

Monterey Regional Storm Water Management Program  
 Water Board Staff Response to Natural Resources Defense Council Comment Letter dated  
 December 16, 2005  
 (References to page/paragraph numbers refer to the December 16, 2005 letter)

1. The draft fails to incorporate a range of Best Management Practices (BMP) in use in similarly situated communities and ignores most of the suggestions included in "A Practical Plan for Pollution Prevention: Urban Runoff Solutions for the Monterey Region" (Report), a report by NRDC and the Ocean Conservancy prepared at the Board's request. (p.2, carryover paragraph)

**Response:** The Permittees are required to develop a storm water management program (SWMP) that describes how pollutants in storm water runoff will be controlled using BMPs that address the six minimum control measures. The Monterey Regional Storm Water Management Program (MRSWMP) provides BMPs that will be used to control pollutants in storm water. They are not required to implement all BMPs in use in other communities, provided that the exclusion of BMPs can be justified in a manner consistent with the General Permit findings and State Water Board Order WQ-2000-11.

The commenter incorrectly implies that there is a standardized set of BMPs that are being used across the state or country in "similar" cities, and that the governmental documents are tailored such that an MS4 could pick one set of unified standards and apply them to meet MEP. This is not the case. As the General Permit Fact Sheet MEP discussion describes, the MEP "standard" is very individualized and is very dependent upon local factors. What is applicable for one city, may be entirely unreasonable or ineffective in another, similar sized city, due to geography, soils, rainfall, public perception, water quality variations, cost-benefit tradeoffs and so on. The Monterey Regional Group, in developing the MRSWMP, first considered what their local pollutants of concern were, then chose applicable and feasible BMPs from the model programs and documents to control those pollutants of concern.

The MRSWMP includes those BMPs that the Monterey Regional Group determined could be obtained, installed and/or implemented (technically feasible) and that they could afford and would produce pollutant reduction benefit that justifies the implementation cost (economically feasible). The Monterey Group utilized storm water quality data from the region, applied knowledge and observations from watchdog groups and internal municipal staff, and determined the likely pollutants of concern and probable best methods to address the pollutants, to arrive at the list of BMPs included in the MRSWMP. Staff believes these BMPs satisfy the MEP standard because the BMPs address pollutant discharges in storm water and especially the area's pollutants of concern, the BMPs have been proven to be effective and feasible in other communities, and the cost of the BMPs is justified by the expected pollutant removal capabilities.

2. The MRSWMP still fails to meet the federally mandated maximum extent practicable (MEP) standard. It fails to assure or even commit to assuring that discharges of polluted

storm water will not cause or contribute to the violation of the state's own water quality standards, established to delineate the line between safe and unsafe water quality in streams, rivers, and the ocean. (p. 2, paragraph 1; p. 4, *General Principles*.)

**Response:** The MRSWMP includes those BMPs that the Monterey Regional Group determined could be obtained, installed and/or implemented (technically feasible) and that they could afford and would produce pollutant reduction benefit that justifies the implementation cost (economically feasible). The Monterey Regional Group utilized storm water quality data from the region, applied knowledge and observations from watchdog groups and internal municipal staff, and determined the likely pollutants of concern and probable best methods to address the pollutants, to arrive at the list of BMPs included in the MRSWMP. Staff believes these BMPs satisfy the MEP standard.

3. The MRSWMP fails to assure or even commit to assuring that discharges of polluted storm water will not cause or contribute to the violation of the state's own water quality standards, established to delineate the line between safe and unsafe water quality in streams, rivers, and the ocean. (p.2, paragraph 1.)

**Response:** See Water Board Staff Response to Comments found in *A Practical Plan for Pollution Prevention – Urban Runoff Solutions for the Monterey Region*, Comment 2.

It is difficult to prove or guarantee a program's outcome prior to implementing the program. The Phase II permit requires permittees to "implement BMPs that reduce pollutants in storm water to the technology-based standard of MEP."<sup>1</sup> The State Board explained MEP as "the technology-based standard established by Congress in CWA section 402(p)(3)(B)(iii)...MEP is generally a result of emphasizing pollution prevention and source control BMPs as the first lines of defense in combination with structural and treatment methods where appropriate serving as additional lines of defense."<sup>2</sup> The MRSWMP follows this protocol, and should therefore be protective of water quality. It may be that as the program is implemented, some BMPs need to be expanded or better tailored, but an iterative program meets, rather than contradicts, the MEP standard.

Additionally, the MEP definition in the General Permit Fact Sheet states, "The MEP approach is an ever-evolving, flexible, and advancing concept, which considers technical and economic feasibility. As knowledge about controlling urban runoff continues to evolve, so does that which constitutes MEP. The individual and collective activities elucidated in the MS4's SWMP become its proposal for reducing or eliminating pollutants in storm water to the MEP. The way in which MEP is met may vary between communities."<sup>3</sup> This means that it is not expected (or possible) to pre-determine whether a storm water program will definitively control storm water pollution. However, staff believes that the MRSWMP is protective of water quality and meets the MEP standard.

<sup>1</sup> Phase II permit, Effluent Limitations, C.1

<sup>2</sup> SWRCB Order WQ 2000-11 (City of Bellflower et al.).

<sup>3</sup> Phase II permit Fact Sheet, pg. 9-10

4. The MRSWMP remains a plan to create a plan without any meaningful commitments to effectively control California's number-one source of coastal pollution -- polluted urban storm water runoff. (p. 2, paragraph 1.)

**Response:** The MRSWMP contains numerous BMPs and measurable goals. The Monterey Regional Group must implement the SWMP, which requires a comprehensive five-year program to reduce pollutants in urban runoff to the maximum extent practicable. For example, the previous draft MRSWMP included plans to develop protocols for illicit discharges. The Monterey Regional Group has since developed the protocols and included them in the revised MRSWMP.

In addition to the illicit discharge protocols, the following BMPs were developed since the May 2005 Water Board meeting: an inventory of businesses, various inspection checklists, protocols for taking action against illicit dischargers, a guidance document for illegal disposal activity policies and procedures, a template ordinance, construction site BMP guidance, construction site plan review and inspection procedures, protocols for the receipt and handling of information from the public, progressive enforcement protocols, procedures for proper disposal of used motor oil, procedures for pool water discharges, and employee training materials.

The Monterey Regional Group has also identified pollutants of concern in order to ensure that selected BMPs are tailored to regional conditions.

5. Not only did the entities fail to incorporate the vast majority of our Report's analysis and recommendations, the Regional Board staff seems poised to yet again recommend approval of the MRSWMP, even though it fails to meet the MEP standard and protect water quality. (p. 3, paragraph 1)

**Response:** See responses to comments 3 and 4.

6. The draft MRSWMP only incorporates 15% of our suggestions. The MRSWMP fails to be a comprehensive program for controlling and preventing polluted urban storm water runoff in the Monterey Region. (p. 3, paragraph 2.)

**Response:** See responses to comments 3 and 4.

7. The MRSWMP continues to pool together already existing programs, incorporate them into one document and call it a SWMP. Many of the new documents in Appendix E are "Protocols", "Policies", "Procedures" or "Guidance". The MRSWMP fails to specify what actions are required to control storm water runoff to the MEP and to protect water quality. (p. 3, paragraph 3.)

**Response:** Permittees can use existing resources to comply with permit requirements. The MRSWMP does specify actions required to control storm water runoff to the MEP. Numerous BMPs are listed along with implementation timelines. It is perfectly acceptable to use protocols, policies, procedures, and guidance to implement an effective SWMP.

8. The MRSWMP fails to consider EPA's "National Management Measures to Control Nonpoint Source Pollution from Urban Areas" (p.3, paragraph 4.)

**Response:** The MRSWMP contains BMPs that are consistent with general recommendations in the EPA document. The referenced document was published in November 2005, the MRSWMP was submitted in October 2005. The Monterey Regional Group will have an opportunity to consider the specific guidance and recommended BMPs in the first year of permit coverage.

9. The Draft Monterey Proposal must assure that the program, when implemented, will assure that discharges do not cause or contribute to a violation of an applicable water quality standard. (p. 4, *General Principles*.)

**Response:** See response to comment 3.

10. The MRSWMP must explicitly incorporate receiving water limitations language in Attachment 4 of the General Permit for all municipalities. (p. 4, *General Principles*.)

**Response:** Only certain municipalities are required to comply with General Permit Attachment 4. In addition to the municipalities that automatically must comply with Attachment 4 (Castroville, Prunedale, Sand City), Water Board staff will recommend to the Board that communities discharging into ASBSs also implement Attachment 4 requirements (Pacific Grove, City of Monterey). Attachment 4 language is included on page E-94. The permit requires Castroville, Prunedale and Sand City to comply with Attachment 4 receiving water limits, as set forth in Section A.2 of Attachment 4, whether or not the receiving water limitations are set forth in the MRSWMP. The recommendation to apply Attachment 4 in its entirety to communities discharging to ASBS will also incorporate both Section A.1 and Section A.2 of Attachment 4.

11. The draft Monterey Proposal must assure that the program reflects baseline provisions set forth in the MURP. (p. 5, paragraph 2.)

**Response:** The MURP is a guide developed primarily for California municipalities, and therefore the information in the MURP must be adapted to local conditions. The MURP is intended to provide tools for communities developing their own storm water management programs. The MURP is not intended to require communities' implement all BMPs listed in the MURP.

12. The draft Monterey Proposal must include a section addressing priority pollutants of concern. (p. 5, paragraph 3)

**Response:** Starting on MRSWMP page 4-11, pollutants of concern are discussed including data from first flush sampling.

13. The draft Monterey Proposal must schedule its BMP implementation using monthly, rather than just yearly, timeframes. (p. 5, paragraph 4.)

**Response:** The program will be implemented over a five-year period and effective implementation will be evaluated on an annual basis. Water Board staff would like to see resources expended toward proper BMP implementation rather than tracking and attempting to meet arbitrary monthly deadlines. Annual evaluation schedules are adequate to determine program effectiveness and implementation.

14. The MRSWMP does not recognize the seriousness of storm water pollution and the risks it poses. For example, the draft diminishes the description of storm water impacts on page 2-1, "Although these problems provide the basis and rationale for the Phase II Program, it is important to note that these problems do not necessarily exist or pertain to the storm drains that are subject of the MRSWMP." (p. 6, *Risks of Storm Water Pollution*.)

**Response:** The Monterey Regional Group has worked on the MRSWMP development for four years and has produced a 400-page document in an effort to address storm water issues in their area. The effort is a clear indication that they are taking water pollution and the associated risks seriously. The Monterey Regional Group members are making a general statement regarding storm water pollution and are not making assumptions with the statement. They follow this statement by summarizing various pollutants normally present in storm water, but that may not necessarily be present in their storm water discharges.

15. In other areas, the municipalities assert, "Receiving water quality in the geographic area covered by the MRSWMP is generally considered excellent, especially marine and bay water, with relatively few impairments." These conclusions are rebutted by the evidence (such as acutely toxic discharges documented annually in the region) and thus are contrary to law. (p. 6, *Risks of Storm Water Pollution*.)

**Response:** The commenter did not include the entire quote from the MRSWMP, which includes, "... with relatively few impairments compared with other regions of the state." This statement may or may not be true depending on how the comparison is made with other parts of the state. However, the MRSWMP goes on to discuss specific pollutants of concern within the area, evidencing the permittees' understanding of local storm water issues.

The isolated statements cited in Comments 14 and 15 are not justification to withhold approval of the MRSWMP. If future revisions of the MRSWMP BMPs are required, the Executive Officer and the Water Board have authority under the Permit to require them.

16. Chief among the flaws within the MRSWMP is the limitations presented by table 4-1 and the 50 references to "Appendix E". Table 4-1 largely repeats the language in the previous draft MRSWMP and only lists the activities to be undertaken in a general fashion with an entire "Permit Year" as a deadline. Table 4-1 fails to clearly state the requirements and

commitments necessary for an adequate SWMP. To this end the MRSWMP remains vague and uncertain. (pp. 6-7.)

**Response:** Table 4 is a summary of the BMPs, implementation plan, time schedule, and measurable goals. The bulk of the program specifics are located in Appendix E. Refer to comment response 13 regarding the timeframes.

17. The MRSWMP cannot relegate core program elements into an appendix, apparently making nearly all program elements "discretionary". Rather, these programs must be set forth in clear requirements and commitments in a comprehensive and organized manner. (p. 7, carryover paragraph.)

**Response:** The MRSWMP does not indicate that program elements are "discretionary." The Monterey Group is entitled to organize the MRSWMP in a style they feel will allow for effective program implementation. Changes to the appendices are subject to the same Water Board oversight as any other changes to the MRSWMP.

18. The MRSWMP refers to "Appendix E" or "Attachment E" at least 50 times. It is unclear whether these are references to the same document. In any case, this is an unworkable and confusing system for a public participation process. From the draft MRSWMP and general references to Appendix E, the public cannot determine whether the program will meet the MEP standard and protect water quality. Neither can the Board or its staff. (p. 7.)

**Response:** Attachment E and Appendix E are the same document. Water Board staff will recommend to the Board the Monterey Regional Group replace references to "Attachment" E with references to "Appendix" E. The first page of Appendix E provides an index with the BMP numbers from Table 4 and a brief topic description along with the corresponding page number within Appendix E. It is relatively easy to find topics based on the information provided. Water Board staff was easily able to understand the document and its organization to the degree necessary to make a professional judgment as to its adequacy at meeting MEP.

19. Even a quick review of the MRSWMP, especially Table 4, reveals that only cursory and superficial revisions to the MRSWMP have been made. Following the May 2005 Regional Board hearing, the Board directed that whole-scale revision of the MRSWMP must be done. (p.7.)

**Response:** The Water Board directed the discharger to include additional specificity and details, not to prepare a whole-scale revision of the MRSWMP. The revised MRSWMP includes additional details and specificity required to meet the MEP standard, including BMP guidance, a model ordinance, inventoried businesses, and street sweeping schedules.

20. The MRSWMP adds another layer of confusion as to who the lead agency and/or implementers of the MRSWMP are. The Monterey Regional Water Pollution Control Agency (MRWPCA) is identified as the new lead agency for the MRSWMP. Yet Table 4

fails to recognize this fact or even address the agency as one of the implementers. At the same time, Table 4 still assigns three ambiguously named groups as the implementers: "MRSWMP Group", "MBNMS", and "MS4 Administration." It is impossible to tell which entity is responsible for implementation. (pp. 7-8.)

**Response:** The three groups are defined in Appendix D. To date, MRWPCA has always been the main contact with the Water Board for the MRSWMP development as a matter of practice, even though the MRWPCA will not be a permittee. The Memorandum of Understanding referenced on page 3-1 was executed almost four years ago. Of course, the ultimate responsibility for complying with the SWMP and the Permit belongs to the Permittees. The Executive Officer can require clarification of the use of the terms "MRSWMP Group," "MBNMS" and "MS4 Administration" in the future. Since the Permittees are responsible for permit compliance, this is not a valid basis to deny approval of the MRSWMP.

21. In efforts to explain why this draft of the MRSWMP remains a "plan to create a plan" lacking detailed requirements and commitments, the municipalities offer two bases:

- It should be noted that the Participating Entities covered by the MRSWMP are public agencies. As such they are subject to single fiscal year budgets, which do not allow them to make future year financial and resources commitments for programs such as the MRSWMP.
- The Participating Entities will use the annual report update process "to update and revise their BMPs and Measurable Goals."

These comments betray the submitting entities' complete lack of understanding regarding their obligations, in that they wish to rely on factors affecting every municipal permittee in the nation as rationale for unacceptable and illegal low performance. (p. 8.)

**Response:** The Monterey Group is providing explanation as to why they chose the particular BMPs for the MRSWMP. Economic feasibility is a factor that must be considered when choosing BMPs. The annual reporting process is intended to require the Monterey Group to evaluate BMP effectiveness and determine if measurable goals are achieved or SWMP revisions are necessary. (General Permit, Section F; 40 CFR §122.34(g)(1).) In addition, as the commenter points out, annual reporting allows the Water Board to assess ongoing compliance. The Monterey Group will evaluate the effectiveness of BMPs and adjust the program during the annual reporting process as necessary to meet MEP and protect water quality. Staff will recommend to the Board that the Monterey Regional Group remove the last paragraph on page 4-14, which includes the bulleted items above. The Monterey Regional Group are required to adequately fund their storm water program, and failure to do so is not a basis for downgrading BMPs.

22. Table 4's description of the Public Education and Outreach Program is nearly identical to the previous draft of the MRSWMP. The only distinction is that under the implementation plan, the word "develop" has been deleted and leaves "Implement the comprehensive Public Education & Outreach Program contained in Attachment E." However, the Public

Education & Outreach Program in Appendix E is exactly the same as the previous draft of the MRSWMP. Thus, it is unclear what if anything has been "developed" for this program since the May 2005 workshop. More importantly, Public Education and Outreach Program continues to remain impermissibly vague and fails to meet MEP and protect water quality. In this connection, as analyzed in detail in "A Practical Plan for Pollution Prevention" (Practical Plan at 13-18), the MRSWMP must (pp. 8-9):

- a. Revise the program intent to tie in to objectives and measurable outcomes.

**Response:** The MRSWMP intent is tied directly to the program objectives. The MRSWMP objectives, as stated on page 1-1, are to reduce the discharge of pollutants from the municipal separate storm sewer systems to the "maximum extent practicable", to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The intent of the Public Education and Outreach is to provide education to increase awareness of what constitutes poor stewardship of storm water resources, which will result in improved stewardship and decreased pollution.

Appendix E includes a comprehensive public education and outreach program that includes elementary school outreach, our water our world displays, restaurant training, radio ads, print ads, movie ads, event participation, and BMP brochure distribution. The public education and outreach program meets the MEP standard. Measurable outcomes are included in the MRSWMP on page E-15.

- b. Expand the program to target a more diverse set of audiences, including tourists.

**Response:** The education and outreach program targets a wide audience. Although they do not specifically target tourists, the program includes advertising with a high probability of reaching tourists such as print media, bus ads, movie ads, and radio ads. Additionally the target audience identified in the MRSWMP was chosen based on an analysis of the source of pollutants of concern.

- c. Revise the program topics to include a broader range of issues.

**Response:** The range of issues included in the education and outreach program is broad. The program topics include home gardening, restaurant training, automotive maintenance, construction activities, and basic watershed information, and is based on the pollutants of concern.

- d. Develop and incorporate basic education commitments for years 2-5.

**Response:** The education and outreach program is scheduled for all five years of permit coverage.

23. Table 4's description of the Public Participation & Involvement Program is nearly identical to the previous draft of the MRSWMP, with the exception of minor changes, such as references to the appendix as "Appendix E" instead of "Appendix F" and addition



of a new implementer, "MS4 Administration". Notably, the appendix documents remain exactly the same. Hence, the Public Participation & Involvement Program has not been revised and continues to remain impermissibly vague and fails to meet MEP and protect water quality. In this connection, as analyzed in detail in "A Practical Plan for Pollution Prevention" (Practical Plan at 19-27), the MRSWMP must (p. 9):

- a. Revise program to include additional detail and to make specific commitments for years 2-5.

**Response:** The program provides for two workshops annually for the life of the permit. In addition the MRSWMP includes plans to provide financial assistance for annual cleanup activities, storm drain stenciling, and provide support for Urban Watch, First Flush, and Snapshot Day. All of the Public Participation and Outreach programs are scheduled annually for the duration of permit coverage.

- b. Revise objectives to focus on public input and feedback, rather than education.

**Response:** The workshops provide an opportunity for the public to participate in program evaluation and planning. One of the workshops will concentrate on the annual report. The annual reporting process involves evaluating program successes and failures and determining future program needs.

- c. Provide more time for public review of annual reports before workshops.

**Response:** As outlined in BMP 2-1.a, the annual report will be posted on the website and in city offices, one month prior to Annual Workshop No. 1. One month should provide adequate time for annual report public review prior to the workshop.

- d. Modify format of second public workshop to facilitate collection of ideas and public input mid-year, at a time when the municipalities can take action.

**Response:** Workshop #2 is scheduled for March/April, which provides the public an opportunity to evaluate program effectiveness from the previous rainy season.

- e. Promote public participation in Coastal Cleanup Day and First Flush by providing advertising and incentives for participation, in addition to financial support.

**Response:** BMP 2-2.d specifies the Monterey Group will provide support for, or assistance with volunteer monitoring programs such as Urban Watch, First Flush, and Snapshot Day.

- f. Add a watershed stewardship program component.

**Response:** The Citizens Water Quality Monitoring Network is an established watershed stewardship program. BMP 2-3.a outlines the Monterey Regional Group's participation in the Citizens Water Quality Monitoring Network.

- g. Add comprehensive watershed-based monitoring program.

**Response:** The General Permit does not require comprehensive watershed-based monitoring. However, see response to comment 23.f.

- h. Add a Citizens Advisory Committee component.

**Response:** The MRSWMP provides for two workshops annually, allowing for public participation and input.

24. Most of the Illicit Discharge Detection & Elimination Program remains the same. For instance, like the previous draft, the MRSWMP includes a BMP implementation plan to enter into an agreement with 1-800-CLEANUP. However, 1-800-CLEANUP has no mechanism to report illicit discharges by zip code. For instance, the newly created "Protocol For Responding to Reports of Illicit Discharges and Illicit Connections" provides three ways to report illicit discharges. However, the 1-800-CLEANUP number does not allow any type of reporting; there are no lists of the City Public Works phone numbers; and there is no website address for the MRSWMP reporting page. Does the website exist? Importantly, the protocol fails to contain a required response for reports and contains an unnecessary step to determine if the "incident is valid?" (pp. 9-10.)

**Response:** The 1-800-CLEANUP hotline will provide a mechanism for providing reported information to the correct Monterey Regional Group member. BMP 3-1.b indicates that the 1-800-CLEANUP number will be included in media and educational materials. BMP 3-1.c requires that action be taken on each report of illicit discharge received. A web site will be created in year 1 and linked to the Monterey Regional Group member's various web pages.

25. Likewise, for the "Storm water system mapping" BMP. Appendix E contains a general map of the area with outfall numbers. However, Phase II regions much smaller than the Monterey Region, like Griffin, Georgia, mapped their storm water systems before submitting their MRSWMP as discussed in "A Practical Plan for Pollution Prevention." (p. 10, paragraph 1.)

**Response:** The Monterey Group is not required to map their storm sewer system prior to permit coverage. It is not relevant whether another Phase II community had its storm sewer system mapped prior to permit coverage or prior to Phase II requirements becoming law. The Monterey Group will map their storm sewer systems by the end of permit year 3. It makes no sense to delay permit coverage (and compliance) to allow mapping that can be done after the permit takes effect.

26. BMP 3-3 is incomplete because it fails to include a BMP intent or BMP name/activity. This BMP also limits the inventory of businesses inspected to "Attachment 4" businesses. It is unclear if this is a reference to "Attachment 4" of the General Permit or another attachment 4. In any case, why limit the types of business inspected? What is the basis for

limiting the types of business for inspection? Where is the commitment to stop 100% of all illicit discharges and connections (not just those reported)? Why haven't the business already been prioritized given the manageable number of businesses? (p. 10, paragraph 2.)

**Response:** The MRSWMP includes an inventory of businesses in each of the Monterey Regional Group's jurisdiction. Attachment 4 businesses include automotive repair shops, restaurants, and retail gas stations, which is a good starting point for identifying illicit discharges. Water Board staff expect that the Monterey Regional Group will continue to add businesses to their lists as illicit connections and discharges are identified and eliminated. BMP 3-3.d indicates that the Monterey Regional Group members will take action necessary to eliminate 100% of illicit connections and illegal discharges identified. The Monterey Regional Group is not required to implement permit requirements prior to having permit coverage. It is reasonable to allow the prioritization of businesses to occur when they actually have permit coverage and the MRSWMP has been approved.

27. Other types of inspection programs are entirely absent, such as a field screening program to inspect outfalls/manholes; a program to monitor and inspect the entire storm drain system: or a program to respond to sewage spills into the storm drain system. (p.10, paragraph 2.)

**Response:** BMPs 6-10.b provides for inspection of catch basins and drain inlets annually prior to the rainy season. The Monterey Regional Group has chosen to inspect businesses in an effort to detect and eliminate illicit discharges. Existing programs such as the Citizen Water Quality Monitoring Network and the Urban Watch Program provide dry weather screening. BMP 2-2.d indicates that the Monterey Regional Group will participate in these programs. The Monterey Regional Group's sanitary sewer collection system is regulated under a separate permit that requires a program to respond to sewage spills.

28. The "Protocol for Taking Action Against Violators of the Municipality's Urban Storm Water Quality Management and Discharge Control Ordinance" and "Guidance Document for Policies and Procedures Pertaining to Illicit Connections and Illicit Discharges to Storm Water Systems" are equally flawed. Namely, both documents have no requirements and no commitments. Rather, they leave the implementation of these programs entirely to the discretion of the municipalities. Just the same, it clearly provides the Board and its staff with no basis on which to make a determination that the program meets all applicable legal requirements. (p. 10, paragraph 3.)

**Response:** The General Permit requires permittees develop, implement, and enforce a program to detect and eliminate illicit discharges. Providing municipalities discretion in implementing their own SWMP is reasonable. Each community should be allowed to determine its approach to program enforcement. Permittees and Water Board staff will evaluate program effectiveness on an annual basis. If a chosen implementation strategy is not effective, Water Board staff will require program modifications. Each Monterey Regional Group member will adopt and enforce a program to detect and eliminate illicit

discharges as indicated by BMPs 3-3.d and 3-4.a. The BMPs include the use of "Protocol for Taking Action Against Violators of the Municipality's Urban Storm Water Quality Management and Discharge Control Ordinance" and "Guidance Document for Policies and Procedures Pertaining to Illicit Connections and Illicit Discharges to Storm Water Systems" which makes them required program components.

29. The ordinance included in Appendix E is the exact same ordinance submitted with the previous draft of the MRSWMP. Like before, the ordinance serves as only a "guidance" or "template." The municipalities have total discretion. There are no requirements or necessary commitments in adopting the ordinances. Without specific requirements and detailed commitments, the ordinance BMP cannot meet MEP or protect water quality. (p. 10, paragraph 4.)

**Response:** BMP 3-4.a indicates that each participant in the Monterey Group will adopt a storm water ordinance that will include standards for storm water pollution prevention. Each community should have discretion to adopt ordinances compatible with existing ordinances as long as they comply with General Permit requirements. If the communities do not adopt ordinances incorporating all General Permit requirements, the Water Board will require changes or pursue enforcement action for violating the General Permit. To avoid this, the Permittees are encouraged to obtain Water Board input prior to adopting any ordinance. The General Permit does not require municipalities adopt ordinances prior to permit coverage. The Monterey Regional Group must consider elements of a Water Board approved SWMP in developing, adopting, and implementing an effective ordinance.

30. Again, another BMP, BMP 3.5.a is incomplete because it fails to have a BMP Intent or BMP name/activity. In addition, BMP 3.5 for RV parks and boat marinas references an inspection list in Appendix E. Although Appendix E lists pages E-101 and E-104, none of these pages discuss RV boats or marinas. The location of a RV list is unclear. (p. 10, paragraph 5.)

**Response:** There was a problem with the electronic MRSWMP version that left parts of the table out. The hard copy version includes BMP Intent and BMP name/activity. There was also an error in page number for Appendix E in the electronic version. The RV Parks and boat marinas information is located on page E-83 through E-88 in the electronic MRSWMP version. A corrected version of the MRSWMP was posted on the Water Board web page on January 17, 2006 at [www.waterboards.ca.gov/stormwtr/docs/monterey\\_swmp](http://www.waterboards.ca.gov/stormwtr/docs/monterey_swmp).

31. In addition to the deficiencies discussed above, the Illicit Discharge Detection & Elimination Program continues to suffer from the same deficiencies as the previous draft as discussed in detail in "A Practical Plan for Pollution Prevention." the MRSWMP must:
- a. Map storm drains now, or at a minimum, within 1 year of storm water management program approval; (p. 10, last paragraph.)

**Response:** The Monterey Regional Group proposes mapping 100% of the storm drain system map by the end of permit year 3 of permit coverage. They are not required to complete this task within year 1. The proposed schedule is reasonable.

- b. Prioritize businesses now, or at a minimum, within 1 year of storm water management program approval:

**Response:** The Monterey Regional Group will train inspection staff in year 1 and will prioritize and inspect businesses in permit years 2 - 5. The schedule provides an opportunity to train staff in proper inspection techniques before inspections begin.

- c. Add dry-weather screening program to cover entire municipal storm sewer system.

**Response:** Existing programs such as the Citizen Water Quality Monitoring Network and the Urban Watch Program provide dry weather screening. The Monterey Regional Group will participate in these programs.

- d. Commit to a follow-up/enforcement program for all illicit discharges detected.

**Response:** BMP 3-1.c outlines protocols for investigating and taking appropriate action on reports of illicit discharges. Enforcement protocols including a phased approach are on page E-60.

- e. Add a sewage spill response program, aimed at preventing entry of sewage into the storm sewer to the maximum extent practicable.

**Response:** The Monterey Regional Group has sanitary sewer collection system permits requiring the elimination of sanitary sewer overflows and response plans for sanitary sewer overflows.

- f. Add comprehensive program for inspections of existing development (commercial, industrial, residential).

**Response:** BMPs 3-3.a and 3-3.b include plans to train inspection personnel and conduct inspections.

- g. Complete storm water ordinance now, based on existing model ordinances.

**Response:** Page E-65 contains a model ordinance that will be adopted by Monterey Group members by the end of permit year 1. Although the MRSWMP contemplates modifications to avoid conflicts with existing ordinances or to account for site-specific factors, the ordinances must satisfy the General Permit requirements. Existing ordinances may have to be amended to avoid substantive conflicts that prevent a permittee from meeting the MEP standard.

- h. Ensure that storm water ordinance contains specific enforcement provisions.

**Response:** The model ordinance contains an enforcement section and starts on MRSWMP page E-76.

- i. Add provisions to facilitate household hazardous waste disposal.

**Response:** The Monterey Regional Waste Management District, which covers all of the member agencies, runs a full-time household hazardous waste drop-off center, free of charge to residents of the district.

32. The Construction Site Storm Water Runoff Control Program fails to include detailed requirements and commitments for implementation. In addition to the global deletion of the word "develop", Appendix E includes a new document listing various BMPs for various uses. However, the use and purpose of the document is unclear. Critically, neither the program nor new document requires that any of these BMPs have to be used for any projects. To this point, BMP 4-1.a for example states,

"Using the guidance document and model ordinance contained in Appendix E, each Participating Entity will adopt a storm water ordinance revised to be specific to each entity's needs through appropriate governing body procedures"

A key problem with this BMP, as with many others, is that the "guidance document" and "model ordinance" are not requirements for the program. The model ordinance is the same template that the municipalities submitted in the previous draft in April 2005. (p. 11)

**Response:** The MRSWMP requires the Monterey Group members to adopt an ordinance to include standards for general construction site waste management within permit year 1. The ordinances that will be adopted by the Monterey Group must include requirements for construction site BMPs. The guidance documents may be referenced in the ordinances to allow flexibility in updating the guidance. If all of the BMPs were in the ordinance it would make it more difficult to keep the guidance up to date with the new BMPs. Failure to adopt an ordinance that meets General Permit requirements will be a violation of the General Permit.

33. The "Construction Site Plan Review and Inspection Procedures" explicitly states, "The municipality will determine how best to integrate these procedures into its existing project review process." (Appendix E-91.) Thus, there are no minimum requirements that each municipality has committed to for construction site plan review and inspections. (p. 11.)

**Response:** The MRSWMP indicates that the municipalities will integrate plan review procedures. It makes sense that each municipality evaluate the best approach to integrating the procedures into existing plan review processes. That language does not mean that the municipality can eliminate any of the requirements. The minimum requirements are the procedures provided in Appendix E. Each municipality already has a review process for plans. The statement correctly clarifies that the storm water requirements will be integrated into current plan review processes.

34. BMP 4-2 is incomplete because it does not have a BMP intent or a BMP name/activity. In addition, the BMP descriptions include language such as "appropriate" staff, employees, or action (BMP 4-3.a). What does "appropriate" mean? Which staff will this include? Similarly, for the inspection checklist, what guarantee is there that these checklists will actually be utilized? (p. 11.)

**Response:** The BMP intent and name/activity are located in Table 4-1 on page 17 of the hard copy. The electronic version of the MRSWMP contains some errors that will need to be corrected. This is a new program and therefore it is reasonable for the participating entities to determine appropriate staff that will implement the program once it is an approved program. Some entities have existing inspectors that will receive additional training while other entities may have to train new employees or cross-train staff in other programs in order to maximize program efficiency.

The implementation plan calls for using the construction site plan review and inspection procedures, which include the use of checklists. If Monterey Group members do not use the procedures or checklist they will be in violation of the General Permit.

35. In addition to the reasons listed above, Construction Site Storm Water Runoff Control Program fails to meet the MEP standard and protect water quality based on the analysis conducted in "A Practical Plan for Pollution Prevention". In this connection, as analyzed in detail in "A Practical Plan for Pollution Prevention" (Practical Plan at 38-49), the MRSWMP must:

- a. Adopt construction site ordinance now, based on existing model ordinances, and incorporate Attachment 4 Receiving Water Limitations.

**Response:** Attachment 4 design standards are included in Appendix E on page E-94. Each Monterey Group member will adopt an ordinance within permit year 1.

- b. Include General Construction, Spill Prevention Planning, Vehicle Maintenance Area, and Inspection BMPs from EPA's National Menu of BMPs.

**Response:** The MRSWMP includes a BMP guidance series starting on page E-79.

- c. Expressly include requirement of reducing storm water pollution to MEP and complying with water quality standards as part of site plan review process.

**Response:** The MRSWMP contains plan review procedures that require construction sites to comply with adopted ordinances which will include BMP requirements located on page E-108. The Permit requires the MEP standard, whether it is stated in the MRSWMP or not.

- d. Revise program to provide for construction site inspections beginning immediately

**Response:** The participating entities must adopt an ordinance and have legal authority prior to inspecting sites. The ordinances will be adopted in permit year 1, allowing inspections to begin in permit year 2.

- e. Revise inspection program to provide for weekly inspections of all construction sites.

**Response:** Weekly inspections of all construction sites are not necessary. There may be instances when follow-up inspections are required to verify compliance, but weekly inspections of all construction sites would be excessive, especially during the dry season when storm water discharges from construction sites are rare.

36. The Post-Construction Storm Water Management in New Development and Redevelopment is largely the same as the previously submitted draft MRSWMP. Appendix E now contains a "Guidance Document For Policies and Procedures Pertaining to New Development and Redevelopment." However, like the three other documents in Appendix E, this document merely serves as guidance and gives total discretion to the municipalities in terms of implementation. The Clean Water Act and the General Permit require the municipalities to implement the post-construction program to the maximum extent practicable and to protect water quality. (p. 12.)

**Response:** The Participating entities will adopt ordinances that will include design standards, and operation and maintenance requirements for post-construction storm water pollution prevention measures. They will review plans and conduct site inspections to ensure compliance with the ordinances. These are listed as BMPs 5-1.a, 5-2.a, 5-2.b, 5-3.a, and 5-3.b. Each Participating Entity will adopt an ordinance that will address post construction runoff from new development and redevelopment projects. As stated above in Response to Comment 32, the ordinances will require compliance with guidance documents located in the MRSWMP.

37. The guidance documents have several references to documents within Appendix E, but it is unclear exactly which documents these are and how they come together has a comprehensive program to control post-construction storm water pollution. (p. 12)

**Response:** All references to Appendix E are prefaced with the document titles, which are included in the index along with page numbers. There are several guidance documents and inspection checklists that will be used in conjunction with adopted ordinances to implement a comprehensive program.

38. The "Development Project Plan Review and Inspection Procedures" establishes a burdensome and unworkable procedure that fails to meet the MEP standard or protect water quality. For instance, under these discretionary procedures:

"Once an application is received, the municipality's staff will review the application for urban runoff issues, and will compare the proposed storm water pollution control



measures included in the project with the New Development and Redevelopment Project BMPs contained in the current version of the BMP series."

(MRSWMP at E-99.) This procedure sets up unnecessary steps that aren't even clear. Instead, the municipalities must determine which set of BMPs can be implemented for a specific project type that are proven to be effective at protecting water quality and satisfy the MEP standard. (p. 12)

**Response:** It seems clear that those reviewing applications will compare those applications to authorized BMPs and determine if the projects contain adequate BMPs. The BMP guidance provides flexibility to use a variety of BMPs that will protect water quality, considering site-specific conditions.

39. Another issue that has been raised since the first draft of the MRSWMP is that all municipalities must satisfy the requirements of Attachment 4 under the General Permit. It still remains unclear which entities must comply with Attachment 4 under the General Permit. (p. 13, paragraph 1.)

**Response:** Castroville, Prunedale, and Sand City are automatically required to comply with Attachment 4. Water Board staff will recommend to the Board that the City of Pacific Grove and the City of Monterey comply with Attachment 4 requirements because they discharge to an ASBS. Communities that must comply with Attachment 4 standards will be included in the final Board Resolution.

Attachment 4 of the MS4 Permit applies to MS4s that serve a population of 50,000 or more and/or have had 25% or more population growth over 10 years. Attachment 4 does not apply to MS4s that serve a population of less than 50,000 or that do not meet the 25% growth criteria, even if the MS4 happens to be located in a county or metropolitan area that meets the population or growth thresholds. In fact, *all* small MS4s located in an urbanized area of 50,000 or more must obtain permit coverage. (40 CFR 122.32(a)(1); see EPA 833-F-00-00, Jan. 2000, Fact Sheet 2.1, *Who's Covered?*, at <http://www.epa.gov/npdes/pubs/fact2-2.pdf>; and EPA 833-F-00-004, Dec. 1999, Fact Sheet 2.2, *Urbanized Areas: Definition and Description*, at <http://www.epa.gov/npdes/pubs/fact2-2.pdf>.) Based on the commenter's analysis, all automatically-designated small MS4s would be subject to Attachment 4. This is not the case. (See General Permit, Attachment 5.)

State Water Resources Control Board (State Board) and the Water Board staff utilized the U.S. Census data within the "urban clusters" of Monterey County to determine which segments of the County needed permit coverage. This designation process is specified in the permit. Thus, it is inappropriate to cite the entire Monterey County population as justification for requiring Attachment 4 provisions.

The commenter cites the existence of the Monterey Regional Water Pollution Control Agency (MRWPCA) as evidence for the interconnectedness of the storm water system across the region. The MRWPCA handles wastewater, not storm water (see

<http://www.mrwpc.org/html/mission.html> ). The Phase II Storm Water program does not concern wastewater systems, therefore the interconnectedness of MRWPCA does not have a bearing on the Phase II designation.

The MS4 Permit distinguishes between a Permittee and co-permittees. Nothing requires the Regional Board to apply these standards to all co-permittees in the aggregate. Only those co-permittees that meet the Attachment 4 standards, must comply with Attachment 4. Any other interpretation of these standards would discourage smaller cities from participating in a regional SWMP, with the net result that fewer resources are available both for the regional SWMP and the smaller cities' programs. The MRWPCA operates the wastewater treatment system, not the storm drain system, and therefore was not designated as a Phase II permittee, and has no bearing in the argument of a unitary MS4 system. Each MS4 installs, operates, and maintains their own storm water system. Although surface water may flow from one municipality to another depending on topography, the systems are not interconnected by design. The Phase II Permit Finding 10.c discusses interconnected systems, but the discussion focuses on whether a contributing entity must be designated for permit coverage. The purpose of Finding 10.c has no discussion of determining whether interlinked systems would result in Attachment 4 applicability. The Phase II permit does not suggest that if there are significant contributors (per the 10% contribution rule described in Finding 10.c), then the populations of the two or more MS4s would be added together; doing so could theoretically push an entire locale from the Phase II permit and into Phase I permit criteria. Both the Phase I application requirements and the Phase II regulations are clear that interconnected MS4s do not become a single MS4. (see e.g. 40 CFR 123.35(b)(4), (d)(1)(i).)

Regional Board staff did examine storm drain maps to determine whether one MS4 discharged to another MS4 when considering the ASBS-discharge issue. Judging from contributing land mass, the actual flow from the City of Monterey to Pacific Grove is likely less than 10% (refer to Phase II Permit Finding 10.c), however Regional Board staff determined that the City of Monterey was contributing to the ASBS-discharge.

40. It is highly likely that Design Standards will be required of all municipalities in the region in the next draft of the General Permit, given the growth rate and significant water resources in the area that are threatened by polluted urban storm water runoff. (p. 13, paragraph 1.)

**Response:** The next draft of the General Permit may or may not require all municipalities to comply with Attachment 4 design standards. Certain communities are required to comply with Attachment 4 requirements as discussed in response 39 above.

41. Equally important, design standards have been adopted throughout California for both Phase I and Phase II municipalities (e.g., San Diego, San Bernardino, Los Angeles, Napa, Salinas, Placer County, Morgan Hill, Solano County). Critically, the draft Monterey Proposal cannot escape these requirements because they are explicitly mandated by the General Permit for inclusion in storm water management plans. In this connection, rather

than confusing which projects are subject to the plan review process (discretionary projects versus ministerial projects), the process would be greatly simplified if all of the municipalities used the Attachment 4 requirements from the General Permit. (p. 13, paragraph 2.)

**Response:** See response to comment 39.

42. In addition to the reasons listed above, Post-Construction Site Storm Water Management in Development and Redevelopment fails to meet the MEP standard and protect water quality based on the analysis conducted in "A Practical Plan for Pollution Prevention". In this connection, as analyzed in detail in "A Practical Plan for Pollution Prevention" (Practical Plan at 50-62), the MRSWMP must:

- a. Explicitly incorporate the General Plan's Attachment 4 receiving water limitations and design standards into the storm water management program, and require compliance by all municipalities.

**Response:** See response to comment 39.

- b. Revise storm water management program to incorporate criteria for prioritizing developments, as well as several pre-determined high priority categories of development.

**Response:** It is not clear what criteria the commenter would like the Monterey Group to use for prioritizing developments. General Permit Attachment 4 contains specific language stating which discretionary development and redevelopment projects are considered "priority" categories.

- c. Adopt ordinance now, based on existing model ordinances, and include development principles adapted directly from Attachment 4.

**Response:** Monterey Regional Group members will all adopt an ordinance in permit year 1. Attachment 4 standards are required for certain entities only as discussed in comment response 39.

- d. Revise site plan review guidance to require a revised CEQA checklist and criteria for determining appropriate controls.

**Response:** The plan review and inspection procedures on page E-116 include the use of CEQA checklist to evaluate project storm water controls. It is not clear what revisions to the CEQA checklist the commenter is suggesting.

- e. Add provisions for inspections by municipal staff, in addition to inspection and self certification by facility owner.

**Response:** BMPs 5-3.a and 5-3.b outline plans for inspecting projects and/or requiring self-certification by owners following construction completion.

f. Revise program to provide for inspections beginning immediately.

**Response:** Monterey Regional Group members must adopt ordinances and train staff in year 1; therefore inspections will begin in permit year 2. It is not possible to start inspections prior to having an ordinance and trained staff in place.

43. The Pollution Prevention/Good Housekeeping for Municipal Operators Program has even deleted BMP's and is more incomplete than the previous draft MRSWMP. For instance, the inspection requirement for disposal of used motor oil has been deleted under BMP 6-3. (p. 14.)

**Response:** The BMPs for used motor oil disposal include employee training (6-3.a) and having established procedures for proper used motor oil disposal (6-3.b). Inspections are conducted by County personnel as outlined in BMP 6-2.a.

44. Also deleted from the program are protecting stock piles, integrated pest-management, and training on lawn care- -all three practices are critical pollution prevention and control. Some BMPs like BMP 6.7.f. are weaker because requirements such as no disposal of oil filters in trash cans for municipal operations has been deleted. (p. 14.)

**Response:** The specific BMPs were removed from the MRSWMP, but the information will be included in the employee training program. BMP 6-7.f is employee training that will include requirements for proper oil filter disposal. Including the information in employee training allows for flexibility in discussing a wide range of topics.

45. BMPs 6-8 and 6-9 are weaker than they were in the previous draft because they delete some of the details for implementation that were included previously. (p. 14.)

**Response:** BMPs 6-8 essentially removed the details and grouped it into one BMP, which is training employees in proper vehicle washing techniques. BMP 6-9 combines the previously separate BMPs into one BMP that covers all of the activities.

46. Other parts of the program are simply incomplete. For example, the BMP Intent and BMP name/activity are missing for BMPs 6-4, 6-6, and 6-8. (p. 14.)

**Response:** Those were included in hard copies of the plan, but for some reason were not in the electronic version. A corrected version of the MRSWMP was posted on the Water Board web page on January 17, 2006, at [www.waterboards.ca.gov/stormwtr/docs/monterey\\_swmp](http://www.waterboards.ca.gov/stormwtr/docs/monterey_swmp).

47. The BMP for hazardous materials storage states "Promptly correct any hazardous materials inspection deficiencies reported by the County inspectors, who are responsible for all of the hazardous materials inspection in Monterey County." But it is unclear what

"prompt" means or what "inspection deficiencies" are. Also, the measurable goal, correcting 100% of the "noted deficiencies" within "30 days", is entirely too long for hazardous materials that pose a serious public health threat. Again, this program like the other programs also lacks the needed commitment and requirements necessary to satisfy the MEP standard and protect water quality. (p. 14.)

**Response:** The County of Monterey is the Certified Unified Program Agency (CUPA) as designated by the California Environmental Protection Agency overseeing Health and Safety Code Division 20, Chapter 6.5, Articles 1-13 and Title 22 California Code of Regulations, Division 4.5 for the Site Mitigation Unit and the Health and Safety Code Division 20, Chapter 6.95, Article 1 and Title 19, and Title 24 Part 9 of the California Code of Regulations for Hazardous Materials Business Plans. Hazardous materials related matters are handled through these regulations that are beyond the scope of the municipal storm water program. Issues noted during CUPA inspections related to storm water quality will be addressed in a prompt timeframe that will be guided by the severity of the issue. The Storm Water General Permit allows for, and is intended to draw upon (not duplicate) other programs such as the Hazardous Materials program.

48. Another problem with this program is that it is entirely unclear where certain documents are. The Appendix E table of context lists, "Vehicle washing procedures" on page E-57, but page E-57 is the same model ordinance that was in the previous draft of the MRSWMP and doesn't discuss vehicle washing procedures at all. (p. 14.)

**Response:** The electronic version of the MRSWMP contains page-numbering errors in the Appendix section. Page E-57 contains a vehicle-washing checklist in the corrected. A corrected version of the MRSWMP was posted on the Water Board web page on January 17, 2006, at [www.waterboards.ca.gov/stormwtr/docs/monterey\\_swmp](http://www.waterboards.ca.gov/stormwtr/docs/monterey_swmp). The MRSWMP includes provisions for training employees in proper vehicle washing procedures.

49. BMP 6.1.a states that there is a training outline and material in Appendix F. However, the training outline could not be located and the materials are a myriad of slides on education, but they are not the specific category of training that is required to meet MEP and protect water quality. (p. 14.)

**Response:** Water Board staff will recommend to the Board that the MRSWMP be modified to include a training outline rather than just a series of power point slides.

50. In addition to the reasons listed above. Pollution Prevention/Good Housekeeping for Municipal Operators Program fails to meet the MEP standard and protect water quality based on the analysis conducted in "A Practical Plan for Pollution Prevention". In this connection, as analyzed in detail in "A Practical Plan for Pollution Prevention" (Practical Plan at 63-77), the MRSWMP must:

- a. Revise program to provide for training of specific categories of municipal employees immediately: street sweeping operators, street maintenance crews, park maintenance crews, and municipal construction crews. (p. 15.)

**Response:** MRSWMP pages F-21 and F-22 include lists of staff targeted for training. Appendix F has a variety of training powerpoint slides from existing training classes. Water Board staff will recommend to the Board the MRSWMP include an outline with additional details regarding the overall training program.

- b. Adopt ordinance for hazardous materials storage that incorporates existing guidelines for such storage and simultaneously develop guidance. (p. 15.)

**Response:** The General Permit does not require adoption of hazardous materials storage ordinances. The participating entities will adopt storm water ordinances that address storm water pollutants and pollution prevention requirements.

- c. Include a fully developed landscaping and lawn care program, based on existing principles articulated in the MURP or commit to developing program within one year based on these principles. (p. 15.)

**Response:** The MRSWMP includes irrigation runoff control procedures. Water Board staff recommend to the Board that the MRSWMP include information regarding overall good landscaping and lawn care practices in employee training.

- d. Explicitly incorporate BMPs for automotive activities from the MURP. (p. 15.)

**Response:** BMPs 6-7.a-f include vehicle maintenance pollution prevention activities including the training of all employees repairing municipal vehicles on proper pollution prevention techniques. An inspection checklist is included on page E-53, which includes the details listed in the MURP.

- e. Explicitly incorporate BMPs for vehicle washing activities from the MURP. (p. 15.)

**Response:** Training of municipal employees in proper vehicle washing techniques is included as BMP 6-8.a. The MRSWMP also contains BMP 6-8.b which calls for annually inspecting vehicle washing facilities utilizing the checklist on page E-57, which included the details listed in the MURP.

- f. Include a Municipal Storm Sewer System maintenance program providing for inspection, maintenance, documentation, and disposal of waste materials. (p. 15.)

**Response:** The MRSWMP includes inspection and maintenance of catch basins, inlets, and piping (BMPs 6-10.b – 6-10.d). Problem areas will be documented and re-inspected during the wet season.

- g. Explicitly incorporate BMPs for inspection and cleaning of storm drains from the MURP. (p. 15.)

**Response:** See response to comment 50-f.

51. Attachments to the NRDC December 16, 2005, comment letter included published papers discussing coastal runoff and toxoplasma gondii infection in southern sea otters.

**Response:** Recent studies indicate that there may be a correlation between toxoplasma gondii infection in Southern Sea Otters and coastal runoff. Toxoplasma gondii is associated with Southern Sea Otter mortality. The toxoplasma gondii parasite has been traced to humans and terrestrial animals. However, toxoplasma gondii cysts are only excreted by cat species. A potential toxoplasma gondii source may be urban runoff carrying cat waste infected with the parasite. Water Board staff will recommend to the Board that the MRSWMP include public education and outreach information regarding proper cat waste and cat litter disposal to minimize the potential discharge of toxoplasma gondii cysts.