



U.S. DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
National Marine Sanctuary Program

West Coast Region  
99 Pacific Street, Bldg. 200, Suite K  
Monterey, CA 93940

October 24, 2011



Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Dear Ms. Townsend:

This letter provides comments from NOAA's Office of National Marine Sanctuaries (ONMS) on the proposed amendments to the 2009 Ocean Plan. Along the California coast are four national marine sanctuaries in which large vessels transit: Cordell Banks, Gulf of the Farallones, Monterey Bay and Channel Islands (CBNMS, GFNMS, MBNMS and CINMS). Each sanctuary benefit from the proposed amendments to the Ocean Plan to regulate vessel discharges. In addition, we are encouraged that you are moving forward with a process to monitor receiving waters which can better inform us of the water quality conditions within sanctuary waters.

We support the inclusion of all aspects of the vessel discharge prohibitions and implementation provisions as described in Section II.I.5 and II.K, with the following comments:

1. The definition of "Large Passenger Vessels" should be revised by changing the phrase "carrying of passengers for hire" to "carrying of passengers for hire or tenants who lease or purchase onboard living quarters" (or alternate language: "carrying of passengers for hire, lease, or purchase"). There are now condominium ships that are very similar to cruise ships, but whose passengers "own or lease", rather than "hire or rent" space aboard the vessel.
2. Please include a definition for "oily bilge water". We use for sanctuary regulations and therefore recommend the US Coast Guard definition found in 33CFR151.10(b). It states that the oil content of any effluent without dilution must not exceed 15 ppm if discharged within 12 miles of land.
3. Discharge regulations for graywater in the California sanctuaries are most clearly described for MBNMS, where discharge of graywater is only allowed from small boats or vessels 300 gross registered tons or greater without sufficient holding tank capacity, provided the graywater is "clean". Clean means not containing detectable levels of harmful matter. To be consistent with sanctuary regulations pertaining to graywater discharge we request the following language for Section II.I.5.c: "Discharges of graywater from oceangoing vessels with sufficient holding capacity to retain graywater are prohibited. Discharges of graywater from oceangoing vessels that are not large passenger vessels and do not have sufficient holding capacity to retain graywater must not contain detectable levels of harmful matter. Harmful matter means any substance, or combination of substances, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may pose a present or potential threat to marine resources or qualities, including but not limited to: fuel, oil, and those contaminants (regardless of quantity) listed pursuant to 42 U.S.C. 9601(14) of the Comprehensive Environmental Response, Compensation and Liability Act at 40 CFR 302.4."
4. In Section II.I.5.d, please clarify the type of vessels to which this applies. We recommend that the initial sentence be rewritten to match the syntax at the beginning of

Olympic Coast  
National Marine Sanctuary  
115 E. Railroad Ave., Ste 301  
Port Angeles, WA 98362

Cordell Bank  
National Marine Sanctuary  
P.O. Box 159  
Olema, CA 94950

Gulf of the Farallones  
National Marine Sanctuary  
Building 991, Presidio of SF  
San Francisco, CA 94129

Monterey Bay  
National Marine Sanctuary  
299 Foam Street  
Monterey, CA 93940

Channel Islands  
National Marine Sanctuary  
113 Harbor Way  
Santa Barbara, CA 93109

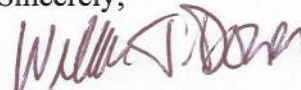
paragraph c. for ease of comparison between the sections, "Discharges from ocean going vessels and large passenger vessels of sewage and sewage sludge. . ." or "Discharges from all vessels, no matter the size, of sewage..."

We support a question-driven monitoring design for ocean discharges as described in Appendix III – Standard Monitoring Procedures. Specific comments include:

1. The framework for the proposed monitoring design has three components: core monitoring; regional monitoring; and special studies. The document describes specific monitoring requirements only for core monitoring. This makes sense because regional monitoring and special studies require more flexibility. However, the Ocean Plan should describe a process for developing and approving monitoring designs for regional monitoring and special studies. We recommend that these designs are developed with expert oversight to ensure monitoring results that can be combined across regions to enable statewide assessments.
2. Proposed monitoring requirements differ from the Ocean Plan and the Areas of Special Biological Significance (ASBS). In the proposed monitoring requirements for ASBS, core monitoring samples are collected at the "end of pipe", while receiving water samples are considered part of regional monitoring. We recommend monitoring requirements be consistent across the Ocean Plan, ASBS, and Municipal Separate Stormwater Sewer Systems (MS4).
3. We agree with the monitoring questions proposed in the Ocean Plan, but believe they cannot be adequately answered with the core monitoring that has been prescribed. For example, monitoring chemical constituents once per year is not sufficient to determine water quality and significant trends, nor would this type of monitoring identify sources of pollution. We recommend a regional monitoring approach to adequately address these questions with a level (frequency and repeatability) of effort that is reasonable for the dischargers. We hope that the Ocean Plan leads to an organized network of regional monitoring programs that are coordinated, scientifically sound, and question-driven. As mentioned above, guidance in the Ocean Plan for developing regional programs would help to accomplish this.
4. We encourage the State Water Resources Control Board to put more reliance on the Surface Water Ambient Monitoring Program (SWAMP) and the California Water Quality Monitoring Council (CWQMC). Their expertise will ensure regional monitoring designs are sufficient to answer the Ocean Plan's monitoring questions. Involvement by SWAMP and the CWQMC would also promote gathering of data that is sharable, comparable and usable for aggregate analysis over larger spatial and temporal scales. We also support specifying adherence to SWAMP and CWQMC guidance for data management to allow timely reporting to the public.

ONMS appreciates the opportunity to comment on the proposed amendments to the 2009 Ocean Plan. We commend the efforts of SWRCB staff in developing this program with the intent of improving water quality along the coast of California. If you have any questions on our comments, please contact Bridget Hoover at (831) 647-4217 or [bridget.hoover@noaa.gov](mailto:bridget.hoover@noaa.gov).

Sincerely,



William J. Douros  
Regional Director