



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE

**Monterey Bay National Marine Sanctuary**

299 Foam Street  
Monterey, California 93940

April 28, 2004

*Sent electronically and via US mail*

Roger Briggs  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

**SUBJECT: COMMENTS ON THE MONTEREY REGIONAL STORM WATER  
MANAGEMENT PROGRAM AND ISSUANCE OF COVERAGE  
UNDER WQ ORDER No. 2003-0005-DWQ**

Dear Mr. Briggs:

The Monterey Bay National Marine Sanctuary (MBNMS) appreciates the opportunity to review the Monterey Regional Storm Water Management Program (MRSWMP). The MRSWMP was developed in response to the General Permit for the Discharge of Storm Water from Small Municipal Separate Storm Sewer Systems WQO No. 2003-0005-DWQ (Small MS4 General Permit). This permit requires that dischargers develop and implement a Storm Water Management Program (SWMP) that describes the best management practices (BMPs), measurable goals, implementation schedules and program responsibilities. The General Permit requires that dischargers establish controls to the maximum extent practicable (MEP) and effectively prohibit non-storm water discharges to the municipal separate storm sewer systems (MS4s).

MBNMS staff have reviewed this program under the Sanctuary's authority defined at 15 CFR Sections 922.49 and 922.134 (b), and procedures defined in Section V.E. of the Memorandum of Agreement on water quality protection within the Sanctuary (June 1992). Since storm water runoff is such a critical issue facing this region, the MBNMS requests that the RWQCB postpone any action on this permit until the concerns listed below have been addressed by the permit applicant.

**Background**

The MBNMS was designated by the U.S. Congress in 1992 for the purpose of resource protection, research, education, and public use. The MBNMS encompasses over 5,000 square miles of marine waters, and is home to the nation's largest kelp forest, one of its largest underwater canyons, and an enormous diversity of fishes, birds, mammals and



other species, twenty-one of which are listed as endangered or threatened. Recognizing this diversity of unique resources, Congress and the National Oceanic and Atmospheric Administration assigned Sanctuary managers a mandate of ecosystem protection. Protecting and enhancing water quality is central to meeting this mandate.

The MBNMS does not face traditional water quality concerns from industrial point-sources. The MBNMS is adjacent to approximately 300 miles of California's coastline, as such, it is susceptible to impacts from non-point source pollution, including storm water, primarily from urban and agricultural lands. Monitoring within the Sanctuary has shown that near shore coastal areas, harbors, lagoons, estuaries and tributaries suffer from a number of problems associated with this runoff including elevated levels of nitrates, sediments, persistent pesticides, metals, bacteria, pathogens, detergents, and oils. These contaminants can have a variety of biological impacts including bioaccumulation, reduced recruitment of anadromous species, algal blooms, mortality due to toxicity, transfer of pathogens to wildlife and humans, and interference with recreational uses of the MBNMS.

In 1996 the Sanctuary addressed these concerns by teaming with local cities and counties to address the issue of urban runoff from growing coastal communities through the development of an integrated action plan. It is in this spirit of collaboration and resource protection that we urge the consideration of the following comments.

1. *Incorporate a watershed approach into the regional framework to maximize program effectiveness*

Considering that water quality issues adhere to watershed and not jurisdictional boundaries, a regional approach to program development and implementation is particularly appropriate. While the regional structure of the MRSWMP has been developed to minimize costs and administrative burden, it should be equally emphasized that this regional framework can incorporate a watershed approach to help ensure complementary and timely implementation of BMPs and measurable goals. This integrated approach would eventually improve overall program effectiveness.

This concept is adopted in the MRSWMP through the Public Education and Outreach Minimum Measure, which the MRSWMP has chosen to implement permit-wide. We urge that this program not to stop at the boundaries of the MRSWMP, but rather incorporate other local Phase II programs, applicable Phase I programs (e.g. City of Salinas), and collaborate with the Sanctuary's Water Quality Protection Program (WQPP). This approach will ensure that citizens are not overwhelmed with differing messages from each entity implementing a SWMP, it will also serve to reduce educational costs by pooling resources, and help to ensure a consistent message throughout the Monterey Bay region.

The Public Education and Outreach minimum control measures adopts a regional approach, however it is the only minimum control measure that does so. While the MRSWMP has agreed upon a suite of BMPs and measurable goals, each entity has chosen which to implement individually. In this sense the MRSWMP reads more like



nine plans put together than one seamless plan. While we recognize that inevitably there will be differences between entities in the measurable goals and BMPs chosen, the MRSWMP must discuss how the BMPs and measurable goals shall be related between each participating entity. For example, how does one entity's storm drain cleaning program relate to other jurisdictions who share the same watershed, and will they compliment one another? Or, how will ordinances, workshops and public involvement activities be coordinated? The MBNMS encourages MRSWMP entities to choose BMPs that complement those of other entities in their same watersheds, and to articulate in their annual reports how they are related and their combined effectiveness.

Because several local jurisdictions are at the same stage of program implementation, annual reports should feature and build upon lessons learned through internal analysis and external collaboration with other entities such as other local Phase II entities. To facilitate this, we also urge that the MRSWMP identify participation in the regional Storm Water Information Exchange.

## *2. Utilize quantifiable measurable goals to evaluate program effectiveness*

As previously stated, urban storm water runoff is one of the leading sources of water pollution affecting the Sanctuary region. To ensure that resources allocated to addressing this issue are being used efficiently and effectively, specific, quantifiable BMPs and measurable goals must be utilized. To this end, we urge that quantifiable measurements be utilized as measurable goals to evaluate program effectiveness.

We recognize the difficult economic environments facing local jurisdictions and that fiscal year budgeting may make it challenging to identify and commit to extended measurable goals. However, this financial environment makes it all the more necessary to ensure that resources put towards this effort are being used effectively, and this can only be done by choosing specific BMPs and quantifiable metrics to evaluate their effectiveness. After each year of implementation, the annual plan must evaluate the level of implementation of BMPs based on the quantifiable goals. The results of this analysis should be used to direct which BMPs are to be used in the following fiscal year. This iterative approach should be done each year over the five-year life of the program.

For example, a method of evaluating program effectiveness would be for the entities to commit to participation in First Flush and Urban Watch monitoring programs. The Sanctuary provides training and coordination for the First Flush and Urban Watch programs that can help cities and counties identify urban runoff pollutants and target management efforts. These inexpensive programs, conducted jointly with local jurisdictions, assess dry weather contamination or pollutants released during first flush in the fall directly from the entities' storm drains. Measurable goals that evaluate the effectiveness of these programs could be the number of citizen volunteers, the number of outfalls monitored, and the water quality results from this monitoring.

Another example can be derived from street sweeping program that most of the MRSWMP entities have under the Pollution Prevention and Good Housekeeping For Municipal Operations minimum control measure. Street sweeping, using modern



equipment, has been shown to be particularly effective at removing trash and sediment from roads, thus preventing it from entering the storm drain system, and ultimately receiving waters. While the measurable goals language states frequencies for this activity, the entities should pursue documentation of the amount debris collected by the sweeping activities. This would serve to quantify what was prevented from entering the storm drain, but it would also serve as a metric for the overall program (i.e., a decreasing trend in the amount collected could point to overall program effectiveness).

### 3. *Delineate a funding mechanism*

It is evident that the MRSWMP will only be as effective as funding allows for BMP implementation; we recognize the challenge in supporting storm water programs. However, this document implies that its purpose is to meet permit requirements by implementing BMPs, rather than to address an important, pressing issue. We urge the MRSWMP to approach this task with a vision of the need to improve water quality – for environmental, economic, and human health considerations. While the MRSWMP does make good initial progress in defining programmatic elements, we hope that the purpose of the program will be defined as to improve water quality. This approach would be more effective at attracting resources than by stating that the program is in response to permit requirements. The MBNMS also encourages the MRSWMP entities to coordinate internally, and with the Sanctuary on BMP 3-1, to develop a funding mechanism for their programs.

### 4. *Utilize Sanctuary resources such as the Water Quality Protection Program, Model Urban Runoff Program, and Multicultural Education for Resource Issues Threatening Oceans Program.*

The Sanctuary was discouraged to see that the MRSWMP made little or no mention of the need to collaborate with other ongoing efforts addressing urban runoff. These programs include other Phase II programs, the Sanctuary's WQPP, MURP, and outreach programs to Hispanic communities, Multicultural Education for Resource Issues Threatening Oceans (MERITO). The Sanctuary seeks to continue and expand all of these programs throughout the Sanctuary region, and recognizes the significant opportunity to do this through cities beginning to implement their NPDES Phase II Storm Water Permits. The Sanctuary also welcomes collaborations with the participating jurisdictions in developing programs, developing ordinances and projects, and in identifying and obtaining grant funding to help accomplish these programs.

Again, the MBNMS respectfully requests that the permit applicant address the concerns raised above prior to RWQCB action on this permit. As currently written, the MBNMS objects to the issuance of this NPDES general permit. Therefore, the MBNMS requests that the RWQCB postpone any action on this permit until the MBNMS has had an opportunity to review the RWQCB's revised draft NPDES general permit for this activity.



To accomplish our mutual goal of water quality protection, we welcome the opportunity to work collaboratively with the applicant. Please contact Chris Coburn, Water Quality Protection Program Director, at (831) 420-1670 if you have any concerns regarding our comments. We look forward to working with the entities as they develop their storm water management programs, and towards improving the quality of urban runoff to protect the MBNMS.

Sincerely,



WILLIAM J. DOUROS  
Superintendent

cc: Donette Dunaway, RWQCB  
John Armor, NMSP

