

**Humboldt State University, Telonicher Marine Laboratory**

*Humboldt State University (hereinafter Permittee) submitted comments on the draft NPDES permit (Order No. R1-2013-0006) in a letter dated January 18, 2013. The following are Regional Water Board staff responses to substantive comments provided by the Permittee:*

**Comment No. 1: Natural Water Quality and Final Effluent Limitations.** The Permittee states that, because the regional monitoring program is not yet implemented, there is little current information about what parameters are appropriate to assess “ambient natural water quality” and requests that the effluent limitations established in the draft Order be considered interim requirements until the data from the regional monitoring group are analyzed.

**Response:** State Water Resources Control Board Resolution No. 2011-0049 states that discharges “shall not alter natural ocean water quality” and compliance with this requirement will be determined by a comparison to constituent concentrations in reference areas agreed upon in a regional monitoring program. In lieu of a regional monitoring program, or until such time as a method of compliance is agreed upon through a regional monitoring program, the method to assess compliance has been established in the draft Order using total suspended solids and settleable solids as surrogate constituents for assessing changes in water quality in the vicinity of the Facility waste outfall. The determination whether there is water quality alteration is made by comparing the monitoring results for these constituents in the commingled seawater, filter backwash and storm water discharge and the concentrations of these same constituents in the receiving water. The effluent limitations for total suspended solids and settleable solids in Table 4 of the draft Order are final limitations, but may be modified in accordance with 40 CFR 122.62(a)(2), in accordance with an approved regional monitoring program.

**Comment No. 2: Modification to Final Effluent Limitations.** The Permittee expressed its concern that the effluent limitations in the draft Order, once adopted, would be irrevocable as a result of regulations prohibiting backsliding in NPDES permits (40 CFR 122.41(l)).

**Response:** In accordance with 40 CFR 122.62(a), the Regional Water Board may modify a NPDES permit for cause. Among the permitted causes for modification is when there is new information that was not available during the time of permit issuance and the information would have justified the application of different permit conditions at the time of issuance. (40 CFR 122.62(a)(2)) In addition, the Order has been revised to include a permit reopener provision to facilitate the permit modification in the event that a regional monitoring program is developed and approved and the Permittee has confirmed its participation in the program.

**Comment No. 3: Changes to Monitoring Requirement for Seawater and Filter Backwash Discharges.** The Permittee requests that the draft Order accommodate an adjustment of monitoring constituents and frequency by Regional Water Board staff for discharges of seawater and filter backwash, as provided for in Table E-5, table note 1, for storm water runoff monitoring.

**Response:** The provision to allow Regional Water Board staff to reduce or eliminate certain monitoring requirements is specifically authorized for the storm water discharge in Attachment A of the State Water Resources Control Board Resolution No. 2011-0049, which approved an exception to the California Ocean Plan for the Telonicher Marine Laboratory for the discharge into the Trinidad Head ASBS. There is a similar provision in Resolution No. 2011-0049 for waste seawater discharges. However, for seawater discharges, the authorization applies only to Table B constituents (except for ammonia nitrogen and chronic toxicity, both of which must be tested at least annually). This provision was inadvertently omitted from effluent monitoring requirements for commingled seawater, filter backwash, and storm water discharges at Monitoring Location EFF-001 (Table E-3) and has been added to the revised draft Order.

**Comment No.4: Sediment Study and Regional Monitoring.** The Permittee notes that requirements for special studies set forth in the permit are superseded through compliance with a regional monitoring plan if the Permittee participates in the regional monitoring effort. However, a work plan for the sediment study that was approved by the State Water Board does not clearly indicate that participation in the regional monitoring program will supersede the requirement in the draft Order that stipulates an annual sediment study. The Permittee requests confirmation that the permit requirements pertaining to the sediment study will be superseded by the requirements of the regional work plan.

**Response:** It is Regional Water Board staff's interpretation of Resolution No. 2011-0049 that permit requirements pertaining to the assessment of natural ocean water quality will be superseded by requirements of an approved regional monitoring program in which the Permittee participates.

**Comment No. 5: Quarterly Effluent Monitoring for the Seawater System.** The Permittee asserts that quarterly monitoring of waste seawater effluent combined with pre-discharge and post-discharge monitoring of the receiving water is excessive and will generate data that is already being generated by a regional monitoring program that is anticipated to commence during the term of the Order, and recommends the monitoring frequency be reduced to annual monitoring.

**Response:** The waste seawater effluent monitoring framework is established in the draft Order to serve as a mechanism to determine compliance with the requirement in Resolution No. 2011-0049 that the discharge not alter natural ocean water quality. The monitoring and compliance framework was established, in lieu of, or until such time as a regional monitoring program is implemented and results are available to assess

natural ocean water quality. Regional Water Board staff expects that final results from the regional monitoring program will not be available for some time after the effective date of this Order. Regional Water Board staff believes that quarterly monitoring is reasonable to make an assessment of the impact of the discharge on receiving water quality until regional monitoring data are available and suitable for determination of permit compliance.

**Comment No. 6: Benefits of Participation in Regional Monitoring Program.** The Permittee requests confirmation that the Permittee's participation in an approved regional monitoring program will provide contemporaneous compliance with relevant permit requirements.

**Response:** The draft Order clearly indicates that the Permittee will be in compliance with permit requirements for the Rocky Intertidal Marine Life Survey, the Bioaccumulation Study, the Sediment Monitoring Study, and certain receiving water monitoring requirements. It is the interpretation of Regional Water Board staff that waste seawater effluent monitoring requirements and receiving water monitoring requirements established in this Order to assess compliance with the requirement in Resolution 2011-0049 not to alter natural ocean water quality requires a permit modification. (See Response to comment No. 5)

**Comment No. 7: Reduction and/or Elimination of Seawater Monitoring Requirements.** The Permittee requests confirmation that the adopted Order may be revised to exclude or reduce seawater monitoring requirements reasonably justified through sample analysis.

**Response:** Please see responses to Comment Nos. 1-3 and 5.