



California Regional Water Quality Control Board

Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Alan C. Lloyd, Ph.D.
Agency Secretary

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Arnold Schwarzenegger
Governor

July 22, 2005

Mr. Robert Chichester
Water Program Director
Environmental Department N4512
Department of the Navy
33000 Nixie Way, Building 50, Suite 336
San Diego, CA 92147

Dear Mr. Chichester:

REQUEST FOR EXCEPTION FOR DISCHARGES INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE (NPDES Permit No. CA0110175, CI-6432)

This letter is to acknowledge the receipt by the State Water Resources Control Board (State Board) of a letter dated December 20, 2004, from Captain A.J. Gonzalez, Program Director Environment, requesting an exception from the Ocean Plan waste discharge prohibition for your discharges at the San Clemente Island Area of Special Biological Significance (ASBS). Based on that correspondence we have determined that we will proceed on a draft amended exception for the treated sanitary wastewater discharge exception, including the increased flow and relocation of the outfall, and expanded to include nonpoint source discharges and permitted storm water runoff on the island, with appropriate mitigation conditions.

The Ocean Plan, *Section III.1.1*, allows the State Board to grant exceptions provided that the exception "will not compromise protection of ocean waters for beneficial uses, and, [t]he public interest will be served." Prior to granting an exception, the State Board must hold a public hearing and comply with the CEQA. Exceptions also require U. S. EPA concurrence.

The State Board has provided information on our website describing the information necessary to request an exception (see http://www.waterboards.ca.gov/plnspols/oplans/docs/instruct_asbs_opexceptions.pdf).

The State Board recommends that you prepare and transmit an application package directly to the Los Angeles Regional Water Quality Control Board (Regional Board). While the State and Regional Boards already have information on file that you have previously submitted, in order to proceed with your exception request you must submit the following additional information by January 1, 2006.

- 1) Quantitative intertidal/subtidal biological surveys at a representative site for each of these areas: BUDS, airfield, SHOBA (include an assessment of sediment impacts on intertidal life), NOTS, and a reference location(s) on the island.

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

- 2) An assessment of all available historical data (since January 2000) on discharge volume, chemical (including Ocean Plan Table B) and physical constituents, toxicity (Ocean Plan Table B), and indicator bacteria in the treated sanitary waste water effluent, and an assessment of all available historical data (since January 2000) on discharge volume, chemical and physical constituents, toxicity, and indicator bacteria for industrial storm water runoff.
- 3) Chemical analyses for Ocean Plan Table B constituents, for the protection of marine aquatic life, of samples of receiving water from: BUDS (following underwater demolition, and include analyses for perchlorate and dioxins), SHOBA (following ordinance "discharges" and include analyses for perchlorate and dioxins), sewage outfall exclusion zone in surf zone at the outfall, and a reference sample location on the island.
- 4) Chemical analysis (Ocean Plan Table B chemical constituents for the protection of marine aquatic life and for perchlorate and dioxins) and sediment toxicity of sediments from: BUDS, SHOBA, and a reference sample location on the island.
- 5) A characterization of the watershed areas draining to the ASBS in terms of land use, population density, and percentage of impervious surface. If there are areas where pesticides or herbicides are applied, provide a listing of such treatments in terms of the chemicals and application rates.
- 6) A description of current treatment processes, pollution controls, and/or best management practices currently used or planned (with a schedule for implementation).
- 7) An analysis of alternatives to the discharge and their impacts if implemented.
- 8) Compliance history for drainages into the ASBS, including any spills or upset events that resulted in the discharge of toxic or otherwise prohibited substances, including untreated or partially treated wastewater.
- 9) Documentation that shows that the public interest will be served by granting the exception.
- 10) Since your requests will substantially increase mass emissions of pollutants and involve the relocation of an existing outfall, application of the antidegradation policy would be triggered. Therefore, you are required to conduct an antidegradation analysis and submit a final report to the Regional Board.

Please send this information to the Regional Board, attention Jau Ren Chen, and to the State Board, Division of Water Quality, attention Dominic Gregorio.

Once the staff of the Regional Board are satisfied that all the required information is submitted and complete, State Board staff will prepare the required documentation to satisfy the California Environmental Quality Act (CEQA). We anticipate that the CEQA procedure and documentation/staff recommendation on the exception will take approximately four months

Mr. Robert Chichester
San Clemente Island Wastewater Treatment Plant

- 3 -

July 22, 2005

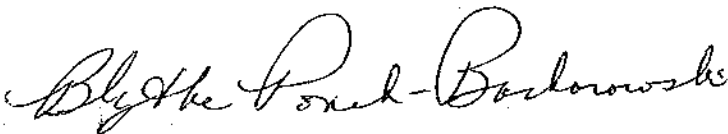
following receipt of the additional information described above. At the end of that period the State Board will consider staff recommendation regarding the modification of the exception.

If the State Board issues the exceptions then the Regional Board may re-issue the individual NPDES permits for the treated sanitary wastewater, and may enroll you in coverage under the Phase II MS4 and the General Industrial Storm Water NPDES permits. In all cases the Regional Board will enforce the mitigation measures described in the exceptions if they are granted by the State Board.

The State Board will be having its second workshop on ASBS issues on August 31, 2005 in Monterey. More information on this workshop will be provided to you separately.

If you have any questions feel free to contact Jau Ren Chen at (213) 576-6656, or Dominic Gregorio at (916) 341-5488.

Sincerely;



Blythe Ponek-Bacharowski, Acting Chief
Watershed Regulatory Section

Cc: Dominic Gregorio, Division of Water Quality, State Board
Michael Lauffer, Office of Chief Counsel, State Board,
Xavier Swamikannu, Regional Board