

CITY HALL  
BOX CC  
CARMEL-BY-THE-SEA, CALIFORNIA 93921

August 31, 2005

Vice Chairman Peter Silva  
State Water Resources Control Board  
Division of Water Quality  
1001 I Street  
Sacramento, CA 95814

Re: Areas of Special Biological Significance (ASBS) Stakeholder Workshop

Dear Vice Chairman Silva:

The California Ocean Plan prohibits the discharge of wastes to Areas of Special Biological Significance (ASBS). This regulation recently has been interpreted by the Central Coast Regional Water Quality Control Board (Regional Board) as also prohibiting stormwater runoff from our community unless it contains zero amounts of any pollutant. The exception procedures are costly and challenging. Additionally, the exception process presumes that stormwater runoff to an ASBS is an illegal discharge and, therefore, the dischargers are operating their storm water systems in an improper manner. This presumption of illegality remains even where a community is implementing reasonable stormwater pollution control measures.

The State Board designated 34 ASBS sites along the California coast in 1974 and 1975. Since that time, we believe the water quality in the Carmel Bay and Pacific Grove ASBS has improved. This is because we have improved sewage treatment and also implemented programs to control pollutants in stormwater runoff. Presently, the ASBS do not show indications of water quality problems, although we recognize that further data would be helpful.

The City of Carmel-by-the-Sea places great value on the management of the water quality of ASBS which are State designated coastal areas that require higher levels of protection from pollutants due to their special environmental benefits and resource values to all citizens of and visitors to California. Carmel is proud of the two adjacent ASBS sites and has made their long-term protection an important priority.

By way of background, let me describe Carmel's unique environment which provides some natural filtering of our storm water runoff. Carmel-by-the-Sea is one mile square (see attachment), with a population of 4,081 and approximately 2,800 homes, about half of which are occupied by full-time residents. Approximately 6% of the City's 640 acres is in the commercial district while over 10% is in open space. In addition, our narrow streets are not paved to their full width, leaving an undeveloped permeable right of way or linear greenbelt which varies from 10-25 feet on each side of the roadway.

Virtually all of the City slopes toward the Carmel Bay. These slopes are replete with springs and runoff through the strata which in turn acts as a filtering agent as does the beach through which any runoff travels to the Carmel Bay. Our upper and lower canopy trees number some 40,000 within our 1 mile square boundary and they too slow and help filter the runoff.

In addition to the natural filtering, the City takes very seriously its stewardship of the ASBS. Carmel has been proactive in its approach to protecting both the Carmel and Monterey Bays and the ASBS since 1995 when it began working with the City of Monterey on best management practices (BMPs). Our accomplishments thus far have included:

- Participation with the Monterey Bay Storm Water Task Force to develop the "Modern Urban Runoff Program";
- Implementation of a public information program by circulating a newsletter educating residents to not dump contaminants in the storm drain system;
- Authorization in May 1999 to hire an engineering firm to develop a study of the City's storm drain system;
- Authorization in April 2000 to hire an engineering firm to create a Storm Water Utility District for the purposes of assessing the City's property owners; the subsequent ballot initiative failed;
- Installation between the years 2000 and 2003 of three storm water separators to capture debris from the first rainfall of the season;
- Adoption in November 2004 of a Local Coastal Plan that included a section on Storm Water Runoff requiring on-site retention and percolation areas for any new development.

To provide a foundation for the continuing protection of ASBS, we propose the following steps be followed as an alternative to the current exception process:

1. The communities adjacent to ASBS will continue to implement BMPs intended to reduce the amount of pollutants carried by storm water runoff. These BMPs are designed to protect not only the ASBS but all coastal and inland waters.
2. If the water quality assessment identifies adverse effects on fish or other marine organisms, the adjacent communities will need to consider, and, as appropriate, implement additional or improved runoff controls necessary to reduce the pollutants causing the adverse effects.
3. The Regional Board will assist the communities in establishing a working group of affected State agencies, local governments and environmental groups to ensure a coordinated effort in implementing additional storm water control measures and assessing their effectiveness towards eliminating waste into the ASBS.

4. If the necessary corrective action requires structural controls such as stormwater treatment facilities or diversion of stormwater around ASBS, these costs will be supported by State funding.
5. The State will provide funding for the assessment of water quality in the ASBS and for additional storm water control measures if these become necessary.

We believe this approach ensures that all affected parties can work together to better define the issues, and to work cooperatively in developing solutions that are achievable and fiscally prudent. We also believe it supports the continuing protection and improvement of the ASBS.

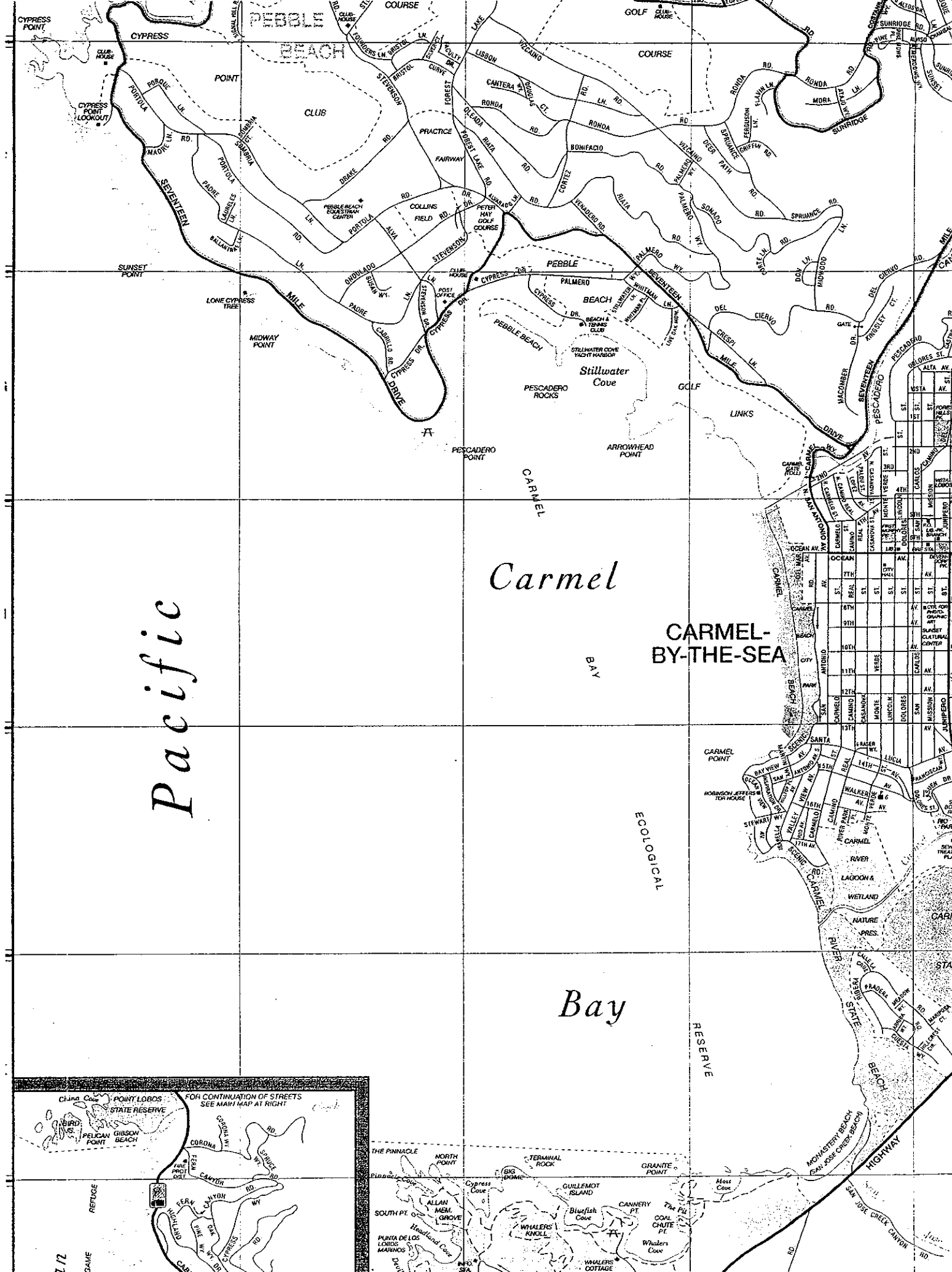
Sincerely,



Sue McCloud  
Mayor

*RG/Stormwater update August 2005 ASBS.doc*

Attachment



Pacific

Carmel

CARMEL-BY-THE-SEA

Bay

