



# California Regional Water Quality Control Board

## San Diego Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

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Mr. Larry Oberti  
Environmental Issues Manager  
University of California, San Diego  
Environment, Health, and Safety, 0920  
9500 Gilman Drive  
La Jolla, CA 92093-0920

WDID NO. 9 000000018

**POINT SOURCE DISCHARGES INTO AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE;  
EXCEPTION TO OCEAN PLAN PROHIBITION FOR THE UNIVERSITY OF CALIFORNIA,  
SCRIPPS INSTITUTION OF OCEANOGRAPHY, LA JOLLA.**

Dear Mr. Oberti,

As you may be aware, the 2001 California Ocean Plan, *Section III.E.1*, prohibits all point source discharges into areas designated Area of Special Biological Significance (ASBS). Scripps Institution of Oceanography has four outfalls that discharge effluent directly into the San Diego Marine Life Refuge ASBS and possibly into the San Diego La Jolla Ecological Reserve ASBS, which is located just south of the Marine Life Refuge. Scripps Institution of Oceanography is subject to the Ocean Plan prohibition against discharges to an ASBS.

The Ocean Plan, *Section III.I.1*, allows the State Water Resources Control Board (State Board) to grant exceptions provided that the exception "will not compromise protection of ocean waters for beneficial uses, and, [t]he public interest will be served." Prior to granting an exception, the State Board must hold a public hearing and comply with the California Environmental Quality Act (CEQA). Exceptions also require U.S. Environmental Protection Agency (U.S. EPA) concurrence.

Scripps Institution of Oceanography can seek an exception to the prohibition. If Scripps Institution of Oceanography decides to seek an exception, the State Board recommends that you prepare and transmit an application package to the San Diego Regional Water Quality Control Board [Regional Board]. The application package should include the following:

- 1 A cover letter including a request that the Regional Board assist you in requesting an exception from the Ocean Plan from the State Board. This request should include the following required items:

### California Environmental Protection Agency

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

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- a) Identification of the applicable Ocean Plan provision, i.e., *Section III.H.2* (the ASBS discharge prohibition);
  - b) Justification for the exception;
  - c) Documentation supporting that the requested exception will not compromise protection of ocean waters for beneficial uses;
  - d) Information for an environmental analysis under CEQA, including documentation of existing environmental conditions, a determination of the potential environmental impacts stemming from the discharge if the discharge is continued, and consideration of reasonable alternatives and the impacts of those alternatives. This would include the results of any modeling performed for the current and proposed discharges in order to determine dilution factors.
2. Completed standard National Pollutant Discharge Elimination System application forms required for requesting a modification of permit conditions (forms enclosed).
  3. The State Board recommends that Scripps Institution of Oceanography also addresses compliance with conditions stated in the current NPDES Permit, Order No. 99-83, NPDES No. CA0107239.

Upon receiving the application package, Regional Board staff will review it and make a recommendation to the State Board staff. State Board staff can then review the package for compliance with federal and state laws and policies and prepare a staff report for the State Board. As mentioned above, should the State Board approve the exception it will also require U.S. EPA concurrence.

If you have any question regarding this letter please contact Ms. Sabine Knedlik at (858) 467-2725, or e-mail her at [kneds@rb9.swrcb.ca.gov](mailto:kneds@rb9.swrcb.ca.gov)

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

Enclosed: Form 200  
U.S. EPA Form 2C

cc: Dominic Gregorio, DWQ, State Board  
John Richards, Office of Chief Counsel

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