

From: "Schottle, Rolf G" <rolf.schottle@amec.com>
To: <commentletters@waterboards.ca.gov>
Date: Mon, Aug 14, 2006 3:29 PM
Subject: FW: Comment Sheets - ASBS Special Protections

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

Dear Waterboard Staff- Please find attached my (AMEC) comments regarding proposed revisions to ASBS Special Protections and those forwarded on behalf of Ashford Engineering. Please let me know if you have any questions or require additional information.

I would underscore that these comments are significant and warrant due consideration prior to modifying the existing ASBS special protections provisions.

Thank you for your consideration,

Rolf Schottle
Senior Marine Scientist
AMEC Earth & Environmental
9210 Sky Park Ct, Suite 200
San Diego, CA 92123
+ rolf.schottle@amec.com
(858 300 4323
fax 858 300 4301



The information contained in this e-mail is intended only for the individual or entity to whom it is addressed.
Its contents (including any attachments) may contain confidential and/or privileged information.
If you are not an intended recipient you must not use, disclose, disseminate, copy or print its contents.
If you receive this e-mail in error, please notify the sender by reply e-mail and delete and destroy the message.

COMMENT SHEET

State Water Resources Control Board Division of Water Quality

California Ocean Plan, Areas of Special Biological Significance (ASBS) Special Protections to Address Storm Water and Nonpoint Source Discharges

Date: August 15, 2006
Subject: Comments – ASBS Special Protections
Name: Meleah Ashford, Water Quality Engineer, Ashford Engineering
Email: msashford@adelphia.net
Address: Ashford Engineering Inc.
132 N. El Camino Real, #334
Encinitas, CA 92024

Remarks:

1. The State should be using an adaptive process for monitoring requirements in the Special Protection conditions and the Ocean Plan Amendments. Scripps and the City of San Diego have collectively monitored for the Ocean Plan Table A and B constituents a number of times and have only detected a handful of constituents and even less instances where the Ocean Plan numeric targets have been exceeded.
2. The Special Conditions and Ocean Plan must recognize the erratic nature of storm water and include allowances for very large storms. The most reasonable approach is to utilize a particular design storm when outlining load reduction goals. The precedent has been set in the Standard Urban Stormwater Mitigation Program (SUSMP) for many municipal Phase I NPDES Permits to require treatment for the 85th percentile storm.
3. Page 3, Enforcement: The State should develop a process whereby monitoring data is reviewed in a collaborative and scientific manner to develop solutions for ASBS protection.
4. Page 4, Non-storm Water Point Sources: The exclusion of agricultural irrigation return flows is puzzling, since these flows potentially contain pollutants with significant impacts on aquatic resources.
5. Page 5, Discharges via Seeps or Springs that Discharge into an ASBS: A process to identify the presence of anthropogenic activities should be outlined. For example, “based on the presence of chlorine”.
6. Page 6, #5.a: The document assumes that “Region” refers to RWQCB boundaries, but this should be spelled out.
7. Page 6, #5.b: The term “reasonable distance” should be better defined. Consider using 75- feet as is used in AB411 bacteria sampling.

COMMENT SHEET

State Water Resources Control Board Division of Water Quality

California Ocean Plan, Areas of Special Biological Significance (ASBS) Special Protections to Address Storm Water and Nonpoint Source Discharges

Date: August 15, 2006
Subject: Comments – ASBS Special Protections
Name: Rolf Schottle, Project Manager, AMEC Earth and Environmental
Email: rolf.schottle@amec.com
Address: AMEC Earth and Environmental
9210 Sky Park CT
San Diego, CA 92123

Remarks:

1. As part of the overall approach, the primary elements of the SWAMP guidance (and consistent with EPA guidance for Data Quality Objective Process, EPA QA/G-and QAPPs, QA/G-5) provide a useful, standardized template for the collection, testing and reporting of a majority of the Ocean Plan constituents. However, several elements of the current SWAMP Guidance require additional consideration. Specifically,
 - The SWAMP guidance is designed with the intent for the evaluation of surface waters and may not adequately address issues associated with monitoring the marine environment of an ASBS.
 - Harmony with other regional integrated monitoring programs. Section B.1 of 2005 CA Ocean Plan prescribes applying the more stringent standard which may or may not be appropriate (e.g. SWAMP QAPP Table C-3 TRL for PCB congeners is 0.2 ppb wet weight, Bight 03 Coastal Ecology Committee QAPP recommended reporting objective for PCB congeners is 20 ppb wet weight). Reporting criteria should be based on sound scientific approach and may warrant revision to Ocean Plan guidance.
 - Target Reporting Limits, Lowest Minimum Detection limits and Use of Minimum Limits are the subject of current debate among environmental testing laboratories and various regulatory agencies as they relate to the intent of performance based measurement systems. Lingering obstacles remain; Will all regions with responsibility for evaluating the data accept the lab's use of the selected (modified) method? What are the criteria for use and selection of appropriate quality assurance materials or testing to demonstrate the methods performance? These issues warrant further consideration and refinement.
 - Comprehensive low level testing should be targeted to initial characterization testing under the most probable conditions of potential discharge of OP constituents. Where no

OP exceedences are observed, routine monitoring should be decreased to include only those potential constituents of concern above OP limits.

Alternative: Let current efforts (e.g. as established under current NPDES permits exceptions such as SIO) provide the scientific basis for evaluating the approach to future monitoring requirements. Similarly, utilize a collective, collaborative approach (e.g. recommendations the Natural Water Quality technical committee) to develop appropriate and achievable standards derived from the best available science (including consideration of risk-based effects, potential impact to the ecosystem and other beneficial uses). The rationale (and limitations) for all measurement endpoints for all testing matrices should be clearly defined (and described in EPA QA/G-4) before additional monitoring requirements are appended to the current Ocean Plan. In addition, proposed OP revisions may be more appropriately addressed as part of the peer reviewed tri annual review process versus the issuance of draft staff recommended guidance with relatively short comment and review period.

2. Inclusions of Reference Stations are inherently problematic and may or may not be appropriate to a given ASBS. Where as isolated watersheds and their corresponding ASBS (e.g. undeveloped coastal areas, ASBS surrounding offshore islands) *may* lend themselves to a useful comparison to a reference site(s), however, larger more complex watersheds may not afford comparable reference areas. Other issues include:

- Scientific basis for assigning "Regional" reference values
- Method and reporting comparability with previous long term monitoring programs (e.g. State Mussel Watch)
- Reference stations are subject to the similar measurement variability due to seasonality, spatial disparity and site specific factors.
- This comment applies to water, tissue and sediment matrices

Alternative: Results should be ranked on the basis of relative concentrations (including areas deemed "clean" and those considered impacted) instead of prescribing to attain a constructed reference value. Results from established regional monitoring programs can be used as a comparative datasets.

3. Monitoring effectiveness may decrease as constituent concentrations near Ocean Plan Water Quality Objectives due to measurement variability from both natural occurring sources and the variability introduced during sample collection and testing. In particular, the rationale for method selection is based primarily on the lowest achievable detection limits. Results from these low level methods are more prone to false positives, negatives and higher uncertainty.

Alternative: If initial results indicate constituent concentrations at or slightly above OP exceedence criteria, lower confidence thresholds should be employed as part of a risk based approach.