



Posted: Friday, July 05, 2012

## NOTICE AND CALL OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold its regular monthly meeting on  
**WEDNESDAY, JULY 11, 2012 at 7:00 PM**  
in the Town Hall at 409 Trinity Street

### CLOSED SESSION BEGINS AT 6:30 PM

- I. **CALL TO ORDER/ROLL CALL**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ADJOURN TO CLOSED SESSION**
  1. Government Code section 54956.9(b)(3): Pending Litigation
    - a. Tsurai Ancestral Society Liability Claims for Damages, etc. against the City of Trinidad
- IV. **RECONVENE TO OPEN SESSION**
- V. **APPROVAL OF AGENDA**
- VI. **APPROVAL OF MINUTES - June 13, 2012 cc**
- VII. **COUNCIL MEMBER REPORTS, INCLUDING COMMITTEE ASSIGNMENTS**
- VIII. **ORAL STAFF REPORTS - Specific Department Reports, Planning Commission**
- IX. **ITEMS FROM THE FLOOR**

*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*
- X. **CONSENT AGENDA**
  1. Financial Status Reports for May 2012
  2. Ordinance 2012-03; Proposing an Extension of the ¼% Sales Tax Increase to be implemented pending voter approval at the November 06, 2012 Election.
  3. Authorize Staff to Respond to SWRCB Letter Regarding ASBS Special Protections and Request for Monitoring Program Report.
  4. Change in Employee Health Insurance Plan
- X. **DISCUSSION/ACTION AGENDA ITEMS**
  1. Discussion/Decision regarding Consideration of Verizon's request to make upgrades to existing cellular facility on Trinidad Head.
  2. Discussion/Decision regarding Azalea & Pacific State Transportation Improvement Project.
  3. Presentation of County's Draft General Plan and draft Environment Impact report. - 8:30 pm
  4. Trinidad Head Study Committee Interim Report
  5. November Election Schedule and Upcoming Deadlines
- XI. **COUNCIL, STAFF, or PUBLIC REQUESTS FOR FUTURE AGENDA ITEMS**
- XII. **ADJOURNMENT**

APPROVAL OF MINUTES FOR:

JUNE 13, 2012 CC:

Supporting Documentation follows with: 6 PAGES

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, JUNE 13, 2012**

**I. CALL TO ORDER/ROLL CALL**

- Mayor Pro-Tem Fulkerson called the meeting to order at 7:00PM. Council members in attendance: Morgan, Miller, Bhardwaj, Davies, Fulkerson.
- City Staff in attendance: City Clerk Gabriel Adams, City Manager Karen Suiker, City Engineer Rebecca Crow, City Planner Trever Parker, City Attorney Andy Stunich, TPW Director Bryan Buckman.

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION**

1. Government Code section 54956.9(b)(3): Pending Litigation
  - a. Discussion of pending litigation and contract issues.

**IV. RECONVENE TO OPEN SESSION**

Mayor Bhardwaj announced that the Council will not decide on agenda item 1 tonight. Further details are expected from Verizon, and the proposal will be reconsidered at the next meeting.

**V. APPROVAL OF AGENDA**

*Motion (Miller/Morgan) to approve the agenda as amended. **Passed unanimously.***

**VI. APPROVAL OF MINUTES – May 09, 2012 cc, May 16, 2012 see**

*Motion (Fulkerson/Davies) to approve May 09 minutes as written. **Passed 4-0. Bhardwaj – Absent.***  
*Motion (Fulkerson/Davies) to approve May 16 minutes as written. **Passed unanimously.***

**VII. COMMISSIONERS REPORTS**

Fulkerson: **RREDC:** Introduced Don Enebuske, Executive Director.

Davies: Reported on RCEA meeting and offshore wind power generating proposal.

Miller: Brief report on the Lighthouse terracing project controversy. Working with both parties to sort out the issues caused last week from work done to decrease erosion and reroute the trail entrance.

Morgan: Nothing to report.

**VIII. STAFF REPORTS**

Karen Suiker – City Manager

- Summarized staff report included in the Council meeting packet. Also noted the community wildfire education presentation at the Westhaven Fire Hall at 6pm tomorrow night.

Richard Johnson – Planning Commission Chair

- Announced the upcoming regular meeting agenda: 1) Addition to the Catch Café Building, 2) Addition to Library building by the North Coast Land Trust, and 3) Lighthouse terracing project.

**IX. ITEMS FROM THE FLOOR**

**Stan Binnie – Trinidad**

Explained membership issues regarding Trinidad Head Study Committee. Trinidad Rancheria needs a replacement since Shirley Laos is no longer a member, and there may be another opening in the near future. Also, the committee believes it should be pursuing the top 10 list of issues regarding the Head. They would like to hold a public meeting in the future to get public input on the list or add to it. At the next meeting on June 19, the Coast Guard will give the committee a tour of the lighthouse facility. The public is welcome to attend.

**Robert Hemstead – Trinidad Rancheria**

It's our understanding that Jacque Hostler is the Rancheria's alternate member of the Head committee. He asked the city to confirm.

## X. CONSENT AGENDA

1. Staff Activities Report for May 2012
2. Financial Status Reports for April 2012
3. Establishment of a \$150 Planning Application Assistance Fee
4. Treatment Plant Monitoring Upgrade Contract Change Orders
5. Treasury Cash and Investments Report
6. Authorize the City Manager to Sign the Letter of Commitment for the Luffenholtz Creek Sediment Reduction Project.

- Motion (Miller/Fulkerson) to approve consent agenda. **Passed unanimously.**

## XI. AGENDA ITEMS

1. Discussion/Decision regarding Verizon Proposal for Antenna Swap.  
City Manager Suiker explained that this matter was considered by the Council at the May meeting with 4 of the 5 council members present, with no resulting action to approve or disapprove the request. Rather, the discussion focused on the exit strategy that has yet to be determined for when the agreement for the communication facilities expires in April 2017, although there is a five year renewable option.

The cell providers have previously been reminded of the agreement termination, and have been told that any extension or renewal is highly unlikely. In response to staff inquiry regarding alternative sites, Verizon Property Management Division has offered the following:

*"The process for the eventual location of all telecom sites takes into consideration answers to the following questions: Is the site leasable, permissible, constructable? And does it accomplish its objectives for signal coverage? As any one of these variables is potentially a fatal flaw, until a site plan is made public with a planning application and resulting public hearing, site specifics are kept as proprietary information."*

The exit strategy is a separate issue from what is presented here, which is whether to allow Verizon to proceed with the antenna swap as proposed, under the terms of the Ground Lease currently in effect. That Ground Lease contains the following language:

*"Whenever under this lease the consent or approval of either party is required, or a determination must be made by either party, no such consent or approval shall be unreasonably withheld..."*

Should the Council elect to deny Verizon authorization to proceed with its request, such denial needs to be based on a reasonable position as it relates to the provisions in that lease and its permitted uses and improvements. Should the Council elect to authorize Verizon to proceed, the project would still be subject to whatever permits are deemed to be necessary, including a Coastal Development Permit.

Mayor Bhardwaj and City Manager Suiker explained that the Council discussed the issue in closed session, and determined that further information was necessary in order to proceed with a comprehensive discussion. The issue will be brought back to the Council at the July meeting. However, since this may come as a surprise to members of the public that attended this evening, comments will be received.

### Public comment included:

**Stan Binnie** - Trinidad

Presented photos and an illustration depicting original vs. current equipment on the Verizon site. Also presented permit info and history of appeals, denials, and attempts to upgrade. Requested that the Council deny Verizon's request to upgrade the equipment.

**City Attorney Andy Stunich** suggested that it may be more efficient and effective if the city allowed Verizon to proceed with the permit process instead of acting as a roadblock. This will allow the process to unfold and – if

appealed – force the State to make the final determination. In doing so, the City could be insulated from costly litigation. The City may not unreasonably deny the project from due process.

**Kim Tays – Trinidad**

Cited numerous ordinances that she believe prove the non-conforming status of the cellular site, and offered to share the references with the City Attorney. She reminded the Council that the Coastal Commission has the final say, and has ruled in denial of past improvement/upgrade requests. She argued that regardless of whether the City could face a costly legal battle, it should say no to Verizon because the burden would then be placed on the Friends of Trinidad Head to fight the project through the appeal process.

**Robert Vogel – Trinidad Area**

Moved to California 35 years ago. Flew a small plane all over the state, and found Trinidad to be the most beautiful area along the coast. The razor wire fence should be removed from the site. Argued that the facility decreased his property value. He stated that he's on the internet all day but opposes the project. He also suggested that if the city allows the upgrade, then it will increase Verizon's interest in the location as people will depend on the increased service.

**Susan Stevenson – Trinidad Area**

I live on Westhaven Drive. I'm an artist, and well aware of Trinidad Head's beauty and mystique. I rarely look at the cell site when I walk the Head. I bring family and friends up there regularly. I work internationally, and have had better cell coverage in other countries than I do here at home in Westhaven. I support this new technology and hope the Council will allow Verizon to proceed with the upgrade. I'm grateful for the service, and my business depends on it.

**Larry Goldberg – Trinidad Area**

I've lived here since the 1980's. The internet has dramatically changed our economy and improved our quality of life. This one facility on the Head replaces what would take 4 towers to replicate. I hate cell towers too, and people will likely oppose the alternate locations as much as they do the one on Trinidad Head. Maybe they should never have been built up there, but that argument should have happened in 1997. The beauty of this service is that it competes with Suddenlink. This battle is not worth the costly litigation it might cause. There are much better ways to handle it.

**Cindy Lindgren – Trinidad Area**

Good arguments from both sides. The main issue is that the Coastal Commission already denied any further development on Trinidad Head. Say NO. The Council should put something in writing and tell the corporations no.

**Mareva Russo – Trinidad**

I can see how this has become an issue. The only change allowed on that site should be back to its natural state.

**Brad Twoomey – Trinidad**

Gave a history of the site, and the US Cellular application that started the battle. Argued that if you only had one day to enjoy Humboldt County, you would likely want to be in Trinidad, overlooking the Harbor and Trinidad Head. It should return to its natural condition.

**Richard Garcia – Trinidad**

Everyone wants good service, but no body want the cell tower in their back yard. Councilmember Morgan wants Verizon out, but what do you have in mind to replace the lost revenue?

**Michael Stevenson – Trinidad Area**

I was born and raised here. I left the area to become a lawyer. I moved back a few weeks ago. I consider myself a friend of Trinidad Head. I couldn't do what I do to earn a living here without Verizon cell service. I stream music, read the news online, and work from home – all the things that help ease my burden on the environment. It's a great trade-off. It's important to keep pace with technology. This battle shouldn't be Trinidad's battle. You've made a promise to improve the quality of life for the people of Trinidad. Your City Attorney is well qualified and informs you well. Weigh the pros and cons before jumping to any conclusions. Support the Verizon upgrade.

**Marie Garibedian** – Trinidad Area

I support the friends of Trinidad Head. Don't support this proposal. **Victoria Sackville** and **Jeff Musgrave** agreed.

**Nick Kieselhorst** – Trinidad Area

I've lived here all my life and the internet provided me with an opportunity to stay here and work. This is a good discussion, and we need to find a solution.

Council comments included:

**City Manager Suiker** noted that postponing this discussion until August may not be a good precedent to set.

**Miller:** Thanked the public for input. Explained that he will carefully consider all comments prior to the next meeting.

**City Attorney Stunich** offered to draft a letter to Verizon expressing the City's concerns and ask them to provide their legal explanation as to why they feel they have a right to proceed. **Council** agreed.

**Fulkerson:** There is value in hearing input in advance and be able to think about it. With any good decision will inevitably come some fall-out. The Seascope Restaurant may not have been the best decision for the Harbor area, but it's there. I use the internet all the time. This is tricky. Thanked the public for thoughtful, smart input. **Bhardwaj** agreed.

*No decision was made. Discussion continued to the regular meeting in July.*

2. Discussion/Decision regarding Water Treatment Plant Upgrade.

City Manager Suiker explained that the City received funding from the California Department of Public Health for the final planning and design of improvements to the water treatment plant. Rebecca Crow of GHD will be presenting an update on the proposed improvements. This information presented is the basis of the funding application the Council will consider authorizing the City Manager to sign.

In April 2012, the City Council approved submission of a Notice of Intent to apply for Proposition 50 funding through the California Department of Health Services (CDPH) for grant funds to complete the improvements proposed at the Water Treatment Plant. The application deadline is June 8, and staff will have met that deadline by submitting an unsigned application packet, followed by Council consideration of an authorizing Resolution at the June 13 Council meeting. This process was discussed and has been approved by staff at the California Department of Health Services. If the City is successful in this funding application, the proposed improvements would be 100% grant funded. Other grant funds would require a 20% city match.

City Engineer Rebecca Crow explained the proposed improvement components and the results that the project would produce.

There was no comment from the public or Council.

*Motion (Fulkerson/Miller) to*

1. *Receive an update on the status of the water treatment plant upgrade project, and*
2. *Approve Resolution 2012-08 authorizing the City Manager to sign a Proposition 50 Grant funding application for Water Treatment Plant Improvements*

***Passed unanimously.***

3. Pubic Hearing to approve Resolution 2012-09; Adopting the final budget for Fiscal Year 2012-2013

City Manager Suiker explained that the proposed FY 2012-13 City of Trinidad Budget is being submitted to the City Council for adoption. A public study session that included a power point presentation of the draft budget was held on May 9, 2012. Key points related to that budget presentation include:

1. The draft budget assumes continuation of the .75% sales tax add on. If the ballot measure is unsuccessful, reductions will be necessary in the 2012-13 year. This could be as high as \$23,000, but will probably be less

since some of the add on is paid the city in arrears. The add on tax generates about \$100,000 per year and expires March 31, 2013.

2. Funding is included for a 2% across the board salary adjustments for all staff (except City Manager), plus a six month 2.5% promotional progression in accordance with the procedures set forth in the Employee Policies Manual (total equivalent annual increase of 3.25%).
3. The draft budget reflects a reduction in the Records Manager hours from current 30 hours per week to 20 hours per week.
4. Health insurance costs were factored in at 10% increase. We have since learned that the actual increase to maintain the current policy will be 15%. Staff is reviewing other options to contain costs which might mean increased deductible and/or co-pays.
5. The draft budget assumes continuation of COPS \$100,000 to help offset law enforcement costs.
6. The law enforcement contract with the Sheriff will increase from \$179,976 to \$185,872.
7. The projection factors in a reduction in general fund attorney expense from the current budget of \$33,000 to proposed budget of \$25,000 based on current activity. This provides no contingency in the event of litigation or other unanticipated issue needing legal review and guidance.
8. Utility costs are anticipated to increase due to costs associated with the new library; however, that will be for less than the full year.
9. A new appropriation of \$2,006 is included to cover required permit fees (based on population) charged to entities owning and/or operating a storm water conveyance system.
10. This assumes no further unemployment payments for laid off police employees. The City has been required to continue such payment in the current fiscal year. It is anticipated that benefits will be exhausted in the new fiscal year.
11. \$3,000 is budgeted for cherry tree trimming and maintenance due to relinquishment of this responsibility by the Garden Club. This provides funding for annual trimming for about half of the 23 trees on city property (estimated between \$200 and \$250 each).
12. \$3,200 is provided for funding to improve/replace sound system in city hall and purchase a lap top computer for public presentation purposes.
13. \$4,300 is provided (65% general fund; 35% water fund) for purchase of radio communication system for public works staff.
14. Funding for replacement of two fire hydrants is provided, plus carry over funding for replacement of two hydrants budgeted in current year (\$5,000 x 4).
15. \$10,000 is set aside/reserve in public works for major equipment/vehicle replacement and/or grant match.
16. \$15,000 is set aside/reserve in water fund for capital acquisition/grant match.
17. \$10,000 is set aside/reserve in fire department for future capital acquisition.

Changes that have now been incorporated into the proposed budget based on Council discussion from the May 9 study session are as follows:

1. \$4,000 is allocated for initial distribution of Transient Occupancy Taxes: \$2,000 to the Museum Society and \$2,000 to the Chamber of Commerce. The allocation to the Chamber of Commerce may be revisited following the November election.
2. \$600 is included for membership in the Local Government Commission (web page attached).

3. The Planning expense is increased from the initial \$28,600 presentation to \$ 38,600 to reflect an additional \$10,000 toward an accelerated process leading to updating the General Plan. This will allocate a total of \$20,000 toward the General Plan process and is expected to accelerate completion of the task components by approximately 6 months.

With these changes, the proposed General Fund expenditures will total \$ 526,267 and the proposed General fund revenues remains at \$492,703, for a difference of \$33,564. There are sufficient carry forward funds to absorb the difference between revenues and expenditures. There are a number of one time expenditures (including transfers to Public Works and Fire Department reserves as well as the General Plan work) that more than make up this difference between revenues and expenditures, so the current level of services can be sustained, subsection to continuation of the sales tax ad on.

There were no public comments.

Council commended Suiker for her excellent work.

*Motion (Fulkerson/Miller) to incorporate the changes from the May 16 budget presentation, and approve Resolution 2012-09 Adopting the FY2012-2013 Annual Budget. **Passed unanimously.***

4. Discussion/Decision regarding support for Air Service in Humboldt County  
Councilmember Julie Fulkerson introduced Don Enebuske, the new Executive Director of RREDC. Enebuske presented information regarding the need for additional air service in Humboldt County, and asked the Council to send a support letter.

*Motion (Fulkerson/Miller) to approve sending support letter for additional air service in Humboldt County. **Passed unanimously.***

## XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

## XIII. ADJOURNMENT

- Meeting ended at 10:00pm

Submitted by:

\_\_\_\_\_  
**Gabriel Adams**  
City Clerk

Approved by:

\_\_\_\_\_  
**Julie Fulkerson**  
Mayor Pro-Tem



**CONSENT AGENDA ITEM 1**

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES**

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1. Financial Status Reports for May 2012

**City of Trinidad**  
**Statement of Revenues and Expenditures**  
**From 5/1/2012 Through 5/31/2012**

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budge</u>
Revenue					
41010	PROPERTY TAX - SECURED	1,541.84	75,509.05	115,000.00	(34.34)%
41020	PROPERTY TAX - UNSECURED	0.00	3,021.82	0.00	0.00%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	57.69	0.00	0.00%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	450.44	0.00	0.00%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	150.49	0.00	0.00%
41071	MOTOR VEHICLES	25.36	1,065.02	0.00	0.00%
41072	PROP TX - BOOKING FEES	0.00	269.90	0.00	0.00%
41100	PROPERTY TAX - INTEREST +	0.00	38.55	0.00	0.00%
41110	PROPERTY TAX EXEMPTION	0.00	640.21	0.00	0.00%
41130	PUBLIC SAFETY 1/2 CENT	0.00	1,243.63	0.00	0.00%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	1,639.00	0.00	0.00%
41190	PROPERTY TAX ADMINISTRATION FE	0.00	(3,601.00)	0.00	0.00%
41200	LAFCO Charge	0.00	(585.09)	0.00	0.00%
41210	IN-LIEU SALES & USE TAX	11,809.20	23,618.40	0.00	0.00%
41220	IN LIEU VLF	13,257.50	26,515.00	0.00	0.00%
42000	SALES & USE TAX	5,200.00	127,083.10	180,000.00	(29.40)%
43000	TRANSIENT LODGING TAX	3,897.58	70,533.60	80,000.00	(11.83)%
47310	VEHICLE LICENSE COLLECTION	0.00	182.06	0.00	0.00%
47350	MOTOR VEHICLE LICENSE FEE GAP	0.00	704.32	0.00	0.00%
49080	MOTOR VEHICLE FINES	0.00	0.00	3,500.00	100.00)%
53010	COPY MACHINE FEE	0.00	33.50	100.00	(66.50)%
53020	INTEREST INCOME	977.02	21,496.10	15,000.00	43.31%
53060	DONATIONS	0.00	50.00	0.00	0.00%
53090	OTHER MISCELLANEOUS INCOME	700.00	56,671.04	24,375.00	132.50%
54020	PLANNER- APPLICATION PROCESSIN	750.00	7,270.27	8,500.00	(14.47)%
54040	ENGINEER-APPLICATION PROCESSIN	0.00	0.00	500.00	100.00)%
54050	BLDG,INSP-APPLICATION PROCESSI	1,187.55	44,059.62	30,000.00	46.87%
54100	ANIMAL LICENSE FEES	0.00	85.00	100.00	(15.00)%
54130	FARMERS MARKET BUSINESS LICENS	0.00	30.00	0.00	0.00%
54150	BUSINESS LICENSE TAX	145.00	8,746.00	7,500.00	16.61%
54300	ENCROACHMENT PERMIT FEES	50.00	400.00	400.00	0.00%
56150	FRANCHISE FEES	0.00	15,945.84	12,944.00	23.19%
56400	RENT - VERIZON	0.00	17,019.24	19,620.00	(13.26)%
56500	RENT - HARBOR LEASE	0.00	10,000.00	5,000.00	100.00)%
56550	RENT - PG& E	0.00	8,411.33	0.00	0.00%
56600	RENT - OTHER TENNIS COURT	0.00	70.00	0.00	0.00%
56650	RENT - SUDDENLINK	0.00	4,014.99	4,200.00	(4.41)%
56700	RENT - TOWN HALL	60.00	9,470.00	8,500.00	11.41%
56800	RENT - MISC	0.00	0.00	500.00	100.00)%
59999	INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	5,000.00	100.00)%
Total Revenue		<u>39,601.05</u>	<u>532,309.12</u>	<u>520,739.00</u>	<u>2.22%</u>

**City of Trinidad**  
**Statement of Revenues and Expenditures**  
 201 - GFAdmin  
 From 5/1/2012 Through 5/31/2012

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
60900	HONORARIUMS	250.00	2,750.00	3,000.00	8.33%
61000	EMPLOYEE GROSS WAGE	8,238.83	68,860.79	72,615.00	5.17%
61250	OVERTIME	0.00	0.00	1,500.00	100.00%
61470	FRINGE BENEFITS	69.24	548.15	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	8,746.00	100.00%
65100	DEFERRED RETIREMENT	732.33	3,763.83	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	326.05	4,204.54	6,384.00	34.14%
65300	WORKMEN'S COMP INSURANCE	0.00	4,485.68	0.00	0.00%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	72.50	663.50	1,200.00	44.71%
65600	PAYROLL TAX	658.29	5,496.22	0.00	0.00%
68090	CRIME BOND	0.00	700.00	0.00	0.00%
68100	FIDELITY BOND	0.00	0.00	770.00	100.00%
68200	INSURANCE - LIABILITY	0.00	5,210.70	10,908.00	52.23%
68300	PROPERTY & CASUALTY	0.00	3,747.60	4,387.00	14.57%
71100	ATTORNEY-MEETINGS	0.00	646.50	15,000.00	95.69%
71110	ATTORNEY-ADMINISTRATIVE TASKS	2,005.05	6,175.72	8,000.00	22.80%
71130	ATTORNEY-LITIGATION	115.50	8,872.50	10,000.00	11.28%
71160	ACCOUNTING	471.84	471.84	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	425.75	2,236.25	2,000.00	(11.81)%
71220	CITY ENG-APPLICATION PROCESS	65.50	65.50	2,000.00	96.72%
71300	CITY PLANNER-MEETINGS	519.00	3,567.00	4,200.00	15.07%
71310	CITY PLANNER-ADMIN. TASKS	664.88	12,558.06	7,000.00	(79.40)%
71320	CITY PLANNER-APPL. PROCESS	165.00	9,249.00	7,000.00	(32.13)%
71330	CITY PLANNER-ENFORCEMENT	0.00	201.50	0.00	0.00%
71340	CITY PLANNER - SPECIAL PROJECT	528.00	8,709.00	25,000.00	65.16%
71400	BLDG.INSPECTOR-MEETINGS	680.00	6,649.33	0.00	0.00%
71410	BLDG INSPECTOR-ADMIN TASKS	0.00	4.69	0.00	0.00%
71420	BLDG INSPECTOR-PERMIT PROCESS	0.00	14,507.52	25,000.00	41.97%
71430	BLDG INSPECTOR-ENFORCEMENT	0.00	90.00	0.00	0.00%
71510	ACCOUNTANT-ADMIN TASKS	638.79	11,570.37	20,000.00	42.15%
71620	AUDITOR-FINANCIAL REPORTS	0.00	11,067.00	11,913.00	7.10%
72000	CHAMBER OF COMMERCE	0.00	5,500.00	4,500.00	(22.22)%
72100	BAD DEBTS	0.00	109.98	0.00	0.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	0.00	1,006.75	1,200.00	16.10%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	0.00	1,500.00	100.00%
75170	RENT	650.00	7,150.00	7,800.00	8.33%
75180	UTILITIES	112.41	3,966.69	4,000.00	0.83%
75190	DUES & MEMBERSHIP	0.00	357.08	1,000.00	64.29%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	8,871.38	9,822.00	9.68%
75220	OFFICE SUPPLIES & EXPENSE	102.63	5,012.88	4,500.00	(11.40)%
75240	BANK CHARGES	11.20	126.20	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	600.00	0.00	0.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	1,900.00	100.00%
76110	TELEPHONE	118.01	1,600.85	2,500.00	35.97%
76130	CABLE & INTERNET SERVICE	222.90	1,770.45	2,000.00	11.48%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	782.70	2,957.68	3,500.00	15.49%
78190	MATERIALS, SUPPLIES & EQUIPMEN	164.50	1,940.04	5,000.00	61.20%
<b>Total Expense</b>		<b>18,790.90</b>	<b>238,042.77</b>	<b>297,345.00</b>	<b>19.94%</b>

**City of Trinidad**  
**Statement of Revenues and Expenditures**  
**301 - Police**  
**From 5/1/2012 Through 5/31/2012**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>	
<b>Expense</b>					
61000	EMPLOYEE GROSS WAGE	2,315.40	17,291.91	19,585.00	11.71%
61470	FRINGE BENEFITS	0.00	1.15	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	2,359.00	100.00%
65300	WORKMEN'S COMP INSURANCE	0.00	603.62	0.00	0.00%
65400	UNEMPLOYMENT COMPENSATION	0.00	1,700.33	0.00	0.00%
65600	PAYROLL TAX	177.39	1,324.97	0.00	0.00%
71620	AUDITOR-FINANCIAL REPORTS	0.00	846.00	0.00	0.00%
75170	RENT	650.00	7,150.00	7,800.00	8.33%
75180	UTILITIES	162.99	1,961.13	1,200.00	(63.43)%
75190	DUES & MEMBERSHIP	0.00	122.00	0.00	0.00%
75220	OFFICE SUPPLIES & EXPENSE	0.00	101.35	300.00	66.22%
75300	CONTRACTED SERVICES	26,993.25	64,052.00	82,745.00	22.59%
75350	ANIMAL CONTROL	113.00	1,243.00	1,396.00	10.96%
75990	MISCELLANEOUS EXPENSE	0.00	44.76	0.00	0.00%
76110	TELEPHONE	79.06	872.06	1,800.00	51.55%
78150	VEHICLE REPAIRS	0.00	882.45	883.00	0.06%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	39.00	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	50.75	0.00	0.00%
78210	Advertising Outreach & Project	0.00	61.50	0.00	0.00%
	<b>Total Expense</b>	<u>30,491.09</u>	<u>98,347.98</u>	<u>118,068.00</u>	<u>16.70%</u>

**City of Trinidad**  
**Statement of Revenues and Expenditures**  
**401 - Fire**  
**From 5/1/2012 Through 5/31/2012**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>	
Expense					
60900	HONORARIUMS	150.00	1,650.00	1,800.00	8.33%
75180	UTILITIES	53.92	2,439.45	2,638.00	7.53%
75190	DUES & MEMBERSHIP	0.00	10.00	10.00	0.00%
75260	BACKGROUNDS / EDUCATION	0.00	0.00	1,000.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	175.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	150.00	0.00	0.00%
76110	TELEPHONE	6.69	57.01	175.00	67.42%
76140	RADIO & DISPATCH	0.00	1,602.26	0.00	0.00%
78140	VEHICLE FUEL & OIL	0.00	68.22	750.00	90.90%
78150	VEHICLE REPAIRS	0.00	3,715.74	6,400.00	41.94%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	1,207.02	500.00	(141.40)%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	8,936.56	7,500.00	(19.15)%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,500.00	100.00%
90000	Capital Reserves	0.00	0.00	50,000.00	100.00%
96200	TRANSFER OUT	0.00	50,000.00	0.00	0.00%
	<b>Total Expense</b>	<u>210.61</u>	<u>69,836.26</u>	<u>72,448.00</u>	<u>3.60%</u>

**City of Trinidad**  
Statement of Revenues and Expenditures  
501 - PW (Public Works)  
From 5/1/2012 Through 5/31/2012

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
61000	EMPLOYEE GROSS WAGE	4,630.73	36,693.98	39,180.00	6.35%
61250	OVERTIME	0.00	188.20	3,000.00	93.73%
61470	FRINGE BENEFITS	0.00	2.31	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	4,720.00	100.00%
65100	DEFERRED RETIREMENT	450.69	3,339.10	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	1,462.56	16,123.52	21,113.00	23.63%
65300	WORKMEN'S COMP INSURANCE	0.00	1,846.76	0.00	0.00%
65600	PAYROLL TAX	388.50	2,996.16	0.00	0.00%
68200	INSURANCE - LIABILITY	0.00	473.70	992.00	52.25%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	4,077.75	5,000.00	18.45%
71250	CITY ENGINEER - PROJECT FEES	0.00	4,596.25	2,500.00	(83.85)%
71510	ACCOUNTANT-ADMIN TASKS	0.00	0.00	1,100.00	100.00%
75180	UTILITIES	0.00	35.52	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	0.00	1,500.00	100.00%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	81.77	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	33.47	43,351.85	114,700.00	62.20%
78120	STREET LIGHTING	315.28	3,522.63	4,800.00	26.61%
78125	Street Lighting - Improvements	0.00	0.00	40,000.00	100.00%
78130	TRAIL MAINTENANCE	0.00	152.78	1,000.00	84.72%
78140	VEHICLE FUEL & OIL	288.88	3,903.37	3,000.00	(30.11)%
78150	VEHICLE REPAIRS	216.23	2,488.63	4,300.00	42.12%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	265.07	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	1,358.84	4,460.87	5,500.00	18.89%
78200	EQUIPMENT REPAIRS & MAINTENANC	278.65	506.38	0.00	0.00%
Total Expense		<u>9,423.83</u>	<u>129,106.60</u>	<u>252,405.00</u>	<u>48.85%</u>

**City of Trinidad**  
Statement of Revenues and Expenditures  
204 - IWM  
From 5/1/2012 Through 5/31/2012

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
<b>Revenue</b>					
46000	GRANT INCOME	0.00	5,000.00	5,000.00	0.00%
47600	BLUE BAG SALES	216.00	2,823.00	3,500.00	(19.34)%
47650	RECYCLING REVENUE	<u>1,648.47</u>	<u>28,671.72</u>	<u>32,000.00</u>	<u>(10.40)%</u>
	<b>Total Revenue</b>	<u>1,864.47</u>	<u>36,494.72</u>	<u>40,500.00</u>	<u>(9.89)%</u>
<b>Expense</b>					
61000	EMPLOYEE GROSS WAGE	1,549.23	12,326.60	13,265.00	7.07%
61250	OVERTIME	0.00	57.51	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	1,598.00	100.00%
65100	DEFERRED RETIREMENT	185.91	1,415.05	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	417.95	4,596.90	6,461.00	28.85%
65300	WORKMEN'S COMP INSURANCE	0.00	591.62	0.00	0.00%
65600	PAYROLL TAX	132.72	1,033.76	0.00	0.00%
75120	WASTE RECYCLING PICKUP/DISPOSA	1,360.00	15,360.00	16,000.00	4.00%
75130	GARBAGE	0.00	556.99	0.00	0.00%
75140	BLUE BAG PURCHASES	1,590.00	3,975.00	3,500.00	(13.57)%
78100	STREET MAINT/REPAIR/SANITATION	470.95	4,584.94	7,000.00	34.50%
78190	MATERIALS, SUPPLIES & EQUIPMEN	74.22	399.38	1,000.00	60.06%
78210	Advertising Outreach & Project	0.00	302.60	0.00	0.00%
85000	CAPITAL OUTLAY	<u>0.00</u>	<u>4,719.45</u>	<u>4,800.00</u>	<u>1.68%</u>
	<b>Total Expense</b>	<u>5,780.98</u>	<u>49,919.80</u>	<u>53,624.00</u>	<u>6.91%</u>
	<b>Net Income</b>	<u>(3,916.51)</u>	<u>(13,425.08)</u>	<u>(13,124.00)</u>	<u>2.29%</u>

**City of Trinidad**  
Statement of Revenues and Expenditures  
601 - Water  
From 5/1/2012 Through 5/31/2012

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
<b>Revenue</b>					
53020	INTEREST INCOME	0.00	0.00	20,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	0.00	1,926.48	1,000.00	92.65%
57100	WATER SALES	23,461.65	214,479.30	221,000.00	(2.95)%
57300	NEW WATER HOOK UPS	0.00	0.00	9,000.00	(100.00)%
57500	WATER A/R PENALTIES	1,833.02	8,992.20	6,000.00	49.87%
	<b>Total Revenue</b>	<u>25,294.67</u>	<u>225,397.98</u>	<u>257,000.00</u>	<u>(12.30)%</u>
<b>Expense</b>					
61000	EMPLOYEE GROSS WAGE	9,815.58	77,836.80	83,354.00	6.62%
61250	OVERTIME	0.00	271.86	5,000.00	94.56%
61470	FRINGE BENEFITS	0.00	2.31	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	10,040.00	100.00%
65100	DEFERRED RETIREMENT	1,094.25	8,346.15	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	2,854.59	31,398.30	43,590.00	27.97%
65300	WORKMEN'S COMP INSURANCE	0.00	3,877.88	0.00	0.00%
65600	PAYROLL TAX	835.20	6,512.00	0.00	0.00%
68200	INSURANCE - LIABILITY	0.00	3,789.60	7,933.00	52.23%
68300	PROPERTY & CASUALTY	0.00	2,498.40	2,925.00	14.58%
71110	ATTORNEY-ADMINISTRATIVE TASKS	148.50	350.00	4,500.00	92.22%
71160	ACCOUNTING	254.07	254.07	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	43,620.00	100.00%
71230	ENGINEER-SPECIAL PROJECTS	0.00	14,785.50	14,848.00	0.42%
71510	ACCOUNTANT-ADMIN TASKS	343.96	6,230.18	9,000.00	30.78%
71620	AUDITOR-FINANCIAL REPORTS	0.00	8,987.00	9,000.00	0.14%
72100	BAD DEBTS	0.00	80.72	0.00	0.00%
75180	UTILITIES	1,166.54	10,801.67	14,000.00	22.85%
75190	DUES & MEMBERSHIP	0.00	556.68	900.00	38.15%
75220	OFFICE SUPPLIES & EXPENSE	439.98	2,596.00	2,000.00	(29.80)%
75230	INTEREST EXPENSE	0.00	1,363.50	1,935.00	29.53%
75240	BANK CHARGES	0.00	20.00	0.00	0.00%
75280	TRAINING / EDUCATION	0.00	315.00	0.00	0.00%
75990	MISCELLANEOUS EXPENSE	0.00	52.08	250.00	79.17%
76100	TELEPHONE & COMMUNICATIONS	0.00	81.77	0.00	0.00%
76110	TELEPHONE	94.04	771.30	1,500.00	48.58%
76130	CABLE & INTERNET SERVICE	49.00	539.00	588.00	8.33%
76160	LICENSES & FEES	0.00	2,245.01	2,200.00	(2.05)%
78140	VEHICLE FUEL & OIL	173.00	1,734.69	3,000.00	42.18%
78150	VEHICLE REPAIRS	0.00	1,408.34	1,500.00	6.11%
78160	BUILDING REPAIRS & MAINTENANCE	(676.80)	433.30	2,000.00	78.33%
78170	SECURITY SYSTEM	(607.80)	1,135.80	276.00	(311.52)%
78190	MATERIALS, SUPPLIES & EQUIPMEN	385.48	5,747.94	5,000.00	(14.96)%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	512.27	500.00	(2.45)%
79100	WATER LAB FEES	120.00	2,125.00	5,500.00	61.36%
79120	WATER PLANT CHEMICALS	0.00	7,202.38	16,000.00	54.99%
79130	WATER LINE HOOK-UPS	0.00	0.00	4,000.00	100.00%
79150	WATER LINE REPAIR	0.00	1,123.73	20,000.00	94.38%
79160	WATER PLANT REPAIR	222.90	5,945.55	10,000.00	40.54%
	<b>Total Expense</b>	<u>16,712.49</u>	<u>211,931.78</u>	<u>324,959.00</u>	<u>34.78%</u>
	<b>Net Income</b>	<u>8,582.18</u>	<u>13,466.20</u>	<u>(67,959.00)</u>	<u>(119.82)%</u>

**City of Trinidad**  
Statement of Revenues and Expenditures  
701 - Cemetery  
From 5/1/2012 Through 5/31/2012

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
<b>Revenue</b>					
53020	INTEREST INCOME	0.00	0.00	3,000.00	(100.00)%
58100	CEMETERY PLOT SALES	2,102.00	6,427.00	9,000.00	(28.59)%
58150	Cemetery Plot Refunds	0.00	(2,820.00)	0.00	0.00%
	<b>Total Revenue</b>	<u>2,102.00</u>	<u>3,607.00</u>	<u>12,000.00</u>	<u>(69.94)%</u>
<b>Expense</b>					
61000	EMPLOYEE GROSS WAGE	1,025.61	8,147.62	8,727.00	6.64%
61250	OVERTIME	0.00	57.51	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	1,051.00	100.00%
65100	DEFERRED RETIREMENT	123.00	913.40	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	352.70	3,879.15	5,184.00	25.17%
65300	WORKMEN'S COMP INSURANCE	0.00	430.44	0.00	0.00%
65600	PAYROLL TAX	87.84	675.47	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	0.00	500.00	100.00%
78180	OTHER REPAIR & MAINTENENCE	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	88.80	500.00	82.24%
	<b>Total Expense</b>	<u>1,589.15</u>	<u>14,192.39</u>	<u>16,462.00</u>	<u>13.79%</u>
	<b>Net Income</b>	<u>512.85</u>	<u>(10,585.39)</u>	<u>(4,462.00)</u>	<u>137.23%</u>



## **CONSENT AGENDA ITEM 2**

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES**

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2. Ordinance 2012-03; Proposing an Extension of the 3/4% Sales Tax Increase to be implemented pending voter approval at the November 06, 2012 Election.

## CONSENT AGENDA ITEM

**Date:** July 11, 2012

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**Item:** Ordinance 2012-03; Proposing an Extension of the 3/4% Sales Tax Increase to be implemented pending voter approval at the November 06, 2012 Election.

**Background Info:** The Ordinance proposed is required by the State Board of Equalization before they can proceed implementing the extension of the 3/4% Sales Tax Increase, pending voter approval of the measure in November.

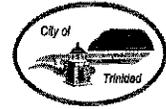
If the measure is approved, the Ordinance will give the BOE authorization to proceed with the extension process. If the measure fails, the Ordinance will become void.

**Staff Recommendation:** *Approve and adopt Ordinance 2012-03; Authorizing the State Board of Equalization to Extend the 3/4% Sales Tax Pending Voter Approval at the November 06, 2012 Election.*

**Attachments:** Draft Ordinance 2012-03.

**TRINIDAD CITY HALL**  
**P.O. BOX 390**  
409 Trinity Street  
Trinidad, CA 95570  
(707) 677-0223

**KATHY BHARDWAJ, MAYOR**  
**GABRIEL ADAMS, CITY CLERK**



**ORDINANCE NO. 2012-03**

**AN ORDINANCE OF THE CITY OF TRINIDAD EXTENDING THE ¾% TRANSACTIONS AND USE TAX FOR GENERAL PURPOSES TO CONTINUE TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION**

**WHEREAS**, pursuant to California Revenue and Taxation Code Sections 7285.9 and 7290, the City of Trinidad (the "City") has the authority to levy a Transactions and Use Tax for general purposes;

**WHEREAS**, a majority of the voters of the City approved a three-quarter percent (¾% or .75) Transactions and Use Tax at an election held on Tuesday, November 04, 2008;

**WHEREAS**, the City's Transactions and Use Tax Ordinance is found in Chapter 3.08 of the City's Municipal Code;

**WHEREAS**, City of Trinidad Ordinance 2008-01, Section 16 sets forth a "Termination Date" of March 31, 2013, at which time Ordinance 2008-01 will be repealed unless an extension or re-authorization is approved by the voters of the City at an election called for that purpose; and

**WHEREAS**, an extension or re-authorization of the City's Transactions and Use Tax will be submitted to the voters to extend the "Termination Date" of Ordinance 2008-01 to March 31, 2017.

**NOW, THEREFORE**, the City Council of the City of Trinidad does hereby ordain as follows:

**Section 1. Amendment.** The definition of "Termination Date" in Section 16 of the City of Trinidad Ordinance 2008-01 of the City's Municipal Code is hereby amended to read as follows:

**15.19.020 Definitions**

(c) "Termination date" initially means March 31, 2017, and as of that date this Ordinance is repealed unless an extension or re-authorization of this Article is approved by the voters of the City at an election called for that purpose.

**Section 2. Approval by the Voters.** This Ordinance shall be submitted to the voters at an election to be held on Tuesday, November 06, 2012. Upon approval by a majority of the voters of the City voting on this Ordinance, the Transactions and Use Tax set forth in Ordinance 2008-01 of the City's Municipal Code shall be re-authorized and extended through and including March 31, 2017.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of July, by a two-thirds vote of the City Council, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

Attest:

\_\_\_\_\_  
**Gabriel Adams**  
Trinidad City Clerk

\_\_\_\_\_  
**Kathy Bhardwaj**  
Mayor



## **CONSENT AGENDA ITEM 3**

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 30 PAGES**

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3. Authorize Staff to Respond to SWRCB Letter Regarding ASBS Special Protections and Request for Monitoring Program Report.

## CONSENT AGENDA ITEM

Date: July 11, 2012

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**Item:** **DIRECT STAFF TO RESPOND TO THE STATE WATER RESOURCES CONTROL BOARD LETTER REGARDING THE AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE SPECIAL PROTECTIONS AND REQUEST FOR MONITORING PROGRAM REPORT.**

**Background:** In October 2004, the State Water Resources Control Board (SWRCB) notified the City of Trinidad, as a responsible party, to cease stormwater and nonpoint source waste discharges into the Trinidad Head Area of Special Biological Significance. In 2005, the city requested an exception. On March 20, 2012, the SWRCB approved a General Exception with Special Protections for beneficial uses.

Under the General Exception, the city is required to commence ambient water monitoring in the upcoming storm season (2012-2013). The city must notify SWRCB by August 1, 2012 of its choice of the two options for meeting these monitoring requirements: an individual monitoring program or a regional integrated monitoring program.

Staff has met twice with SWRCB staff and the other north coast ASBS discharging agencies regarding the monitoring requirements, potential costs and a regional monitoring approach. Some of the monitoring costs will potentially be paid for through the city's Prop 84 ASBS Stormwater Project monitoring program. For agencies opting to join the regional monitoring group, there will be fewer monitoring requirements and an undetermined of financial assistance. At this time there remain a number of unknowns about the ASBS General Exception requirements.

**Staff Recommendation:** Direct staff to respond to the State Water Resources Control Board in support of the Regional Integrated Monitoring Program option.

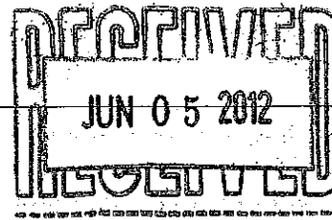
**Attachments:** SWRCB May 30, 2012 Letter to City; General Exception and Special Protections.



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION



State Water Resources Control Board

MAY 30 2012

The Honorable Stan Binnie  
City of Trinidad  
409 Trinity Street  
Trinidad, CA 95570

[Certified Mail: 7004 1160 0002 0464 3327]

**COPY**

Dear the Honorable Stan Binnie:

**NOTICE OF ADOPTION OF THE GENERAL EXCEPTION TO THE CALIFORNIA OCEAN PLAN WASTE DISCHARGE PROHIBITION FOR SELECTED STORM WATER AND NONPOINT SOURCE DISCHARGES INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE, INCLUDING SPECIAL PROTECTIONS FOR BENEFICIAL USES; REQUEST FOR MONITORING PROGRAM REPORT**

On October 18, 2004, the State Water Resources Control Board (State Water Board) notified the City of Trinidad, as a responsible party, to cease storm water and nonpoint source waste discharges into Areas of Special Biological Significance (ASBS) or to request an exception from the California Ocean Plan ASBS waste discharge prohibition. On January 26, 2005, the City of Trinidad requested an exception. On March 20, 2012, the State Water Board adopted Resolution No. 2012-0012, approving an exception to the California Ocean Plan for the ASBS Waste Discharge Prohibition for Storm Water and Nonpoint Source Discharges, with Special Protections for beneficial uses (General Exception). Enclosed please find the General Exception and Special Protections. These documents are also posted on the State Water Board Web site at [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2012/rs2012\\_0012.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0012.pdf).

The purpose of this letter is to notify you of the adoption of the General Exception and Special Protections and additionally, to require, pursuant to the General Exception and to California Water Code section 13383, information you must submit regarding your plans to initiate monitoring in the next storm season.

According to the General Exception, monitoring shall commence during the first storm season following adoption of the Special Protections, which is the 2012-13 storm season. You are required to perform both core monitoring for runoff and ambient seawater monitoring for receiving water and reference sites. There are two options for fulfilling your ambient water monitoring requirements: an individual monitoring program, or a regional integrated monitoring program. While we strongly encourage you to participate in a regional monitoring program, you may elect instead to perform individual monitoring. You must identify your selected option and report that decision in a letter to the State Water Board by August 1, 2012. Please feel free to

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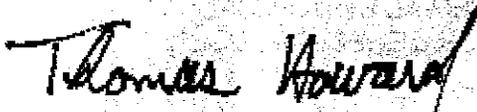
CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

contact staff if you need assistance in the development of a regional integrated monitoring program.

You should also be aware that the General Exception also requires the City of Trinidad to submit to the State Water Board by September 20, 2013, an ASBS Compliance Plan. The ASBS Compliance Plan shall describe your strategy to comply with these special conditions, including the requirement to maintain natural water quality in the affected ASBS. The ASBS Compliance Plan shall include a description of appropriate non-structural and structural controls, and a draft implementation schedule to comply with the General Exception. The State Water Board recommends that you initiate development of your ASBS Compliance Plan. If you need assistance in planning, please feel free to contact our staff.

Please feel free to contact Dr. Maria de la Paz Carpio-Obeso, Ocean Unit Chief, at (916) 341-5858 or e-mail [mcarpio-obeso@waterboards.ca.gov](mailto:mcarpio-obeso@waterboards.ca.gov), or Mr. Dominic Gregorio, Manager of the Watershed, Ocean and Wetland Section, at (916) 341-5488 or e-mail [dgregorio@waterboards.ca.gov](mailto:dgregorio@waterboards.ca.gov) if you have any questions.

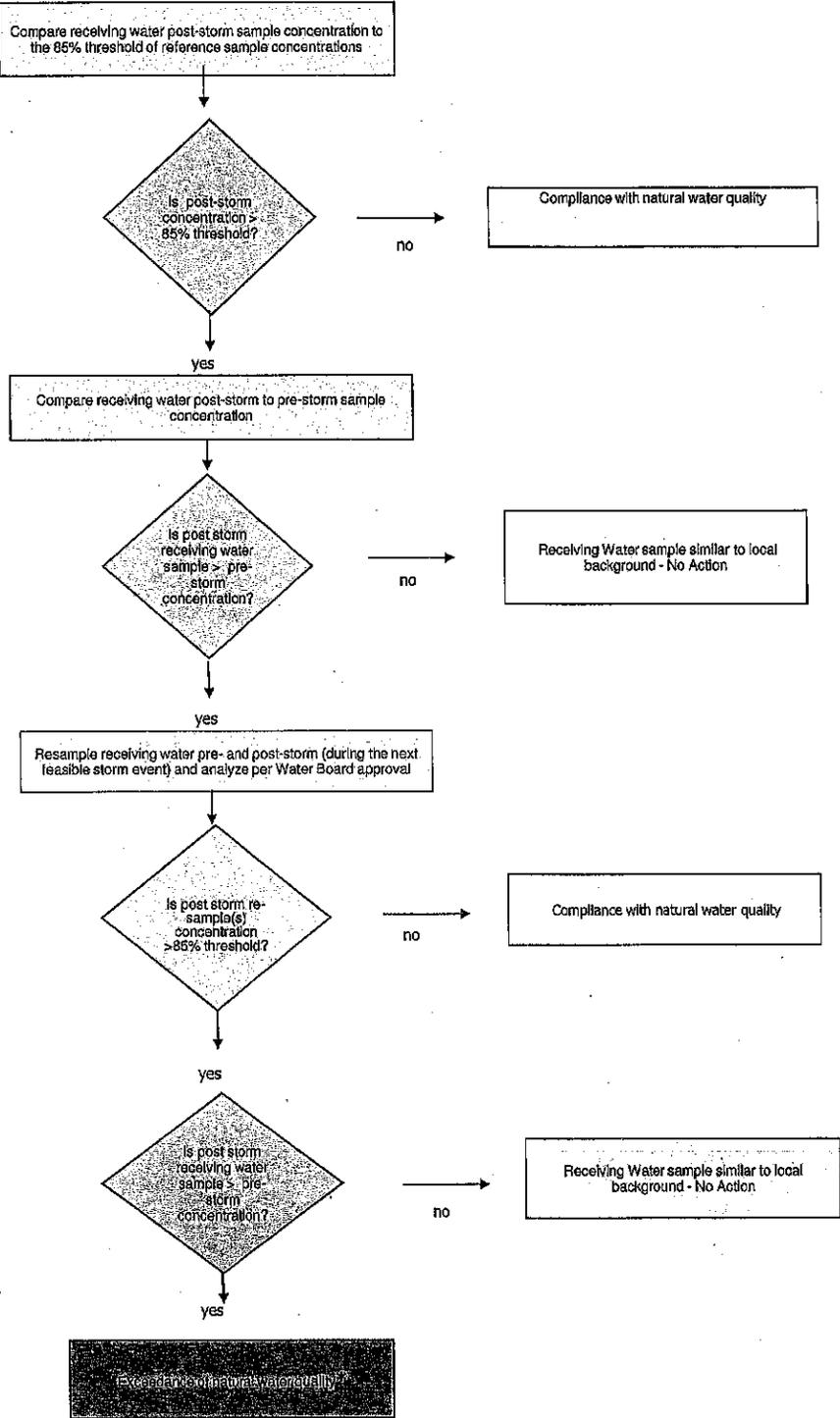
Sincerely,



Thomas Howard  
Executive Director

cc: Mr. Matt St. John  
Executive Officer  
North Coast Regional Water Quality Control Board  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403

**Attachment 1  
Special Protections Sections I(A)(3)(e) and I(B)(3)(e)  
Flowchart to Determine Compliance with Natural Water Quality**



**\* When an exceedance of natural water quality occurs, the discharger must comply with section I.A.2.h (for permitted storm water) or section I.B.2.c (for nonpoint sources). Note, when sampling data is available, end-of-pipe effluent concentrations will be considered by the Water Boards in making this determination.**

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2012-0012**

**APPROVING EXCEPTIONS TO THE CALIFORNIA OCEAN PLAN FOR SELECTED  
DISCHARGES INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE, INCLUDING  
SPECIAL PROTECTIONS FOR BENEFICIAL USES,  
AND CERTIFYING A PROGRAM ENVIRONMENTAL IMPACT REPORT**

**WHEREAS:**

1. The State Water Resources Control Board (State Water Board) adopted the California Ocean Plan (Ocean Plan) on July 6, 1972 and revised the Ocean Plan in 1978, 1983, 1988, 1990, 1997, 2000, 2005, and 2009.
2. The Ocean Plan prohibits the discharge of waste to designated Areas of Special Biological Significance (ASBS).
3. ASBS are designated by the State Water Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable.
4. Under the Marine Managed Areas Improvement Act, all ASBS are designated as a subset of state water quality protection areas and require special protection as determined by the State Water Board pursuant to the Ocean Plan and the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (Thermal Plan).
5. In state water quality protection areas, waste discharges must be prohibited or limited by special conditions, in accordance with the Porter-Cologne Water Quality Control Act, California Water Code §13000 et seq., and implementing regulations, including the Ocean Plan and Thermal Plan.
6. The Ocean Plan authorizes the State Water Board to grant an exception to Ocean Plan provisions where the board determines that the exception will not compromise protection of ocean waters for beneficial uses and the public interest will be served.
7. On October 18, 2004, the State Water Board notified a number of parties that they must cease the discharge of storm water and nonpoint source waste into ASBS or request an exception to the Ocean Plan.
8. The State Water Board has now received 27 applications for an exception to the Ocean Plan prohibition against waste discharges into an ASBS. The applicants, who are listed in Attachment A to this resolution, discharge storm water and nonpoint source waste into ASBS.
9. The State Water Board finds that granting the requested exceptions will not compromise protection of ocean waters for beneficial uses, provided that the applicants comply with the prohibitions and special conditions that comprise the Special Protections contained in this resolution. The prohibitions and special conditions in the Special Protections, contained in Attachment B to this resolution, are intended to ensure that storm water

and nonpoint source discharges are controlled to protect the beneficial uses of the affected ASBS, including marine aquatic life and habitat, and to maintain natural water quality within ASBS. The Special Protections are also intended to maintain the natural hydrologic cycle and coastal ecology by allowing the flow of clean precipitation runoff into the ocean, while preserving coastal slope stability and preventing anthropogenic erosion.

10. The State Water Board finds that granting the requested exceptions is in the public interest because the various discharges are essential for flood control, slope stability, erosion prevention, and maintenance of the natural hydrologic cycle between terrestrial and marine ecosystems, public health and safety, public recreation and coastal access, commercial and recreational fishing, navigation, and essential military operations (national security).
11. The State Water Board staff conducted scoping meetings on August 1, 8, and 15, 2006. The comment period for CEQA scoping closed August 15, 2006. The State Water Board heard a status report on ASBS at the April 1, 2008 meeting.
12. The State Water Board staff prepared and circulated a Program Environmental Impact Report for the proposed exceptions, in accordance with the California Environmental Quality Act (CEQA) and implementing regulations.
13. The State Water Board held a public hearing on May 18, 2011, to receive comments on the proposed exceptions and the Program Environmental Impact Report. The written comment period ended on May 20, 2011. The State Water Board staff has considered the comments and prepared written response. The State Water Board finds, based on the whole record, including the applications, Draft Program Environmental Impact Report, comments, and responses, that there is no substantial evidence that approval of the exceptions will have a significant effect on the environment because of the terms and conditions incorporated into the project. The Program Environmental Impact Report reflects the State Water Board's independent judgment and analysis.
14. Granting the exceptions is consistent with federal and state antidegradation policies, in 40 C.F.R. §131.12 and State Water Board Resolution No. 68-16, respectively. The terms, special conditions, and prohibitions that comprise these Special Protections will not authorize a lowering of water quality, but rather will improve water quality conditions in the affected ASBS.
15. This resolution only grants an exception from the Ocean Plan prohibition against waste discharges into ASBS to the applicants listed in Attachment A. It does not authorize waste discharges to state waters. In order to legally discharge waste into an ASBS, the applicants must have both coverage under this resolution and an appropriate authorization to discharge. Authorization to discharge for point source waste discharges to navigable waters consists of coverage under the National Pollutant Discharge Elimination System (NPDES) permit program. Nonpoint source discharges of waste must be regulated under waste discharge requirements, a conditional waiver, or a conditional prohibition.

16. The exceptions will be reviewed during the next triennial review of the Ocean Plan. If the State Water Board finds cause to revoke or re-open the exceptions, the board may do so during the triennial review or at any other time. During the next triennial review period staff will also evaluate those aspects of the exception that are successfully protecting beneficial uses, to make recommendations on a potential Ocean Plan amendment to address storm runoff into ASBS.
17. The State Water Board's record of proceedings in this matter is located at 1001 I Street, Sacramento, California, 95814 and the custodian is the Division of Water Quality.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. The State Water Board certifies that the Final EIR has been completed in compliance with CEQA. The State Water Board has reviewed and considered the information contained in these documents, which reflect the State Water Board's independent judgment and analysis.
2. Approves the exceptions to the Ocean Plan prohibition against waste discharges to ASBS for discharges of storm water and nonpoint source waste by the applicants listed in Attachment A to this resolution provided that:
  - a. The discharges are covered under an appropriate authorization to discharge waste to the ASBS, such as an NPDES permit and/or waste discharge requirements;
  - b. The authorization incorporates all of the Special Protections, contained in Attachment B to this resolution, which are applicable to the discharge; and
  - c. Only storm water and nonpoint source waste discharges by the applicants listed in Attachment A to this resolution are covered by this resolution. All other waste discharges to ASBS are prohibited, unless they are covered by a separate, applicable Ocean Plan exception.
3. Authorizes the Executive Director or designee to file the Notice of Determination with the Governor's Office of Planning and Research.
4. Authorizes the Executive Director or designee to transmit the exceptions to the United States Environmental Agency (U.S. EPA) for concurrence.
5. Directs staff to consider development of, and make recommendations for, an Ocean Plan amendment to address storm runoff into ASBS, during the next triennial review period.
6. Directs staff to propose for Board consideration up to \$1 million from the Proposition 50 Coastal Nonpoint Source (CNPS) program for additional ASBS Regional Monitoring, starting in the fall of 2012.

7. Directs staff, pending budget authority, to propose for Board consideration the use of CNPS funds (approximately \$10 million) in conjunction with the remaining Proposition 84 ASBS funds (\$3.6 million) for additional ASBS BMP projects.

#### CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 20, 2012.

AYE: Chairman Charles R. Hoppin  
Vice Chair Frances Spivy-Weber  
Board Member Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board

## Attachment A – Applicants

Applicant	ASBS
Carmel by the Sea, City of	Carmel Bay
Connolly-Pacific Company	Southeast Santa Catalina Island
Department of Parks and Recreation	Redwoods National Park, Trinidad Head, King Range, Jughandle Cove, Gerstle Cove, James V. Fitzgerald, Año Nuevo, Carmel Bay, Point Lobos, Julia Pfeiffer Burns, Laguna Point to Latigo Point, Irvine Coast
Department of Transportation (CalTrans)	Redwoods National Park, Saunders Reef, James V. Fitzgerald, Año Nuevo, Carmel Bay, Point Lobos, Julia Pfeiffer Burns, Salmon Creek Coast, Laguna Point to Latigo Point, Irvine Coast
Humboldt County	King Range
Humboldt Bay Harbor District	King Range
Irvine Company	Irvine Coast
Laguna Beach, City of	Heisler Park
Los Angeles County	Laguna Point to Latigo Point
Los Angeles County Flood Control District	Laguna Point to Latigo Point
Malibu, City of	Laguna Point to Latigo Point
Marin County	Duxbury Reef
Monterey, City of	Pacific Grove
Monterey, County of	Carmel Bay
Newport Beach, City of, and on behalf of the Pelican Point Homeowners	Robert E. Badham And Irvine Coast
Pacific Grove, City of	Pacific Grove
Pebble Beach Company, and on behalf of the Pebble Beach Stillwater Yacht Club	Carmel Bay
San Diego, City of	La Jolla
San Mateo County	James V. Fitzgerald
Santa Catalina Island Company, and on behalf of the Santa Catalina Island Conservancy	Northwest Santa Catalina Island And Western Santa Catalina Island
Sea Ranch Association	Del Mar Landing
Trinidad, City of	Trinidad Head
Trinidad Rancheria	Trinidad Head
U.S. Dept. of Interior, Point Reyes National Seashore	Point Reyes Headlands, Duxbury Reef
U.S. Dept. of Interior, Redwoods National and State Park	Redwoods National Park
U.S. Dept. of Defense, Air Force	James V. Fitzgerald
U.S. Dept. of Defense, Navy	San Nicolas Island & Begg Rock
U.S. Dept. of Defense, Navy	San Clemente Island

## **Attachment B - Special Protections for Areas of Special Biological Significance, Governing Point Source Discharges of Storm Water and Nonpoint Source Waste Discharges**

### **I. PROVISIONS FOR POINT SOURCE DISCHARGES OF STORM WATER AND NONPOINT SOURCE WASTE DISCHARGES**

The following terms, prohibitions, and special conditions (hereafter collectively referred to as special conditions) are established as limitations on point source storm water and nonpoint source discharges. These special conditions provide Special Protections for marine aquatic life and natural water quality in Areas of Special Biological Significance (ASBS), as required for State Water Quality Protection Areas pursuant to California Public Resources Code Sections 36700(f) and 36710(f). These Special Protections are adopted by the State Water Board as part of the California Ocean Plan (Ocean Plan) General Exception.

The special conditions are organized by category of discharge. The State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (Regional Water Boards) will determine categories and the means of regulation for those categories [e.g., Point Source Storm Water National Pollutant Discharge Elimination System (NPDES) or Nonpoint Source].

#### **A. PERMITTED POINT SOURCE DISCHARGES OF STORM WATER**

##### **1. General Provisions for Permitted Point Source Discharges of Storm Water**

a. Existing storm water discharges into an ASBS are allowed only under the following conditions:

- (1) The discharges are authorized by an NPDES permit issued by the State Water Board or Regional Water Board;
- (2) The discharges comply with all of the applicable terms, prohibitions, and special conditions contained in these Special Protections; and
- (3) The discharges:
  - (i) Are essential for flood control or slope stability, including roof, landscape, road, and parking lot drainage;
  - (ii) Are designed to prevent soil erosion;
  - (iii) Occur only during wet weather;
  - (iv) Are composed of only storm water runoff.

b. Discharges composed of storm water runoff shall not alter natural ocean water quality in an ASBS.

- c. The discharge of trash is prohibited.
  - d. Only discharges from existing storm water outfalls are allowed. Any proposed or new storm water runoff discharge shall be routed to existing storm water discharge outfalls and shall not result in any new contribution of waste to an ASBS (i.e., no additional pollutant loading). "Existing storm water outfalls" are those that were constructed or under construction prior to January 1, 2005. "New contribution of waste" is defined as any addition of waste beyond what would have occurred as of January 1, 2005. A change to an existing storm water outfall, in terms of re-location or alteration, in order to comply with these special conditions, is allowed and does not constitute a new discharge.
  - e. Non-storm water discharges are prohibited except as provided below:
    - (1) The term "non-storm water discharges" means any waste discharges from a municipal separate storm sewer system (MS4) or other NPDES permitted storm drain system to an ASBS that are not composed entirely of storm water.
    - (2) (i) The following non-storm water discharges are allowed, provided that the discharges are essential for emergency response purposes, structural stability, slope stability or occur naturally:
      - (a) Discharges associated with emergency fire fighting operations.
      - (b) Foundation and footing drains.
      - (c) Water from crawl space or basement pumps.
      - (d) Hillside dewatering.
      - (e) Naturally occurring groundwater seepage via a storm drain.
      - (f) Non-anthropogenic flows from a naturally occurring stream via a culvert or storm drain, as long as there are no contributions of anthropogenic runoff.
    - (ii) An NPDES permitting authority may authorize non-storm water discharges to an MS4 with a direct discharge to an ASBS only to the extent the NPDES permitting authority finds that the discharge does not alter natural ocean water quality in the ASBS.
    - (3) Authorized non-storm water discharges shall not cause or contribute to a violation of the water quality objectives in Chapter II of the Ocean Plan nor alter natural ocean water quality in an ASBS.
2. Compliance Plans for Inclusion in Storm Water Management Plans (SWMP) and Storm Water Pollution Prevention Plans (SWPPP).

The discharger shall specifically address the prohibition of non-storm water runoff and the requirement to maintain natural water quality for storm water discharges to an ASBS in an ASBS Compliance Plan to be included in its SWMP or a SWPPP, as appropriate to permit type. If a statewide permit includes a SWMP, then the discharger shall prepare a stand-alone

compliance plan for ASBS discharges. The ASBS Compliance Plan is subject to approval by the Executive Director of the State Water Board (statewide permits) or Executive Officer of the Regional Water Board (for permits issued by Regional Water Boards).

- a. The Compliance Plan shall include a map of surface drainage of storm water runoff, showing areas of sheet runoff, prioritize discharges, and describe any structural Best Management Practices (BMPs) already employed and/or BMPs to be employed in the future. Priority discharges are those that pose the greatest water quality threat and which are identified to require installation of structural BMPs. The map shall also show the storm water conveyances in relation to other features such as service areas, sewage conveyances and treatment facilities, landslides, areas prone to erosion, and waste and hazardous material storage areas, if applicable. The SWMP or SWPPP shall also include a procedure for updating the map and plan when changes are made to the storm water conveyance facilities.
- b. The ASBS Compliance Plan shall describe the measures by which all non-authorized non-storm water runoff (e.g., dry weather flows) has been eliminated, how these measures will be maintained over time, and how these measures are monitored and documented.
- c. For Municipal Separate Storm Sewer System (MS4s), the ASBS Compliance Plan shall require minimum inspection frequencies as follows:
  - (1) The minimum inspection frequency for construction sites shall be weekly during rainy season;
  - (2) The minimum inspection frequency for industrial facilities shall be monthly during the rainy season;
  - (3) The minimum inspection frequency for commercial facilities (e.g., restaurants) shall be twice during the rainy season; and
  - (4) Storm water outfall drains equal to or greater than 18 inches (457 mm) in diameter or width shall be inspected once prior to the beginning of the rainy season and once during the rainy season and maintained to remove trash and other anthropogenic debris.
- d. The ASBS Compliance Plan shall address storm water discharges (wet weather flows) and, in particular, describe how pollutant reductions in storm water runoff, that are necessary to comply with these special conditions, will be achieved through BMPs. Structural BMPs need not be installed if the discharger can document to the satisfaction of the State Water Board Executive Director (statewide permits) or Regional Water Board Executive Officer (Regional Water Board permits) that such installation would pose a threat to health or safety. BMPs to control storm water runoff discharges (at the end-of-pipe) during a design storm shall be designed to achieve on average the following target levels:
  - (1) Table B Instantaneous Maximum Water Quality Objectives in Chapter II of the Ocean Plan; or

- (2) A 90% reduction in pollutant loading during storm events, for the applicant's total discharges.

The baseline for these determinations is the effective date of the Exception, except for those structural BMPs installed between January 1, 2005 and adoption of these Special Protections, and the reductions must be achieved and documented within four (4) years of the effective date.

- e. The ASBS Compliance Plan shall address erosion control and the prevention of anthropogenic sedimentation in ASBS. The natural habitat conditions in the ASBS shall not be altered as a result of anthropogenic sedimentation.
- f. The ASBS Compliance Plan shall describe the non-structural BMPs currently employed and planned in the future (including those for construction activities), and include an implementation schedule. The ASBS Compliance Plan shall include non-structural BMPs that address public education and outreach. Education and outreach efforts must adequately inform the public that direct discharges of pollutants from private property not entering an MS4 are prohibited. The ASBS Compliance Plan shall also describe the structural BMPs, including any low impact development (LID) measures, currently employed and planned for higher threat discharges and include an implementation schedule. To control storm water runoff discharges (at the end-of-pipe) during a design storm, permittees must first consider, and use where feasible, LID practices to infiltrate, use, or evapotranspire storm water runoff on-site, if LID practices would be the most effective at reducing pollutants from entering the ASBS.
- g. The BMPs and implementation schedule shall be designed to ensure that natural water quality conditions in the receiving water are achieved and maintained by either reducing flows from impervious surfaces or reducing pollutant loading, or some combination thereof.
- h. If the results of the receiving water monitoring described in IV.B. of these special conditions indicate that the storm water runoff is causing or contributing to an alteration of natural ocean water quality in the ASBS, the discharger shall submit a report to the State Water Board and Regional Water Board within 30 days of receiving the results.
  - (1) The report shall identify the constituents in storm water runoff that alter natural ocean water quality and the sources of these constituents.
  - (2) The report shall describe BMPs that are currently being implemented, BMPs that are identified in the SWMP or SWPPP for future implementation, and any additional BMPs that may be added to the SWMP or SWPPP to address the alteration of natural water quality. The report shall include a new or modified implementation schedule for the BMPs.
  - (3) Within 30 days of the approval of the report by the State Water Board Executive Director (statewide permits) or Regional Water Board Executive Officer (Regional Water Board permits), the discharger shall revise its ASBS Compliance Plan to incorporate any new or modified BMPs that have been or will be implemented, the implementation schedule, and any additional monitoring required.

(4) As long as the discharger has complied with the procedures described above and is implementing the revised SWMP or SWPPP, the discharger does not have to repeat the same procedure for continuing or recurring exceedances of natural ocean water quality conditions due to the same constituent.

(5) The requirements of this section are in addition to the terms, prohibitions, and conditions contained in these Special Protections.

### 3. Compliance Schedule

- a. On the effective date of the Exception, all non-authorized non-storm water discharges (e.g., dry weather flow) are effectively prohibited.
- b. Within eighteen (18) months from the effective date of the Exception, the discharger shall submit a draft written ASBS Compliance Plan to the State Water Board Executive Director (statewide permits) or Regional Water Board Executive Officer (Regional Water Board permits) that describes its strategy to comply with these special conditions, including the requirement to maintain natural water quality in the affected ASBS. The ASBS Compliance Plan shall include a description of appropriate non-structural controls and a time schedule to implement structural controls (implementation schedule) to comply with these special conditions for inclusion in the discharger's SWMP or SWPPP, as appropriate to permit type. The final ASBS Compliance Plan, including a description and final schedule for structural controls based on the results of runoff and receiving water monitoring, must be submitted within thirty (30) months from the effective date of the Exception.
- c. Within 18 months of the effective date of the Exception, any non-structural controls that are necessary to comply with these special conditions shall be implemented.
- d. Within six (6) years of the effective date of the Exception, any structural controls identified in the ASBS Compliance Plan that are necessary to comply with these special conditions shall be operational.
- e. Within six (6) years of the effective date of the Exception, all dischargers must comply with the requirement that their discharges into the affected ASBS maintain natural ocean water quality. If the initial results of post-storm receiving water quality testing indicate levels higher than the 85<sup>th</sup> percentile threshold of reference water quality data and the pre-storm receiving water levels, then the discharger must re-sample the receiving water pre- and post-storm. If after re-sampling the post-storm levels are still higher than the 85<sup>th</sup> percentile threshold of reference water quality data, and the pre-storm receiving water levels, for any constituent, then natural ocean water quality is exceeded. See attached Flowchart.
- f. The Executive Director of the State Water Board (statewide permits) or Executive Officer of the Regional Water Board (Regional Water Board permits) may only authorize additional time to comply with the special conditions d. and e., above if good cause exists to do so. Good cause means a physical impossibility or lack of funding.  
  
If a discharger claims physical impossibility, it shall notify the Board in writing within thirty (30) days of the date that the discharger first knew of the event or circumstance that caused or would cause it to fail to meet the deadline in d. or e. The notice shall describe

the reason for the noncompliance or anticipated noncompliance and specifically refer to this Section of this Exception. It shall describe the anticipated length of time the delay in compliance may persist, the cause or causes of the delay as well as measures to minimize the impact of the delay on water quality, the measures taken or to be taken by the discharger to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The discharger shall adopt all reasonable measures to avoid and minimize such delays and their impact on water quality.

The discharger may request an extension of time for compliance based on lack of funding. The request for an extension shall require:

1. for municipalities, a demonstration of significant hardship to discharger ratepayers, by showing the relationship of storm water fees to annual household income for residents within the discharger's jurisdictional area, and the discharger has made timely and complete applications for all available bond and grant funding, and either no bond or grant funding is available, or bond and/or grant funding is inadequate; or
2. for other governmental agencies, a demonstration and documentation of a good faith effort to acquire funding through that agency's budgetary process, and a demonstration that funding was unavailable or inadequate.

## **B. NONPOINT SOURCE DISCHARGES**

### **1. General Provisions for Nonpoint Sources**

- a. Existing nonpoint source waste discharges are allowed into an ASBS only under the following conditions:
  - (1) The discharges are authorized under waste discharge requirements, a conditional waiver of waste discharge requirements, or a conditional prohibition issued by the State Water Board or a Regional Water Board.
  - (2) The discharges are in compliance with the applicable terms, prohibitions, and special conditions contained in these Special Protections.
  - (3) The discharges:
    - (i) Are essential for flood control or slope stability, including roof, landscape, road, and parking lot drainage;
    - (ii) Are designed to prevent soil erosion;
    - (iii) Occur only during wet weather;
    - (iv) Are composed of only storm water runoff.
- b. Discharges composed of storm water runoff shall not alter natural ocean water quality in an ASBS.

- c. The discharge of trash is prohibited.
- d. Only existing nonpoint source waste discharges are allowed. "Existing nonpoint source waste discharges" are discharges that were ongoing prior to January 1, 2005. "New nonpoint source discharges" are defined as those that commenced on or after January 1, 2005. A change to an existing nonpoint source discharge, in terms of relocation or alteration, in order to comply with these special conditions, is allowed and does not constitute a new discharge.
- e. Non-storm water discharges from nonpoint sources (those not subject to an NPDES Permit) are prohibited except as provided below:
- (1) The term "non-storm water discharges" means any waste discharges that are not composed entirely of storm water.
  - (2) The following non-storm water discharges are allowed, provided that the discharges are essential for emergency response purposes, structural stability, slope stability, or occur naturally:
    - (i) Discharges associated with emergency fire fighting operations.
    - (ii) Foundation and footing drains.
    - (iii) Water from crawl space or basement pumps.
    - (iv) Hillside dewatering.
    - (v) Naturally occurring groundwater seepage via a storm drain.
    - (vi) Non-anthropogenic flows from a naturally occurring stream via a culvert or storm drain, as long as there are no contributions of anthropogenic runoff.
  - (3) Authorized non-storm water discharges shall not cause or contribute to a violation of the water quality objectives in Chapter II of the Ocean Plan nor alter natural ocean water quality in an ASBS.
- f. At the San Clemente Island ASBS, discharges incidental to military training and research, development, test, and evaluation operations are allowed. Discharges incidental to underwater demolition and other in-water explosions are not allowed in the two military closure areas in the vicinity of Wilson Cove and Castle Rock. Discharges must not result in a violation of the water quality objectives, including the protection of the marine aquatic life beneficial use, anywhere in the ASBS.
- g. At the San Nicolas Island and Begg Rock ASBS, discharges incidental to military research, development, testing, and evaluation of, and training with, guided missile and other weapons systems, fleet training exercises, small-scale amphibious warfare training, and special warfare training are allowed. Discharges incidental to underwater demolition and other in-water explosions are not allowed. Discharges must not result in a violation of the water quality objectives, including the protection of the marine aquatic life beneficial use, anywhere in the ASBS.

- h. All other nonpoint source discharges not specifically authorized above are prohibited.

## 2. Planning and Reporting

- a. The nonpoint source discharger shall develop an ASBS Pollution Prevention Plan, including an implementation schedule, to address storm water runoff and any other nonpoint source discharges from its facilities. The ASBS Pollution Prevention Plan must be equivalent in contents to an ASBS Compliance Plan as described in I (A)(2) in this document. The ASBS Pollution Prevention Plan is subject to approval by the Executive Director of the State Water Board (statewide waivers or waste discharge requirements) or Executive Officer of the Regional Water Board (Regional Water Board waivers or waste discharge requirements).
- b. The ASBS Pollution Prevention Plan shall address storm water discharges (wet weather flows) and, in particular, describe how pollutant reductions in storm water runoff that are necessary to comply with these special conditions, will be achieved through Management Measures and associated Management Practices (Management Measures/Practices). Structural BMPs need not be installed if the discharger can document to the satisfaction of the State Water Board Executive Director or Regional Water Board Executive Officer that such installation would pose a threat to health or safety. Management Measures to control storm water runoff during a design storm shall achieve on average the following target levels:

- (1) Table B Instantaneous Maximum Water Quality Objectives in Chapter II of the Ocean Plan; or
- (2) A 90% reduction in pollutant loading during storm events, for the applicant's total discharges.

The baseline for these determinations is the effective date of the Exception, except for those structural BMPs installed between January 1, 2005 and adoption of these Special Protections, and the reductions must be achieved and documented within four (4) years of the effective date.

- c. If the results of the receiving water monitoring described in IV.B. of these special conditions indicate that the storm water runoff or other nonpoint source pollution is causing or contributing to an alteration of natural ocean water quality in the ASBS, the discharger shall submit a report to the State Water Board and the Regional Water Board within 30 days of receiving the results.
  - (1) The report shall identify the constituents that alter natural water quality and the sources of these constituents.
  - (2) The report shall describe Management Measures/Practices that are currently being implemented, Management Measures/Practices that are identified in the ASBS Pollution Prevention Plan for future implementation, and any additional Management Measures/Practices that may be added to the Pollution Prevention Plan to address the alteration of natural water quality. The report shall include a new or modified implementation schedule for the Management Measures/Practices.

- (3) Within 30 days of the approval of the report by the State Water Board Executive Director (statewide waivers or waste discharge requirements) or Executive Officer of the Regional Water Board (Regional Water Board waivers or waste discharge requirements), the discharger shall revise its ASBS Pollution Prevention Plan to incorporate any new or modified Management Measures/Practices that have been or will be implemented, the implementation schedule, and any additional monitoring required.
- (4) As long as the discharger has complied with the procedures described above and is implementing the revised ASBS Pollution Prevention Plan, the discharger does not have to repeat the same procedure for continuing or recurring exceedances of natural water quality conditions due to the same constituent.
- (5) The requirements of this section are in addition to the terms, prohibitions, and conditions contained in these Special Protections.

### 3. Compliance Schedule

- a. On the effective date of the Exception, all non-authorized non-storm water discharges (e.g., dry weather flow) are effectively prohibited.
- b. Within eighteen (18) months from the effective date of the Exception, the dischargers shall submit a draft written ASBS Pollution Prevention Plan to the State Water Board Executive Director (statewide waivers or waste discharge requirements) or Executive Officer of the Regional Water Board (Regional Water Board waivers or waste discharge requirements) that describes its strategy to comply with these special conditions, including the requirement to maintain natural ocean water quality in the affected ASBS. The Pollution Prevention Plan shall include a description of appropriate non-structural controls and a time schedule to implement structural controls to comply with these special conditions for inclusion in the discharger's Pollution Prevention Plan. The final ASBS Pollution Prevention Plan, including a description and final schedule for structural controls based on the results of runoff and receiving water monitoring, must be submitted within thirty (30) months from the effective date of the Exception.
- c. Within 18 months of the effective date of the Exception, any non-structural controls that are necessary to comply with these Special Protections shall be implemented.
- d. Within six (6) years of the effective date of the Exception, any structural controls identified in the ASBS Pollution Prevention Plan that are necessary to comply with these special conditions shall be operational.
- e. Within six (6) years of the effective date of the Exception, all dischargers must comply with the requirement that their discharges into the affected ASBS maintain natural ocean water quality. If the initial results of post-storm receiving water quality testing indicate levels higher than the 85<sup>th</sup> percentile threshold of reference water quality data and the pre-storm receiving water levels, then the discharger must re-sample the receiving water pre- and post-storm. If after re-sampling the post-storm levels are still higher than the 85<sup>th</sup> percentile threshold of reference water quality data and the pre-storm receiving water levels, for any constituent, then natural ocean water quality is exceeded. See attached Flowchart.

- f. The Executive Director of the State Water Board (statewide waivers or waste discharge requirements) or Executive Officer of the Regional Water Board (Regional Water Board waivers or waste discharge requirements) may only authorize additional time to comply with the special conditions d. and e., above if good cause exists to do so. Good cause means a physical impossibility or lack of funding.

If a discharger claims physical impossibility, it shall notify the Board in writing within thirty (30) days of the date that the discharger first knew of the event or circumstance that caused or would cause it to fail to meet the deadline in d. or e. The notice shall describe the reason for the noncompliance or anticipated noncompliance and specifically refer to this Section of this Exception. It shall describe the anticipated length of time the delay in compliance may persist, the cause or causes of the delay as well as measures to minimize the impact of the delay on water quality, the measures taken or to be taken by the discharger to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The discharger shall adopt all reasonable measures to avoid and minimize such delays and their impact on water quality.

The discharger may request an extension of time for compliance based on lack of funding. The request for an extension shall require:

1. a demonstration that the discharger has made timely and complete applications for all available bond and grant funding, and either no bond or grant funding is available, or bond and/or grant funding is inadequate; or
2. for governmental agencies, a demonstration and documentation of a good faith effort to acquire funding through that agency's budgetary process, and a demonstration that funding was unavailable or inadequate.

## II. ADDITIONAL REQUIREMENTS FOR PARKS AND RECREATION FACILITIES

In addition to the provisions in Section I (A) or I (B), respectively, a discharger with parks and recreation facilities shall comply with the following:

- A. The discharger shall include a section in an ASBS Compliance Plan (for NPDES dischargers) or an ASBS Pollution Prevention Plan (for nonpoint source dischargers) to address storm water runoff from parks and recreation facilities.
1. The plan shall identify all pollutant sources, including sediment sources, which may result in waste entering storm water runoff. Pollutant sources include, but are not limited to, roadside rest areas and vistas, picnic areas, campgrounds, trash receptacles, maintenance facilities, park personnel housing, portable toilets, leach fields, fuel tanks, roads, piers, and boat launch facilities.
  2. The plan shall describe BMPs or Management Measures/Practices that will be implemented to control soil erosion (both temporary and permanent erosion controls) and reduce or eliminate pollutants in storm water runoff in order to achieve and maintain natural water quality conditions in the affected ASBS. The plan shall include BMPs or

Management Measures/Practices to ensure that trails and culverts are maintained to prevent erosion and minimize waste discharges to ASBS.

3. The plan shall include BMPs or Management Measures/Practices to prevent the discharge of pesticides or other chemicals, including agricultural chemicals, in storm water runoff to the affected ASBS.
  4. The plan shall include BMPs or Management Measures/Practices that address public education and outreach. The goal of these BMPs or Management Measures/Practices is to ensure that the public is adequately informed that waste discharges to the affected ASBS are prohibited or limited by special conditions in these Special Protections. The BMPs or Management Measures/Practices shall include signage at camping, picnicking, beach and roadside parking areas, and visitor centers, or other appropriate measures, which notify the public of any applicable requirements of these Special Protections and identify the ASBS boundaries.
  5. The plan shall include BMPs or Management Measures/Practices that address the prohibition against the discharge of trash to ASBS. The BMPs or Management Measures/Practices shall include measures to ensure that adequate trash receptacles are available for public use at visitor facilities, including parking areas, and that the receptacles are adequately maintained to prevent trash discharges into the ASBS. Appropriate measures include covering trash receptacles to prevent trash from being wind blown and periodically emptying the receptacles to prevent overflows.
  6. The plan shall include BMPs or Management Measures/Practices to address runoff from parking areas and other developed features to ensure that the runoff does not alter natural water quality in the affected ASBS. BMPs or Management Measures/Practices shall include measures to reduce pollutant loading in runoff to the ASBS through installation of natural area buffers (LID), treatment, or other appropriate measures.
- B. Maintenance and repair of park and recreation facilities must not result in waste discharges to the ASBS. The practice of road oiling must be minimized or eliminated, and must not result in waste discharges to the ASBS.

### III. ADDITIONAL REQUIREMENTS – WATERFRONT AND MARINE OPERATIONS

In addition to the provisions in Section I (A) or I (B), respectively, a discharger with waterfront and marine operations shall comply with the following:

- A. For discharges related to waterfront and marine operations, the discharger shall develop a Waterfront and Marine Operations Management Plan (Waterfront Plan). This plan shall contain appropriate Management Measures/Practices to address nonpoint source pollutant discharges to the affected ASBS.
  1. The Waterfront Plan shall contain appropriate Management Measures/Practices for any waste discharges associated with the operation and maintenance of vessels, moorings, piers, launch ramps, and cleaning stations in order to ensure that beneficial uses are protected and natural water quality is maintained in the affected ASBS.

2. For discharges from marinas and recreational boating activities, the Waterfront Plan shall include appropriate Management Measures, described in The Plan for California's Nonpoint Source Pollution Control Program, for marinas and recreational boating, or equivalent practices, to ensure that nonpoint source pollutant discharges do not alter natural water quality in the affected ASBS.
  3. The Waterfront Plan shall include Management Practices to address public education and outreach to ensure that the public is adequately informed that waste discharges to the affected ASBS are prohibited or limited by special conditions in these Special Protections. The management practices shall include appropriate signage, or similar measures, to inform the public of the ASBS restrictions and to identify the ASBS boundaries.
  4. The Waterfront Plan shall include Management Practices to address the prohibition against trash discharges to ASBS. The Management Practices shall include the provision of adequate trash receptacles for marine recreation areas, including parking areas, launch ramps, and docks. The plan shall also include appropriate Management Practices to ensure that the receptacles are adequately maintained and secured in order to prevent trash discharges into the ASBS. Appropriate Management Practices include covering the trash receptacles to prevent trash from being windblown, staking or securing the trash receptacles so they don't tip over, and periodically emptying the receptacles to prevent overflow.
  5. The discharger shall submit its Waterfront Plan to the by the State Water Board Executive Director (statewide waivers or waste discharge requirements) or Executive Officer of the Regional Water Board (Regional Water Board waivers or waste discharge requirements) within six months of the effective date of these special conditions. The Waterfront Plan is subject to approval by the State Water Board Executive Director or the Regional Water Board Executive Officer, as appropriate. The plan must be fully implemented within 18 months of the effective date of the Exception.
- B. The discharge of chlorine, soaps, petroleum, other chemical contaminants, trash, fish offal, or human sewage to ASBS is prohibited. Sinks and fish cleaning stations are point source discharges of wastes and are prohibited from discharging into ASBS. Anthropogenic accumulations of discarded fouling organisms on the sea floor must be minimized.
  - C. Limited-term activities, such as the repair, renovation, or maintenance of waterfront facilities, including, but not limited to, piers, docks, moorings, and breakwaters, are authorized only in accordance with Chapter III.E.2 of the Ocean Plan.
  - D. If the discharger anticipates that the discharger will fail to fully implement the approved Waterfront Plan within the 18 month deadline, the discharger shall submit a technical report as soon as practicable to the State Water Board Executive Director or the Regional Water Board Executive Officer, as appropriate. The technical report shall contain reasons for failing to meet the deadline and propose a revised schedule to fully implement the plan.
  - E. The State Water Board or the Regional Water Board may, for good cause, authorize additional time to comply with the Waterfront Plan. Good cause means a physical impossibility or lack of funding.

If a discharger claims physical impossibility, it shall notify the Board in writing within thirty (30) days of the date that the discharger first knew of the event or circumstance that caused or would cause it to fail to meet the deadline in Section III.A.5. The notice shall describe the reason for the noncompliance or anticipated noncompliance and specifically refer to this Section of this Exception. It shall describe the anticipated length of time the delay in compliance may persist, the cause or causes of the delay as well as measures to minimize the impact of the delay on water quality, the measures taken or to be taken by the discharger to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The discharger shall adopt all reasonable measures to avoid and minimize such delays and their impact on water quality. The discharger may request an extension of time for compliance based on lack of funding. The request for an extension shall require:

1. a demonstration of significant hardship by showing that the discharger has made timely and complete applications for all available bond and grant funding, and either no bond or grant funding is available, or bond and/or grant funding is inadequate.
2. for governmental agencies, a demonstration and documentation of a good faith effort to acquire funding through that agency's budgetary process, and a demonstration that funding was unavailable or inadequate.

#### IV. MONITORING REQUIREMENTS

Monitoring is mandatory for all dischargers to assure compliance with the Ocean Plan. Monitoring requirements include both: (A) core discharge monitoring, and (B) ocean receiving water monitoring. The State and Regional Water Boards must approve sampling site locations and any adjustments to the monitoring programs. All ocean receiving water and reference area monitoring must be comparable with the Water Boards' Surface Water Ambient Monitoring Program (SWAMP).

**Safety concerns:** Sample locations and sampling periods must be determined considering safety issues. Sampling may be postponed upon notification to the State and Regional Water Boards if hazardous conditions prevail.

**Analytical Chemistry Methods:** All constituents must be analyzed using the lowest minimum detection limits comparable to the Ocean Plan water quality objectives. For metal analysis, all samples, including storm water effluent, reference samples, and ocean receiving water samples, must be analyzed by the approved analytical method with the lowest minimum detection limits (currently Inductively Coupled Plasma/Mass Spectrometry) described in the Ocean Plan.

##### A. CORE DISCHARGE MONITORING PROGRAM

1. General sampling requirements for timing and storm size:

Runoff must be collected during a storm event that is greater than 0.1 inch and generates runoff, and at least 72 hours from the previously measurable storm event. Runoff samples shall be collected during the same storm and at approximately the same time when post-

storm receiving water is sampled, and analyzed for the same constituents as receiving water and reference site samples (see section IV B) as described below.

2. Runoff flow measurements

- a. For municipal/industrial storm water outfalls in existence as of December 31, 2007, 18 inches (457mm) or greater in diameter/width (including multiple outfall pipes in combination having a width of 18 inches, runoff flows must be measured or calculated, using a method acceptable to and approved by the State and Regional Water Boards.
- b. This will be reported annually for each precipitation season to the State and Regional Water Boards.

3. Runoff samples – storm events

- a. For outfalls equal to or greater than 18 inches (0.46m) in diameter or width:
  - (1) samples of storm water runoff shall be collected during the same storm as receiving water samples and analyzed for oil and grease, total suspended solids, and, within the range of the southern sea otter indicator bacteria or some other measure of fecal contamination; and
  - (2) samples of storm water runoff shall be collected and analyzed for critical life stage chronic toxicity (one invertebrate or algal species) at least once during each storm season when receiving water is sampled in the ASBS.
  - (3) If an applicant has no outfall greater than 36 inches, then storm water runoff from the applicant's largest outfall shall be further collected during the same storm as receiving water samples and analyzed for Ocean Plan Table B metals for protection of marine life, Ocean Plan polynuclear aromatic hydrocarbons (PAHs), current use pesticides (pyrethroids and OP pesticides), and nutrients (ammonia, nitrate and phosphates).
- b. For outfalls equal to or greater than 36 inches (0.91m) in diameter or width:
  - (1) samples of storm water runoff shall be collected during the same storm as receiving water samples and analyzed for oil and grease, total suspended solids, and, within the range of the southern sea otter indicator bacteria or some other measure of fecal contamination; and
  - (2) samples of storm water runoff shall be further collected during the same storm as receiving water samples and analyzed for Ocean Plan Table B metals for protection of marine life, Ocean Plan polynuclear aromatic hydrocarbons (PAHs), current use pesticides (pyrethroids and OP pesticides), and nutrients (ammonia, nitrate and phosphates); and
  - (3) samples of storm water runoff shall be collected and analyzed for critical life stage chronic toxicity (one invertebrate or algal species) at least once during each storm season when receiving water is sampled in the ASBS.

- b. For an applicant not participating in a regional monitoring program [see below in Section IV (B)] in addition to (a.) and (b.) above, a minimum of the two largest outfalls or 20 percent of the larger outfalls, whichever is greater, shall be sampled (flow weighted composite samples) at least three times annually during wet weather (storm event) and analyzed for all Ocean Plan Table A constituents, Table B constituents for marine aquatic life protection (except for toxicity, only chronic toxicity for three species shall be required), DDT, PCBs, Ocean Plan PAHs, OP pesticides, pyrethroids, nitrates, phosphates, and Ocean Plan indicator bacteria. For parties discharging to ASBS in more than one Regional Water Board region, at a minimum, one (the largest) such discharge shall be sampled annually in each Region.
4. The Executive Director of the State Water Board (statewide permits) or Executive Officer of the Regional Water Board (Regional Water Board permits) may reduce or suspend core monitoring once the storm runoff is fully characterized. This determination may be made at any point after the discharge is fully characterized, but is best made after the monitoring results from the first permit cycle are assessed.

#### **B. Ocean Receiving Water and Reference Area Monitoring Program**

In addition to performing the Core Discharge Monitoring Program in Section II.A above, all applicants having authorized discharges must perform ocean receiving water monitoring. In order to fulfill the requirements for monitoring the physical, chemical, and biological characteristics of the ocean receiving waters within their ASBS, dischargers may choose either (1) an individual monitoring program, or (2) participation in a regional integrated monitoring program.

1. Individual Monitoring Program: The requirements listed below are for those dischargers who elect to perform an individual monitoring program to fulfill the requirements for monitoring the physical, chemical, and biological characteristics of the ocean receiving waters within the affected ASBS. In addition to Core Discharge Monitoring, the following additional monitoring requirements shall be met:
  - a. Three times annually, during wet weather (storm events), the receiving water at the point of discharge from the outfalls described in section (IV)(A)(3)(c) above shall be sampled and analyzed for Ocean Plan Table A constituents, Table B constituents for marine aquatic life, DDT, PCBs, Ocean Plan PAHs, OP pesticides, pyrethroids, nitrates, phosphates, salinity, chronic toxicity (three species), and Ocean Plan indicator bacteria.

The sample location for the ocean receiving water shall be in the surf zone at the point of discharges; this must be at the same location where storm water runoff is sampled. Receiving water shall be sampled prior to (pre-storm) and during (or immediately after) the same storm (post-storm). Post storm sampling shall be during the same storm and at approximately the same time as when the runoff is sampled. Reference water quality shall also be sampled three times annually and analyzed for the same constituents pre-storm and post-storm, during the same storm seasons when receiving water is sampled. Reference stations will be determined by the State Water Board's Division of Water Quality and the applicable Regional Water Board(s).
  - b. Sediment sampling shall occur at least three times during every five (5) year period. The subtidal sediment (sand or finer, if present) at the discharge shall be sampled and analyzed for Ocean Plan Table B constituents for marine aquatic life, DDT, PCBs, PAHs,

pyrethroids, and OP pesticides. For sediment toxicity testing, only an acute toxicity test using the amphipod *Eohaustorius estuarius* must be performed.

- c. A quantitative survey of intertidal benthic marine life shall be performed at the discharge and at a reference site. The survey shall be performed at least once every five (5) year period. The survey design is subject to approval by the Regional Water Board and the State Water Board's Division of Water Quality. The results of the survey shall be completed and submitted to the State Water Board and Regional Water Board at least six months prior to the end of the permit cycle.
  - d. Once during each five (5) year period, a bioaccumulation study shall be conducted to determine the concentrations of metals and synthetic organic pollutants at representative discharge sites and at representative reference sites. The study design is subject to approval by the Regional Water Board and the State Water Board's Division of Water Quality. The bioaccumulation study may include California mussels (*Mytilus californianus*) and/or sand crabs (*Emerita analoga* or *Blepharipoda occidentalis*). Based on the study results, the Regional Water Board and the State Water Board's Division of Water Quality, may adjust the study design in subsequent permits, or add or modify additional test organisms (such as shore crabs or fish), or modify the study design appropriate for the area and best available sensitive measures of contaminant exposure.
  - e. Marine Debris: Representative quantitative observations for trash by type and source shall be performed along the coast of the ASBS within the influence of the discharger's outfalls. The design, including locations and frequency, of the marine debris observations is subject to approval by the Regional Water Board and State Water Board's Division of Water Quality.
  - f. The monitoring requirements of the Individual Monitoring Program in this section are minimum requirements. After a minimum of one (1) year of continuous water quality monitoring of the discharges and ocean receiving waters, the Executive Director of the State Water Board (statewide permits) or Executive Officer of the Regional Water Board (Regional Water Board permits) may require additional monitoring, or adjust, reduce or suspend receiving water and reference station monitoring. This determination may be made at any point after the discharge and receiving water is fully characterized, but is best made after the monitoring results from the first permit cycle are assessed.
2. Regional Integrated Monitoring Program: Dischargers may elect to participate in a regional integrated monitoring program, in lieu of an individual monitoring program, to fulfill the requirements for monitoring the physical, chemical, and biological characteristics of the ocean receiving waters within their ASBS. This regional approach shall characterize natural water quality, pre- and post-storm, in ocean reference areas near the mouths of identified open space watersheds and the effects of the discharges on natural water quality (physical, chemical, and toxicity) in the ASBS receiving waters, and should include benthic marine aquatic life and bioaccumulation components. The design of the ASBS stratum of a regional integrated monitoring program may deviate from the otherwise prescribed individual monitoring approach (in Section IV.B.1) if approved by the State Water Board's Division of Water Quality and the Regional Water Boards.
- a. Ocean reference areas shall be located at the drainages of flowing watersheds with minimal development (in no instance more than 10% development), and shall not be located in CWA Section 303(d) listed waterbodies or have tributaries that are 303(d)

- listed. Reference areas shall be free of wastewater discharges and anthropogenic non-storm water runoff. A minimum of low threat storm runoff discharges (e.g. stream highway overpasses and campgrounds) may be allowed on a case-by-case basis. Reference areas shall be located in the same region as the ASBS receiving water monitoring occurs. The reference areas for each Region are subject to approval by the participants in the regional monitoring program and the State Water Board's Division of Water Quality and the applicable Regional Water Board(s). A minimum of three ocean reference water samples must be collected from each station, each from a separate storm during the same storm season that receiving water is sampled. A minimum of one reference location shall be sampled for each ASBS receiving water site sampled per responsible party. For parties discharging to ASBS in more than one Regional Water Board region, at a minimum, one reference station and one receiving water station shall be sampled in each region.
- b. ASBS ocean receiving water must be sampled in the surf zone at the location where the runoff makes contact with ocean water (i.e. at "point zero"). Ocean receiving water stations must be representative of worst-case discharge conditions (i.e. co-located at a large drain greater than 36 inches, or if drains greater than 36 inches are not present in the ASBS then the largest drain greater than 18 inches.) Ocean receiving water stations are subject to approval by the participants in the regional monitoring program and the State Water Board's Division of Water Quality and the applicable Regional Water Board(s). A minimum of three ocean receiving water samples must be collected during each storm season from each station, each from a separate storm. A minimum of one receiving water location shall be sampled in each ASBS per responsible party in that ASBS. For parties discharging to ASBS in more than one Regional Water Board region, at a minimum, one reference station and one receiving water station shall be sampled in each region.
- c. Reference and receiving water sampling shall commence during the first full storm season following the adoption of these special conditions, and post-storm samples shall be collected during the same storm event when storm water runoff is sampled. Sampling shall occur in a minimum of two storm seasons. For those ASBS dischargers that have already participated in the Southern California Bight 2008 ASBS regional monitoring effort, sampling may be limited to only one storm season.
- d. Receiving water and reference samples shall be analyzed for the same constituents as storm water runoff samples. At a minimum, constituents to be sampled and analyzed in reference and discharge receiving waters must include oil and grease, total suspended solids, Ocean Plan Table B metals for protection of marine life, Ocean Plan PAHs, pyrethroids, OP pesticides, ammonia, nitrate, phosphates, and critical life stage chronic toxicity for three species. In addition, within the range of the southern sea otter, indicator bacteria or some other measure of fecal contamination shall be analyzed.
3. Waterfront and Marine Operations: In addition to the above requirements for ocean receiving water monitoring, additional monitoring must be performed for marinas and boat launch and pier facilities.
- a. For all marina or mooring field operators, in mooring fields with 10 or more occupied moorings, the ocean receiving water must be sampled for Ocean Plan indicator bacteria, residual chlorine, copper, zinc, grease and oil, methylene blue active substances (MBAS), and ammonia nitrogen.

- (1) For mooring field operators opting for an individual monitoring program (Section IV.B.1 above), this sampling must occur weekly (on the weekend) from May through October.
  - (2) For mooring field operators opting to participate in a regional integrated monitoring program (Section IV.B.2 above), this sampling must occur monthly from May through October on a high use weekend in each month. The Water Boards may allow a reduction in the frequency of sampling, through the regional monitoring program, after the first year of monitoring.
- b. For all mooring field operators, the subtidal sediment (sand or finer, if present) within mooring fields and below piers shall be sampled and analyzed for Ocean Plan Table B metals (for marine aquatic life beneficial use), acute toxicity, PAHs, and tributyltin. For sediment toxicity testing, only an acute toxicity test using the amphipod *Eohaustorius estuarius* must be performed. This sampling shall occur at least three times during a five (5) year period. For mooring field operators opting to participate in a regional integrated monitoring program, the Water Boards may allow a reduction in the frequency of sampling after the first sampling effort's results are assessed.

## Glossary

**At the point of discharge(s)** – Means in the surf zone immediately where runoff from an outfall meets the ocean water (a.k.a., at point zero).

**Areas of Special Biological Significance (ASBS)** – Those areas designated by the State Water Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. All Areas of Special Biological Significance are also classified as a subset of State Water Quality Protection Areas.

**Design storm** – For purposes of these Special Protections, a design storm is defined as the volume of runoff produced from one inch of precipitation per day or, if this definition is inconsistent with the discharger's applicable storm water permit, then the design storm shall be the definition included in the discharger's applicable storm water permit.

**Development** – Relevant to reference monitoring sites, means urban, industrial, agricultural, grazing, mining, and timber harvesting land uses.

**Higher threat discharges** - Permitted storm drains discharging equal to or greater than 18 inches, industrial storm drains, agricultural runoff discharged through an MS4, discharges associated with waterfront and marina operations (e.g., piers, launch ramps, mooring fields, and associated vessel support activities, except for passive discharges defined below), and direct discharges associated with commercial or industrial activities to ASBS.

**Low Impact Development (LID)** – A sustainable practice that benefits water supply and contributes to water quality protection. Unlike traditional storm water management, which entails collecting and conveying storm water runoff through storm drains, pipes, or other conveyances to a centralized storm water facility, LID focuses on using site design and storm water management to maintain the site's pre-development runoff rates and volumes. The goal of LID is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source of rainfall.

**Marine Operations** – Marinas or mooring fields that contain slips or mooring locations for 10 or more vessels.

**Management Measure (MM)** - Economically achievable measures for the control of the addition of pollutants from various classes of nonpoint sources of pollution, which reflect the greatest degree of pollutant reduction achievable through the application of the best available nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives. For example, in the "marinas and recreational boating" land-use category specified in the Plan for California's Nonpoint Source Pollution Control Program (NPS Program Plan) (SWRCB, 1999), "boat cleaning and maintenance" is considered a MM or the source of a specific class or type of NPS pollution.

**Management Practice (MP)** - The practices (e.g., structural, non-structural, operational, or other alternatives) that can be used either individually or in combination to address a specific MM class or classes of NPS pollution. For example, for the "boat cleaning and maintenance" MM, specific MPs can include, but are not limited to, methods for the selection of environmentally sensitive hull paints or methods for cleaning/removal of hull copper anti-fouling paints.

Municipal Separate Storm Sewer System (MS4) – A municipally-owned storm sewer system regulated under the Phase I or Phase II storm water program implemented in compliance with Clean Water Act section 402(p). Note that an MS4 program's boundaries are not necessarily congruent with the permittee's political boundaries.

Natural Ocean Water Quality - The water quality (based on selected physical, chemical and biological characteristics) that is required to sustain marine ecosystems, and which is without apparent human influence, *i.e.*, an absence of significant amounts of: (a) man-made constituents (*e.g.*, DDT); (b) other chemical (*e.g.*, trace metals), physical (temperature/thermal pollution, sediment burial), and biological (*e.g.*, bacteria) constituents at concentrations that have been elevated due to man's activities above those resulting from the naturally occurring processes that affect the area in question; and (c) non-indigenous biota (*e.g.*, invasive algal bloom species) that have been introduced either deliberately or accidentally by man. Discharges "*shall not alter natural ocean water quality*" as determined by a comparison to the range of constituent concentrations in reference areas agreed upon via the regional monitoring program(s). If monitoring information indicates that *natural ocean water quality* is not maintained, but there is sufficient evidence that a discharge is not contributing to the alteration of natural water quality, then the Regional Water Board may make that determination. In this case, sufficient information must include runoff sample data that has equal or lower concentrations for the range of constituents at the applicable reference area(s).

Nonpoint source – Nonpoint pollution sources generally are sources that do not meet the definition of a point source. Nonpoint source pollution typically results from land runoff, precipitation, atmospheric deposition, agricultural drainage, marine/boating operations or hydrologic modification. Nonpoint sources, for purposes of these Special Protections, include discharges that are not required to be regulated under an NPDES permit.

Non-storm water discharge – Any runoff that is not the result of a precipitation event. This is often referred to as "dry weather flow."

Non-structural control – A Best Management Practice that involves operational, maintenance, regulatory (*e.g.*, ordinances) or educational activities designed to reduce or eliminate pollutants in runoff, and that are not structural controls (*i.e.* there are no physical structures involved).

Physical impossibility - Means any act of God, war, fire, earthquake, windstorm, flood or natural catastrophe; unexpected and unintended accidents not caused by discharger or its employees' negligence; civil disturbance, vandalism, sabotage or terrorism; restraint by court order or public authority or agency; or action or non-action by, or inability to obtain the necessary authorizations or approvals from any governmental agency other than the permittee.

Representative sites and monitoring procedures – Are to be proposed by the discharger, with appropriate rationale, and subject to approval by Water Board staff.

Sheet-flow – Runoff that flows across land surfaces at a shallow depth relative to the cross-sectional width of the flow. These types of flow may or may not enter a storm drain system before discharge to receiving waters.

Storm Season – Also referred to as rainy season, means the months of the year from the onset of rainfall during autumn until the cessation of rainfall in the spring.

Structural control – A Best Management Practice that involves the installation of engineering solutions to the physical treatment or infiltration of runoff.

Surf Zone - The surf zone is defined as the submerged area between the breaking waves and the shoreline at any one time.

Surface Water Ambient Monitoring Program (SWAMP) comparable – Means that the monitoring program must 1) meet or exceed 2008 SWAMP Quality Assurance Program Management Plan (QAPP) Measurement Quality Objectives, or 2) have a Quality Assurance Project Plan that has been approved by SWAMP; in addition data must be formatted to match the database requirements of the SWAMP Information Management System. Adherence to the measurement quality objectives in the Southern California Bight 2008 ASBS Regional Monitoring Program QAPP and data base management comprises being SWAMP comparable.

Waterfront Operations - Piers, launch ramps, and cleaning stations in the water or on the adjacent shoreline.

CONSENT AGENDA ITEM

Date: July 11, 2012

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Item: Health Insurance Coverage

Background: The FY 2012-13 budget factored in a 10% increase in projected health benefit premiums, however, the City has been notified that the current plan will increase by 15% on August 1, 2012. The current plan premium costs \$5,597 per month and will increase to \$6,451 per month. The benefits provided by this plan will also change, from a \$1,500 per member annual deductible for certain services to no deductible, and will require co-pays. Because of this substantial cost increase, staff reviewed other plan options. Employees were given the option of continuing with the current plan with the city picking up a 10% increase in the premium, with the employee responsible for covering the remaining 5% increase, or switching to another plan with the City continuing to pick up 100% of the premium costs. The result of this review of costs and coverage options is that all employees have agreed to change from the current health maintenance option (Saver \$20 HMO) plan to a preferred provider option (PPO \$20 Copay) plan. The monthly costs for this premium will be \$5,531, which means the City would actually realize a slight decrease in monthly premium costs.

This change in plan provides for an annual deductible of \$250 (two member maximum) compared to \$1,500 current deductible but going to a zero deductible under the current plan. There is a potential for a higher annual out of pocket maximum \$2,500 single/\$5,000 family under the current plan verses \$4,000 (two member maximum) under the new plan. There is no charge for preventive care under either plan. Inpatient medical services will change from current zero after deductible but going to \$400 copay/day (3 day maximum) under the current plan to 20% after deductible under the new plan. Prescription drug coverages will remain unchanged. An advantage to the change in plans is that employees will gain the ability to self-arrange for specialized services without prior approvals necessary under the health maintenance option.

Proposed Action:

Authorize the change in health insurance plans to the preferred provider \$20 copay option.

Attachments:

Summary of Current Small Group Save \$20 HMO plan  
Summary of Proposed Small Group \$20 Copay Plan

# Your Summary of Benefits

## PPO Copay Plans



### Small Group PPO \$20 Copay Plan

Effective 10/2011

This Summary of Benefits is a brief overview of your plan's benefits only. For more detailed information about the benefits in your plan, please refer to your Certificate of Insurance or Evidence of Coverage (EOC), which explains the full range of covered services, as well as any exclusions and limitations for your plan.

In addition to dollar and percentage copays, members are responsible for deductibles, as described below, members are also responsible for all costs over the plan maximums. Plan maximums and other important information appear in italics. Benefits are subject to all terms, conditions, limitations, and exclusions of the certificate or EOC.

#### Explanation of Maximum Allowed Amount

Maximum Allowed Amount is the total reimbursement payable under the plan for covered services received from Participating and Non-Participating Providers. It is the payment towards the services billed by a provider combined with any applicable deductible, copayment or coinsurance.

**PPO Providers**—The rate the provider has agreed to accept as reimbursement for covered services. Members are not responsible for the difference between the provider's usual charges & the maximum allowed amount.

**Non-PPO Providers**—For non-emergency care, reimbursement amount is based on: an Anthem Blue Cross rate or fee schedule, a rate negotiated with the provider, information from a third party vendor, or billed charges. Members are responsible for the difference between the provider's usual charges & the maximum allowed amount. Non-participating hospitals are covered at a reduced benefit but there are no benefits for care in non-contracting hospitals, except for medical emergencies. For medical emergency care rendered by a non-participating provider or non-contracting hospital, reimbursement is based on the reasonable and customary value. Members may be responsible for any amount in excess of the Reasonable and Customary Value.

**Calendar year deductible for all providers** (*Deductible must be met before covered amounts apply, except when deductible is waived*) \$250/member; two-member family maximum

<b>Additional copayment for non-PPO providers if pre-service review not obtained</b> ( <i>waived in a medical emergency</i> )	\$250/admission, treatment or therapy for hospital admissions, facility-based treatment admission of mental or nervous disorders and substance abuse, skilled nursing facility, infusion therapy, home health care, advanced imaging, certain surgical procedures
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<b>Additional copayment for emergency room services</b>	\$150/visit ( <i>waived if admitted directly from ER</i> )
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**Annual Out-of-Pocket Maximums** (*PPO and non-PPO out-of-pocket maximums are exclusive of each other; includes calendar year deductible*)

- PPO Providers & Other Health Care Providers \$4,000/member/year; two-member family maximum
- Non-PPO Providers Once Anthem Blue Cross payments reach \$10,000 per member, member pays nothing for covered expenses for the remainder of the year, except as described below

The following do not apply to out-of-pocket maximums: pharmacy deductible (if applicable) and pharmacy copays; copays for acupuncture/acupressure; copay for mental or nervous disorders and substance abuse (except for treatment of severe mental illness and serious emotional disturbances of a child); copays for not obtaining pre-service review; \$500 copay for infertility services; and non-covered expense. After a member reaches the out-of-pocket maximum during a calendar year, the member will no longer be required to pay a copay for the remainder of that year, except as stated in the Certificate or EOC. The member remains responsible for any charges in excess of covered expense.

<b>Lifetime Maximum</b>	Unlimited
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Covered Services	PPO: Per member Copay	Non-PPO: Per Member Copay <sup>1/2</sup>
<b>Preventive Care</b> Preventive Care Services including*, physical exams, preventive screenings ( <i>Including screenings for cancer, HPV, diabetes, cholesterol, blood pressure, hearing and vision</i> ), immunizations, health education, intervention services and HIV testing <i>*This list is not exhaustive. This benefit includes all Preventive Care Services required by federal and state law.</i>	No copay ( <i>deductible waived</i> )	50%
<ul style="list-style-type: none"> <li>• HealthyCheck<sup>SM</sup> Screenings (<i>where available</i>): Certain lab tests, immunizations and health education information</li> </ul>	No copay ( <i>deductible waived</i> )	Not applicable
<b>Physician Medical Services</b> <ul style="list-style-type: none"> <li>• Office visits (<i>includes retail health clinic &amp; online clinic visit</i>)<sup>1</sup></li> <li>• Hospital &amp; skilled nursing facility visits</li> <li>• Surgeon &amp; surgical assistant; anesthesiologist or anesthetist</li> </ul>	\$20/visit ( <i>deductible waived</i> ) 20% 20%	50% 50% 50%
<b>Physical Therapy, Occupational Therapy &amp; Chiropractic</b>	20%	50% ( <i>benefit limited to</i> )

Covered Services	PP0: Per member Copay	Non-PP0: Per Member Copay <sup>ff</sup>
<b>Services</b> (limited to combined 24 visits/calendar year; additional visits may be authorized)		\$25/visit)
<b>Acupuncture/Acupressure</b> <ul style="list-style-type: none"> <li>Services for the treatment of disease, illness or injury (limited to \$30/visit &amp; 24 visits/calendar year)</li> </ul>	20%	50%
<b>Diagnostic X-ray &amp; Lab</b>	20%	50%
<b>Advanced Imaging</b> (pre-service review required)	20%	50% (benefit limited to \$800/procedure)
<b>Urgent Care</b> (physician services) <sup>1</sup>	\$20/visit (deductible waived)	50%
<b>Emergency Care</b> <ul style="list-style-type: none"> <li>Emergency room services &amp; supplies (\$150 copayment waived if admitted)</li> <li>Physician services</li> </ul>	20% 20%	20% 20%
<b>Hospital Medical Services</b> (pre-service review required for inpatient and certain outpatient services; waived for emergency admissions) <ul style="list-style-type: none"> <li>Semi-private room, meals &amp; special diets, &amp; ancillary services</li> <li>Outpatient medical care, surgical services &amp; supplies (hospital care other than emergency room care)</li> </ul>	20% 20%	50% (benefit limited to \$650/day) 50% (benefit limited to \$380/admit)
<b>Skilled Nursing Facility</b> (pre-service review required) <ul style="list-style-type: none"> <li>Semi-private room, services &amp; supplies (limited to 100 days/ calendar year)</li> </ul>	20%	50% (benefit limited to \$150/day)
<b>Ambulance</b> <ul style="list-style-type: none"> <li>Ground or air ambulance transportation, services &amp; disposable supplies (air ambulance in a non-medical emergency is subject to pre-service review)</li> </ul>	20%	In an emergency or with an authorized referral: 20% Non-emergency or no referral: 50%
<b>Ambulatory Surgical Centers</b> (pre-service review required for certain surgeries) <ul style="list-style-type: none"> <li>Outpatient surgery, services &amp; supplies</li> </ul>	20%	50% (benefit limited to \$380/admit)
<b>Pregnancy &amp; Maternity Care</b> <ul style="list-style-type: none"> <li>Physician office visits</li> </ul> Normal delivery, cesarean section, complications of pregnancy & abortion (newborn routine nursery care covered when natural mother is insured employee or spouse/domestic partner). Refer to the Physician & Hospital Medical Services benefits for both inpatient and outpatient hospital coverage.	\$20/visit plus 20% for all other covered services	50%
<b>Infertility Services<sup>f</sup></b> (limited to \$2,000/lifetime)	\$500 plus 20% of balance	\$500 plus 50% of balance
<b>Mental or Nervous Disorders and Substance Abuse<sup>g</sup></b> <ul style="list-style-type: none"> <li>Facility-based care (pre-service review required; limited to 30 days per year, in and out of network combined)</li> <li>Professional services (One visit per day, 20 visits per year, in network and out of network combined; pre-service review required after the 12th visit)</li> </ul>	20% 20%	50% (benefit limited to \$175/day) 50% (benefit limited to \$25/visit)
<b>Durable Medical Equipment</b> (pre-service review may be required)	50%	50%
<b>Home Health Care</b> (pre-service review required) <ul style="list-style-type: none"> <li>Services &amp; supplies from a home health agency (limited to 100 four-hour visits/calendar year)</li> </ul>	20%	50% (benefit limited to \$75/visit)
<b>Infusion Therapy</b> (pre-service review required) <sup>h</sup> <ul style="list-style-type: none"> <li>Includes chemotherapy</li> </ul>	25%	50% (benefit limited to \$50/day for expenses except drugs; all charges over wholesale cost of infusion therapy drugs; combined limit \$500/day)
<b>Prescription Drugs</b> Your copay is determined by whether it is tier 1, tier 2, tier 3 or tier 4 drug. To determine tier status, the tiered drug formulary list is furnished to your provider and is also available online at <a href="http://www.anthem.com/ca">www.anthem.com/ca</a> , click on Customer Care, Download Forms and		

Covered Services	PPO: Per member Copay	Non-PPO: Per Member Copay <sup>1/2</sup>
then choose Anthem Blue Cross Drug List ( <i>here</i> ). You may also contact our pharmacy customer service at 800-700-2533. <ul style="list-style-type: none"> <li>Calendar Year Pharmacy Deductible</li> <li>Infertility Drug Lifetime Maximum</li> </ul>	\$150/member ** \$1,500/member	
<b>Retail Participating Pharmacy (30-day supply)<sup>1</sup></b> <ul style="list-style-type: none"> <li>Preventive Immunizations administered by a retail pharmacy</li> <li>Tier 1</li> <li>Tier 2 (<i>includes diabetic supplies</i>)</li> <li>Tier 3 (<i>includes compound drugs</i>)</li> </ul>	No copay ( <i>deductible waived</i> ) \$10 ( <i>deductible waived</i> ) \$30 ** \$50 **	
<b>Mail Service (90-day supply)<sup>1</sup></b> <ul style="list-style-type: none"> <li>Tier 1</li> <li>Tier 2 (<i>includes diabetic supplies</i>)</li> <li>Tier 3 <sup>55</sup></li> </ul>	\$10 ( <i>deductible waived</i> ) \$60 ** \$100 **	
<b>Specialty Pharmacy Drugs (<i>may only be obtained through the specialty pharmacy program</i>)</b> <ul style="list-style-type: none"> <li>Tier 4</li> <li>Tier 4 Out of Pocket Maximum Tier 4 prescription drug copayments will accrue to a maximum of \$3,500 per member per year. Once the member has satisfied the \$3,500 maximum, no additional copayments will be required for the remainder of the year for Tier 4 prescription drugs.</li> </ul>	30% of prescription drug maximum allowed amount up to a maximum \$150 copay per fill	
<b>Non-participating Pharmacies (30-day supply)<sup>1</sup></b> <ul style="list-style-type: none"> <li>In California</li> <li>Outside California</li> </ul>	50% of the prescription drug maximum allowed amount plus excess charges Copay above plus all charges in excess of prescription drug maximum allowed amount	

**Additional information about your outpatient prescription drug benefits:**

- Preventive flu and pneumonia vaccines administered by a retail pharmacy.
- Outpatient drugs and medications which federal and/or state of California law restrict to sale by prescription only.
- Insulin, Insulin syringes prescribed and dispensed for use with Insulin.
- Lancets and test strips for use in monitoring diabetes.
- Non-infused compound prescriptions which contain at least one covered prescription ingredient may be limited to distribution at designated participating pharmacies.
- Oral contraceptive drugs prescribed for birth control. If your physician determines that oral contraceptive drugs are not medically appropriate, coverage for another FDA approved prescription contraceptive method will be provided.
- Drugs and medications prescribed for the treatment of infertility limited to a lifetime maximum payment of \$1,500 per member. If such medications are classified as specialty drugs, they may be subject to the specialty pharmacy program.
- Drugs and medications prescribed for the treatment of impotence and/or sexual dysfunction must be authorized in advance by Anthem Blue Cross and are limited to 8 tablets/units per 30 day period. (Not covered under the mail service prescription drug program.)
- Phenylketonuria (PKU) formulas and special food products to treat PKU that are listed on the formulary and obtained from a pharmacy.
- Classified specialty drugs must be obtained through the specialty pharmacy program and are subject to the terms of the program.

**Prescription drug copays are separate from the medical copays of the medical plan and are not applied toward the Annual Out-of-Pocket Maximums.**

This Summary of Benefits has been updated to comply with federal and state requirements, including applicable provisions of the recently enacted federal health care reform laws. As we receive additional guidance and clarification on the new health care reform laws from the U.S. Department of Health and Human Services, Department of Labor and Internal Revenue Service, we may be required to make additional changes to this Summary of Benefits. This Summary of Benefits, as updated, is subject to the approval of the California Department of Insurance and the California Department of Managed Health Care (as applicable).

- †** The dollar copay applies only to the visit itself. An additional copay applies for any services performed in office (i.e., X-ray, lab, surgery), after any applicable deductible.
- ‡** Supply limits for certain drugs may be different. Please refer to the Certificate of Insurance or EOC for complete information.
- §** Does not apply to coverage of severe mental illness and serious emotional disturbances of a child, except pre-service review.
- f** Classified specialty drugs must be obtained through our Specialty Pharmacy Program and are subject to the terms of the program.
- ††** If a member selects a brand name drug when a generic drug substitution exists, even if the member's physician has specified "dispense as written" (DAW) or "do not substitute", the member will be responsible for generic copay, plus the difference between the cost of the generic drug and the cost of the brand name drug.
- ‡‡** Members are responsible to pay the prescription drug maximum allowed amount until the pharmacy deductible is met unless deductible is specifically waived. Once the pharmacy deductible is met, members are responsible for the copay amount.
- §§** Compound drugs are not covered through mail service; only covered through certain retail participating pharmacies.
- ff** Member pays copay plus all charges in excess of the maximum allowed amount.

## PPQ Exclusions & Limitations

Following is an abbreviated list of exclusions and limitations; please see the Certificate of Insurance (Certificate) or Combined Evidence of Coverage and Disclosure Form (EOC) for comprehensive details.

### Prescription Drug Exclusions & Limitations

Drugs and medications which may be obtained without a Physician's Prescription, except Insulin and Niacin for cholesterol lowering.

Prescription Drugs which have non-Prescription (over-the-counter) chemical and dosage equivalents. If a Drug is prescribed because the non-Prescription equivalent was tried and did not work, this exclusion does not apply.

Non-medicinal substances or items. Any expense for a drug or medication incurred in excess of (a) the prescription drug maximum allowed amount for drugs dispensed by non-participating pharmacies; or (b) the outpatient prescription drug maximum allowed amount for drugs dispensed by participating pharmacies or through the mail service program.

Pharmaceuticals to aid smoking cessation (e.g., Nicorette or nicotine patches), over the counter remedies, or any Prescription product containing nicotine except as specified as covered in the Certificate or EOC.

Contraceptive devices prescribed for birth control except as specified as covered in the Certificate or EOC.

Drugs and medications used to induce non-spontaneous abortions.

Dietary supplements, herbs, vitamins, cosmetics, health or beauty aids, or similar products which are not FDA approved to diagnose, treat, cure or prevent a medical condition except for treatment of phenylketonuria.

Drugs furnished by a Hospital, Skilled Nursing Facility, rest home, sanitarium, convalescent hospital or similar facility.

Any Drug labeled Caution, limited by federal law to investigational use, non-FDA approved investigational drugs or any drug or medication prescribed for Experimental Indications.

Syringes and/or needles, except those dispensed for use with Insulin.

Durable medical equipment, devices, appliances, and supplies, except lancets and test strips for use in monitoring diabetes.

Immunizing agents, biological sera, blood, blood products or blood plasma.

Oxygen.

Professional charges in connection with administering, injecting or dispensing Drugs.

Drugs and medications dispensed or administered in an outpatient setting, including, but not limited to, outpatient Hospital facilities and doctors' offices.

Drugs when used for cosmetic purposes.

Drugs when used for the primary purpose of treating Infertility in excess of the lifetime maximum.

Drugs used for weight loss, except for the Medically Necessary treatment of morbid obesity.

Drugs obtained outside the United States.

Allergy desensitization products, allergy serum.

All Infusion Therapy, except self-administered injectables and aerosols.

Treatment of impotence and/or sexual dysfunction except as specified as covered in the Certificate or EOC.

Replacement of Drugs and medications when lost, stolen or damaged.

A prescription dispensed in excess of a 30-day supply (unless ordered by mail through the mail service drug program, in which case the limit is 90-day supply).

Compound medications obtained from other than a participating pharmacy.

Classified specialty drugs that must be obtained through our Specialty Pharmacy Program and are instead obtained from a retail pharmacy.

### Medical Exclusions & Limitations

Any amounts in excess of maximums stated in the certificate or EOC

Services or supplies that are not medically necessary

Services received before your effective date

Services received after your coverage ends

Any conditions for which benefits can be recovered under any workers' compensation law or similar law

Services you receive for which you are not legally obligated to pay

Services for which no charge is made to you in the absence of insurance coverage

### Services not listed as covered in the certificate or EOC

Services from relatives

Vision care except as specifically stated in the certificate or EOC

Eye surgery performed solely for the purpose of correcting refractive defects

Hearing aids.

Routine hearing tests except as specifically stated in the certificate or EOC

Sex changes

Dental and orthodontic services except as specifically stated in the certificate or EOC

Cosmetic surgery

Routine physical examinations except as specifically stated in the certificate or EOC

Treatment of mental or nervous disorders and substance abuse (including nicotine use) or psychological testing, except as specifically stated in the certificate or EOC

Custodial care

Experimental or investigational services

Commercial weight loss programs

Medical supplies and equipment/durable medical equipment, except as specifically stated in the certificate or EOC

Specialty drugs, except as specifically stated in the certificate or EOC

Services provided by a local, state or federal government agency, unless you have to pay for them

Diagnostic admissions

Telephone or facsimile machine consultations

Personal comfort items

Nutritional counseling

Online Clinic Visits except as specifically covered in the Certificate or EOC.

Health club memberships

Any services to the extent you are entitled to receive Medicare benefits for those services without payment of additional premium for Medicare coverage

Food or dietary supplements, except, as specifically stated in the certificate or EOC or as required by law

Genetic testing for nonmedical reasons or when there is no medical indication or no family history of genetic abnormality

Outdoor treatment programs

Replacement of prosthetics and durable medical equipment when lost or stolen

Any services or supplies provided to any person not covered under the Agreement in connection with a surrogate pregnancy

Immunizations solely for travel outside the United States

Services or supplies related to a pre-existing condition

Educational services except as specifically provided or arranged by Anthem Blue Cross

Infertility services (including sterilization reversal and costs associated with the storage of sperm, eggs, embryos and ovarian tissue) except as specifically stated in the certificate or EOC

Care or treatment provided in a noncontracting hospital

Private duty nursing except as specifically stated in the certificate or EOC

Services primarily for weight reduction except medically necessary treatment of morbid obesity

Outpatient drugs, medications or other substances dispensed or administered in any outpatient setting

Contraceptive devices unless your physician determines that oral contraceptive drugs are not medically appropriate.

Vein Treatment: Treatment of varicose veins or telangiectatic dermal veins (spider veins) by any method (including sclerotherapy or other surgeries) when services are rendered for cosmetic purposes.

Third Party Liability - Anthem Blue Cross is entitled to reimbursement of benefits paid if the member recovers damages from a legally liable third party.

Coordination of Benefits - The benefits of this plan may be reduced if the member has any other group health, dental, prescription drug or vision coverage so that the services received from all group coverages do not exceed 100% of the covered expense.

# Your Summary of Benefits

## HMO Plans



### Small Group Saver \$20 HMO

Effective 10/2011

This Summary of Benefits is a brief overview of your plan's benefits only. For more detailed information about the benefits in your plan, please refer to your Certificate of Insurance or Evidence of Coverage (EOC), which explains the full range of covered services, as well as any exclusions and limitations for your plan.

Anthem Blue Cross HMO benefits are covered only when services are performed, prescribed, directed or authorized as medically necessary by a physician in the medical group the member has selected, except as stated in the Combined Evidence of Coverage and Disclosure Form (EOC) for a medical emergency including out of area urgently needed services. The procedures you follow to obtain care depend on the type of care you need. Except for obstetrical/gynecological care, emergency care and care for mental or nervous disorders and substance abuse, your Primary Care Physician or Medical Group is responsible for authorizing all the care you receive. If you are ever in doubt, contact them or your HMO Coordinator.

Many medical groups participate in the SpeedyReferral and DirectAccess Programs. SpeedyReferral makes the referral process faster and easier. DirectAccess allows you to self-refer to participating doctors who specialize in allergy, dermatology, and ear/nose/throat health conditions. Before contacting a specialist directly, confirm that your medical group participates in these programs.

**Annual Out-of-Pocket Maximum:** Individual \$2,500; Family \$5,000 (two or more members-aggregate)<sup>1</sup>

The following copays do not apply to the annual out-of-pocket maximum: Infertility services; prescription drug copays, pharmacy deductible; copay for not obtaining pre-service review; and costs for non-covered services.

Covered Services	Per Member Copay
<b>Preventive Care</b> Preventive Care Services including*, physical exams, preventive screenings (including screenings for cancer, HPV, diabetes, cholesterol, blood pressure, hearing and vision), immunizations, health education, intervention services and HIV testing *This list is not exhaustive. This benefit includes all Preventive Care Services required by federal and state law.	No charge
<b>Physician Medical Services</b> <ul style="list-style-type: none"> <li>• Office Visits</li> <li>• Specialists</li> <li>• Skilled nursing facility visits</li> <li>• Hospital visits</li> <li>• Medications in physician's office (excluding allergy serum and immunization)</li> <li>• Surgeon &amp; Surgical assistant</li> <li>• Anesthesiologist or anesthesiologist</li> </ul>	\$20 copay/visit \$30 copay/visit No charge No charge 30% up to \$150 maximum copay No charge No charge
<b>Outpatient Medical Services</b> (services received in a hospital, other than emergency room services, or in any facility that is affiliated with a hospital) <ul style="list-style-type: none"> <li>• Outpatient surgery &amp; supplies</li> <li>• Advanced Imaging and sleep studies</li> <li>• All other X-ray &amp; laboratory tests (including genetic testing)</li> <li>• Radiation therapy, chemotherapy &amp; hemodialysis treatment &amp; Infusion therapy</li> <li>• Other Outpatient Medical Services including: Rehabilitation Therapy (Physical, Occupational, or Speech Therapy, limited to a 60-day period of care)</li> </ul>	\$300/admit \$100 copay/test No charge \$30 copay/visit \$30 copay/visit
<b>General Medical Services</b> (when performed in non-hospital-based facility) <ul style="list-style-type: none"> <li>• Advanced Imaging</li> <li>• All other X-ray &amp; laboratory tests (including genetic testing)</li> <li>• Allergy testing &amp; treatment (including serums)</li> <li>• Radiation therapy, chemotherapy &amp; hemodialysis treatment &amp; Infusion therapy</li> <li>• Rehabilitation Therapy (Physical, Occupational, or Speech Therapy or Chiropractic Care, limited to 60-days period of care)</li> </ul>	\$100 copay/test No charge \$20 copay/visit \$30 copay/visit \$20 copay/visit
<b>Urgent Care</b>	

CONTINUED ON NEXT PAGE

Covered Services	Per Member Copay
<ul style="list-style-type: none"> <li>Physician's office</li> <li>Outpatient facility</li> </ul>	\$20 copay/visit \$30 copay/visit
<b>Emergency Care</b> <ul style="list-style-type: none"> <li>Physician &amp; medical services</li> <li>Outpatient hospital emergency room services</li> </ul>	No charge \$150 copay/visit (waived if admitted inpatient)
<b>Inpatient Medical Services</b> <ul style="list-style-type: none"> <li>Semi-private room or private room if medically necessary; meals &amp; special diets; services &amp; supplies</li> </ul>	\$400 copay/day, up to 3 day max
<b>Skilled Nursing Facility (limited to 100 days/calendar year)</b> <ul style="list-style-type: none"> <li>All necessary services &amp; supplies (excluding take-home drugs)</li> </ul>	No charge
<b>Ambulance Services</b> <ul style="list-style-type: none"> <li>Ground or air ambulance transportation in a medical emergency or when ordered by the primary care physician, including medical services &amp; supplies</li> </ul>	\$150 copay/trip
<b>Ambulatory Surgical Center</b> <ul style="list-style-type: none"> <li>Outpatient surgery &amp; supplies</li> </ul>	\$300 copay/admit
<b>Pregnancy and Maternity Care</b> <ul style="list-style-type: none"> <li>Prenatal &amp; postnatal Professional (physician) services (For your Inpatient copay, see Inpatient Medical Services. For your Outpatient Services copay, see Outpatient Medical Services)</li> </ul>	\$20 copay/visit
<b>Elective Abortions (including prescription drug for abortion, mifepristone)</b>	\$150 copay/procedure
<b>Family Planning Services</b> <ul style="list-style-type: none"> <li>Infertility studies &amp; tests. (Maximum lifetime Anthem Blue Cross payment of \$2,000)</li> </ul>	50% <sup>†</sup>
<b>Mental or Nervous Disorders<sup>§</sup></b> <ul style="list-style-type: none"> <li>Outpatient mental health consultation (limited to one visit/day and 20 visits/calendar year; pre-service review required after the 12th visit)</li> </ul>	\$30 copay/visit
<b>Substance Abuse</b> <ul style="list-style-type: none"> <li>Inpatient detoxification for alcohol or drug abuse (acute stage only; pre-service review required)</li> </ul>	\$400 copay/day, 3 day max
<b>Other Medical Services</b> <ul style="list-style-type: none"> <li>Prosthetic devices</li> <li>Durable Medical Equipment</li> </ul>	No charge 50%
<b>Home Health Care</b> <ul style="list-style-type: none"> <li>Home visits when ordered by primary care physician (limited to three two-hour visits/day)</li> </ul>	\$20 copay/visit
<b>Prescription Drugs (outpatient prescriptions only)</b> Your copay is determined by whether it is tier 1, tier 2, tier 3 or tier 4 drug. To determine tier status, the tiered drug formulary list is furnished to your provider and is also available online at <a href="http://www.anthem.com/ca">www.anthem.com/ca</a> , click on Customer Care, Download Forms and then choose Anthem Blue Cross Drug List (tiered). You may also contact our pharmacy customer service at 800-700-2533.	<b>Per Member Copay for Each Prescription or Refill</b>  \$150/member \$1,500/member
<b>Retail Participating Pharmacy (30-day supply)<sup>†</sup></b> <ul style="list-style-type: none"> <li>Preventive Immunizations administered by a retail pharmacy</li> <li>Tier 1</li> <li>Tier 2 (includes diabetic supplies)<sup>§§</sup></li> <li>Tier 3 (includes compound drugs)<sup>§§</sup></li> </ul>	No charge (deductible waived) \$10 copay (deductible waived) \$30 copay \$50 copay
<b>Mail Service (90-day supply)<sup>†</sup></b> <ul style="list-style-type: none"> <li>Tier 1</li> <li>Tier 2 (includes diabetic supplies)<sup>§§</sup></li> <li>Tier 3<sup>††</sup></li> </ul>	\$10 copay (deductible waived) \$60 copay \$100 copay
<b>Specialty Pharmacy Drugs (may only be obtained through the specialty pharmacy program)</b> <ul style="list-style-type: none"> <li>Tier 4 drugs</li> </ul>	30% of prescription drug maximum allowed amount up to a maximum \$150 copay per fill

This Summary of Benefits has been updated to comply with federal and state requirements, including applicable provisions of the recently enacted federal health care reform laws. As we receive additional guidance and clarification on the new health care reform laws from the U.S. Department of Health and Human Services, Department of Labor and Internal Revenue Service, we may be required to make additional changes to this Summary of Benefits. This Summary of Benefits, as updated, is subject to the approval of the California Department of Insurance and the California Department of Managed Health Care (as applicable).

**The Prescription Drug Benefit covers the following:**

- o Preventive flu and pneumonia vaccines administered by a retail pharmacy.
- o Outpatient Drugs and medications which federal and/or state of California law restrict to sale by Prescription only
- o Insulin, Insulin syringes prescribed and dispensed for use with Insulin, Lancets and test strips for use in monitoring diabetes.
- o Non-infused compound Prescriptions which may be limited to distribution at designated Participating pharmacies.
- o Oral contraceptive Drugs prescribed for birth control. If your Physician determines that oral contraceptive Drugs are not medically appropriate, coverage for another FDA approved Prescription contraceptive method will be provided.
- o Drugs and medications prescribed for the treatment of Infertility limited to a lifetime maximum payment of \$1,500 per member. If such medications are classified as Specialty Drugs, they may be subject to the Specialty Pharmacy Program.
- o Drugs and medications prescribed for the treatment of impotence and/or sexual dysfunction must be authorized in advance by Anthem Blue Cross and are limited to 8 tablets/units per 30 day period. (Not covered under the mail service prescription drug program.)
- o Phenylketonuria (PKU) formulas and special food products to treat PKU that are listed on the Formulary and obtained from a pharmacy.
- o Classified specialty drugs must be obtained through the mail order Specialty Pharmacy Program and are subject to the terms of the program. Limited to a 30-day supply.

**Prescription drug copays are separate from the medical copays of the medical plan and are not applied toward the Annual Out-of-Pocket Maximums.**

- † Supply limits for certain drugs may be different. Please refer to the Certificate of Insurance or EOC for complete information.
- ‡ The member's percentage copay is not applicable to the annual out-of-pocket maximum.
- § Does not apply to coverage of severe mental illness and serious emotional disturbances of a child, except pre-service review.
- f Per family amount is aggregate, i.e., when one or more family member's eligible covered expenses (combined) meet this amount, the requirement is satisfied for all covered family members.
- †† Members are responsible to pay the prescription drug maximum allowed amount until the pharmacy deductible is met unless deductible is specifically waived. Once the pharmacy deductible is met, members are responsible for the copay amount.
- ‡‡ Compound drugs are not covered through mail service; only covered through certain retail participating pharmacies.
- §§ If a member selects a brand name drug when a generic drug substitution exists, even if the member's physician has specified "dispense as written" (DAW) or "do not substitute", the member will be responsible for tier 1 copay, plus the difference between the cost of the generic drug and the cost of the brand name drug. The amount does not apply to the member's pharmacy deductible.

**HMO Exclusions & Limitations**

**Prescription Drug Exclusions and Limitations**

Any expense incurred in excess of the prescription drug maximum allowed amount at a Non-Participating Pharmacy

Drugs and medications which may be obtained without a Physician's Prescription, except Insulin and Niacin for cholesterol lowering

Prescription Drugs which have non-Prescription (over-the-counter) chemical and dosage equivalents. If a Drug is prescribed because the non-Prescription equivalent was tried and did not work, this exclusion does not apply

Non-medical substances or items

Over-the-counter smoking cessation drugs. This does not apply to Medically Necessary Drugs that you can only get with a prescription under state and federal law

Contraceptive devices prescribed for birth control except as specified as covered in the EOC

Drugs and medications used to induce non-spontaneous abortions

Dietary supplements, herbs, vitamins, cosmetics, health or beauty aids, or similar products which are not FDA approved to diagnose, treat, cure or prevent a medical condition except for treatment of phenylketonuria

Drugs furnished by a Hospital, Skilled Nursing Facility, rest home, sanitarium, convalescent hospital or similar facility

Any Drug labeled "Caution, limited by federal law to Investigational use", non-FDA approved Investigational drugs or any drug or medication prescribed for Experimental indications

Syringes and/or needles, except those dispensed for use with Insulin

Durable medical equipment, devices, appliances, and supplies

Immunizing agents, biological sera, blood, blood products or blood plasma

Oxygen

Professional charges in connection with administering, injecting or dispensing Drugs

Drugs and medications dispensed or administered in an outpatient setting, including, but not limited to, outpatient Hospital facilities and doctors' offices, Drugs prescribed for cosmetic purposes

Drugs prescribed for the primary purpose of treating infertility in excess of the lifetime maximum

Drugs used for weight loss, except for the Medically Necessary treatment of morbid obesity

Drugs obtained outside the United States unless related to a Medical Emergency

Allergy desensitization products, allergy serum

All Infusion Therapy, except self-administered injectables and aerosols

Treatment of Impotence and/or sexual dysfunction except as specified as covered in the EOC

Replacement of Drugs and medications when lost, stolen or damaged, Hepatitis B and varicella zoster (chicken pox) vaccines and childhood immunizations

A prescription dispensed in excess of 30-day supply (unless ordered by mail through the mail service prescription drug program, in which case the limit is 90-day supply)

Compound medications obtained from other than a participating pharmacy

Classified specialty drugs that must be obtained from the Specialty Pharmacy Program, but which are instead obtained from a retail pharmacy

**Medical Plan Benefits Exclusions and Limitations - Following is an abbreviated list of exclusions and limitations; please see the Combined Evidence of Coverage and Disclosure Form for comprehensive details**

Any amounts in excess of maximums stated in the Combined Evidence of Coverage and Disclosure Form Services or supplies that are not medically necessary

Services received before your effective date

Services received after your coverage ends

Any conditions for which benefits can be recovered under any workers' compensation law or similar law

Services you receive for which you are not legally obligated to pay

Services for which no charge is made to you in the absence of insurance coverage

Services not listed as covered in the Combined Evidence of Coverage and Disclosure Form

Services from relatives

Vision care except as specifically stated in the Combined Evidence of Coverage and Disclosure Form

Eye surgery performed solely for the purpose of correcting refractive defects

Hearing aids, Routine hearing tests, except as specifically stated in the Combined Evidence of Coverage and Disclosure Form Sex changes

Dental and orthodontic services except as specifically stated in the Combined Evidence of Coverage and Disclosure Form

Cosmetic surgery

Routine physical examinations except as specifically stated in the Combined Evidence of Coverage and Disclosure Form

Treatment of mental or nervous disorders (including nicotine use) or psychological testing, except as specifically stated in the Combined Evidence of Coverage and Disclosure Form

Custodial care

Experimental or Investigational services

Services provided by a local, state or federal government agency, unless you have to pay for them

Diagnostic admissions

Telephone or facsimile machine consultations Commercial weight loss programs

Medical supplies and equipment/durable medical equipment, except as specifically stated in the Combined Evidence of Coverage and Disclosure Form

Specialty drugs, except as specifically stated in the Combined Evidence of Coverage and Disclosure Form Personal comfort items Health club memberships

Any services to the extent you are entitled to receive Medicare benefits for those services without payment of additional premium for Medicare coverage

Food or dietary supplements, except as specifically stated in the Combined Evidence of Coverage and Disclosure Form or as required by law

Genetic testing for nonmedical reasons or when there is no medical indication or no family history of genetic abnormality

Outdoor treatment programs

Replacement of prosthetics and durable medical equipment when lost or stolen

Any services or supplies provided in connection with a surrogate pregnancy

Immunizations solely for travel outside the United States

Educational services except as specifically stated in the Combined Evidence of Coverage and Disclosure Form

Infertility services (including sterilization reversal) except as specifically stated in the Combined Evidence of Coverage and Disclosure Form

Care provided in a noncontracting hospital

Private duty nursing

Services primarily for weight reduction except medically necessary treatment of morbid obesity

Outpatient drugs, medications or other substances dispensed or administered in any outpatient setting

Contraceptive devices unless your physician determines that oral contraceptive drugs are not medically appropriate

Care not authorized by your PMG or IPA

Amounts in excess of customary and reasonable charges for non-emergency care rendered by a nonparticipating provider without an authorized referral from your PMG or IPA

Rehabilitative care, such as physical therapy, occupational therapy, speech therapy, and chiropractic services except as specifically stated in the Combined Evidence of Coverage and Disclosure Form

Conditions of the jaw or teeth secondary to malocclusion or orthognathic conditions

Growth hormone treatment

Acupuncture/acupressure

Vain Treatment when services are rendered for cosmetic purposes

Third Party Liability - Anthem Blue Cross is entitled to reimbursement of benefits paid if the member recovers damages from a legally liable third party

Coordination of Benefits - The benefits of this plan may be reduced if the member has any other group health, dental, prescription drug or vision coverage so that the services received from all group coverages do not exceed 100% of the covered expense