



Alan C. Lloyd, Ph.D.
Agency Secretary

State Water Resources Control Board

Division of Water Quality

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Arnold Schwarzenegger
Governor

August 18, 2005

Mr. Garth Sundberg
Tribal Vice-Chairperson
Trinidad Rancheria
P.O. Box 630
Trinidad, CA 95570

Dear Mr. Sundberg:

REQUEST FOR EXCEPTION FOR DISCHARGES INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE

This letter is to acknowledge the receipt by the State Water Resources Control Board (State Water Board) of your letter dated December 9, 2004, requesting an exception from the California Ocean Plan (Ocean Plan) waste discharge prohibition for your discharges from the Trinidad Pier into the Trinidad Area of Special Biological Significance (ASBS).

The discharge into the ocean from the fish cleaning station at the Trinidad Pier must be discontinued by December 31, 2006. The storm water runoff and marine operations in the vicinity of the pier may be continued under the conditions of an exception if granted by the State Water Board. The following information needs to be submitted, by May 31, 2006, to support the State Water Board's consideration of an exception to the Ocean Plan for discharges to ASBS:

1. The discharger's name, address, and contact information.
2. Any applicable permit or order numbers, if the discharge is or has been regulated under a National Pollutant Discharge Elimination System (NPDES) Permit or Waste Discharge Requirements.
3. A signed statement requesting coverage under an exception from the ASBS waste discharge prohibition found in Sections III.E.1 and III.H.2 of the Ocean Plan.
4. Documentation that shows that allowing the discharge of storm water runoff to continue will not compromise protection of ocean waters for beneficial uses. Note that one beneficial use is the preservation and enhancement of ASBS, which are defined as "those areas designated by the [State Water Board] as requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable." This means that any data that you may have on the status and description of marine life in the ASBS, and on the natural background of the ASBS, are relevant and must be submitted. At a minimum, you must submit a representative, quantitative description of marine life near the discharges and at a reference location away from the discharges.

California Environmental Protection Agency

5. An assessment of all available historical data on discharge volume, chemical and physical constituents, toxicity, and indicator bacteria in the runoff and in the ambient marine water of the ASBS. At a minimum, the information must include the measurement of a representative sample within the last two years or the upcoming storm season (runoff and adjacent marine receiving water) during a storm event for each of the following constituents:
 - a. total Ocean Plan metals
 - b. polynuclear aromatic hydrocarbons (PAHs)
 - c. oil and grease
 - d. ammonia nitrogen
 - e. acute toxicity for a marine species
 - f. critical life stage (chronic) toxicity for three marine species
 - g. indicator bacteria including total coliform, fecal coliform (or *E. coli*), and enterococcus.

The applicable Ocean Plan detection limits and other applicable monitoring requirements must be adhered to in performing this work. If you are responsible for more than ten municipal discharge points, then a representative sample must be (or have been) collected and analyzed for one of every ten discharge points. All samples must be collected during a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area. In addition, you are requested to sample the seawater, at ebb tide, in your mooring field on at least two occasions in which the mooring field is at least 75 percent occupied. These samples should be analyzed for the constituents described above, except for acute toxicity.

6. A characterization of the marine operations associated with the pier, moorings, and boat haul-out/cleaning facilities, including a description of potential discharges and pollutant sources associated with those facilities. If there is land under your control where pesticides or herbicides are applied, please provide a listing of such treatments in terms of the chemicals and application rates.
7. A description of current treatment processes, pollution controls, and/or best management practices currently used or planned (with a schedule for implementation).
8. An analysis of alternatives to the discharge and their impacts if implemented.
9. Compliance history for drainages into the ASBS, including any spills or upset events that resulted in the discharge of toxic or otherwise prohibited substances, including untreated or partially treated wastewater.
10. Documentation that shows that the public interest will be served by granting the exception.

Please send this information to the State Water Board, Division of Water Quality, attention Dominic Gregorio, and to the Executive Officer of the North Coast Regional Water Quality Control Board (North Coast Water Board).

The State Water Board is holding a workshop in Monterey on August 31, 2005 to discuss the ASBS exception process. At that workshop, staff will propose the concept of a general exception as one option for addressing storm water runoff into ASBS. The exception process may be amended following the workshop. However, any exception is likely to include minimizing or eliminating dry weather flows, and reducing pollutants draining to ASBS to maintain natural water quality in the receiving waters. In the meantime, you are requested to plan for and institute best management practices to eliminate or minimize dry weather flows and to reduce pollutants in storm water runoff.

If the State Water Board issues an exception, the North Coast Water Board may allow your discharges to be covered under a Conditional Waiver, Waste Discharge Requirements, and/or a Storm Water NPDES Permit, with appropriate provisions required in your storm water management plan. In all cases, the North Coast Water Board will enforce the mitigation measures described in the exception if it is granted by the State Water Board.

If you have any questions, feel free to contact me at (916) 341-5458 or smartinson@waterboards.ca.gov, or Dominic Gregorio, Chief of the Ocean Standards Unit, Division of Water Quality, at (916) 341-5488 or dgregorio@waterboards.ca.gov.

Sincerely,

Original signed by

Stan Martinson, Chief
Division of Water Quality

cc: Ms. Catherine Kuhlman, Executive Officer
North Coast Regional Water Quality Control Board
5550 Skylane Blvd. Suite A
Santa Rosa, CA 95403

Bcc: Celeste Cantú, EXEC
Tom Howard, EXEC
Sheila Vassey, OCC
John Ladd, DWQ
Bruce Fujimoto, DWQ
Dominic Gregorio, DWQ