

State Water Resources Control Board

Mr. Thomas Frutchey, City Manager
City of Pacific Grove
City Hall
300 Forest Avenue, 2nd Floor
Pacific Grove, CA 93950

Mr. Mike McCarthy, City Manager
City of Monterey
City Hall
580 Pacific Street
Monterey, CA 93940

Dear Mr. Frutchey and Mr. McCarthy:

COMMENTS ON DRAFT COMPLIANCE PLAN FOR PACIFIC GROVE (NO. 19) AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE FROM THE CITY OF PACIFIC GROVE AND THE CITY OF MONTEREY

The State Water Resources Control Board (State Water Board) received the Areas of Special Biological Significance (ASBS) draft Compliance Plan from the City of Pacific Grove and the City of Monterey (Cities) dated September 19, 2014. A draft Compliance Plan is required under Section I.A.3.b. of Attachment B of the State Water Board's Resolution No. 2012-0012 *Approving Exceptions to the California Ocean Plan for Selected Discharges into ASBS, Including Special Protections for Beneficial Uses, and Certifying a Program Environmental Impact Report (General Exception)*. Attachment B in the General Exception contains the *Special Protections for ASBS, Governing Point Source Discharges of Storm Water and Nonpoint Source Waste Discharges (Special Protections)*, which describes special conditions required of the discharger.

State Water Board staff has reviewed the draft Compliance Plan and provides the following comments:

1. **Map of storm water runoff:** Section I.A.2.a. of the Special Protections requires a map of surface drainage of storm water runoff, showing areas of sheet runoff, prioritized discharges, and a description of any structural Best Management Practices (BMPs) already employed or to be employed. Priority discharges are those that pose the greatest water quality threat and which are identified to require installation of structural BMPs. The map also shall show storm water conveyances in relation to other features.

The maps in Figures 9 and 11 of the draft Compliance Plan do not include storm water conveyances in relation to other features, such as service areas, sewage conveyances and treatment facilities, landslides, areas prone to erosion, and waste and hazardous material storage areas. In sections 3.3 and 5.2.7, the draft Compliance Plan describes that there are no areas prone to erosion or landslides and no waste or hazardous material storage areas inside the ASBS drainage area. Furthermore, it explains that the regional sewage treatment facility is located in Marina. The list of features cited in the Special Protections is not inclusive; it is the responsibility of the Cities to determine the

features that should be depicted in relation to storm water conveyances. If applicable, for the maps in the final Compliance Plan, please include storm water conveyances in relation to service areas, sewage conveyances, or other relevant features.

Additionally, the maps in Figures 9 and 11 do not include priority discharges or structural BMPs. Section 6.0 of the draft Compliance Plan describes the City of Pacific Grove's structural BMP strategy for end-of-pipe locations prior to storm water discharge into ASBS. For the maps in the final Compliance Plan, please include these as well as any other structural BMPs that are in place or planned for the future. Finally, staff understands that the Cities are still in the process of performing and analyzing data from receiving water and core discharge monitoring and that these results may influence which discharges should be prioritized. Please identify priority discharges in the maps in the final Compliance Plan.

Because most of the figures that contain maps in the draft Compliance Plan were difficult to read, staff would appreciate higher resolution versions of these maps in the final Compliance Plan.

- 2. Compliance and implementation schedule:** Section I.A.3.b. requires the final Compliance Plan to include a schedule for structural controls based on results from the runoff and receiving water monitoring. Also, Section I.A.3.d. stipulates that any structural controls identified in the final Compliance Plan shall be operational within six years of the effective date.

After the Cities have completed monitoring, analysis of receiving water and core discharge monitoring may change which structural controls are necessary to comply with the Special Protections. Staff understands that BMPs outlined in the Monterey-Pacific Grove ASBS Stormwater Management Project certified environmental impact report and Fall Creek 40% Engineering report are dependent on results from monitoring and additional funding. In the final Compliance Plan, please provide an update if any progress is made on these BMPs. Also, in the final Compliance Plan, please include a description and schedule for any additional projects to be implemented and operational by the compliance deadline of March 20, 2018. If this deadline cannot be met, please submit the information required to support a request for an extension. Staff will evaluate the request, but please note that submitting a request does not guarantee an extension.

- 3. Exceedances in natural water quality:** Section I.A.3.e. of the Special Protections requires that, if initial results of post-storm receiving water quality testing indicate levels higher than the 85th percentile threshold of reference water quality data and the pre-storm receiving water levels, then the discharger must re-sample the receiving water pre- and post-storm.

Section 8.1. of the draft Compliance Plan explains that the process for evaluating whether there are alterations of natural ocean water quality in the ASBS is still in development. However, this process is outlined in the Special Protections. Section I.A.3.e. of the Special Protections stipulates that "if the initial results of post-storm receiving water quality testing indicates levels higher than the 85th percentile threshold of reference water quality data and the pre-storm receiving water levels, then the discharger must resample the receiving water, pre- and post-storm. If after re-sampling the post-storm levels are still higher than the 85th percentile threshold of reference water

quality data, and the pre-storm receiving water levels, for any constituent, then natural ocean water quality is exceeded." Additionally, this process is outlined in Attachment 1 of the Special Protections. The County should follow this process to determine if the natural water quality is exceeded once the 85th percentile threshold is available. Finally, Section I.A.2.h. of the Special protections requires the County to submit an exceedance report to the State Water Board and Regional Water Resources Control Board within 30 days of receiving results that indicate the natural water quality has been exceeded. The core discharge monitoring data may be used to identify which of the core discharges may be contributing to the observed exceedances in natural ocean water quality. For questions regarding exceedances, please contact State Water Board staff whose contact information is provided below.

Staff appreciates the joint efforts of the City of Pacific Grove and the City of Monterey on the draft Compliance Plan and will continue to collaborate with the Cities to resolve the comments mentioned in this letter. Please submit the final Compliance Plan addressing these comments for approval by the State Water Board Executive Director by the deadline of September 20, 2015.

For further questions pertaining to this subject matter, please contact Dr. Kimberly Tenggardjaja at (916) 341-5473 or Kimberly.Tenggardjaja@waterboards.ca.gov, or Dr. Maria de la Paz Carpio-Obeso, Ocean Unit Chief, at (916) 341-5858 or MarieleaPaz.Carpio-Obeso@waterboards.ca.gov.

Sincerely,



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