBNMS is an incredibly special place and the discharge of sewage matter into this protected area in non-compliance with the NPDES permit is unacceptable and a violation of Federal rules and regulations for the MBNMS (15 CFR 922, Subpart M). The discharger should make the necessary upgrades to their facility and undertake every possible effort to ensure compliance with their NPDES permit in the future.

The Regional Water Quality Control Board will be considering this Complaint for Mandatory Penalty No. R3-2005-0032 at the March 25, 2005 meeting. This penalty is for the period between March 4, 2004 through December 31, 2004 and is proposed to be levied in the amount of \$144,000. Our priority for allocation of these funds, provided it meets the State's legal mandate, is that these monies be used to complete the needed upgrades to this facility.

Should the RWQCB determine that the full penalty amount not be allocated towards facility upgrades, California Water Code Section 13385(l) allows up to \$79,500 of the penalty amount to be expended on a supplemental environmental project (SEP) in accordance with the State's Enforcement Policy. Enhancing water quality is central to meeting the MBNMS' mandate of resource protection, and to this end, the MBNMS has developed a Water Quality Protection Program (WQPP). We respectfully suggest that some of the programs developed under the WQPP would be an appropriate and good use of SEP funds. We ask that you consider making these funds available to the Monterey Bay Sanctuary Foundation under this Mandatory Minimum Penalty. These programs will address issues related to bacterial contamination of ocean waters through technical training, water quality monitoring, and education and outreach.

**Technical Training** - The MBNMS has developed a technical training program where experienced professionals perform tailored, site-specific trainings focusing on municipal employee Best Management Practices (BMPs). Because municipalities often have different organizational structures, these workshops are designed to fit the specific needs of each municipality, and whenever possible management and supervisory staff are consulted to develop "tailored" training programs that fit local needs. This ensures that key staff are educated in a format that applies to

MBNMS-2002-009



Item No. 4 Attachment No. 4  
March 24-25, 2005 Meeting  
San Simeon CSD

their specific working situation. Funds from the SEP would allow for training seminars in San Luis Obispo County, and for the purchase of on-site training materials.

**Volunteer Water Quality Monitoring** – knowing that resource agencies traditionally do not have sufficient staff or support to completely assess water quality conditions, the MBNMS helped devise a way that volunteer monitors could play a vital role in assisting these agencies. This led to the development of the Monterey Bay Sanctuary Citizen Watershed Monitoring Network (Network), which supports approximately 200 citizen water quality monitors throughout the Monterey Bay National Marine Sanctuary. The Network has conducted limited programs in San Luis Obispo county, but it could have much more robust programs with additional assistance. Funds would help support a regional coordinator, along with paying for equipment and laboratory fees. The two programs that could be implemented include:

*Urban Watch Water Quality Monitoring Program* - Urban Watch volunteers monitor during the dry weather months (June-October). Sites in each city are monitored two weeks a month and twice within the scheduled week for approximately five months, testing for detergents, phenol, ammonia, chlorine, copper, pH, turbidity, and bacteria.

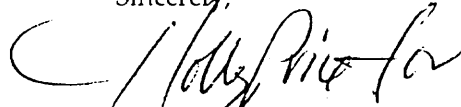
*First Flush* - The first major storm event of the season, in which there is "sheeting" water on the roadways, is defined as "First Flush". During this event, the outfalls monitored by the Urban Watch volunteers are sampled to characterize the first flush storm water quality. These tests include water temperature, pH, conductivity, transparency, total coliform, E. coli., oil and grease, TSS, TDS, orthophosphate, nitrate, zinc, copper, and lead.

**Education and Outreach** – The MBNMS has developed extensive educational materials designed to engage and raise the awareness of the public about water quality, and issues affecting the MBNMS. Pending additional funding, outreach materials could be adapted to address local concerns, or existing materials could be reprinted at significantly reduced costs.

The MBNMS looks forward to working with the Regional Board to ensure that our nation's most special places are protected from beach closures resulting from effluent violations. In addition, we also hope that the San Simeon Community Services District recognizes the need for, and value of, a healthy marine ecosystem. Both the MBNMS and the RWQCB facilitate multiple uses (including wastewater management) of the marine ecosystem, but only those uses that are compatible with resource protection and do not injure ocean qualities essential to uses such as surfing, kayaking, boating, whale watching, fishing, research and beach walking. Properly managing a wastewater facility is a necessary element of sound coastal stewardship, and cannot injure Sanctuary resources and qualities.

Thank you for the opportunity to review this Complaint For Mandatory Minimum Penalty, for the San Simeon Community Services District wastewater facility. If you have any questions regarding our comments please contact Mr. Chris Coburn in the MBNMS office by phone at 831-420-1670 or via email at [chris.coburn@noaa.gov](mailto:chris.coburn@noaa.gov). Thank you for your cooperation with the Monterey Bay National Marine Sanctuary.

Sincerely,

  
WILLIAM J. DOUROS  
Superintendent

cc: T. Lambeth, SSCSD  
R. Yerena, NOAA, OLE

MBNMS-2002-009