

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER QUALITY

WORKSHOP

CALIFORNIA OCEAN PLAN

AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS)

WASTE DISCHARGE PROHIBITION

CABRILLO MARINE AQUARIUM

JOHN M. OLGUIN AUDITORIUM

3720 STEPHEN WHITE DRIVE

SAN PEDRO, CALIFORNIA

MONDAY, OCTOBER 24, 2005

9:00 A.M.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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## P R O C E E D I N G S

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1  
2  
3 MR. SECUNDY: Good morning. Welcome to our ASBS  
4 workshop. I'm Jerry Secundy, with five members of the State  
5 Water Resources Control Board. Pete Silva, our Vice-  
6 Chairman, will not be here today. Some of you may have  
7 heard that Pete will be leaving the Water Board to take a  
8 position with (inaudible), and he will probably be leaving  
9 about mid-November, and we will absolutely miss him. So if  
10 you are, quote, stuck with me. I'm from the (inaudible).  
11 And hopefully, we'll enjoy that (inaudible).

12 Just some logistics. The restroom facilities are  
13 out the door to my left and across just a slight walkway,  
14 and then to your left as you enter the aquarium itself.  
15 Parking should have been free for each and every one of you  
16 if you simply identified yourself as a participant in this  
17 workshop, so if you have paid, just you should go back and  
18 get a refund.

19 Hopefully, what we're going to do this morning is  
20 first we will have a staff presentation, and then we will  
21 take public comments. I would ask you to limit your  
22 comments to five minutes each. If they are considerably  
23 longer than that I will probably cut you off, and if they  
24 are considerably longer than that, I hope you will have a  
25 way to submit your written comments. If you have additional

1 written comments today that you have not previously  
2 submitted, please submit them to the registration table to  
3 my right, in the corner over there.

4 If you want to make a verbal comment today please  
5 fill out a blue speaker card that we have at that table, and  
6 then turn it in to the registration table itself.

7 I'm now going to turn it over to Dominic Gregorio,  
8 who will kick off our presentation. Dominic.

9 MR. GREGORIO: Thanks, Jerry.

10 I'll go right in. I have a Power Point  
11 presentation here, basically covering all of the items that  
12 we put on the agenda. They won't be in exactly the same  
13 order, and I apologize for that, but once we started putting  
14 the presentation together we (inaudible), but we will do  
15 (inaudible) the way we ought to.

16 Some of this might also be a repeat of information  
17 from the Monterey workshop, and for that I (inaudible), so  
18 bear with me on that. There might be some additional people  
19 here that weren't at those workshops, so I wanted to at  
20 least start everybody off with some similar information.

21 There are 34 areas of special biological  
22 significance that are regulated through the California Ocean  
23 Plan, and in addition to that, also in the Thermal Plan, as  
24 well. According to the Ocean Plan, waste shall not be  
25 discharged to designated ASBS's, and according to the Public

1 Resources Code, ASBS's are a subset of State Water Quality  
2 Protection Areas. The ASBS's are located throughout the  
3 state. There's 34 of them.

4 In our vicinity here, in San Pedro you can see  
5 that to the -- to the north, number 24, that's the  
6 (inaudible) to Laguna Point ASBS. To the south we have  
7 three ASBS's in Orange County. Those are in Newport,  
8 Irvine, and the (inaudible) park, which is in Laguna Beach.  
9 And to the south, we have four ASBS's in Catalina, Catalina  
10 Island, and several other ASBS's on (inaudible) island, you  
11 can see them there, San Nichoas, the next one is San  
12 Clemente, Santa Barbara, it's in the National Park Service  
13 area.

14 We completed a survey in 2003. The survey was  
15 contracted to the Southern California Coastal Water Research  
16 Project. The board -- excuse me -- the board requested the  
17 survey to identify all of the locations where we might be  
18 getting discharges into ASBS's. There were 1658 discharges  
19 identified. You can see a breakdown there. There were 31  
20 wastewater, which would be traditional points, those types  
21 of discharges, 1403 storm drain, and 224 non-point sources.  
22 The storm drains were further broken down into large and  
23 small, and in the report we refer to the large as  
24 (inaudible) industrial, and the small we determined that  
25 most of those were individual homeowners, for the most part.

1           Then there are a variety of different kinds of  
2 non-point sources, 224, and in addition to that number of  
3 224, there were 66 potentially contaminated (inaudible). So  
4 are you see, there's another (inaudible). Many of the non-  
5 point sources, the 224, and most, I would say, of the small  
6 (inaudible) were basically of a low volume, low threat type.  
7 They drain very small areas. It might have even been  
8 somebody's stairway or ramp, it might've been a boat ramp,  
9 could've been just a walkway, but some were significant.  
10 And so I don't want to paint a picture that all of the non-  
11 point sources were no problem. Some of them were, and I'll  
12 show a couple of examples here.

13           The State Board sent out a letter, and actually  
14 that's a typo, it should be -- it states October 18th, 2005,  
15 that was October 18th, 2004. And then more recently, in  
16 October 18th, or (inaudible) in 2005. So the first letters  
17 were notifying the dischargers that, that we had identified  
18 them as being responsible for discharges. And (inaudible)  
19 to stop discharging, and to apply for an exception if they  
20 felt they had good cause for that. And then we received  
21 several letters back stating that the dischargers were  
22 interested in applying for the exceptions, and on, on the  
23 (inaudible) we sent a letter explaining exactly how to apply  
24 for those exceptions.

25           So this is an example of the Laguna Point to

1 Latigo Point ASBS. It's seen in the inset, it, it states  
2 Mugu Lagoon to Latigo Point, that's because there was a name  
3 change in the, in the (inaudible). Several of the ASBS's  
4 were renamed because of the ongoing work by the various  
5 state agencies with regards to the various types of marine  
6 managed areas in the state. AB 4800 combined 18 different  
7 types of marine managed areas (inaudible) with the State  
8 Water Quality Protection Area, and then all of the marine  
9 managed areas, including the marine protected areas, were  
10 renamed according to a similar convention. So of all of the  
11 ASBS's, I would say about two-thirds got renamed, and those  
12 were approved by the Board in April.

13           This particular ASBS has the largest number of  
14 discharges. It was approximately 400 at one time, and then  
15 we went out and re-surveyed some of them more recently, and  
16 I think it's close to 500 now. There are many, many  
17 individual homeowners that discharge in the Malibu area.  
18 This is one of those, and it's in what we call the mystery  
19 drain. And I just found out last week from the executive  
20 officer of this particular regional board we're in now, the  
21 Los Angeles Regional Board, that there's a plan to go out  
22 and contact this particular individual that has this. This  
23 is a, almost a constant (inaudible) flow, and I think it's  
24 the washing machine into the ASBS, actually. It smells like  
25 fabric softener. We had some analysis run, and it was

1 higher than allowable Ocean Plan levels.

2           This is another example further south in the La  
3 Jolla area. This is a municipal storm drain. This  
4 particular storm drain is partially controlled. During the  
5 summer it caps off and the (inaudible) comes in and picks up  
6 the, the wastewater out of the, out of this deck hole,  
7 basically that's what we're looking at, a concrete deck  
8 hole. During the winter the cap is removed and the  
9 stormwater runoff goes through it at that time. And you can  
10 see that there's a sign there that, you know, not to go  
11 swimming at the beach, contaminated water, but you can also  
12 see the sign above that it's an ecological reserve. So  
13 there are remaining problems with this particular storm  
14 drain. This was one of the storm drains identified in the  
15 survey. And again, this is in La Jolla, so it's operated by  
16 the city of San Diego.

17           We do get some statements sometimes, but there's  
18 no proof that there's ever been any impact to ASBS's. We  
19 know there's a storm drain, we know there's not a point  
20 source location, so what, what has that done to ASBS's.  
21 Now, what I'm showing you is a historical impact that we  
22 uncovered when we did the survey. Before 1983, the McWinn  
23 (phonetic) flows into a, a cove. That cove was identified  
24 in the reconnaissance survey that we had done. We had  
25 reconnaissance surveys done at almost all the ASBS's after

1 they were designated in the 1970s, and the cover, you can  
2 see the cover for this particular ASBS (inaudible).

3           And in 1983, the, this El Nino period, the large  
4 El Nino in the 1980s, there was a landslide on the Highway  
5 One area. The road-clearing operations from that landslide  
6 entailed moving the landslide over the cliff, and that  
7 eventually caused the coast to be filled up. So the second  
8 photo is from February of 2003, during the time period we  
9 were doing the survey. This is the only cove in California  
10 that had a waterfall, and that was a, a filled in beach.  
11 And the impacts have been documented offshore as well as  
12 (inaudible) on the effect to marine life in the subtitles  
13 there, as well.

14           So I just wanted to share that with you as one  
15 example of how there have been changes, impacts to ASBS's.  
16 Again, the historical situation, it's not due to any ongoing  
17 type of activity. It's just an example.

18           And (inaudible) point sources. Four of those were  
19 covered in the previous exceptions. Those previous  
20 exceptions were for -- two of them for the Navy out of San  
21 Diego to the San Clemente Islands. San Clemente Island has  
22 a sewage treatment plant. San Nicolas Island has a  
23 desalination facility that has a waste brine discharge.  
24 There were, there were in northern and central California  
25 there were two sewage treatment plants, one in Carmel, one

1 in Shelter Cove. Those were the original four exceptions.

2 As a result of the survey, we had identified 92  
3 discharges at the Scripps facility, Scripps Institute of  
4 Oceanography, and, and subsequently we, we identified one  
5 additional one. So the survey (inaudible) at the time we  
6 know that there's 93 at Scripps, and they received an  
7 exception in July of 2004. There are about 23 remaining.

8 So I guess the point there is that if the  
9 dischargers use an exception it is not in compliance with  
10 the Ocean Plan, as long as it meets its permit requirements.  
11 So of the 1600-plus dischargers, we can remove 92 or 93,  
12 however you look at that, from the list of those that are  
13 not in compliance. So we have the remaining 23. Again,  
14 some of those received letters. We, in, in some of those  
15 letters, depending on the site specific conditions, we  
16 stated that sewage discharges, for example, in (inaudible),  
17 that one would not be recommended for an exception by the  
18 staff. There's a fish cleaning operation in Trinidad that  
19 would not be recommended for an exception. However, the  
20 non-point source and stormwater discharges from those  
21 facilities or those areas would be considered for an  
22 exception.

23 For the individual loading ramps, we -- we know  
24 that they have stormwater discharges to one extent or  
25 another, and the way we're dealing with that is to say the

1 way we dealt with the, the Scripps exception, where we  
2 issued one exception, they cover for point source and  
3 stormwater within the same exception. So these are the, the  
4 discharges from the marine laboratories that we would  
5 consider for point source exceptions, along with their  
6 stormwater and other non-point source discharges.  
7 (Inaudible) Monterey Bay Aquarium, Hopkins Point station,  
8 and (inaudible) up to Trinidad.

9           So one of the things that Jerry asked me to do  
10 today was to discuss a little bit the conditions that  
11 Scripps Institution of Oceanography has to comply with in  
12 their exception. You can see there, one of their point  
13 sources, you can see in, in the inset, the, a close-up and  
14 you can see four discharges running across the beach. Those  
15 are point sources. This was taken on a Sunday. There  
16 wasn't any rain. There are, like I said, several others  
17 that are stormwater. And some of their point source  
18 discharge is (inaudible) it was, at least at the time of the  
19 exception, with the stormwater and point sources commingled.

20           So we had 92 conditions that Scripps has to comply  
21 with. Some were point source oriented, some were stormwater  
22 and non-point source oriented. There were effluent and  
23 receiving water monitoring requirements. The general  
24 provisions were that the discharges must comply with the  
25 other provisions of the Ocean Plan. Natural water quality

1 in the receiving water must not be altered. Natural water  
2 quality would be defined by the advisory committee, and that  
3 committee is going to meet for the first time tomorrow,  
4 actually, (inaudible) we're having the first meeting.

5 And we're on to seawater analysis for copper, must  
6 employ a (inaudible) minimum (inaudible) in a, in an  
7 approved method, which currently is like CPMS for seawater.  
8 And full measurements must be taken at the major outfall.  
9 So those are the general provisions. And by the way, one  
10 other thing I should mention is (inaudible) not only, if  
11 you're measuring copper, you get the whole suite of metal.  
12 So basically, (inaudible) the metals.

13 These are specific waste seawater point source  
14 provisions. Scripps, we found, was adding quite a bit of  
15 material to their -- to their point source discharge,  
16 primarily from their aquarium, so we asked them to minimize  
17 that. We basically told them they had to minimize their  
18 chemical additives, formalin could no longer be discharged  
19 into the ocean, and the use of copper or treatment additives  
20 would have to be eliminated.

21 They had to, or they have to submit a quarterly  
22 report of all the chemical additives that they use. A study  
23 must be performed to determine the emission pollution,  
24 because they need to get a dilution ratio in their, they got  
25 a dilution credit in their original permit, so we allowed

1 that to go forward, but we needed to have (inaudible) value  
2 of it. And this is very important for marine laboratory  
3 discharges. They have to develop and implement controls to  
4 address the potential for aquatic species from entering an  
5 ASBS.

6 Now, for stormwater provisions, by January 1st,  
7 2007, they have to eliminate all discharges from non-  
8 stormwater urban runoffs. Their stormwater management plan  
9 has to describe measures by which non-stormwater discharges  
10 will be eliminated, and the interim measures until they are  
11 eliminated. The stormwater management plan has to include a  
12 -- include a map of all their retention points for urban  
13 runoff into the drain system. Again, they have a lot of  
14 (inaudible) that was going on between their aquarium and  
15 laboratory discharges in, in the stormwater runoff.

16 The saltwater plan had to address stormwater  
17 discharges and how pollutants would be reduced in the runoff  
18 through the implementation of BMPs, so we applied  
19 (inaudible) and accelerated, and we required that the  
20 implementation schedule must be developed and implemented  
21 within one year of the approval of the stormwater plan for  
22 non-structural BMPs. The conditions went on to describe  
23 that structural BMPs had to be as soon as possible.

24 Continuation of stormwater provisions. And when I  
25 say stormwater (inaudible) stormwater non-point source

1 (inaudible). As a result of the receiving water (inaudible)  
2 discharges that were causing an alteration of natural water  
3 quality, Scripps is required to send the reports to the  
4 regional board. And within 30 days of getting that -- or,  
5 of approving of the report by the regional board, Scripps  
6 has to revise their stormwater plan to incorporate any new  
7 (inaudible) type BMPs that would have to be employed to  
8 correct the situation.

9           The implementation of the BMPs must be within one  
10 year of the approval by the regional board. If there is  
11 some reason, say, for example, the Coastal Commission  
12 required a coastal development permit as a, you know, as a  
13 part of the installation of that BMP. Maybe it might take a  
14 little longer, there might be some other local community  
15 issues. So (inaudible) to keep it a little flexible, but  
16 basically ask them to hurry up, let's get it done as soon as  
17 possible.

18           And as long as Scripps has complied with these  
19 procedures, they would not be held responsible for ongoing  
20 exceedence of the same problem. So if they (inaudible) all  
21 due diligence to correct the problem, (inaudible) include a  
22 statement in there to protect them during that period. They  
23 can only work as fast as they can get their permits and get  
24 their funding together to install the BMP, for example.

25           The monitoring components I think are pretty

1 strict, but they're the keystone of, of the entire  
2 exception. (Inaudible) a quantitative survey of (inaudible)  
3 marine life must be performed. And also, once every permit  
4 cycle a bio-accumulation study of sand crabs and mussels.  
5 The reason sand crabs were added is because it's primarily  
6 sandy beach right at the outfall, and our Central Coast  
7 Regional Board has had very good success using sand crabs in  
8 addition to mussels for bio-cumulative types of studies, and  
9 so we applied a combination of those two parcels to be able  
10 to compare sort of the long-term trend with other sites in  
11 the state, and then sand crabs (inaudible) and sorts of  
12 situations.

13           The effluent from the aquarium outfall we sampled  
14 (inaudible) for copper, but (inaudible) for that was because  
15 there were additives flowing in. And again, there's some  
16 commingling, as well.

17           During the first year of the permit cycle effluent  
18 samples must be collected twice, once during dry weather and  
19 once during wet weather and analyzed for all the Ocean Plan  
20 Table B constituents, and during wet weather for bacteria,  
21 as well. Remember that there's considerable number of  
22 stormwater discharges.

23           One thing to add about that's not written here, or  
24 not shown in the slide, but the Regional Board can reduce  
25 the number of constituents to be monitored if it's shown

1 that after, you know, a few monitoring efforts, that, you  
2 know, some constituents just aren't there. There's no  
3 reason to continue to monitor that for the rest of the  
4 permit cycle. So, and there's no -- the state laboratory  
5 resources and, and monetary resources (inaudible) that  
6 flexibility for the Regional Board to address that as it  
7 comes up.

8           Again, slight (inaudible) during dry weather and  
9 during wet weather. The receiving water (inaudible) must  
10 also be sampled for the Ocean Plan Table B constituents,  
11 and again for bacteria during the wet weather.

12           Based on our first year sampling results, again,  
13 this is what I referred to, I was thinking ahead a little  
14 bit, I guess. The Regional Board (inaudible) to determine  
15 the specific constituents to be tested during the remainder  
16 of the permit cycle. And those are (inaudible) will still  
17 be there, and that's also a (inaudible) beach for pathogens,  
18 so we included a requirement that they test for bacteria  
19 coming off the marine mammal so the end total residual for  
20 also (inaudible).

21           So I already mentioned this, we're having the  
22 first meeting of the Water Quality Committee tomorrow. It's  
23 where the members are a researcher from Scripps, and in  
24 addition Steve Murray, from Cal State Fullerton, Bert Jones  
25 from USC, a Regional Board representative, myself, a member

1 from (inaudible), and a representative from the local marine  
2 laboratory that does a lot of the analysis, especially here  
3 locally in southern California, a real expert in the field  
4 of seawater chemistry, and that's Richard Austin.

5           Just a quick update on the USC facility. I  
6 mentioned earlier that in close proximity last year there  
7 are four ASBS's at Catalina Island. One of those has a  
8 point source discharge and some stormwater runoff. You can  
9 see the map here, it says (inaudible) cove area, two harbors  
10 and a fisherman cove, where the USC Wrigley Marine Science  
11 Center is located. The emission study will be (inaudible)  
12 probably about the first week of November. You can get that  
13 on the Internet, make that (inaudible), so they can look for  
14 that. The proposed additions will be similar to the  
15 (inaudible). You will see that when the initial study comes  
16 out. Well, these are all recommendations, of course.

17           There are more (inaudible) differences. For  
18 example, because -- and you can see the white dots there in  
19 the area. Those are (inaudible), and even within the  
20 footprint of the Wrigley Marine Science Center, so one of  
21 the things that we are recommending is a waterfront  
22 management plan to employ the state's non-point source  
23 recommended management measures for marine and for boating  
24 operations.

25           Another thing that is different, or that we're

1 recommending to be different from the Scripps program is the  
2 use of the intake as a reference location. Instead of  
3 having a (inaudible) for this location, we think that the,  
4 the intake, which is the -- well, as you can see. the line  
5 coming down, the ASBS boundary line, past (inaudible) and it  
6 hits the coastline there, this green dot, and the triangular  
7 dot. The green dot is the intake.

8 I wanted to give a brief update on the grant  
9 programs. There were several integrated coastal water  
10 (inaudible) management plan grants, or ICWM. You may be  
11 familiar with that acronym. It's integrated coastal water  
12 (inaudible). There were five grants that were identified  
13 and, and recommended to the board. I believe the board  
14 (inaudible). All of those sites have ASBS's. Trinidad  
15 Head, the Mattole River grange to the King grange. The  
16 Marin County coastline. Orange County, which included those  
17 three ASBS's that I talked about earlier being to the south  
18 of us. And the (inaudible) La Jolla ASBS, and that's within  
19 the Scripps and La Jolla (inaudible) they're adjacent to one  
20 another.

21 There were also four grants that will be picked up  
22 by the Department of Water Resources funds, and two of those  
23 have ASBS's, the Monterey area, I believe that's centered in  
24 the Carmel River, and the Malibu area. So that's been in  
25 development since the last workshop, and those, that money

1 will be used for planning, and I believe some monitoring  
2 will be used -- or will be funded by that. And a question  
3 comes up about whether that monitoring is going to be used  
4 in the application. And, you know, you can talk to me about  
5 that later, but I think this -- as long as it's not the  
6 preponderance of the, the fund, you know, these, these are  
7 planning grants, so we want a considerable amount of the  
8 money to go towards planning, and the monitoring is a part  
9 of that planning, and then that will be acceptable. So the  
10 idea is we, we're taking money out to help the planning for  
11 the exception process, and this is what we've done so far  
12 (inaudible).

13 We were asked (inaudible). I believe we have a  
14 handout in the back of, of -- it's a draft, it's not  
15 permanent, it's not final, but we (inaudible) as trying to  
16 identify some of the priority ASBS's, and some of the  
17 criteria from the highest priority were the ASBS's with a  
18 large number of discharges. I'm not going to give you the  
19 complete list, but it would be places that are fairly  
20 urbanized, including the Malibu area, a large number of  
21 discharges, places like Pacific Grove, Carmel, Malibu,  
22 Laguna Beach, you know, Newport Beach, (inaudible). I have  
23 copies of the list, you can look up on the handout  
24 (inaudible).

25 There were (inaudible) of significant contact

1 recreation use. So the ASBS is, is a beneficial use, it's  
2 aimed at marine aquatic life, but we recognize that a lot of  
3 the ASBS's are heavily used for contact recreation,  
4 swimming, surfing, diving, and we feel that that's an  
5 important priority.

6 ASBS's with agricultural discharges. In Laguna,  
7 major discharge, agricultural discharge that we know of is  
8 at Ano Nuevo on the central coast. And the ASBS's with  
9 marine operation, for example, (inaudible). There's more  
10 information in the handout. I just wanted to point out that  
11 we submitted that draft.

12 So Carmel Bay would be an example of an ASBS with  
13 significant contact recreation. And this is (inaudible) sea  
14 otter photo for every slide presentation. And, and we have  
15 to remember that bacteria as an indicator organism,  
16 (inaudible) bacteria, (inaudible), it's not just an  
17 indicator for human health contact recreation. There have  
18 been indications that sea otters along the central coast are  
19 affected by (inaudible) runoff and/or sewage discharges. I  
20 think the jury's still out on exactly what the pathways are.  
21 but (inaudible), which is a pathogen, carries (inaudible)  
22 and it's affecting otters. And, of course, the indicator  
23 bacterias will be used for any indication of fecal matter in  
24 the water, whether it's from human sources or not.

25 Where we're going on the grant program. I was

1 asked to fill you all in on the coastal non-point source  
2 consolidated grant program. The staff (inaudible) was made  
3 to the Ocean Protection Council, where we recommended that  
4 initially our, our first (inaudible) priorities would be  
5 having indicators for bacterial contamination, pathogen  
6 contamination and the ASBS's for both implementation and for  
7 monitoring. The draft guidelines will be posted by, I  
8 believe, from financial systems, by the end of this month.  
9 There is a handout, looks sort of like this, that describes  
10 a (inaudible) development report, so if you're interested in  
11 funding, I suggest (inaudible) financial assistance that  
12 these, from these (inaudible).

13           The plan of action at this point is to go back  
14 before the State Water Board and the Ocean Protection  
15 Council for the -- there's a joint \$10 million portion of  
16 this consolidated grant program to do the coastal non-point  
17 source program, and we will go back before those two bodies  
18 to get approval for our priorities. So that will be a  
19 public process, so stay tuned on that. And once we get  
20 those priorities identified in the guidelines and they're  
21 approved by the State Water Board, then we're going to  
22 solicit proposals and we're looking at the summer of 2006.  
23 So we've got it on this, a real accelerated schedule. So if  
24 you have a good (inaudible) start thinking about those, and  
25 stay tuned.

1           One of things we get asked a lot is what is waste.  
2    Because remember, the prohibition is on discharge of waste.  
3    In the Ocean Plan, if there is any drop of waste in  
4    stormwater, for example, the entire volume is not considered  
5    waste. But the question keeps coming back to me, well,  
6    what, a drop of what, what is waste? What makes the entire  
7    body you call waste? And (inaudible) to include sewage and  
8    any and all other waste substances, liquid, solid, gaseous  
9    or radioactive, associated with human application or human  
10   or animal, or essentially this goes back to before  
11   (inaudible) there was a, a -- I'm told by our legal staff  
12   that there was a determination made that was (inaudible) and  
13   so this goes back even earlier than Porter Cologne.

14           That includes waste from a variety of activities,  
15   activities that we considered non-point source, such as  
16   drainage or seepage, return irrigation, pesticides  
17   improperly applied, draining to wastewater from construction  
18   sites, et cetera. So it's very, very broad. It's anything  
19   that comes from any sort of human inducement, essentially.

20           Some comments from the August workshop on  
21   (inaudible). We have about a, a two-page, a front side, a  
22   front and back side document. One side is a spreadsheet,.  
23   Jerry, at the last workshop, requested that we come up with  
24   a matrix so that (inaudible) our requirement for a matrix,  
25   and you can see that there were basically four alternatives

1 considering all of the comments and the staff recommendation  
2 at the last workshop. General exception, staff  
3 recommendation, time schedule order was basically promoted  
4 by (inaudible). Stewardship councils were promoted by Ms.  
5 (inaudible), and (inaudible) suggested amending the Ocean  
6 Plan.

7 I'm not going to go through those, them all  
8 verbally. I, as far as the advantages and disadvantages, I  
9 can put that down on paper for you. But from considering  
10 all of this, we are recommending (inaudible) that, that we  
11 address the dischargers through a general exception approach  
12 we're going to refer to as special conditions from the  
13 language in the Public Resources Code. The special  
14 conditions would allow (inaudible) coverage for the ABS  
15 discharges, which would then move them from the (inaudible)  
16 category to the legal category, compliance category.

17 Again, just (inaudible) the approach for  
18 stormwater. And again, this is, now this is referring to  
19 specifically the stormwater, the, the dedicated stormwater  
20 discharges at the coast to the point source commingled  
21 marine (inaudible). This is a general exception approach. A  
22 time schedule will be included in the, in the regulation.  
23 That's what we would recommended. And all the (inaudible)  
24 eliminated initially, and there would be percent reductions  
25 somewhere (inaudible), until the medical waste is

1 (inaudible). So what do we mean by (inaudible). Or, I  
2 should say minimal waste.

3 Zero (inaudible) and technical may not even be  
4 ecologically sound for all constituents. The ocean has  
5 natural levels of certain constituents. We don't want to  
6 make it an absolutely sterile H2O and salt ocean. That's  
7 (inaudible) level. On that, I've heard one suggestion about  
8 non-detect, that non-detection metal might not be natural.  
9 You know, there's certain metals that are found naturally in  
10 the ocean and in, even for (inaudible) from certain  
11 watersheds. So, you know, we're not really looking at a  
12 non-detectable way to go in all cases.

13 Some synthetic pollutants, however, should not be  
14 detectable. Some metals were found naturally, those are  
15 natural ingredients to seawater, but synthetics were an  
16 extreme example of PCBE, PBE synthetic compounds, those  
17 should not be detectable.

18 Runoff effluents should also (inaudible)  
19 comparable to natural background levels for measuring for  
20 seawater (inaudible). I think that that's one way we're  
21 going to have to look at this. And in the interim,  
22 (inaudible) start developing a lot of this information, the  
23 Ocean Plan (inaudible) would also be used as a target, but  
24 we won't currently have any plan to, to prescribe  
25 (inaudible).

1           So here's an example (inaudible), I think I showed  
2 this at the last workshop. (Inaudible) this is the first  
3 dry weather flow to a sewage treatment. And it's also  
4 (inaudible) river flows. These are the kinds of solutions  
5 that we think are practical. Just as an example.

6           Going on with the projected (inaudible).  
7 Compliance would be determined by the intertidal water  
8 quality (inaudible) in the ASBS receiving waters. And we  
9 would have to have certain monitoring requirements to make  
10 that determination. We would encourage that the dischargers  
11 participate in a regional or watershed stakeholder group,  
12 and those would be modeled on (inaudible) committees. The  
13 idea is to collaborate on pooling resources for monitoring  
14 and data collection, planning for (inaudible), sharing  
15 information, and addressing watershed impacts, ASBS marine  
16 water, also working with the individual homeowners for their  
17 smaller discharges. All of that could be done, I think,  
18 through a collaborative effort.

19           And a critical coastal area pilot project that's  
20 already in existence now, I think I have a slide later that  
21 I, I'll talk about. Those are, those are things we, I  
22 think, very good models to follow. And so that's different  
23 than the stewardship council (inaudible) was suggested by  
24 the municipality. The, the stewardship council that were  
25 suggested were, I want to say that they were quasi-

1 regulatory, and I don't recommend that the state regional  
2 board give up their regulatory authority in this or in any  
3 case. So, but we've seen a value in collaboration, so I  
4 think that this would be a, a good thing to encourage.

5           And as far as natural water quality, we'd like you  
6 to use the model that we're following for the Scripps area  
7 to establish three regional scientific panels to, to help  
8 determine the answer to the question about meeting natural  
9 water quality. And some people might think that's pretty  
10 straightforward, but it's really not because during storm  
11 conditions we know that in the near shore environment with  
12 the wave action on the beach and the input even from natural  
13 watersheds, that, that there could be some differences  
14 between what is required in the Ocean Plan in terms of the  
15 water quality checklist and what's actually found in, in the  
16 near shore waters.

17           So (inaudible) or La Jolla, and the (inaudible)  
18 coastal area programs have been, there's actually five of  
19 them that have been identified and, and approved by the  
20 (inaudible) Coastal Area Committee. Three of them are in  
21 ASBS's, that's James FitzGerald ASBS, and then the Trinidad  
22 (inaudible) ASBS, and the La Jolla and San Diego Scripps  
23 ASBS's. And actually, I think I'm missing one, I think that  
24 there's a power project in the Orange County area. Oh, it's  
25 a typo on there, so it should've been four that are ASBS

1 oriented.

2           And these are in addition to the funding that I  
3 mentioned earlier, so Trinidad, La Jolla, and the Orange  
4 County ASBS's, those also were, you know, awarded the grants  
5 (inaudible).

6           One of the last things I wanted to mention is I  
7 wanted to talk about the authority for the special  
8 protection. I think we're going to kind of move away from  
9 referring to this as an exception, although that's what it  
10 really is, because of the Section 351 of the Ocean Plan,  
11 that's the authority for allowing a discharge of waste. Any  
12 deviation from the Ocean Plan will be covered under that  
13 exception provision. But we're sort of broadening that to  
14 be for the (inaudible) rely also on the California Water  
15 Code and the Public Resources Code. And so you'll hear it  
16 (inaudible) to the special protections. That's the  
17 reference to the language of the law. But realize that they  
18 also have some (inaudible) with the Ocean Plan and Section  
19 (inaudible).

20           So the next steps. Water quality staff will  
21 prepare a report of what we already know about ASBS's and  
22 what we don't know. And that report is in preparation for a  
23 (inaudible) equivalent document that will be required for an  
24 exception. Staff will resolve the draft board resolution,  
25 also. We'll have a scoping meeting, and the discharge

1 (inaudible) is due May 31st, 2006. If you're one of those  
2 remaining point sources or a couple of stormwater  
3 dischargers who might not have -- we sent letters, you might  
4 look into that. Essentially, we're going to be saying hey,  
5 (inaudible) for submitting the data.

6 And staff will incorporate what we know about  
7 ASBS's, and what we received on May 31st, into the draft  
8 (inaudible). And that should take about four to six months,  
9 and that will be followed by a (inaudible) and required  
10 Ocean Plan (inaudible).

11 So I'm ready for public comments.

12 MR. SECUNDY: Thank you, Dominic. Just a couple  
13 of comments. Number one, I'm glad that perhaps we're going  
14 to change the word "exception". For those of you  
15 (inaudible) presentation and you saw a (inaudible) that has  
16 to do with exceptions, not a waiver. That's just a rather  
17 stringent requirement, and I think exception is a very poor  
18 choice of words.

19 Secondly, you've seen the staff recommendation.  
20 That's exactly what it is, is a recommendation. Staff is  
21 not setting (inaudible) to the Water Board any individuals,  
22 to the board as a whole, so we have not yet reviewed the  
23 staff's recommendations. And part of the purpose of these  
24 workshops is to give input to the staff so that indeed they  
25 may be modifying some of their recommendations.

1           Third, for those of you that have not yet  
2 submitted your cards, please do submit your cards and get  
3 them up here as quickly as you can. I do not go through  
4 these in the order that they're presented. I try to have  
5 some continuity, so the counties, government agencies, the  
6 (inaudible) community will be lumped together s owe have  
7 some continuity as we go through this.

8           And finally, I'm going to limit comments to five  
9 minutes, please come up to this podium over here, make your  
10 comments, there is a microphone there. This is being  
11 recorded, so please try to speak into the microphone. And I  
12 will cut you off after five minutes. For those of you that  
13 can speak in less than five minutes, that's even more  
14 appreciated.

15           And finally, for those of you that do fill out  
16 your cards, you know, I am a relatively new Board member,  
17 although I'm feeling very (inaudible) at this point in time,  
18 after seven months. I know most of the acronyms. There are  
19 some I do not know, so when you're filling out a card with  
20 an acronym I'm not quite sure which -- in which to place  
21 you. So just kind of keep that in mind as you go through.

22           With that, I think we will start off. And if I  
23 mis-pronounce names, I apologize in advance.

24           SPEAKER: Do you want to try this first one?

25           SPEAKER: I go back far.

1 SPEAKER: Yeah, we --

2 MR. SECUNDY: You're up first.

3 SPEAKER: And this is from the regional board.

4 MR. ADACKAPARA: Good morning. My name is Mike  
5 Adackapara, I'm with the Santa Ana Regional Water Quality  
6 Control Board. Since I am the first (inaudible) in the  
7 whole big gang here, (inaudible) what I'm going to say is  
8 (inaudible). I want my (inaudible).

9 In the (inaudible), the ASBS (inaudible) being in  
10 the book for the last 32 years. More than 30 years,  
11 actually. We (inaudible) for 30 years, being the  
12 (inaudible) sources and the regional water quality control  
13 board, to operate for the last 30 years, has not been  
14 (inaudible), do something. (Inaudible) but the ASBS's  
15 (inaudible) but it is going to cost some money. And  
16 (inaudible).

17 (Note: End Tape 1, Side A.

18 Start Tape 1, Side B.)

19 MR. ADACKAPARA: (Inaudible) and how easy it is to  
20 prevent, or how difficult it is to prevent. And (inaudible)  
21 a lot of times about (inaudible) that maybe the (inaudible)  
22 and the municipal promise to take care of us (inaudible). I  
23 am going to, because I come in and I'm going to make a  
24 (inaudible). What I'm going to go over is state why general  
25 (inaudible) for all ASBS's.

1           The state board will issue information from all  
2 the ASBS's and all the (inaudible) ASBS's. All the ASBS's  
3 could come (inaudible) to be covered under this permit. So  
4 one (inaudible) and 34 permittee for the 34 area of ASBS's.  
5 This way, it will reduce my (inaudible) the regional board  
6 at the (inaudible). The regional board need to make an  
7 accommodation (inaudible). Let's go straight to the state  
8 board. (Inaudible.) State board can (inaudible). It can  
9 be done effectively. It can be done in a timely manner. It  
10 can be cost effective, it can be (inaudible). Should be  
11 that is something practical, cannot be (inaudible) without  
12 spending the 60 million or the 25 million that (inaudible).

13           (Note: Speaker difficult to hear  
14 clearly.)

15           MR. SECUNDY: You're going to have to wind up.

16           MR. ADACKAPARA: Okay. That's essentially all  
17 that I need to say. (Inaudible.) Thank you.

18           MR. SECUNDY: Thank you.

19           (Note: Balance of Tape 1, Side B,  
20 is blank. Start Tape 1, Side A.)

21           MR. SECUNDY: Chris Zirkle.

22           MR. ZIRKLE: Dominic addressed my comments in the  
23 presentation.

24           MR. SECUNDY: Thank you.

25           Paul Singarella.

1 MR. SINGARELLA: Good morning, Board Member  
2 Secundy, good morning to Mr. Gregorio. Paul Singarella  
3 here, on behalf of the Pebble Beach Company.

4 First, let me say that the Pebble Beach Company  
5 appreciates the State Board's commitment and interest  
6 through your ASBS documents, and commitment to the work  
7 (inaudible). And these proceedings have already been  
8 productive and have achieved some considerable progress.  
9 And I think that progress is marked by an emerging consensus  
10 on (inaudible) that reflects the, the gravamen that we're  
11 making here.

12 Number one, no one seems to be particularly  
13 thrilled with the idea of having the ASBS program based on  
14 exceptions, at least exceptions that are issued on a  
15 discharger by discharger basis. The board members  
16 (inaudible) in that regard at the last workshop, and we  
17 heard from Mr. Gregorio today, and you heard from NRDC at  
18 that hearing, and NRDC doesn't like the exception process,  
19 and I think you know how we feel about it.

20 Number two, I think everyone agrees that ASBS  
21 (inaudible), that's terrific. Number three, everyone seemed  
22 to agree that additional (inaudible) data for an ASBS  
23 requirement is important and should be, be accomplished.  
24 And number four, I don't think anybody in this room or  
25 anybody involved in (inaudible) ASBS, wants to see an

1 undesirable change in natural water falling into an ASBS go  
2 unaddressed.

3 Now, with all that said, I think that's being  
4 (inaudible) in this process. There are a couple of areas  
5 where consensus has yet to emerge, and I'd like to address  
6 those.

7 One is what is number one (inaudible) standard.  
8 We have heard from the Southern Coast Regional Board that  
9 it's a zero (inaudible) standards. We hear from Mr.  
10 Gregorio this morning that zero doesn't make sense, but  
11 we're not sure what we're hearing is interpretation  
12 (inaudible) from the central coast or just some programmatic  
13 gray of (inaudible) the underlying standards.

14 Number two, the other area where doesn't appear to  
15 be a consensus yet is what's the (inaudible) here. If  
16 you're (inaudible) or is that towards some opening  
17 commitment to (inaudible) or something else, something  
18 that's (inaudible), and this is very firm, remedial actions.  
19 They have (inaudible) in step four, the ultimate (inaudible)  
20 by remedial actions. What does that mean? That's not  
21 (inaudible). So I'd like to address those two areas in  
22 sequence here in a little more detail.

23 On the water falling standard, what we think we're  
24 hearing is that actual compliance without, without  
25 exception, without a waiver, and actual compliance

1 (inaudible) in the Ocean Plan requires pristine stormwater  
2 entering into a pristine ASBS. That's not reality,  
3 unfortunately. But we also (inaudible) it's what the law  
4 requires. We think that that (inaudible) in essence  
5 presumes that all stormwater is (inaudible), per se. Right.  
6 So if the water that you're discharging is stormwater and  
7 you're (inaudible), you are (inaudible). We thought that  
8 issue had already been raised back in 2001 in the San Diego  
9 permit proceeding when the San Diego Regional Board came out  
10 and said all stormwater is (inaudible), and this board and  
11 the water quality board in 2001 (inaudible) that it can't be  
12 (inaudible). You can't (inaudible) all stormwater from the  
13 state of California into waste, per se. It's the, and  
14 here's a term (inaudible) from the state board, it's the  
15 harmful quantities of pollutants if they exist in stormwater  
16 (inaudible).

17 Now, why is it so important to us? Well, number  
18 one, if you presume that all stormwater (inaudible), you end  
19 up (inaudible) by the fear of (inaudible). You don't need  
20 to know anything about the ASBS. All they need to know is  
21 (inaudible) and you conclude, by virtue of that legal  
22 interpretation, that we're violating the California Ocean  
23 Plan. It seems a hundred times different, in our  
24 (inaudible), that we should be presumed innocent. There's  
25 no evidence in many (inaudible) that there is a harmful

1 quantity of pollutant in (inaudible), that we're told that,  
2 in fact, we're violating the law.

3 (Inaudible) might have a different approach here,  
4 which we're (inaudible). It's one thing for, you know,  
5 (inaudible) in the private sector if you go to (inaudible)  
6 and say well, we think (inaudible) to be a polluter, you're  
7 violating the law. We need to get exceptions or some other  
8 permission from this agency in order to continue what we've  
9 been doing for decades. It's another thing for us to go and  
10 (inaudible). We're licensed. That's, that's a world, a  
11 world where we can get comfortable. But we understand we  
12 live in a world of having to go to agencies to get permits  
13 and licenses, so (inaudible) this dialogue is fine.

14 But we do need a way for this concept of  
15 exception, because words do make a difference. But we want  
16 it to be more than words. It really has to go to the  
17 underlying water falling standard. Are you saying it's not  
18 zero allocation? We hope (inaudible), hopefully you're  
19 saying that you're going to give us a chance to show you  
20 that we're not discharging harmful quantities of pollutants  
21 into the ASBS waters. We're going to come to (inaudible).

22 Okay. Now to my second point. The second point,  
23 it's (inaudible), is this agency (inaudible) an  
24 interpretation of the law that can give us some comfort that  
25 if we come to you and we're (inaudible) and come up with a

1 real solid BMP based approach to addressing the runoff  
2 (inaudible), is that, do you think that's going to be  
3 enough? It's very (inaudible) policy position that you say  
4 it's going to be (inaudible). Right now, you know,  
5 (inaudible) they'll take the BMPs, of course, but their  
6 proposal, but (inaudible). What about your proposal, are  
7 you really going to stand up and say look, it's not your  
8 (inaudible), are you going to, you know, break down the  
9 (inaudible), as important as it seemed, and provide some  
10 (inaudible) and guidance on the (inaudible).

11 MR. SECUNDY: You're going to have to wind it up,  
12 Mr. Singarelli. I get your point.

13 MR. SINGARELLI: Okay. Okay. Thank you.

14 MR. SECUNDY: Thank you.

15 Tom Reeves.

16 MR. REEVES: Good morning. I appreciate your  
17 bravery in holding these workshops (inaudible).

18 (Laughter.)

19 MR. REEVES: I, I think I must (inaudible) with  
20 Mr. Singarelli said, I would echo his comments. One thing I  
21 would like to request is to get some of the details of the  
22 (inaudible), if you have anything in writing (inaudible), I  
23 haven't seen that. And I understand that there may be some  
24 issues with releasing that prior to it going before the  
25 board. But for those of us in the arena, we'd like to see

1 something so that we can think about it. And unfortunately,  
2 I'm a very poor note-taker, so I have a hard time keeping up  
3 (inaudible). So it would be very helpful if you can  
4 (inaudible).

5 (Inaudible) that we, as far as the California  
6 (inaudible) be posted on the web, can we do that?

7 SPEAKER: Yeah, we'll probably change a couple of  
8 typos and we'll put it on there.

9 MR. REEVES: Okay, that'd be great. I appreciate  
10 that. And now I can start to maybe comment, just kind of a,  
11 a (inaudible) person. I'm not, I'm not (inaudible), I was a  
12 biology major for one year in college, and switched majors.  
13 But, but I have been talking to some (inaudible) experts at  
14 Hopkins and in our area, and in, in all honesty, I, the --  
15 the impression I get from many of these people who, their  
16 hearts are sincerely with preserving the ocean environment,  
17 they're wondering why, why are we doing this. The science  
18 seems to be working kind of backwards here. We're going  
19 about the process of monitoring water quality from, from  
20 both the discharge point of view and the receiving water  
21 point of view. And yet there's very few indications of harm  
22 being done in the, in the ocean environment itself.

23 Now, yes, there are some, there are some  
24 (inaudible) areas. In our area, for instance, (inaudible),  
25 there are others. But from a lay point of view, it seems to

1 make more sense to concentrate on what we know is a problem  
2 and then try to work backwards and find out what the  
3 (inaudible) of those are. My rig's already (inaudible) and  
4 we're conducting a (inaudible). We know we have some of  
5 these issues, and, and we're willing to own up to these  
6 issues, and we're willing to (inaudible) effort to, to try  
7 to track down what the sources of these contaminants are.  
8 But it seems like the obvious question is, from our point of  
9 view, what harm is being done, and then try to detect the  
10 sources, because when you go to the doctor and just saying  
11 I'm sick, and then start doing MRIs and cat scans and taking  
12 blood out of you for (inaudible). So I would hope that we  
13 take, move towards a little more what I would consider to be  
14 a science basis approach.

15 Thank you.

16 MR. SECUNDY: Thank you.

17 Mike Flake.

18 MR. FLAKE: We have another, I think it's similar  
19 to a Power Point presentation, so maybe we can turn the, the  
20 projector.

21 (Inaudible comments.)

22 MR. FLAKE: Thank you for having the workshop  
23 today, Mr. Secundy, (inaudible). We appreciate that,  
24 getting to come here and show you some of the information we  
25 have.

1           Just some quick comments. As you see, we  
2 (inaudible) go into some type of (inaudible) positive. I  
3 think there needs to be something again, like I heard  
4 before, (inaudible). I think that (inaudible) to the  
5 current stormwater permits could be feasible, and for the  
6 municipal dischargers in this room I think that's the way to  
7 go, developing some type of a generic provision for those  
8 kinds of ASBS areas and then (inaudible) by amendments to  
9 permits might be helpful.

10           (Inaudible) presentation. Okay. So this is  
11 (inaudible). So really, the big question for us is what the  
12 clean water (inaudible) is the salt water toxic, obviously,  
13 to the breeding water, but that's obviously not (inaudible)  
14 water quality. So knowing natural water quality is very  
15 important to us to be able to make decisions on what do we  
16 do if we into this (inaudible) process (inaudible).

17           Okay. And also, looking at natural water quality,  
18 statistics are going to be very important to this equation.  
19 This starts off at the, the exception for Scripps, for  
20 monitoring there. That doesn't sound like it's going to get  
21 you the statistical information that you need to, to  
22 determine where the natural water fall is, or what is the  
23 quality of the (inaudible).

24           Next slide.

25           This one's bigger. This is (inaudible) so they're

1 not compromised as part of the Ocean Plan (inaudible).

2 That's the protected.

3 Next slide.

4 (Inaudible) that's really (inaudible). As I said  
5 before, this is very important to us, knowing that  
6 discharge, that should something come about where maybe we  
7 get a permit provision or some type of waiver permitting  
8 process that has constituents listed in it with the  
9 (inaudible). But obviously, I, I don't believe the Ocean  
10 Plan will (inaudible) and something that we can (inaudible).

11 Next slide.

12 And this is (inaudible). Dischargers will need to  
13 know what performance standards will apply. Is it  
14 (inaudible) whether we need to divert those discharges, you  
15 know, some (inaudible) what is that versus what is the  
16 (inaudible) understanding.

17 Next slide.

18 And I read the NRDC issue paper this past week.  
19 It's pretty actually what we already did for our (inaudible)  
20 permit. That's got a (inaudible) listed in it, and, in  
21 fact, we (inaudible) with NRDC and said (inaudible), so we  
22 know it's feasible (inaudible). They've got public  
23 awareness up there for (inaudible) discharges. Those are  
24 all (inaudible) with the permit. So it sounds like  
25 continuing more of the same, except that some of these

1 permit provisions might apply outside of an urban area  
2 because it's (inaudible) in a rural area where perhaps you  
3 would not have a (inaudible) permit.

4 So, next slide.

5 Once again, with the performance required for  
6 getting and maintaining an exception. So (inaudible)  
7 exception does not sound like an (inaudible). It sits in  
8 their process, and is it (inaudible). We could get out of  
9 that now knowing that we had to (inaudible) the dischargers  
10 all together, (inaudible) understand what (inaudible).

11 So there will always be some constituent and  
12 (inaudible) that we generate. And so simply trying to meet  
13 natural water quality would probably not be very  
14 practicable.

15 Next slide.

16 Understanding what a discharge point (inaudible).  
17 Of all the discharge points that (inaudible) identified,  
18 over 1300, I believe. This is one of them. And we, from  
19 our perspective, and I don't think we (inaudible) a  
20 discharge plant. It goes through a tremendous amount of  
21 vegetated area before it gets to the ocean. And so we'd  
22 like some clear guidance back to us to what is a good  
23 discharge and what is a (inaudible). And I think the next  
24 slide will (inaudible). I showed these before at the last  
25 presentation.

1 I believe that (inaudible) throughout discharges.  
2 You can see those (inaudible), I labeled them where they  
3 are. But in the (inaudible). These are the indirect  
4 discharges. This is where there's some confusion for us as  
5 an agency, is how we need to treat these discharges. And  
6 incidentally, if we have to treat these, costs go up. If we  
7 don't, well, then, maybe we can do something about those.  
8 Seems like there's probably some real problems there.

9 Next slide.

10 We just put this in to sort of remind you that  
11 beach replenishment is an activity that's needed, so what  
12 happens when there's no discharge occurring. We you going  
13 to be able to do these activities.

14 Next slide.

15 Mixing drums. Is there going to be a discharge  
16 (inaudible) mixing drums should be evaluated. I think this  
17 (inaudible).

18 Next slide.

19 And here's the biggest problem that we see. Is it  
20 your (inaudible) the person who owns the land prior to the  
21 ASBS with being responsible for the discharge. However,  
22 upgradient you can see there's homes, there's parks, there's  
23 golf courses, whatever, that all discharge to the  
24 (inaudible) the obligation is passed on to the stormwater  
25 flows that goes into the ASBS. So this is a problem. And

1 here, if you are going to do something, it's just to  
2 illustrate some of the, the mechanisms that we would use to  
3 treat stormwater in the area, and some of the (inaudible)  
4 could be from the -- a lot of the construction.

5           That's just more. This is -- actually, Dominic  
6 had stated earlier that this was the one ASBS that has the  
7 most discharge from it, and I agree with you. And this is a  
8 very complex urban environment. And you can see how  
9 (inaudible) getting some (inaudible) flows. Looks like it's  
10 coming out of a driveway, driveway area that's run out to  
11 the Pacific Coast Highway. I wouldn't say that under a  
12 formal stormwater permitting program that we're going to be  
13 able to address these, but give us some time.

14           (Inaudible) infrastructure for stormwater  
15 treatment, but remember also that there's an engineering  
16 problem here. If there's no discharge, you can't engineer  
17 that. There will always be some type of discharge. So  
18 (inaudible) go back to the 25 year storm, (inaudible), what  
19 is that? We'll go ahead and see. (Inaudible). This would  
20 be all the infrastructure that we put in. What (inaudible)  
21 impact with that of trying to remove the discharge from the  
22 ASBS.

23           There's two (inaudible), the ACS is to the left.  
24 If we were just (inaudible) the discharge from the ASBS, as  
25 you can see over to the right, we get some, all we do is

1 (inaudible) out of the ASBS. Is that really the solution  
2 that we're looking for. Here's Salmon Creek. (Inaudible)  
3 have the perception is that we were hearing here (inaudible)  
4 we don't want to be back here in five years. So that's  
5 something that we need to know. In fact, (inaudible) that  
6 we heard earlier. If we potentially, if we can't get  
7 another exception or another permit after five years, then  
8 we need to have those discharges relocated.

9 MR. SECUNDY: Mr. Flake, you're going to have to  
10 wind up. I've let you go over.

11 MR. FLAKE: That's surprising because I'm the most  
12 significant discharger, but --

13 (Inaudible comments.)

14 MR. FLAKE: (Inaudible) all the letters that we've  
15 written back and forth and the times that we've met with  
16 you, and the major question remains the same that we had  
17 originally, and we look forward to getting (inaudible) on  
18 this question. Thank you.

19 MR. SECUNDY: Thank you very much.

20 Angela George.

21 MS. GEORGE: Good morning. My name is Angela  
22 George, I'm representing Los Angeles County.

23 I'm not going to belabor the point (inaudible), I  
24 won't try to reiterate things that other people have  
25 (inaudible). But with regard to the County of Los Angeles,

1 we do (inaudible). We also would like to just reiterate the  
2 fact that we do, we are concerned about the need to quantify  
3 the scope of the (inaudible). It should be science based.  
4 We also (inaudible) with regard to the MS-4 dischargers, and  
5 (inaudible) dischargers, as well, (inaudible) is stormwater  
6 discharges versus (inaudible) or does that (inaudible) in  
7 wet weather from (inaudible). With regards to zero  
8 discharges, we feel it is not practical. This is  
9 (inaudible). And we'd like to (inaudible) with you, as  
10 well.

11 And that's all I have.

12 MR. SECUNDY: Thank you very much.

13 Dan Lafferty.

14 MR. LAFFERTY: Good morning, board members. Thank  
15 you for having the, the workshop today. I especially  
16 appreciate the opportunity to avoid air travel (inaudible).

17 A couple of things. First off, we sort of  
18 (inaudible) previously, but in the (inaudible). The point  
19 is to find where the problem is. You've heard that there  
20 are problems in the ASBS's with water quality, but we still  
21 haven't heard (inaudible) research necessary to (inaudible)  
22 that problem. And then taking that one step further, if you  
23 take a look at the (inaudible) specifically (inaudible) the  
24 way you're treating this crisis, with this (inaudible)  
25 crisis, then finding out what are the contributions to, to

1 that crisis. And specifically, (inaudible) dischargers,  
2 what portion of the problem is attributable to the  
3 (inaudible) so that we have a clear understanding of the  
4 scope of the problem, and the responsibility of the  
5 (inaudible), the, the different groups of dischargers,  
6 towards that problem.

7 I think, too, that we need to consider  
8 (inaudible). We heard this morning (inaudible) that zero  
9 may not be (inaudible). I would certainly agree with that.  
10 (Inaudible) to get 100 percent removal rates for  
11 (inaudible). It says that you're by and large left with  
12 something residual, so that zero is probably the wrong  
13 number. I think if we go back to (inaudible) where the  
14 problem is and identifying what that problem is, if you do  
15 that (inaudible), we can then figure out what (inaudible) in  
16 terms of the (inaudible) ASBS's and still preserve them the  
17 way we want to. But I think it's important to bear in mind  
18 that, that (inaudible) is not represented by (inaudible),  
19 although I think that (inaudible).

20 Another thing about (inaudible) is thinking that  
21 we need to have some regional and local flexibility.  
22 (Inaudible) and local conditions maybe have an impact on  
23 (inaudible). So I think it's important to recognize that  
24 (inaudible) the right approach, that we take into account  
25 the local conditions and, and (inaudible) in particular.

1           The last thing (inaudible). We saw (inaudible)  
2 workshop (inaudible) discharges, some that looked to us like  
3 traditional non-point sources. Or, or (inaudible) maybe one  
4 step (inaudible) private discharges, and we're concerned  
5 that, that our members may be required to somehow  
6 (inaudible) or be responsible for cleaning up the discharges  
7 from these non-point or private sources. We saw (inaudible)  
8 coming down, or people (inaudible) that are discharging into  
9 that ASBS. The MS-4 dischargers really don't have a  
10 jurisdictional authority to go in and monitor or control or  
11 remove those particular dischargers. They aren't  
12 discharging (inaudible), they're discharging directly into  
13 the ASBS (inaudible).

14           That, that completes (inaudible). I appreciate  
15 (inaudible) timed it just right.

16           MR. SECUNDY: Thank you.

17           Rob Chichester. (Inaudible.)

18           MR. CHICHESTER: My name is Rob Chichester,  
19 representing U.S. Navy.

20           MR. SECUNDY: Thank you.

21           MR. CHICHESTER: A couple quick statements or  
22 questions, one being we do have two of our (inaudible)  
23 discharging into ASBS's. We have received an additional  
24 letter, and there is a date of (inaudible) of May 2006.  
25 Some of these areas are very isolated, so data may or may

1 not be available due to weather conditions. We're talking  
2 wet weather conditions that the (inaudible) that they're  
3 looking for. There's one (inaudible) and be aware of that  
4 and have that a little bit of understanding that a lot of  
5 these things may or may not be available by that due date  
6 (inaudible) these other dischargers, as well.

7           The permit conditions that will be sampled, I will  
8 (inaudible) about wet weather and dry weather (inaudible)  
9 some of the (inaudible) up there that these are fairly rocky  
10 areas or isolated areas, as well, so that we're (inaudible)  
11 state personnel safety should be taken into consideration  
12 when you're developing these sampling plans, and the  
13 requests for samples for various (inaudible) areas. I'd  
14 kind of like that to be considered (inaudible). Maybe those  
15 Navy Seals could (inaudible).

16           (Laughter.)

17           MR. CHICHESTER: Yeah, that'd be (inaudible), some  
18 of those -- we'll see. We'll see if they can (inaudible).

19           I do have some questions that (inaudible) and you  
20 may have to (inaudible). And just, when you're looking at  
21 all these outfalls and you're asking for sampling for  
22 receiving water sampling as well, the questions come to  
23 mind, is that receiving water sample from the beach in the  
24 area outfall, because there was quite a few areas, for  
25 example, that we had Scripps Institute showed five or six

1 different areas and five or six different receiving water  
2 outfalls, and I would hope that that's not the case, that  
3 representative areas would be taken for (inaudible) or just  
4 those (inaudible) would be taken into consideration when  
5 you're giving out those, those permit requirements and other  
6 conditions.

7 And that's all I have for (inaudible). I would  
8 (inaudible) give some consideration in mind (inaudible).

9 MR. SECUNDY: Thank you very much.

10 Richard Watson, Coalition for Practical  
11 Regulation.

12 MR. WATSON: Thank you, Board Member Secundy. My  
13 name is Richard Watson, I'm a member of (inaudible)  
14 Coalition for Practical Regulation, which is over 41 cities  
15 in Los Angeles County that have come together to address  
16 water falling issues.

17 I'm encouraged that (inaudible) with the progress  
18 made, and I'd like to support the comments made by Mr.  
19 Singarella. And in the comments in question, he said  
20 (inaudible). CPR, like many others is concerned about the  
21 (inaudible) and consequences of the state's current  
22 prohibition and exception (inaudible) to regulating ASBS's.  
23 I believe the language of the Ocean Plan is being  
24 misinterpreted. It (inaudible) should be amended to avoid  
25 unnecessary regulation. Rainwater itself contains

1 pollutants before it becomes stormwater.

2 (Inaudible) and as someone also mentioned,  
3 stormwater is already heavily regulated through the NPDES  
4 permits (inaudible) requirements adopted by the State Board  
5 and the regional boards. These permits of the (inaudible)  
6 already have special conditions limiting stormwater and  
7 (inaudible) stormwater discharges and all receiving waters,  
8 including the ocean. If additional special conditions need  
9 to be added, so be it. And I think that was addressed a  
10 little bit earlier.

11 But we're all concerned that many of the  
12 (inaudible) discussion by (inaudible) don't recognize the  
13 appropriate standards for compliance for municipal  
14 stormwater systems and the source. And that, that was  
15 recommended by Congress in 1987, when they mandated that the  
16 (inaudible) be considered. And that applies to all the  
17 (inaudible).

18 I'd like to make a few comments about the  
19 (inaudible) plan, because you're, you're approaching  
20 (inaudible). The 2001 (inaudible) plan includes a provision  
21 that allows regional boards to do (inaudible) for limited  
22 term activities, and may develop (inaudible) temporary  
23 short-term changes (inaudible) water quality. Stormwater  
24 is, in fact, a limited term activity, regulated by municipal  
25 permits. We think that all permitted stormwater discharges

1 should be recognized as already being limited by special  
2 conditions, and therefore not subject to prohibitions or  
3 additional regulation to the Ocean Plan.

4 Special conditions by which stormwater discharges  
5 are already limited satisfy the Public Resources Code,  
6 particularly Section 36710(f), where, where it says that  
7 waste discharge with individual stormwater (inaudible)  
8 protection be prohibited or (inaudible) by special  
9 conditions, so we think that's already taken care of.  
10 And you've adopted a number of MS-4 permits (inaudible).

11 However, (inaudible) concludes that current  
12 language in the Ocean Plan does not allow stormwater  
13 discharges in the ASBS's, because stormwater can carry  
14 waste. The Ocean Plan should be amended. Specifically,  
15 Section 3-E should be amended to add a new subsection to add  
16 a new subsection two, recognizing the limited term episodic  
17 and (inaudible) nature of stormwater and allowing stormwater  
18 discharges into ASBS's unless the discharges are shown to be  
19 adversely impacting water quality. In other words, we  
20 should be innocent until proven guilty.

21 So in conclusion, we (inaudible) the Ocean Plan be  
22 amended. And thank you for allowing us here today.

23 MR. SECUNDY: Thank you.

24 We are now into six (inaudible), and call upon  
25 representatives (inaudible), unless I have missed someone

1 from the municipalities or discharge community?

2 Come on up.

3 MS. KREBS: Good morning. My name is Patti Krebs.

4 MR. SECUNDY: I'm sorry.

5 MS. KREBS: From (inaudible).

6 MR. SECUNDY: Pardon me, please.

7 MS. KREBS: (Inaudible.) Thank you. I do  
8 appreciate you having your meeting in this location. I  
9 arrived by someone said (inaudible), but it was (inaudible)  
10 it was the fifth.

11 It's nice to be here. I came for the opportunity  
12 to address you today (inaudible) the State Board are trying  
13 to deal with the stormwater regulations at the ASBS's. My  
14 name is Patti Krebs, and I am here today representing the  
15 (inaudible), a very broad-based statewide coalition that is  
16 made up of cities, counties, chambers, business  
17 organizations, agriculture, forestry, and builders. And all  
18 of us are very concerned with the practicality and the  
19 reality of being able to eliminate all pollutants from  
20 stormwater.

21 We have worked hard together to come up with a  
22 resolution that we would like on record here with the board.  
23 And we are very concerned with the zero tolerance theory,  
24 which you have addressed. We consider it to be unworkable,  
25 and it will raise millions of dollars in paperwork and

1 (inaudible) procedures, and it does lack the, the proven  
2 benefits to get the (inaudible).

3 We are submitting this letter by (inaudible)  
4 today, it's signed by 33 different organizations. And we  
5 hope that you consider a reasonable and a practical approach  
6 with regard to the ASBS's. We're concerned with any program  
7 that is a policy of guilty before proven guilty. We don't  
8 want to see a program that would unintentionally complicate  
9 the path of what could be a more pragmatic ASBS program by  
10 inserting in the Ocean Plan only about a stormwater zero  
11 trace of all pollutants to enter an ASBS, because that would  
12 basically mean that all (inaudible) the stormwater runoff  
13 going into the ocean in an ASBS are considered guilty of  
14 harming the environment, with (inaudible) and therefore  
15 (inaudible).

16 And instead of prohibitions and exceptions, we  
17 feel (inaudible) that the State Board imposed on (inaudible)  
18 that we can try identifying who (inaudible) more than the  
19 local stakeholder groups, because things are different  
20 (inaudible) into the ASBS, or with your regional boards to  
21 develop and implement ASBS's (inaudible). Both (inaudible)  
22 identifiable problem areas and allow discharges that don't  
23 create any undesirable (inaudible) water fall. Compliance  
24 with these provisions would constitute special conditions,  
25 and would (inaudible) for the exception process.

1           Again, this has been a major effort to bring all  
2 of these groups together. They do want to bring this into  
3 the record, and I'll leave this letter with you, but it  
4 includes (inaudible), the Association of Counties,  
5 California (inaudible) Association, the Farm Bureau,  
6 California growers, and many others (inaudible).

7           Again, we do have very serious reservations  
8 regarding the potentially far-reaching and unintended  
9 consequences of the state proposed regulations of these  
10 ASBS's, but we are recommending that this (inaudible) and  
11 work hard with you, and to get the best regulations for the  
12 (inaudible) scenic coastal communities.

13           Thank you.

14           MR. SECUNDY: Thank you.

15           We will now step over to the environmental  
16 community. The Ocean Conservancy, Tim Eichenberg.

17           MR. EICHENBERG: Hi. My name is Tim Eichenberg,  
18 I'm representing the Ocean Conservancy. We're also here to  
19 support the board's efforts to clean up areas of special  
20 biological significance. We are going to be submitting a, a  
21 letter into the record which is signed not only by the Ocean  
22 Conservancy, Natural Resources Defense Council, but also the  
23 California Coastkeeper, Defenders of Wildlife, the Sierra  
24 Club, (inaudible), Friends of the Sea Otter, the San  
25 Francisco Baykeeper, San Luis Obispo Coastkeeper, San Diego

1 Baykeeper, the (inaudible) foundation.

2           These were put together, and (inaudible)  
3 Californians that are concerned about the ASBS's because  
4 they are the most precious coastal areas that the state has  
5 identified, and (inaudible), because they're protected for  
6 ASBS's and for other (inaudible) such as stormwater permits,  
7 and so forth. That gives rise to concerns for us because we  
8 have already identified these areas as the areas which are  
9 supposed to be (inaudible) discharges, and the areas that  
10 are supposed to be cleaned up. They're pristine.

11           We recognize that cleaning up these areas will  
12 not happen overnight, and we also recognize that there will  
13 be costs for doing so. But these costs do not have to be  
14 prohibitive, and these are (inaudible) the California  
15 coastal economy. We believe that the board needs to look at  
16 a plausible strategy (inaudible) these areas and develop  
17 (inaudible) and timetables to clean them up. But they can  
18 (inaudible) best management practices used by (inaudible)  
19 cost effective measures such as (inaudible) and the things  
20 that you saw on the, the Power Point. And we also know that  
21 there's millions of dollars for funding that are available  
22 for these.

23           But we have great concerns that the -- for the use  
24 of (inaudible) general exception to the Ocean Plan for  
25 entire categories of discharges or appropriating these

1 discharges into the ASBS (inaudible). We don't think that  
2 is the way to go to do this. We think it sends the wrong  
3 message to the dischargers, and (inaudible) the Ocean Plan  
4 (inaudible).

5           Instead, we, we think that the board, the board  
6 should develop individual goals and timetables as we set out  
7 (inaudible) my colleague and the (inaudible) to protect  
8 natural water flowing and stop dry river flows, and so  
9 forth. We think it can be done through a specific time  
10 (inaudible) not to interfere with (inaudible), or certainly  
11 not to incorporate the stormwater program, or certainly not  
12 by amending of the Ocean Plan. And Anjali will talk more  
13 about that.

14           MR. SECUNDY: Thank you.

15           Speak up.

16           (Inaudible comments.)

17           MR. SECUNDY: NRDC, what does that stand for?

18           MS. JAISWAL: (Inaudible). Good morning  
19 (inaudible). I'm Anjali Jaiswal, from the Natural Resources  
20 Defense Council. And I am (inaudible) and thank you for all  
21 of your hard work in designing and holding these workshops  
22 on ASBS's.

23           SPEAKER: (Inaudible), and I would like to thank  
24 you for the written presentation that you gave us. I found  
25 it very informative. And I would just like to say this for

1 the entire group, I really do try to read each and every  
2 comment that comes in, so that does not go into some deep,  
3 dark hole. And if you can get them in, obviously, before a  
4 workshop like this, it really helps the (inaudible) to  
5 understanding your presentations better. Please.

6 MS. JAISWAL: Thank you. I brought a hard copy of  
7 that paper, that NRDC paper (inaudible), as well as the  
8 letter. And the reason why we didn't submit it, I think  
9 (inaudible) because we hadn't heard the state board  
10 (inaudible) and we were working on it, as well, and so I  
11 brought it today.

12 But there are three main points that I wanted to  
13 talk about, and we will go in detail in our letter. But  
14 again, we maintain that the general exception approach is  
15 not the way that (inaudible). I'm going to expand on the  
16 (inaudible) proposed, as well as discuss the effective  
17 measures the (inaudible) and significance.

18 First, you know, the (inaudible) the other  
19 conservation groups, (inaudible) environmental groups, it's  
20 like how, how (inaudible). The state board (inaudible), but  
21 they don't see, and you can't see (inaudible). And also,  
22 what we have to see is (inaudible). And the Ocean Plan  
23 doesn't support this kind of stuff. The Ocean Plan  
24 (inaudible) protecting the ASBS's, and has throughout its  
25 history. I'm not going to go through the reports, but the

1 state board knows about how our Ocean Plan (inaudible), and  
2 the state board has itself made findings that stormwater  
3 pollution is the number one source of pollution to our  
4 coastal waters.

5 But we (inaudible). It's that the worst category  
6 of pollution, stormwater discharge, has an exception and can  
7 be discharged into our most (inaudible) waters, ASBS's.  
8 It's a dangerous precedent. It's a dangerous precedent not  
9 only for the stormwater discharges into the ASBS's, but as  
10 well as the other (inaudible) discharges. (Inaudible) the  
11 worst category it's (inaudible) our most fragile waters.

12 Has the city (inaudible) we're not talking about  
13 the end of Long Beach there. We're talking about watersheds  
14 that are partially natural, partially urban, that are  
15 urbanizing, and how to protect the (inaudible) for the  
16 ASBS's as a state program. Not saying that all the  
17 stormwater is waste, we're not saying zero. And in terms of  
18 (inaudible), the state (inaudible) in its own words, in the  
19 (inaudible) decision, as well as others.

20 So I hope I'm not going too fast, but just to  
21 summarize, we're (inaudible), dischargers submit a plan on  
22 how they're going to (inaudible) one, notify the (inaudible)  
23 at the earliest possible date providing (inaudible). They  
24 also know, no non-stormwater flows, meeting water quality  
25 standards within the same time, earliest possible date,

1 (inaudible).

2 (Note: Speaker mostly inaudible.)

3 MS. JAISWAL: Again, this could be done through  
4 the concept (inaudible) proposed by the discharger.

5 So I just wanted to address some points  
6 (inaudible) this morning. (Inaudible) gave the state board  
7 more flexibility. It allows the, it allows the state board  
8 to maintain its enforcement (inaudible). And it's unclear  
9 to me how this would be more work than having a general  
10 permit that would be in violation of the Ocean Plan. It's  
11 unclear how this (inaudible) of the regional board and how  
12 (inaudible).

13 So, so I just wanted to go, wanted to go back to a  
14 practical framework and say how it's (inaudible) and how it  
15 works. (Inaudible.) I don't see the state board's evidence  
16 for showing why this isn't possible. (Inaudible.) We're  
17 not looking for zero discharges. (Inaudible) generated  
18 waste. (Inaudible) first submitted along with the letter.  
19 I'm sorry, the (inaudible) on stormwater control,  
20 (inaudible). And in addition to (inaudible) there's also a  
21 state board decision (inaudible) and the San Diego decision  
22 showing that BMPs are affected. BMPs that, that focus on  
23 pollution (inaudible) source control, treatment (inaudible)  
24 control.

25 I have (inaudible). I'm not going to go through

1 that, because I think Caltrans has (inaudible), as well as  
2 the pollution control (inaudible), that can protect our  
3 ASBS's. And, and over time, (inaudible) pollutants have  
4 been (inaudible) and they can be designed to protect our  
5 ASBS's to meet the discharge (inaudible) and I highlighted  
6 that (inaudible). All of these efforts to protect our  
7 coastal (inaudible).

8 MR. SECUNDY: Thank you.

9 MS. JAISWAL: Thanks to everyone (inaudible).

10 MR. SECUNDY: Rick Wilson.

11 MR. WILSON: Good morning. My name is Rick  
12 Wilson. I'm (inaudible) with Surfrider Foundation. The  
13 Surfrider Foundation is (inaudible) non-profit firm  
14 (inaudible) and look forward to the protection of the small  
15 (inaudible) and beaches. One of the central issues since we  
16 got started 21 years ago has been ocean water quality. It  
17 really started out as, as somewhat -- I shouldn't say  
18 (inaudible), because we had surfers (inaudible) getting sick  
19 from recreation in polluted water, and unfortunately, we  
20 still have that condition. However, it didn't take us long  
21 to realize that the problem was broader than just surfers  
22 getting sick. The problem affects the whole ocean  
23 environment and especially the areas of special biological  
24 significance.

25 In fact, we have our own program is somewhat

1 analogous to the ASBS program (inaudible) program that seeks  
2 to protect areas like ASBS's and including the ASBS's. We  
3 have been active in this issue since it got started. You've  
4 heard testimony (inaudible), our central coast coordinator,  
5 at the Monterey workshop. We can actually turn in this  
6 later (inaudible) the Scripps decisions.

7 I am also chairman of the Laguna Beach chapter of  
8 Surfriders, so I've been working with the (inaudible) and we  
9 support the diversion and treatment measures that they  
10 (inaudible) park renovation. Also, we have chapters in  
11 essentially -- well, we have (inaudible) chapters in  
12 California, so we have chapters in essentially all the areas  
13 that contain ASBS's, and so I wanted to (inaudible) offer to  
14 the municipalities and other entities that are responsible  
15 for discharges in the ASBS's, that we're going to work with  
16 them both from an education point of view and also in terms  
17 of educating the public, and also from a technical point of  
18 view on the (inaudible), over 30 years of engineering  
19 experience in California. I'm a 42 year surfer, 43 year  
20 surfer, so I think we can bring a lot to the table in  
21 working towards a solution.

22 And so I'd like to end this by echoing the  
23 comments of the first commenter that you heard from, Mr.  
24 Adackapara of the Santa Ana Regional Board, reminding  
25 everyone that this is a prohibition, this waste discharge

1 prohibition into ASBS's has (inaudible) for, for 30 years,  
2 so it's time we got serious and did something about it.

3 Thank you.

4 MR. SECUNDY: Thank you.

5 Would you pronounce your name for me?

6 MS. HOECHERL: I'm Heather Hoecherl.

7 MR. SECUNDY: Hoecherl, thank you.

8 MS. HOECHERL: And in (inaudible), and just to say  
9 again (inaudible) protect water along the (inaudible)  
10 California coastal waters (inaudible) our precious ASBS's  
11 down here.

12 I essentially agree with all the comments that  
13 Anjali made, and I am not going to re-state them. But what  
14 I am going to say is (inaudible) I actually have had a  
15 (inaudible) of the Ocean Plan, including drafts, (inaudible)  
16 since work began on the (inaudible). In 2000, as you  
17 probably (inaudible). So it's very true to me from reading  
18 all of that (inaudible) that the Ocean Plan of (inaudible)  
19 the Ocean Plan's prohibition to (inaudible).

20 As you know, unfortunately this prohibition was  
21 basically ignored for over 30 years, and results in the  
22 current problem. I would just say that many of these  
23 dischargers shouldn't ever have been there in the first  
24 place. The (inaudible) throughout the coast. And to sort  
25 of reiterate the (inaudible). I heard somebody mention

1 (inaudible).

2 I agree that dry flows and (inaudible) discharges  
3 should be removed within a year and (inaudible). I would  
4 say that (inaudible) by the discharge of the stormwater  
5 discharge can be removed (inaudible), it has to be  
6 (inaudible) choice (inaudible). So as (inaudible) I would  
7 encourage the board to encourage that to happen first,  
8 before some others (inaudible). And then we're going to  
9 have to go (inaudible).

10 One other thing I might add is it looks like it's  
11 going (inaudible) could also be added to that type of permit  
12 (inaudible) encourage at least a permit for the (inaudible).

13 Thank you.

14 MR. SECUNDY: Thank you.

15 I have a card from the Scripps Institute of  
16 Oceanography. Thank you. I'm going to -- (inaudible) four  
17 individuals. Is it necessary?

18 (Note: Inaudible speaker.)

19 MR. SECUNDY: Would you come to the front, please?

20 This is your opportunity. That was the last card.  
21 Before we start, I should ask, that's the last card I had.  
22 Is there someone who has not spoken that submitted a card?  
23 Is there someone who did not submit a card that has  
24 (inaudible) to speak?

25 No. All right. Well, then I think we have an

1 opportunity. We have a (inaudible) here for those of you  
2 that have any questions about, quote, the exception,  
3 unquote, that they have received and how easy it is to get  
4 such an exception, and how easy it is to comply.

5 MS. LAWRENCE: We don't usually use the word easy  
6 (inaudible).

7 (Laughter.)

8 MS. LAWRENCE: And, and I (inaudible), as I did at  
9 the Monterey hearing, that the Scripps Institute of  
10 Oceanography (inaudible). And as we, we (inaudible) step up  
11 to the plate and our intention was to work with the state  
12 board as its partner. But I also want to make it clear to  
13 everyone in the audience that we support the processes we  
14 are all going through now to hone the process that we went  
15 through to make a better (inaudible). And I think we are  
16 here for, for question and answers. Kimberly O'Connell is  
17 the one who is here for -- to speak more as a technical  
18 (inaudible).

19 We are very happy to be (inaudible), and so we did  
20 step up to the plate for many (inaudible) and are committed  
21 to, where possible, work to create viable programs that will  
22 help (inaudible). But I'm very interested and concerned  
23 about the implementation from the (inaudible). I think that  
24 (inaudible) to work with the state board, the idea  
25 (inaudible) to our funding the plans for people to set up

1 their approach. And we all have a (inaudible) investments  
2 that are going to be made to (inaudible). And the order of  
3 magnitude of what that's going to be compared to what you're  
4 going to get (inaudible) is not a very practical solution,  
5 and will be (inaudible) to get everybody involved in the  
6 planning process and then not, once we work together to come  
7 up with the approaches to solve this, not be able to work  
8 with us continually as partners to implement those with more  
9 (inaudible).

10 So I welcome the opportunity to work with the  
11 state board (inaudible) and having the priority (inaudible)  
12 our criteria match the planning grant prospects. So that  
13 the implementation (inaudible). And Kimberly O'Connell is  
14 here to talk maybe about the, the (inaudible).

15 MR. SECUNDY: Okay. (Inaudible.)

16 SPEAKER: How do you put it (inaudible) in the dry  
17 season (inaudible) there are no, no discharges in the dry  
18 season.

19 (Note: Questions and answers inaudible.)

20 MS. HOECHERL: That's a new challenge (inaudible).

21 (Note: Unable to determine identity of speakers.)

22 SPEAKER: That's a new challenge, actually, in  
23 making this (inaudible) is helping us with that. We just  
24 submitted our stormwater (inaudible) to Scripps with our  
25 (inaudible) programs to the state board and the regional

1 board for their review and approval. And (inaudible).

2 SPEAKER: So far we've had occasional occasions to  
3 identify the stormwater discharges (inaudible).

4 (Note: Questions and comments inaudible.)

5 SPEAKER: Right now our deadline is January 1st,  
6 2007. We'll have to get back to the state board  
7 (inaudible), but right now we're in the process. I think  
8 that (inaudible), education, looking at what our sources are  
9 and trying to eliminate (inaudible) if possible.

10 (Inaudible.)

11 (Note: Inaudible question.)

12 SPEAKER: Correct. Right now we're in (inaudible)  
13 trying to identify what (inaudible) sources are, and then  
14 (inaudible).

15 (Note: Inaudible question.)

16 SPEAKER: Right now we don't have any plans to  
17 eliminate that (inaudible) we're working on reducing the  
18 (inaudible). But we don't have any plans at this time of  
19 eliminating the stormwater discharges.

20 (Note: Inaudible question.)

21 SPEAKER: For stormwater?

22 SPEAKER: Yes.

23 SPEAKER: At this time, no. (Inaudible.) I don't  
24 know. I don't know that we'll ever get so (inaudible).  
25 Some of those goals, especially for the (inaudible) I just,

1 I'm not aware of any treatment technology right now that  
2 would take it down to that level (inaudible).

3 (Note: Inaudible question.)

4 SPEAKER: As part of our Prop 50 funding, we  
5 intend to (inaudible), marketing studies, as well as  
6 (inaudible).

7 (Note: Inaudible question.)

8 SPEAKER: Suzanne can also speak to this.  
9 (Inaudible) so right now we're in the grant phase of it, and  
10 (inaudible).

11 SPEAKER: It will be maybe \$500,000 for our  
12 (inaudible), and we're partnering with the city as well as  
13 the baykeeper under Prop 50, and we've got (inaudible)  
14 implementation money. So based on the, the findings that we  
15 do in our climate studies and our, and (inaudible) with some  
16 type of measures.

17 SPEAKER: And that (inaudible) about maybe  
18 (inaudible) financing for the implementation from the  
19 (inaudible), because we're all being asked to identify  
20 (inaudible) to determine what (inaudible). And then once we  
21 go through that, we (inaudible) not only cost, but there  
22 will be (inaudible) to know what that is, one way or  
23 another, and to (inaudible). So from the standpoint of  
24 identifying the cost and (inaudible) bring close to reality  
25 the ability to get that data (inaudible) that there will be

1 funding for those kinds of things down the road in the  
2 implementation plan.

3 SPEAKER: What are your (inaudible) for the, all  
4 of this planning, all of the monitoring, and then the  
5 expected implementation? You must have a (inaudible).

6 MR. SECUNDY: You might want to identify yourself.

7 SPEAKER: I'm Greg (inaudible).

8 SPEAKER: Could you repeat your question?

9 SPEAKER: Yes. What are your cost estimates,  
10 ballpark level, for the monitoring that you have to do  
11 (inaudible) the planning and then your expected  
12 implementation?

13 MS. LAWRENCE: We, we (inaudible) the scope  
14 (inaudible) extremely complex, because we have both the  
15 seawater and the stormwater combination, so we have,  
16 Kimberly has taken on a lot of monitoring requirements that  
17 are associated with the aquarium and our various research  
18 facilities that bring seawater in, and then bring it back.  
19 So we have divided our, mentally up our, our, the way we  
20 look at things, to have a stormwater component, a seawater  
21 component, and a receiving water monitoring component.  
22 That's the only way we (inaudible) and the compliance  
23 monitoring for both the aquarium and where the seawater  
24 system (inaudible).

25 And the permit is something Kimberly can speak to,

1 but what we want to do is (inaudible) come up with some  
2 proposal for some parameters of how to get all of the  
3 receiving water (inaudible).

4 SPEAKER: Do you have any, just on the stormwater  
5 component by itself, what's it costing you for monitoring  
6 and planning, and have you done any estimates for what it  
7 will take to implement those BMPs? Just for stormwater.

8 SPEAKER: Do you know?

9 SPEAKER: I don't know. (Inaudible) to separate  
10 the stormwater system from our seawater system.

11 SPEAKER: But all the effort right now is  
12 (inaudible) to --

13 SPEAKER: (Inaudible.) And so, so basically, you  
14 know, get a (inaudible), so, so re-funding the institution  
15 is what I call it, so that we separate the stormwater from  
16 the seawater (inaudible) get a level playing field. That's  
17 our area (inaudible) right now, and that number isn't  
18 relevant to anyone. You would know better than I.

19 SPEAKER: It might even be relevant to other  
20 marine laboratories. It wouldn't be relevant to the  
21 municipalities.

22 SPEAKER: But all of our focus at this moment is  
23 (inaudible). But until they get separated, (inaudible)  
24 commingled facilities do not, is not in anybody's best  
25 interest.

1 SPEAKER: Certainly not in ours.

2 (Note: Inaudible comments.)

3 SPEAKER: My second question is what BMPs are you  
4 going to implement for your stormwater control? You have  
5 (inaudible) where the run-off comes.

6 SPEAKER: We are looking at the (inaudible) once a  
7 week for the (inaudible), giving the public education,  
8 holding a number of workshops which (inaudible), and we're  
9 going to be holding a workshop on December 13th. Hopefully  
10 (inaudible) send out flyers, to kind of educate everyone  
11 what our (inaudible) practices are, as well as what we're  
12 planning on doing with our seawater system. But (inaudible)  
13 a number of (inaudible) part of a municipal stormwater  
14 permit.

15 SPEAKER: Okay. But --

16 SPEAKER: But (inaudible) we want to see what  
17 (inaudible) best management practices? So we, we  
18 (inaudible) our stormwater is a concern, yeah. We've  
19 identified (inaudible) sediment. We, we, it's a concern.  
20 We're implementing our (inaudible). We're continuing  
21 (inaudible) of our stormwater, and basically we hope  
22 (inaudible) implement additionally resources (inaudible).  
23 It's a concern (inaudible).

24 (Note: Inaudible question.)

25 SPEAKER: Yeah, the (inaudible).

1 SPEAKER: Yes.

2 SPEAKER: Those are (inaudible).

3 SPEAKER: (Inaudible) grease.

4 SPEAKER: Well, after we adjourn the meeting.

5 (Note: Inaudible comments.)

6 SPEAKER: It's probably (inaudible) that most of  
7 you are finding in your stormwater. We didn't see any  
8 (inaudible.)

9 (Note: Inaudible comments.)

10 SPEAKER: We got word that we will (inaudible) the  
11 first round of integrated coastal watershed planning grants  
12 that were talked about here, and (inaudible). And my point  
13 is that we're really happy to have (inaudible) and also  
14 talking about the fact that there's been a (inaudible) and  
15 do programs (inaudible), and there's, you know, not a whole  
16 bundle of (inaudible) at the end of the, at the end of that  
17 to help us implement the (inaudible) that we're, we're  
18 expecting them to (inaudible).

19 And our, our funding basically is, we've  
20 identified four areas (inaudible). And, and one of them is  
21 the public (inaudible), one of them is what we're calling  
22 (inaudible) super BMP, or, or some (inaudible) BMP. Using  
23 the Southern California Coastal Ocean (inaudible) and our  
24 resources to bring together a bigger management system that  
25 will be state of the art, and beginning to look at that

1 (inaudible). Those are the four areas we're going to  
2 concentrate on, in addition to all those (inaudible) that we  
3 have to (inaudible).

4 (Note: Inaudible comments.)

5 SPEAKER: Are you looking at (inaudible) in  
6 addition to this (inaudible) along with your, your  
7 analytical (inaudible)?

8 (Note: Inaudible comments.)

9 SPEAKER: (Inaudible) for the state board, we have  
10 concentration (inaudible) in mind in writing the exception.  
11 But I intend that (inaudible) be more a, more heavily aimed  
12 at the point source aspects of the aquarium, the laboratory  
13 seawater systems. It wasn't as heavily oriented towards the  
14 stormwater question, so that will be just from a overall  
15 standpoint for making exceptions (inaudible).

16 SPEAKER: (Inaudible) I just had a couple of  
17 comments. I was listening to the presenters, and there were  
18 three things that I want to comment about. One of them was  
19 the question of (inaudible) waste allocation, and that is  
20 correct. The, the Ocean Plan states that you shall not  
21 discharge waste, so it is verboten. That, that's absolutely  
22 correct. However, an exception for the special (inaudible),  
23 which is I think a way (inaudible) from now on is special  
24 protections. The special, the special protections would  
25 allow us to get out of the conundrum of a zero waste

1 problem. So, and I (inaudible) we don't expect that we will  
2 have zero waste. We don't (inaudible), we don't expect that  
3 we will have zero constituents. And that's the way we would  
4 like to proceed.

5           So, and the Ocean Plan currently allows zero. The  
6 board will decide on where these special protections are  
7 going to be to stay in compliance with state law, the Public  
8 Resources Code, California Water Code, and with the Ocean  
9 Plan. And part of that compliance is the exception  
10 privileges, and so whatever we call this, if we call it the  
11 special protections, it still has to include in the  
12 resolution a reference back to the exception provisions of  
13 the Ocean Plan, and that's -- and you note that there's only  
14 two of us here today, a board member and one staff.

15           Normally there would be another staff person that  
16 would be from our legal department, and she was unable to  
17 make it. So that was one of the, that was one of the  
18 concepts that she wanted me to get across to everybody, that  
19 the current situation is prohibited. We know that there are  
20 wastes in stormwater. We can't say that there's waste in  
21 every stormwater discharge, but we can say that certainly  
22 there's no stormwater discharges especially from fairly  
23 complex and urbanized areas, we're going to have waste in  
24 it.

25           That's currently illegal, and what we're trying

1 to, through these special protections, is to apply  
2 conditions that will rectify them and correct that so that  
3 we protect the ASBS water quality. That's what our ultimate  
4 goal is, to protect the ASBS water quality.

5           So there's, there's been some discussion of is an  
6 exception a permit, is, are these special protections a  
7 permit? They are not a permit. They allow a discharger to  
8 be covered under a permit or a (inaudible) requirement. So  
9 it's important to understand that distinction. There's not,  
10 we are not in this process issuing a permit.

11           The other thing is that once the special  
12 protections and, and ultimately however they become  
13 permitted, then, just like with Scripps (inaudible), now  
14 you're trying to deal with this. Now you're trying to make  
15 sure that the water quality is going to be protected and  
16 within the ASBS. And the condition that they have to meet  
17 is natural water quality in the ASBS.

18           So (inaudible) we need your comments about well,  
19 we need to show that there's an effect with an ASBS before  
20 we go through this process. Now, the Ocean Plan says you  
21 shall not discharge waste. It doesn't say you have to show  
22 that that waste is affecting the ASBS. However, once the  
23 special protections are determined by the state board, and  
24 ultimately enforced by the regional boards, then we have to  
25 make sure that natural water quality is maintained.

1           So that, that's the progression. I just wanted to  
2 kind of explain that, because (inaudible) and I heard some,  
3 some questions here about that today.

4           SPEAKER: Let me just wrap it up with comments of  
5 my own. We have 60 people here today, we had 130, 140 when  
6 we had our previous workshop. So it's (inaudible), and I  
7 want to thank the participants for coming. A lot of you had  
8 a great deal of interest in this topic. And public  
9 participation is absolutely critical for us to make an  
10 informed decision. And before I forget, I absolutely need  
11 to thank the curator for making the aquarium, for hosting  
12 this event for us. It's a wonderful facility, very easy to  
13 get to, so thank you very much for doing that.

14           Where do we go from here? We're going to be  
15 changing, and those of you that follow us closely sort of  
16 recognize that, too. Two of were appointed last March,  
17 we've been in our positions seven months. If we're lucky  
18 enough to get confirmed we'll be here for another three and  
19 a half years. Vice-Chair Silva will be leaving the board  
20 sometime in November, I think mid-November, and obviously he  
21 will be replaced. (Inaudible) expires on January 15th, and  
22 if he is not re-appointed, we'll be looking for an  
23 additional person also. And if all that comes to pass, it  
24 basically means we will have four out of five (inaudible)  
25 board members as fairly new members. And only Art Baggett

1 is someone who has been here with quite some experience.

2           Having said that, I personally want to remain very  
3 much connected with our ocean challenges. I am going to be  
4 your hearing officer for the ASBS's. I am also going to be  
5 the hearing officer for the 316-B (inaudible). And then  
6 I've also, quote, been volunteered to do the (inaudible)  
7 list. So we're going to have other workshops in the next  
8 couple of months, so I have a feeling that we're going to be  
9 seeing some of the same faces at those additional workshops.

10           I would welcome finding people from the Scripps  
11 Institute for coming up and being available to answer some  
12 of the detail and questions, and I would suggest that after  
13 we adjourn the more formal part of the meeting, if you could  
14 stick around to ask any additional questions (inaudible)  
15 still some curiosity as to what you're (inaudible) at this  
16 point. (Inaudible) basically, and we certainly recognize  
17 that.

18           Again, let me reiterate that the board itself has  
19 not accepted the staff recommendation. That does not mean  
20 we disagree with it, but nor does it mean we agree with it  
21 at this point in time. We will be (inaudible) down  
22 individually, we will go through the staff recommendations,  
23 and of course we'll go over the (inaudible) for a final  
24 determination, which -- next summer, sometime. Probably  
25 sometime late summer of 2006, I think, before we come to a

1 final decision on this.

2 (Inaudible) we do not plan additional workshops at  
3 this point in time, but please, turn them in to us. We will  
4 read them, they are important. Please send them to Dominic  
5 directly, with copies to the board members. Actually, we  
6 know staff has gotten them, and we'll certainly be in a  
7 position to understand and respond to your comments.

8 Dominic, anything else?

9 With that, I think I will adjourn the formal  
10 portion of the, of the workshop, and ask the Scripps  
11 Institute folks to stay down here at the podium, and those  
12 of you who have additional questions, maybe you can wander  
13 down here.

14 Thank you very much for coming here today.

15 (Thereupon, the State Water Resources  
16 Control Board Workshop on the ASBS  
17 Waste Discharge Prohibition was  
18 concluded.)

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CERTIFICATE OF TRANSCRIBER

TITLE: Public Workshop, California Ocean Plan

DATE: October 24, 2005

I hereby certify that the foregoing is a correct transcript from the tape recorded workshop of the above-referenced matter for the State Water Resources Control Board, to the best of my ability.

Lee Robb

DATE: December 14, 2005

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