

8/1 and 8/15 Meetings
ASBS Special Protections
Deadline: 8/15/06 5pm

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To: <commentletters@waterboards.ca.gov>
Date: Mon, Aug 14, 2006 3:53 PM
Subject: Comment Letter - ASBS Special Protections

Song Her,

Attached are comments submitted for the "Working Draft - Staff Proposal, Special Protections - Areas of Special Biological Significance" dated June 14, 2006.

These comments are submitted by the environmental office of Commander Navy Region Southwest.

Vr,
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Provide comments for Environmental Services at:
<https://ice.disa.mil/index.cfm?fa=card&site_id=720&service_provider_id=100360>

"594 Tough!"

<<ASBS Draft comments 06.doc>>

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Definitions or Glossary: recommend adding a section with terminology. For example, how should we understand "wet weather" as mentioned on page 3 of 12, bottom paragraph? There are other terms the resolution defines (e.g. page 4 of 12, 1st and 2nd paragraphs); recommend either a glossary or adding definitions to the text for terms such as "wet weather", and "Marine Operations" (page 11 of 12).

Page 1 of 12, 2nd paragraph: This paragraph discusses two criteria for imposing special conditions for discharges into ASBSs, "...exception will not compromise protection of ocean waters for beneficial uses, and the public interest will be served". If these two criteria are met is the "special protection" criteria met and the discharges allowed?

Page 2 of 12, 1st paragraph: At what point in the ASBS exception process should these "Special Protections" be addressed? Do they need to be addressed in the ASBS exception application? Some of the "Protections" appear as post-ASBS exception application measures. It might be helpful to define a process timeline to clarify the exception and exception requirements process in the text.

Page 3 of 12, first paragraph: The Navy submitted partial applications for ASBS exceptions at San Clemente Island and San Nicholas Island pending results of ongoing sampling. How does the May 31, 2006 deadline affect those partial applications?

Page 3 of 12, last paragraph on the page: Please define or reference the source of the term "statistically significant increase".

Page 4 of 12, first full paragraph: This requirement of no new storm water runoff is a moratorium on new facilities being constructed. Can provisions be made that new storm water runoff discharges must meet the "prohibition of wastes into the ASBS" requirement. As written this requirement potentially restricts new operations at San Clemente and San Nicolas Islands, both valuable military training sites. Discharging runoff from new sites into existing storm water outfalls may not be a feasible option due to the topography, geology, and distance to an existing outfall.

Page 4 of 12, Non-Point Sources: Please clarify, does the discussion on non-point sources mean for example small parking lots or roof runoff that are not industrial related and not regulated under a MS4 permit, would be required to obtain a WDR or a specific waiver from WDR requirements in order to be allowed to discharge?

Page 4 of 12, Non-Point Sources: This requirement of no new non-point source discharges is a moratorium on new facilities being constructed. Can provisions be made that new storm water runoff discharges must meet the "prohibition of wastes into the ASBS" requirement. As written this requirement potentially restricts new operations at San Clemente and San Nicolas Islands, both valuable training sites for the military. In example, as written, construction of a new weather observation station would not be allowed unless it drained into an existing non-point source discharge. Discharging runoff from new sites into existing storm water outfalls may not be a feasible option due to the topography, geology, and distance to an existing outfall.

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Page 5 of 12, Non-Storm Water Runoff: Discharges of potable water are not listed as an exception. State Board and some Regional Boards have adopted potable water discharge permits that have provisions to ensure pollutants are not discharged during flushing of potable water systems. San Clemente and San Nicolas both have potable water systems that require periodic, scheduled flushing to maintain potability. Considerations should be made for potable water system maintenance related discharges, using existing potable water flushing permits as a template.

Page 5 of 12, Discharges via Seeps or Springs that Discharge into an ASBS: Modeling on some existing discharges that could fall under this category have identified no measurable levels of pollutants in the receiving water from them, and thus meets the, "prohibition of wastes into the ASBS" requirement. Can situations like these be taken into consideration instead of a blanket statement of eliminated within 5 years of the effective date...?"

Page 5 of 12, Monitoring: when must the monitoring be performed, prior to submitting the ASBS exception application, or after the application is approved?

Page 6 of 12, item 2., what is the scientific rationale for choosing outfalls of 0.5 meters or greater for this requirement? How would swales or overland sheet flow outfalls be measured for this requirement? What data is driving the need for this requirement, volume of runoff, mass loading of pollutants?

Page 6 of 12, item 3.

- What is the periodicity of the visual trash observations, are they required to be reported, and if so what should be noted on the observations?
- As written, this requirement is quite vague...e.g. "performed along the coast of the ASBS". This is quite a vague and open ended requirement. Recommend this requirement be revised so that there is a better understanding of the scope of effort.

Page 6 of 12, item 4a, Is the benthic survey to be completed near every discharge site (outfall) or at representative discharge sites?

Page 6 of 12, item 5a, For reference stream measurements, if sample results are Non-Detect (ND) and no source of the pollutant exists upstream of the discharge at some point during the required sampling schedule can these ND pollutants be waived from analysis? This could equate to a cost and labor savings for dischargers especially for continual non-detect analytes.

Page 6 of 12, item 5a, Due to the varied geology of some ASBS locations, reference streams in a watershed with minimal anthropogenic impact may not represent the geological conditions of runoff from areas with anthropogenic activities and thus may not be comparable as a reference sample. How will these situations be addressed?

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Page 7 of 12, item 5c, What was the scientific rationale for choosing subtidal sediment analysis at least 3 times during a permit period? If subtidal sample results are Non-Detect (ND) and no source of the pollutant exists upstream of the discharge at some point during the required sampling schedule can these ND pollutants be waived from analysis? This could equate to a cost and labor savings for dischargers especially for continual non-detect analytes.

Page 7 of 12, item 5b, What was the scientific rationale for choosing 3 storms per year in at least 2 out of every 5 year permit cycle?

Page 7 of 12, item 6a, What was the scientific rationale for choosing 0.5 meter diameter or greater of width to sample outfalls for Table A constituents?

Page 7 of 12, item 6b, What was the scientific rationale for choosing 0.5 meter diameter or greater of width to sample outfalls for Table B toxicity?

Page 7 of 12, item 6c, What was the scientific rationale for choosing 1 meter diameter or greater of width for sampling?

Page 7 of 12, item 6d, What was the scientific rationale for choosing dischargers with 10 or more outfalls vice some other number of outfalls, and for choosing the single largest outfall greater or equal to 1 meter instead of an outfall with the greatest potential for pollutant discharge based on drainage basin activities, historical results, or some other criteria?

Page 7 of 12, item, 6d, What was the scientific rationale for choosing 3 annual flow weighted sample events for the largest outfall sampling?

Page 7 of 12, item 6e, What was the scientific rationale for choosing 3 annual flow weighted sample events for the receiving water sampling? A discussion on safety of personnel for receiving water sampling should be added similar to that used on 5.b.

Page 8 of 12, item 6f, What was the scientific rationale for choosing 3 sediment toxicity tests per permit cycle and for allowing only amphipods to be used for toxicity testing? If subtidal sample results are Non-Detect (ND) and no source of the pollutant exists upstream of the discharge at some point during the required sampling schedule can these ND pollutants be waived from analysis? This could equate to a cost and labor savings for dischargers especially for continual non-detect analytes.

Page 8 of 12, item 7, What is the scientific rationale for rainfall duration not exceeding 50% of the average or median? Is there a statistical criteria that is trying to be met with this requirement?

Page 9 of 12, Time Schedule Order: the proposed "schedule", items 1 and 2: "w/in 2 yrs" and "one yr after the effective date", respectively—recommend more flexibility in the

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time schedule since design, environmental planning, budget request and obligation, and construction may involve more than two yrs to complete.

Page 9 of 13, item 13, Is notification only required for postponement of sampling due to hazardous conditions or must Regional Board concurrence also be obtained for postponement?

Page 10 of 12, Item 4 under MS4 SWMP, What is the scientific rationale for choosing: 1) weekly inspections at construction sites; 2) monthly inspections at industrial sites; 3) twice per rainy season inspections for commercial sites; and 4) outfalls equal to or greater than 0.5 meter in diameter and twice annually for a periodicity on inspections?

Page 10 of 12, paragraph starting w/ "The SWMP/SWPPP...", indicates "within one year" to implement-- recommend more flexibility with completing implementation since design, environmental planning, budget request and obligation, and construction may involve more than two yrs to complete.

Page 11 of 12, Waterfront and Marine Operations Non-Point Source Management Plan: If a waterfront / marine operation is already covered under an existing Industrial Storm Water Permit's SWPPP, does this meet the Waterfront and Marine Operations Non-Point Source Management Plan requirement?

Page 11 of 12, 2nd to last paragraph: "The plan must be implemented w/in six months of its approval"-- recommend more flexibility with completing implementation since design, environmental planning, budget request and obligation, and construction may involve more than two yrs to complete.