

EXECUTIVE OFFICER SUMMARY REPORT
November 12, 2008

- ITEM: 13
- SUBJECT: NPDES Permit Revision: University of California, Scripps Institution of Oceanography wastewater discharge to the San Diego Marine Life Refuge, a designated Area of Special Biological Significance (ASBS), San Diego County, Order No. R9-2005-0008, NPDES No. CA0107239. (tentative Resolution No. R9-2008-0139) (*Michelle Mata*)
- PURPOSE: To modify the findings, incorporate a new initial dilution ratio, revise effluent limitations, revise benthic marine life survey requirements, remove intensive bacterial monitoring requirements, and revise monitoring requirements contained in Order No. R9-2005-0008. Today's action is limited to the portions of Order No. R9-2005-0008 specified to the proposed revisions. No other portions of the Order are being considered for revision at this time.
- PUBLIC NOTICE: A public notice of the tentative Resolution was published in the San Diego Union Tribune on October 1, 2008. Copies of the tentative Resolution were mailed on October 1, 2008 to Scripps Institution of Oceanography and to all known interested parties and agencies. Copies were made available for public review at the Regional Board office on October 1, 2008. The tentative Resolution was also posted on the Regional Board's web site on October 1, 2008.
- DISCUSSION: Scripps Institution of Oceanography (SIO) is currently regulated under Order No. R9-2005-0008. Order No. R9-2005-0008 established requirements for the discharge of up to 1.25 MGD of waste seawater to the San Diego Marine Life Refuge Area of Special Biological Significance (ASBS), a portion of the Pacific Ocean located off the coast of La Jolla, CA.
- On July 22, 2004, the State Water Resource Control Board (State Board) adopted Resolution No. 2004-0052, which adopted a Mitigated Negative Declaration for the conditional exception to the Californian Ocean Plan (Ocean Plan) prohibition against waste discharges to the San Diego Marine Life ASBS. The

exception established requirements and conditions applicable to the discharges into the ASBS from the seawater system at SIO and from the municipal storm water collection system. The conditions in Resolution No. 2004-0052 are incorporated into Order No. R9-2005-0008.

Influent seawater is pumped from the end of Scripps Pier and flows by gravity via a flume to two settling tanks. Outfalls Nos. 004a and 004b discharge intake seawater settling tank overflow and sand filter backwash water respectively. The seawater is pumped to sand filters to remove the suspended matter before it is pumped to either the north or south storage tank. The seawater is circulated through various aquaria before it is discharged back to the ocean via Outfalls 001 and 003. Outfall 002 discharges municipal storm water runoff.

Order No. R9-2005-0008 required compliance with the Ocean Plan Table A Constituents (Table 1 in Order) upon adoption of the Order for outfalls 001 and 003 only. All numeric effluent limitations, including water quality based effluent limitations, in Order No. R9-2005-0008 became effective for outfalls 001, 003, 004a, and 004b on February 9, 2008.

On February 1, 2008, SIO submitted a request for modification of Order No. R9-2005-0008, NPDES No. CA0107239. The modification request, along with supporting documentation, included the following items:

1. Discontinue monitoring for certain constituents;
2. Increase the dilution factor;
3. Eliminate wet weather bacteria monitoring;
4. An 18-month extension for compliance with effluent limitations in Section C.1.b of Order No. R9-2005-0008
5. Exchange the benthic marine life survey for Bight '08 participation; and
6. Revision to the acute toxicity calculation.

Item No's 1, 2, 3, and 5 have been included in tentative Resolution No. R9-2008-0139. Item No's 4 and 6 remain unchanged in Order No. R9-2005-0008 for the reasons described below.

An 18-month extension for compliance with the effluent limitations in Section C.1.b of Order No. R9-2005-0008 would

effectively be a relaxation of the effluent limits (since the limits became effective on February 9, 2008) and thus not be compliant with the Antibacksliding and Anti-degradation provisions of 40 CFR Part 122.44.

Compliance monitoring for the acute toxicity objective (TUa) in Table B is required under the Ocean Plan. The Regional Board and State Water Resources Control Board understand the discrepancy in the toxicity equation related to results having higher survivals than controls, however, until changes are made in the Ocean Plan, permit requirements will remain unchanged. The Ocean Plan is in the process of being amended. Upon amendment of the Ocean Plan, the Regional Board will reevaluate the toxicity requirements of Order No. R9-2005-0008.

To date, the Regional Board has received no comments. All comments received will be considered, and responses to comments will be prepared and provided to the Regional Board members in the second agenda mailing and to the Discharger and other interested parties.

An Errata Sheet has been prepared to modify and clarify language in the tentative Resolution. The Errata sheet was provided to interested parties by email and through mail in a letter dated October 30, 2008. The Errata Sheet is included as Supporting Document No. 5 in this packet.

**SIGNIFICANT
CHANGES:**

The following areas in Tentative Order No. R9-2008-0082 differ from the current Order No. R9-2003-0140:

1. Based on the Ocean Plan Reasonable Potential Analysis (RPA), effluent limitations for 65 constituents have been removed. Monitoring for these constituents will be required once during the life of the permit per the requirements in the Ocean Plan.
2. Based on the results of the Dilution Study, the dilution factor was increased from 2:1 to 7:1. Effluent limitations have been recalculated to reflect the increase in dilution ratio from 2:1 to 7:1. A new RPA was conducted using the 7:1 dilution, which resulted in the results described in Item no. 1 above.
3. Requirements for future intensive bacteria studies have been

removed because of limited usefulness of the data obtained from previous intensive bacteria studies.

4. Language will be included to allow participation in the Bight '08 Regional Monitoring, which will satisfy the requirements for the Benthic Marine Life Survey required in Section C.4.e of Order No. R9-2005-0008.

COMPLIANCE: The Scripps Institution of Oceanography discharge to the San Diego Marine Life Refuge Area of Special Biological Significance (ASBS), a portion of the Pacific Ocean located off the coast of La Jolla, CA has demonstrated compliance with current requirements of Order No. R9-2005-0008.

LEGAL ISSUES: None

SUPPORTING DOCS:

1. Site Map
2. Transmittal Letter for Tentative Resolution No. R9-2008-0139
3. Tentative Resolution No. R9-2008-0139
4. Transmittal Letter for Errata dated October 30, 2008
5. Errata Sheet

RECOMMENDATION: Adoption of Tentative Resolution No. R9-2008-0139 with Errata is recommended.