



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: A 13-132 **Name:** Establish ASBS Program Authorize MOA

Type: BoS Agreement **Status:** Passed

File created: 6/5/2013 **In control:** Board of Supervisors

On agenda: 6/18/2013 **Final action:** 6/18/2013

Title: Adopt a Resolution:
a. Establishing the Central Coast Regional Areas of Special Biological Significance Dischargers Monitoring Program; and
b. Authorizing the Resource Management Agency Director to execute the Memorandum of Agreement Central Coast Regional Areas of Special Biological Significance Dischargers Monitoring Program with the Monterey Regional Water Pollution Control Agency.

Sponsors: Public Works / RMA

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Exhibit 2 Letter Dated May 30, 2012 from State Water Resources Control Board, 3. Exhibit 3 Monitoring Requirements Excerpt, 4. Exhibit 4 Central Coast ASBS Regional Monitoring Program Six Month Billing Cycle Cost Share Projection, 5. Exhibit A Memorandum of Agreement Central Coast Regional ASBS Dischargers Monitoring Program, 6. Completed Board Order and Resolution

Date	Ver.	Action By	Action	Result
6/18/2013	1	Board of Supervisors	approved	Pass

Adopt a Resolution:
a. Establishing the Central Coast Regional Areas of Special Biological Significance Dischargers Monitoring Program; and
b. Authorizing the Resource Management Agency Director to execute the Memorandum of Agreement Central Coast Regional Areas of Special Biological Significance Dischargers Monitoring Program with the Monterey Regional Water Pollution Control Agency.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors adopt a Resolution:

- a. Establishing the Central Coast Regional Areas of Special Biological Significance Dischargers Monitoring Program; and
- b. Authorizing the Resource Management Agency Director to execute the Memorandum of Agreement Central Coast Regional Areas of Special Biological Significance Dischargers Monitoring Program with the Monterey Regional Water Pollution Control Agency.

SUMMARY:

As a Discharger of stormwater into the Carmel Bay Area of Special Biological Significance (ASBS), Monterey County is responsible for monitoring water quality in accordance with the requirements of the General Exception it was granted by the State Water Resources Control Board (SWRCB). As a participating member of the Central Coast Regional ASBS Dischargers Monitoring Program, Monterey County is responsible for executing the Memorandum of Agreement (MOA) and funding its share of Regional Monitoring Program costs

in accordance with the MOA (Exhibit A).

DISCUSSION:

The County of Monterey discharges stormwater directly into the Carmel Bay ASBS. There are a total of thirty-four (34) ASBS along the California Coast. On March 20, 2012, the SWRCB adopted a General Exception to the California Ocean Plan for the Areas of Special Biological Significance Waste Discharge Prohibition for Storm Water and Nonpoint Source Discharges, with Special Protections (ASBS Special Protections). The ASBS Special Protections may be summarized generally to eliminate dry-weather discharges, to ensure that wet-weather runoff does not alter natural water quality in the ASBS, and to conduct adequate monitoring to determine that the natural water quality and marine life beneficial uses are protected. The ASBS General Exception and Special Protections documents can be found at: www.waterboards.ca.gov/water_issues/programs/ocean/asbs.shtml.

On May 30, 2012, the SWRCB notified each of the ASBS responsible parties (Dischargers) of the adoption of the General Exception and ASBS Special Protections and requested information about the County's specific plans to initiate the mandated monitoring in the 2012-2013 storm season (Exhibit 2). Resource Management Agency-Public Works staff has since been working with other Dischargers to form the Central Coast Regional Monitoring Program to negotiate as a group with the SWRCB to define specific monitoring requirements. The Central Coast ASBS Regional Monitoring Program will facilitate the required monitoring through two storm seasons in the Central Coast area between Big Sur, Monterey County to Point Reyes, Marin County. Monitoring results of the Central Coast ASBS Regional Monitoring Program will establish "natural water quality" standards that Dischargers will be required to meet. Monterey County will prepare an ASBS Compliance Plan based on the results of the first two years Central Coast Regional ASBS Dischargers Monitoring Program of monitoring data collected. The ASBS Special Protections identify specific monitoring requirements for the first two years of the General Exception (Exhibit 3). However, because of the unusually dry rainy season that occurred in program year one, monitoring requirements have been postponed 12 months. The first year of monitoring required by the ASBS Special Protections will now begin in program year two, FY 2013-14. The SWRCB has also provided funding to complete a portion of the required monitoring in the first year of monitoring.

On November 26, 2012, the Monterey Regional Water Pollution Control Agency Board authorized its General Manager to enter into a Memorandum of Agreement (MOA) to establish the Central Coast Areas of Special Biological Significance Regional Monitoring Program and agreed to act as Program Administrator on behalf of the group. The other Dischargers have already adopted the MOA.

Through its discussions over the past year, the Regional Monitoring Group has developed an equitable cost share approach based on the size and number of outfalls each Discharger is required to monitor. The cost share agreement is described in Exhibit C of the MOA and is further explained in Exhibit E, Scope of Work. Monterey County's Annual Assessments for the first three years of the Monitoring Program are expected to be \$12,731 for year one, \$56,797 for year two, and \$75,144 for year three (Exhibit 4). Year one expenses are administrative; year two and year three expenses include the cost of monitoring. Year three expenses are higher than year two due to the absence of the grant funding provided for monitoring by the SWRCB in year two. Total expenses for the first three years of the Central Coast ASBS Regional Monitoring Program are expected to be approximately \$1.35M.

OTHER AGENCY INVOLVEMENT:

The Central Coast ASBS Regional Monitoring Program was developed through discussions over the past year between the parties identified as Dischargers in the ASBS Special Protections. The MOA Scope of Work was negotiated between the Central Coast Dischargers and staff from the State and Central Coast Regional Water

Boards. The Office of the County Counsel has reviewed and approved the MOA Central Coast Regional ASBS Dischargers Monitoring Program as to form.

FINANCING:

The County's share of the Central Coast ASBS Regional Monitoring Program budget was not included in the RMA Adopted Budgets for FY 2012-13. However, it is expected that there will be sufficient appropriations available within Unit 8194, Appropriation Unit RMA002 to cover the \$12,731 expenditure in FY 2012-13. As part of its FY 2013-14 recommended budget submissions, the RMA has included the \$56,797.

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Approved by:

Robert K. Murdoch, P.E., Director of Public Works

Benny J. Young, RMA Director

Dated: June 7, 2013

Attachments: Resolution and Exhibit A - Memorandum of Agreement Central Coast Regional Areas of Special Biological Significance Dischargers Monitoring Program; Exhibit 2 - May 30, 2012 Letter from State Water Resources Control Board; Exhibit 3 - Monitoring Requirements excerpted from the ASBS Special Protections; Exhibit 4 - Central Coast ASBS Regional Monitoring Program Six Month Billing Cycle Cost Share Projections; Location Map