

# State Water Resources Control Board

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## Executive Office

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**Terry Tamminen**  
*Secretary for Environmental  
Protection*

**Arnold Schwarzenegger**  
*Governor*

October 18, 2004

Mr. James Hekkers, Executive Vice President  
Monterey Bay Aquarium  
886 Cannery Row  
Monterey, CA 93940

Dear Mr. Hekkers:

### PROHIBITION OF WASTE DISCHARGES INTO THE PACIFIC GROVE MARINE GARDENS AND HOPKINS MARINE LIFE REFUGE AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE

The California Ocean Plan (Ocean Plan), adopted by the State Water Resources Control Board (State Board) and approved by the U.S. Environmental Protection Agency (U.S. EPA), lists 34 coastal marine waters, which the State Board has designated as Areas of Special Biological Significance (ASBS). ASBS are defined as “those areas designated by the State Board requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable.”

The Ocean Plan, Section III.E.1., requires that: “Waste\* shall not be discharged to areas designated as being of special biological significance. Discharges shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in these areas.” “Waste” is defined as the “total discharge, of whatever origin.” Your discharge of aquarium waste seawater, desalination brine, and storm water runoff into the Pacific Grove Marine Gardens and Hopkins Marine Life Refuge Area of Special Biological Significance is subject to the prohibition against waste discharges to an ASBS.

The Ocean Plan, Section III.I.1, allows the State Board to grant exceptions to this prohibition provided that the exception “will not compromise protection of ocean waters for beneficial uses, and, [t]he public interest will be served.” Prior to granting an exception, the State Board must hold a public hearing, and there must be compliance with the California Environmental Quality Act (CEQA). The U.S. EPA must also concur.

Information regarding the Ocean Plan, ASBS, or existing exceptions to the Ocean Plan may be found at <http://www.swrcb.ca.gov/plnspols/oplans/index.html>.

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**California Environmental Protection Agency**

Because you do not already have an exception issued by the State Board for discharges to the ASBS, you are required to cease discharging. You may, however, request an exception to the prohibition if you believe your discharge will not compromise protection of ocean waters for beneficial uses, and the public interest will be served. Please notify the State Board prior to January 1, 2005 whether you intend to cease discharging to the specified ASBS or whether you will seek an exception. We will discuss further steps with you subsequently. Your response should be sent to Dominic Gregorio of the Division of Water Quality, Ocean Standards Unit, with a copy sent to the Central Coast Regional Water Quality Control Board.

The State Board staff will hold a workshop, at a date and location as yet to be determined, for those parties interested in pursuing an exception. The purpose of this workshop will be to provide information on the procedures for applying for an exception, and possible funding sources that may be available to address discharges into ASBS. You will receive an invitation to this workshop in the near future.

If you have any questions, please feel free to contact Stan Martinson, Chief, Division of Water Quality, at (916) 341-5458 ([marts@swrcb.ca.gov](mailto:marts@swrcb.ca.gov)) or Dominic Gregorio, Division of Water Quality, Ocean Standards Unit, at (916) 341-5488 ([gregd@swrcb.ca.gov](mailto:gregd@swrcb.ca.gov)).

Sincerely,

*Original signed by Tom Howard for*

Celeste Cantú  
Executive Director

cc: Mr. Roger W. Briggs, Executive Officer  
Central Coast Regional Water Quality  
Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Mr. James Hekkers

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October 18, 2004

bcc: Board members, EXEC  
Tom Howard, EXEC  
Sheila Vassey, OCC  
John Norton, OSI  
Stan Martinson, DWQ  
John Ladd, DWQ  
Gerald Bowes, DWQ  
James Maughan, DWQ  
Frank Palmer, DWQ  
Frank Roddy, DWQ  
Dominic Gregorio, DWQ

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