



DEPARTMENT OF THE NAVY  
COMMANDER NAVY REGION SOUTHWEST  
937 NO. HARBOR DR.  
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:  
5090  
Ser N45JWW.j1/0082  
March 15, 2010

Constance Anderson, Environmental Scientist  
State Water Resources Control Board  
Division of Water Quality, Ocean Unit  
P.O. Box 100  
Sacramento, CA 95812-0100

Ms. Anderson:

SUBJECT: COMMENTS REGARDING NOTICE OF PREPARATION OF A STATEWIDE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR A GENERAL EXCEPTION TO THE CALIFORNIA OCEAN PLAN WASTE DISCHARGE PROHIBITION FOR SELECTED DISCHARGES INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE, INCLUDING SPECIAL PROTECTIONS FOR BENEFICIAL USES

Enclosure (1) includes Navy comments regarding the subject Notice of Preparation (NOP), Initial Study (IS), and Special Protections for Beneficial Uses.

If there are any questions regarding this submittal, please contact myself or Mr. John Locke at (619) 532-2730.

Sincerely,

A handwritten signature in black ink, reading "Brian S. Gordon", is written over a horizontal line.

BRIAN S. GORDON  
Director, Compliance and  
Technical Division  
By direction

Enclosure: (1) NAVY COMMENTS ON NOTICE OF PREPARATION, INITIAL STUDY, and SPECIAL PROTECTIONS FOR BENEFICIAL USES

**NAVY COMMENTS ON NOTICE OF PREPARATION OF A  
STATEWIDE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR  
A GENERAL EXCEPTION TO THE CALIFORNIA OCEAN PLAN  
WASTE DISCHARGE PROHIBITION FOR SELECTED DISCHARGES  
INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE,  
INCLUDING SPECIAL PROTECTIONS FOR BENEFICIAL USES**

#	Page	Section	Comment
1.	Pg 11	Biological Impacts	<p>The statement starting in the first line of page 11 and copied below states “there is some question where differences in community composition are due to discharges or sample design.” Based on the data produced from the San Clemente Island and San Nicolas Island there was no determination of causal effects from discharges at the outfall locations or the control sites.</p> <p>“Four reports provided data sufficient to statistically compare impact from reference locations at San Clemente and San Nicolas Islands (Navy), Del Mar Landing, and Trinidad ASBS. Based on comparison of community composition, there is evidence that at three ASBS the impact locations are different from reference locations, but there is some question whether the differences are due to discharges or sample design.”</p>
2.	B-2	Section d	“Only discharges from existing storm water outfalls are allowed” Naturally occurring outfalls should not be regulated. A distinction needs to be made with respect to “manmade” outfalls.
3.	B-3	Section d(2)	The basis for the 90% reduction in pollutant loading should be provided and evaluated in the EIR. There could be situations where 90% reduction will be impractical at lower pollutant concentrations.
4.	B-7	1. f & g	The exceptions provided in these two sections for San Clemente Island and San Nicolas Island discharges are insufficient to support training, testing and other operational needs. The Navy is currently evaluating these sections and will provide additional comments during the next comment period.
5.	B-8	Section 2.b.(2)	The basis for the 90% reduction in pollutant loading should be provided and evaluated in the EIR. There could be situations where 90% reduction will be impractical at lower pollutant concentrations.
6.	B-12	Sub Section 5	“The discharger shall submit its final Waterfront Plan to the Regional Water Board within six months of the effective....” Due to the length of the government budgeting processes, six months should be increased to 12 to allow for adequate programming and budgeting.
7.	B-12	Section IV. Add Paragraph below Safety concerns:	Add paragraph addressing logistical concerns for Island ASBS. Sampling may not be possible due to inclement weather at the Islands. Transportation may be grounded. It is not clear if this falls in the scope of “hazardous conditions.” Additionally, monitoring exemptions should be addressed and allotted during biological/cultural protection initiatives. E.g. snowy plover nesting season.
8.	B-13	Section A sub section 1.	“Runoff must be collected during a storm event that is greater than 0.1 inch and generates runoff, ” Samplers will not be available 24/7, provision need to be incorporated to include sampling during “normal business hours” as dictated in other industrial discharge permits issued by the State Water Board .
9.	B-14	Sub Section c	“a minimum of the two largest outfalls or 20 percent of the larger outfalls, whichever is greater...” Unclear on how to determine 20% of “larger” outfalls. What is “larger?” Open for interpretation.
10.	B-14	Section B.1.b.	Sediment monitoring should be reduced to two times during every 5 year period. If the purpose of the sediment monitoring is to evaluate changes over an extended period of time, two sampling events every 5 years provides adequate data to determine trends and potential impacts to the ASBS.
11.	B-15	Sub Section f	“...Regional Water Board may adjust the list of minimum requirements for chemical constituents, if there is good cause to do so.” - “good cause to do so” is too vague; criteria and basis for requirement adjustments should be made clear.
12.	B-15	1c & 2.	Both PISCO biodiversity surveys and The Multi-Agency Rocky Intertidal Network (MARINE) core intertidal survey methodologies are requested as approved

#	Page	Section	Comment
			methodologies for quantitative surveys of intertidal benthic marine life. Whether these either occur as part of the Regional Integrated Monitoring Program or as individual site programs, these methodologies are scientifically rigorous in their assessment of the quantitative health of the intertidal benthic marine life. Additionally, these methods have been standardized so that datasets can be compared across large spatial scales and between time periods.
13.	B-16	Section 3.a.(1) &(2)	Weekly ocean receiving water monitoring for marinas and mooring fields is excessive and unnecessary to evaluate impacts to the ASBS. In addition, dischargers opting for the individual monitoring program should not be held to more stringent monitoring requirements than dischargers participating in the Regional Integrated Monitoring Program.
14.	B-16	Section 3.b.	Sediment monitoring should be reduced to two times during every 5 year period. If the purpose of the sediment monitoring is to evaluate changes over an extended period of time, two sampling events every 5 years provides adequate data to determine trends and potential impacts to the ASBS.
15.	General Comment	General Comment	The "Special Protections" for dischargers opting for an individual monitoring program should not have more rigorous requirements than discharges participating in the Regional Integrated Monitoring Program. Dischargers in the individual program should not be held to a higher standard than dischargers in the Regional Program.
16.	General Comment	General Comment	The burden that these additional requirements will place on Dischargers in addition to the industrial permit condition and municipal MS4 permits is substantial in terms of cost and the resources required for implementation.