



SCRIPPS INSTITUTION OF OCEANOGRAPHY  
DIRECTOR'S OFFICE/ADMINISTRATION

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June 7, 2004

Dominic Gregorio  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 100  
Sacramento, CA 95812-0100

Subject: Mitigated Negative Declaration for Exception to the California Ocean Plan for the University of California Scripps Institution of Oceanography Discharge into the San Diego Marine Life Refuge Area of Special Biological Significance<sup>1</sup> ; SCH# 2004051018

Dear Mr. Gregorio:

The University of California, San Diego Scripps Institution of Oceanography ("Scripps") appreciates the opportunity to provide comments on the State Water Resources Control Board's ("State Board") proposed mitigated negative declaration and initial study for the exception to the California Ocean Plan ("Ocean Plan") for Scripps' discharge into the San Diego Marine Life Refuge Area of Special Biological Significance ("Refuge").

Scripps appreciates the cooperative efforts of the State Board staff and supports the staff recommendation that the State Board grant the exception from the Ocean Plan prohibition. The granting of the exception will not compromise protection of the beneficial uses in the Refuge, it will provide additional monitoring and safeguards, and it will continue to allow Scripps to conduct world renown and critically important energy, climate, medical, marine biology and earth science research and education, all of which provide significant public benefits.

In conjunction with the State Board, the State Coastal Conservancy and potentially other agencies and non governmental partners, Scripps is interested in developing a model monitoring program to assess the condition of the Refuge. At the present time, Scripps is engaged in several coastal monitoring programs in Southern California, some of which may be readily applied to the Refuge. Scripps is committed to work in collaboration with the State Board, the Regional Board, and concerned environmental and citizen groups to develop an ecosystem based monitoring program in the Refuge that will support statewide efforts in managing ocean discharges.

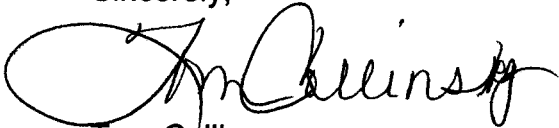
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<sup>1</sup> Scripps understands that the State Board's Notice of Proposed Negative Declaration dated May 4, 2004 has been changed to a Mitigated Negative Declaration. These comments apply to both documents.

At the same time Scripps notes that it will need financial assistance in order to fund such a model program and it looks forward to receiving such assistance and to developing partnerships to establish and implement these programs.

Enclosed with this letter are Scripps' specific comments on the content of the State Board's Mitigated Negative Declaration and Initial Study (Attachment A to this letter). Should you have any questions, please direct them to Larry Oberti, Environmental Affairs Manager, Environment, Health and Safety Department. Mr. Oberti can be reached at (858) 534-1065 or loberti@ucsd.edu.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Collins". The signature is fluid and cursive, with a large initial "T" and "C".

Tom Collins  
Deputy Director, Administrative Affairs  
Scripps Institution of Oceanography

ATTACHMENT A: University of California San Diego Scripps Institution of Oceanography's Comments on State Board's Mitigated Negative Declaration and Initial Study<sup>1</sup>

#	Page	Paragraph / Section	Comment
2	Page 2	Item 6 through 10	<p>The University of California San Diego (“UCSD”) Scripps Institution of Oceanography (“Scripps”) is taking a pro-active approach to storm water pollution prevention. Scripps is a non-traditional MS4 under the NPDES Phase II storm water regulations, and while the San Diego Regional Water Quality Control Board, Region 9 (“Regional Board”) is not currently accepting non-traditional MS4 Phase II permits, Scripps has nevertheless developed and implemented a Storm Water Management Plan (SWMP). Scripps is committed to identifying potential pollutant sources and developing BMPs to eliminate, minimize and/or treat the discharge of pollutants into storm drains. Scripps will work to identify and eliminate illicit connections and other non-storm water discharges by or before the required mitigation date. Because of Scripps’ proximity to the San Diego Marine Life Refuge (the “Refuge”), Scripps will accelerate development, implementation and measurement of success for its storm water program.</p> <p>In 2003 the UCSD campus conducted a hydrology study to map campus-wide drainage patterns and surface watersheds including Scripps. See Exhibit 1. Detailed mapping of the storm drain system is underway and Scripps will soon issue a RFP and hire a consultant to develop a more detailed storm water program.</p> <p>The Scripps watershed, in part, incorporates off campus locations including private residential developments to the north, and City of San Diego streets and properties. Scripps has met with the City of San Diego and intends to partner with the City’s MS4 program to address their contributions of storm water discharges into the Refuge. The revised SWMP will include educational components for campus personnel and the off-campus residential neighborhood.</p> <p>Scripps has commenced discussions with the City of San Diego Metropolitan Wastewater Department (MWD) to divert dry weather flow and to examine other feasible industrial discharge diversion options.</p>

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3	Page 2	Item 7	Scripps is partnering with the MWD in developing dry weather flow diversion options. Scripps will assess and implement pollution reduction options for all storm water discharges.
4	Page 2	Item 10	<p>Scripps is committed to accelerating its BMP schedule. However, it is anticipated that treatment control BMPs (e.g., diversion structures, treatment systems, etc) that require design, CEQA work, other agency permits, and construction may not be completed within one year of the permit issuance date.</p> <p>Any impact to the receiving water should be related to Scripps discharge.</p> <p>We suggest deleting the last sentence and replacing it with: "Scripps must implement BMPs in accordance with the approved SWMP implementation schedule."</p>
5	Page 3	Item 12	<p>While Scripps believes that any such bioaccumulation study should be reasonably related to the influence of Scripps discharge, it is willing to cooperate with State and Regional Boards in the development of a study protocol to examine metal concentrations in the sand crabs and mussels within the Refuge. Scripps requests the assistance of both boards in locating grant or other funding mechanisms for such Refuge studies.</p> <p>Bioaccumulation study requirements, if any, in subsequent permits should not be established until the initial bioaccumulation results are available and reviewed.</p>
7	Page 3	Item 16	The first sentence of mitigation measure #16 implies that any exceedance in the receiving waters are a result of Scripps discharge. However, if Scripps effluent monitoring data does not show such exceedances, then the actions specified in this measure should not be mandated. As part of a model monitoring program such receiving water quality assessments may be appropriate. Scripps supports the Clean Water Act iterative approach used for MS4s that must control pollutants "to the maximum extent practicable." CWA § 402(p)(3)(B)(iii).
8	Page 4	Item 19	By requiring that Scripps "must pursue and implement" the results of a consultant feasibility study, mitigation measure #19 limits Scripps' ability to evaluate and

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			<p>implement available options from more than one source (e.g., other agency input, multiple consultants, etc.). Scripps is currently working with the MWD and the Department of Fish &amp; Game to evaluate options for controlling exotic species.</p> <p>Recommend revising first sentence to read:</p> <p>“Scripps must pursue and implement administrative and engineering controls to prevent exotic species from entering the ASBS.”</p>
<b>INITIAL STUDY</b>			
9	Page 1	General comment	<p>Scripps is committed to work in collaboration with the State Board, the Regional Board, environmental and concerned citizen groups to develop an ecosystem based monitoring program that can be used as a model to support statewide efforts in managing ocean discharges. Scripps will need assistance in finding funding for such a model program.</p>
10	Page 3	Par 4	<p>Lighting from Scripps Pier onto the beach will be turned off during the nights when the California Department of Fish and Game have determined that grunion are expected to spawn.</p>
11	Page 4	Par 4	<p>Based on wave data from the Coastal Data Information Program, Dr. Bill O'Reilly, Scripps Integrative Oceanography Division, indicates that during the winter months the storm conditions are as follows: during the first 10-12 hours preceding the large storm events, the wind is from the south &amp; west, creating mostly southerly and westerly seas (high frequency waves). As the storm develops, the longer period waves develop. These longer period waves predominantly come from the west and northwest.</p>
12	Page 4	Par 8	<p>The background samples were collected on one day, therefore reliable conclusions regarding background or ambient copper concentration cannot be drawn in light of the variable nature of the coastal environment.</p> <p>Recommend deleting the last two sentences starting with “...Based on these results ambient sea water in the vicinity of Scripps has a copper concentration of approximately 2 ug/L...” Additional monitoring is required to better establish the</p>

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			appropriate background or reference point.
14	Page 9	Par 3	Recommend revising first sentence to read: “As a result of the environmental review <u>and mitigation measures associated</u> with this request for an exception from ...”
15	Page 9	Par 6	Is the data set referred to in the first sentence “1994-2003”? If so, change: “1994-1998” to read “1994-2003”. If not, what data set is the reference?
16	Page 9/10	Last paragraph	Scripps will further manage copper and other additives by improving life support systems used to protect the health of exhibit specimens and by isolating and reducing the volume of water used for treatment. Scripps is also exploring diversion of treated water to the sewer.
17	Page 10	Par 1	Suggest moving sentences on Formalin (second and third sentences) to last paragraph on page 10, after the first sentence and delete the word “furthermore.”
18	Page 10	Par 2	Last sentence, delete: “it seems feasible that”
19	Page 11	Mitigation Measures	To implement the mitigation measures, Scripps is working with the MWD to evaluate the possibility of diverting water with constituents of concern to the sewer, and Scripps is reviewing the results of a feasibility study that assessed engineering solutions to reduce the need for copper sulfate treatments and other chemical treatments.
20	Page 11	Bacteria Section	<p>To address coliform bacteria in the discharge from Outfall #3, Scripps is looking at mitigation options such as: treating the water to eliminate coliform bacteria, discharging water to sewer, and possibly terminating research on the seals (with concomitant loss of valued research and public benefit).</p> <p>For example, Scripps research on elephant seals is being undertaken to understand the unique physiological adaptation that allows the seals to survive with very low saturation of oxygen in their bloodstream. Implications beyond the pure knowledge of seal physiology is extrapolated to the understanding physiology critical to anesthesiology, and organ transplantation. Additional examples of Scripps research work will be provided prior to the July 7 State Board Workshop.</p>

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21	Page 12	Par 1	See Comments on Page 2, Items 6 through 10 set out on Page 1 of this Matrix.
22	Page 14	Second bullet and Par 1	Co-mingling of seawater with lower salinity water in the storm drain as a biological pollutant control does not correspond with Scripps' approach to biological pollutant management and will not be considered as the treatment option for non-indigenous species. In cooperation with the Department of Fish & Game, the MWD and with additional technical assessment, Scripps will continue to work to address biological pollutants.
23	Page 14	3 <sup>rd</sup> bullet	DELETE: "the results of a consultant's feasibility study for" CHANGE TO READ: "SCRIPPS will pursue and implement feasible administrative and engineering controls..."
24	Page 15-16	General Comment	The 2003 survey represents a snapshot in time whereas the 1980 survey was conducted over a period of time (multiple surveys); therefore, the results are not directly comparable. While agreeing that the numbers of species noted in the AMEC 2003 report are fewer than in the 1980 report, to indicate "there is an apparent drop in species" implies cause and effect. As noted in the staff report and quoted from the AMEC 2003 survey "This survey could not and was not designed to determine any causal effect, but to characterize the respective areas within a specific period of time..." Scripps agrees that existing data could be enhanced to obtain additional background information. Scripps is in the process of developing a model monitoring program. As a component of this program, Scripps intends, inter alia, to accelerate the schedule for conducting benthic marine surveys to supplement the existing information.





ASBS #31

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SOURCE: 2003 LONG RANGE DEVELOPMENT PLAN HYDROLOGY STUDY PERFORMED BY PBS&J ENGINEERS

PRODUCED BY: UCSD PHYSICAL PLANNING  
JUNE 3, 2004

F:/DEPARTMENTS/PHYSICAL/PROJECTS/SCRIPPS INSTITUTION OF OCEANOGRAPHY/SEAWATER/SEAWATER.DWG



**SCRIPPS INSTITUTION OF OCEANOGRAPHY**  
**EXHIBIT A: SUFACE HYDROLOGY WATERSHEDS**