



December 2, 2004

Mr. Dominic Gregorio
Division of Water Quality
Ocean Standards Unit
P.O. Box 100
Sacramento, CA 95812-0100

Dear Mr. Gregorio:

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

I am responding to a letter received from Celeste Cantu, Executive Director, State Water Resources Control Board (SWRCB), concerning “waste” discharge by Monterey Bay Aquarium (MBA) into an Area of Special Biological Significance (ASBS). MBA is predominantly a marine aquarium with an “open” seawater system, including discharges into Monterey Bay. We have been pumping seawater from Monterey Bay through this facility since August 1984.

MBA is intimately familiar with the California Ocean Plan (Ocean Plan), including Water Quality Objectives and regulations pertaining to Areas of Special Biological Significance. We have prepared a Notice of Intent to Discharge as per Order No. R3-2002-0076, NPDES General Permit for Discharges from Aquaculture and Aquariums. We have also updated our Best Management Practices Plan and have prepared this document for submittal to the Central Coast Regional Water Quality Control Board along with our NPDES Permit application. The Ocean Plan regulations prohibiting discharge into an ASBS are also specified in the NPDES permit; however until now it was unclear how MBA could resolve this issue with the SWRCB and other agencies.

MBA has worked with the California Regional Water Quality Control Board, Central Coast Region, regarding ocean discharges since 1980. For whatever reasons MBA was never required to obtain an ocean discharge permit; not until the NPDES Permit for Discharges from Aquaculture and Aquariums became law. Apparently our discharge into or near an ASBS did not significantly hinder past negotiations regarding ocean discharge.



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MBA recognizes and supports the need for the SWRCB to regulate and monitor ocean discharges, especially discharges into Areas of Special Biological Significance. As an institution dedicated to conservation of the world's oceans, MBA cannot be the source of negative impacts to the local marine environment. The near shore waters are the life blood of our live exhibits. We are very conscious of our ocean discharge and strive to proactively identify and eliminate any potential risks to the environment.

MBA would like to seek an exception to the prohibition so that we may continue to discharge. We believe that our discharge does not compromise protection of ocean waters for beneficial uses, and that the public interest will be served. We are confident that we can work with the SWRCB and other agencies to resolve any issues that may arise.

We respectfully request a preliminary meeting with SWRCB staff to discuss specific items pertaining to our facility and ocean discharge. We would be happy to travel to Sacramento for this meeting at your convenience. Alternatively, you may prefer to visit our facility, particularly if we can organize a joint meeting with Hopkins Marine Station which will also seek an exception to the ocean discharge prohibition. We will contact you directly to discuss possible arrangements for such a meeting.

Please direct any future correspondence regarding our ocean discharge to Roger Phillips, Applied Research Manager, Monterey Bay Aquarium, 886 Cannery Row, Monterey, CA 93940 (831-648-4974; rphillips@mbayaq.org). Roger will be working directly with the SWRCB and the Regional Water Quality Control Board regarding the ASBS discharge exception and NPDES discharge permit processes. I have instructed Roger to keep me fully apprised of our progress on these very important issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Hekkers".

Jim Hekkers
Executive Vice President

cc: Mr. Roger W. Briggs, Executive Officer
Central Coast Regional Water Quality Control Board