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March 14, 2005

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Mr. Dominic Gregorio
State Water Resources Control Board
Division of Water Quality, Ocean Standards Unit
P.O. Box 100
Sacramento, CA 95812-0100

Re: Response to SWRCB Letter dated October 18, 2004 re Waste Discharges into Areas of Special Biological Significance (Fitzgerald Marine Reserve)

Dear Mr. Gregorio:

I am responding on behalf of the County of San Mateo to Ms. Celeste Cantu's letter dated October 18, 2004, concerning the issue of discharge into the James V. Fitzgerald Marine Reserve. The letter was originally addressed to Richard Napier, Executive Director of the City/County Association of Governments, but was referred to County staff. We understand that the letter was intended to be directed to the County.

The letter notes that, under the Ocean Plan, identified dischargers are required to cease discharging or request an exception to the prohibition if the discharger believes that the such discharge will not compromise the protection of ocean waters for beneficial uses, and the public interest will be served. Unfortunately, we did not receive notice of the workshop which we believe was held in Southern California regarding the permit exception process and possible funding sources, and therefore are not in a position yet to make a final determination concerning the extent of our obligations under the Ocean Plan. Of course, the County is fully committed to protection of the Fitzgerald Marine Reserve and compliance with the Ocean Plan, and therefore this letter constitutes a letter of intent to seek an exception, subject to the development of more information concerning the extent of the County's obligations. Please advise as to whether there might be another workshop scheduled where additional information can be obtained. We would also welcome a meeting with you or appropriate staff to discuss the specific requirements of the Ocean Plan and the exception process, and in particular their application to Fitzgerald Marine Reserve.

We were able to have staff attend a recent workshop, sponsored by the California Coastal Commission and the State Water Resources Control Board, concerning the designation of Critical Coastal Areas and the development of pilot projects to improve water quality in those

Mr. Dominic Gregorio
March 14, 2005
Page 2

areas. It appears that this program and the Ocean Plan requirements are addressing many of the same issues, and that the CCA program may provide an opportunity for the County, as well as other dischargers, to address many of the issues affecting Fitzgerald Marine Reserve. We are thus interested in better understanding how the SWRCB views the integration of these programs.

If you agree that a meeting would be beneficial, I ask that you contact me so that we may set something up at your convenience. We will then make a determination as to who on County staff would be the appropriate point person for contacts in the future.

Very truly yours,

THOMAS F. CASEY III, COUNTY COUNSEL

By: 

Michael P. Murphy, Chief Deputy

cc: Supervisor Richard Gordon
Marcia Raines, Director of Environmental Service
Neil Cullen, Director of Public Works
Dean Peterson, Director of Environmental Health

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