



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

# State Water Resources Control Board

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## Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5455  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
FAX (916) 341-5463 • Internet Address: <http://www.waterboards.ca.gov>



**Arnold Schwarzenegger**  
*Governor*

August 18, 2005

Mr. Michael B. Whitby, AIA  
Director, Real Estate Planning  
Santa Catalina Island Company  
PO Box 737  
Avalon, CA 90704

Dear Mr. Whitby:

### 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 your letter dated December 15, 2004, requesting an exception from the California Ocean Plan (Ocean Plan) waste discharge prohibition for your discharges into the Areas of Special Biological Significance (ASBS) at Santa Catalina Island. 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. The discharger's name, address, and contact information.
2. Any applicable permit or order numbers, if the discharge is or has been regulated under a National Pollutant Discharge Elimination System (NPDES) Permit or Waste Discharge Requirements.
3. 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.
4. Documentation 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 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 quantitative description of marine life at Two Harbors and at a reference location away from any discharges.
5. An analysis 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. At a minimum, the information must include the measurement of a representative

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**California Environmental Protection Agency**

sample at Two Harbors 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. If you are responsible for more than ten discharge points, then a representative sample must be (or have been) collected and analyzed for one of every ten discharge points. If necessary, the second sample may be collected from another location other than Two Harbors. 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. In addition, you are requested to sample the seawater, at ebb tide, in your mooring field at Two Harbors on at least two occasions in which the mooring field is at least 75 percent occupied. These samples should be analyzed for the constituents described above, except for acute toxicity.

6. A characterization of the watershed areas draining to the ASBS in terms of land use, population density, and percentage of impervious surface. If there is land under your control where pesticides or herbicides are applied, provide a listing of such treatments in terms of the chemicals and application rates. In addition, please provide a characterization of the marine operations associated with the pier, moorings, and boat launch facilities, including a description of potential discharges and pollutant sources associated with those facilities.
7. A description of current treatment processes, pollution controls, and/or best management practices currently used or planned (with a schedule for implementation).
8. An analysis of alternatives to the discharge and their impacts if implemented.
9. Compliance history for drainages into the ASBS, including any spills or upset events that resulted in the discharge of toxic or otherwise prohibited substances, including untreated or partially treated wastewater.
10. Documentation that shows that the public interest will be served by granting the exception.

Please send this information to the State Water Board, Division of Water Quality, attention Dominic Gregorio, and to the Executive Officer of the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board).

Please be advised that it is our understanding that you will be submitting this information and working to obtain coverage under the exception for the Santa Catalina Island Conservancy as well as for the Santa Catalina Island Company. A copy of this letter is being sent to Mr. M.L. Dinkel of the Conservancy in order to confirm this.

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 Los Angeles Water Board may allow your discharges to be covered under a Conditional Waiver, Waste Discharge Requirements, and/or an individual Storm Water NPDES Permit, with appropriate provisions required in your storm water management plan. In all cases, the Los Angeles 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: Mr. M.L. Dinkel  
Santa Catalina Island Conservancy  
P.O. Box 2739  
Avalon, CA 90704

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

Mr. Michael B. Whitby

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

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