



ENVIRONMENT, HEALTH, AND SAFETY, 0920
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JP 12-3-02
SAK 12-3-02

November 22, 2002

JOHN H. ROBERTUS
EXECUTIVE OFFICER
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
9174 SKY PARK COURT, SUITE 100
SAN DIEGO, CA 92123-1119

SUBJECT: REQUEST FOR EXCEPTION TO OCEAN PLAN PROHIBITION OF POINT
SOURCE DISCHARGES INTO AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE

Dear Mr. Robertus:

In accordance with *Section III.I.1* of the Ocean Plan, the University of California, San Diego, Scripps Institution of Oceanography, is requesting Regional Board assistance to receive an exception from *Section III.H.2* of the Ocean Plan from the State Water Board. Scripps Institution of Oceanography has four outfalls that discharge effluent into the San Diego Marine Life Refuge Area of Special Biological Significance (ASBS), located just north of the La Jolla Ecological Reserve ASBS. *Section III.H.2* of the Ocean Plan prohibits discharges to an ASBS.

The discharge effluent associated with these four outfalls has not, nor is it expected to, alter natural water quality conditions within the San Diego Marine Life Refuge or the La Jolla Ecological Reserve. Acute Toxicity Tests, completed in May 1999, demonstrated that the 100% concentration samples from outfalls 1, 2, 3, and 4 had an average survival rate of 100%. The test protocol used was taken from "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms," EPA/600/4-85/013, March 1985. In addition, sampling data submitted with the National Pollutant Discharge Elimination System (NPDES) permit application and subsequent monitoring data indicate that all of the substances listed in Table B of the Ocean Plan, with the exception of copper in Outfall 1, do not occur in significant concentrations in the effluent (verified in Finding No. 10 of Order No. 99-83, NPDES No. CA01017239). The effluent from Outfall 1 is monitored for copper on a quarterly basis and has not exceeded the NPDES permit discharge limits. Furthermore, the discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and SWRCB Resolution 68-16. From these tests and regulatory criteria, the impact on water quality has been shown to be insignificant.

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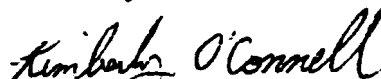
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In your letter dated September 26, 2002, you request information for an environmental analysis under CEQA; however, Finding No. 20 in Order 99-83, NPDES Permit No. CA0107239, states that this discharge is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) of the Public Resources Code Section 21100, et seq. in accordance with California Water Code Section 13389.

Scripps Institution of Oceanography has operated in compliance with the conditions stated in the current NPDES Permit, Order No. 99-83, NPDES No. CA0107239. Based on the toxicity tests and analytical results from this discharge effluent to date, the renewal of the NPDES permit with this exception to *Section III.H.2* of the Ocean Plan will not compromise protection of ocean waters for beneficial uses and the public interest will be served.

If you require additional information to grant this exception, please contact me at (858) 534-6018.

Sincerely,



Kimberly O'Connell
Environmental Issues, EH&S

Enclosed Completed NPDES Application
 - Form 200
 - U.S. EPA Form 2C

Cc L. Oberti
 S. Benedict