



**Alan C. Lloyd, Ph.D.**  
*Agency Secretary*

# State Water Resources Control Board

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## Division of Water Quality

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**Arnold Schwarzenegger**  
*Governor*

August 18, 2005

Mr. Michael Flake, Chief  
Storm Water Policy  
Division of Environmental Analysis, MS 27  
Department of Transportation  
1120 N Street  
PO Box 942874  
Sacramento, CA 94274-0001

Dear Mr. Flake:

### REQUEST FOR EXCEPTION FOR DISCHARGES INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE

This letter is to acknowledge the receipt by the State Water Resources Control Board (State Water Board) of Caltrans letter dated December 2, 2004, providing information and conditionally requesting an exception from the California Ocean Plan (Ocean Plan) waste discharge prohibition for your discharges into Areas of Special Biological Significance (ASBS). The following specific information needs to be submitted, by May 31, 2006, to support the State Water Board's consideration of an exception to the Ocean Plan for discharges to ASBS:

1. A signed statement requesting coverage under an exception from the ASBS waste discharge prohibition found in Sections III.E.1 and III.H.2 of the Ocean Plan.
2. Information that shows that allowing the discharge of storm water runoff to continue will not compromise protection of ocean waters for beneficial uses. Note that one beneficial use is the preservation and enhancement of ASBS, which are defined as "those areas designated by the [State Water Board] as requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable." This means that any data that you may have on the status and description of marine life in the ASBS, and on the natural background of the ASBS, are relevant and must be submitted. At a minimum, you must submit a representative, quantitative description of marine life from at least one location within each Regional Water Quality Control Board (Regional Water Board) region near the discharges and, if available, at a reference location away from the discharges.
3. An assessment of all available historical data on discharge volume, chemical and physical constituents, toxicity, and indicator bacteria in the runoff and in the ambient marine waters of the ASBS. Similar representative information may be supplied for locations that may not

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**California Environmental Protection Agency**

drain to an ASBS but are of a similar character (e.g., land use and traffic characteristics). At a minimum, the information must include the measurement of a representative sample within the last two years or the upcoming storm season (runoff and adjacent marine receiving water) during a storm event for each of the following constituents:

- a. total Ocean Plan metals
- b. polynuclear aromatic hydrocarbons (PAHs)
- c. oil and grease
- d. ammonia nitrogen
- e. acute toxicity for a marine species
- f. critical life stage (chronic) toxicity for three marine species
- g. indicator bacteria including total coliform, fecal coliform (or *E. coli*), and enterococcus.

The applicable Ocean Plan detection limits and other applicable monitoring requirements must be adhered to in performing this work. At a minimum, you must supply this information for at least one representative discharge in each Regional Water Board region. All samples must be collected during a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area.

4. A characterization of the watershed areas draining (run-on) to the ASBS in terms of land use, population density, and percentage of impervious surface. If Caltrans is applying pesticides or herbicides, provide a listing of such treatments in terms of the chemicals and application rates.
5. A description of current treatment processes, pollution controls, and/or best management practices currently used or planned (with a schedule for implementation) specifically in highway areas adjacent to the ASBS. Please include sediment management plans for the highway and related facilities adjacent to the ASBS.
6. Compliance history for drainages into the ASBS, specifically including any spills, upset events, or sediment discharges that resulted in the discharge of toxic or otherwise prohibited substances.

Please send this information to the State Water Board, Division of Water Quality, attention Dominic Gregorio, and to the Executive Officers of the North Coast, San Francisco Bay, Central Coast, Los Angeles, Santa Ana, and San Diego Regional Water Boards.

The State Water Board is holding a workshop in Monterey on August 31, 2005 to discuss the ASBS exception process. At that workshop, staff will propose the concept of a general exception as one option for addressing storm water runoff into ASBS. The exception process may be amended following the workshop. However, any exception is likely to include minimizing or eliminating dry weather flows, and reducing pollutants draining to ASBS to maintain natural water quality in the receiving waters. In the meantime, you are requested to plan for and institute best management practices to eliminate or minimize dry weather flows and to reduce pollutants in storm water runoff.

If the State Water Board issues an exception, the Regional Water Board may allow your discharges to be covered under the Caltrans Statewide Storm Water National Pollutant Discharge Elimination System Permit, with appropriate provisions required in your storm water management plan. In all cases, the Regional Water Board will enforce the mitigation measures described in the exception if it is granted by the State Water Board.

If you have any questions, feel free to contact me at (916) 341-5458 or [smartinson@waterboards.ca.gov](mailto:smartinson@waterboards.ca.gov), or Dominic Gregorio, Chief of the Ocean Standards Unit, Division of Water Quality, at (916) 341-5488 or [dgregorio@waterboards.ca.gov](mailto:dgregorio@waterboards.ca.gov).

Sincerely,

*Original signed by*

Stan Martinson, Chief  
Division of Water Quality

cc: Ms. Catherine Kuhlman, Executive Officer  
North Coast Regional Water Quality Control Board  
5550 Skylane Blvd. Suite A  
Santa Rosa, CA 95403

Mr. Bruce H. Wolfe, Executive Officer  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay St. Suite 1400  
Oakland, CA 94612

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

Mr. Jonathan Bishop, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> St. Suite 200  
Los Angeles, CA 90013

cc: (Continued next page)

Mr. Michael Flake

-4-

cc: (Continuation page)

Mr. Gerard Thibeault, Executive Officer  
Santa Ana Regional Water Quality Control Board  
3737 Main St. Suite 500  
Riverside, CA 92501

Mr. John H. Robertus, Executive Officer  
San Diego Regional Water Quality Control Board  
9174 Sky Park Ct. Suite 100  
San Diego, CA 92123

Bcc: Celeste Cantú, EXEC  
Tom Howard, EXEC  
Sheila Vassey, OCC  
John Ladd, DWQ  
Bruce Fujimoto, DWQ  
Dominic Gregorio, DWQ

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