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California Regional Water Quality Control Board Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Agency Secretary

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Arnold Schwarzenegger
Governor

July 22, 2005

Mr. William Venable, PE
Environmental Division, Building 613
Department of the Navy
Naval Base Ventura County
311 Main Road
Point Mugu, CA 93042

UPDATE THE AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS) EXCEPTION TO OCEAN PLAN PROHIBITION FOR DISCHARGE OF REVERSE OSMOSIS REJECT BRINE AND FILTER BACKWASH WATER FROM SAN NICOLAS ISLAND DESALINATION PLANT (NPDES No. CA0061794, CI-6971)

Dear Mr. Venable:

As you are aware, on June 25, 1990, the Los Angeles Regional Water Quality Control Board (Regional Board), through Resolution of Recommendation No. 90-010 requested the State Water Resources Control Board (State Board) to grant an ASBS exception to the Ocean Plan prohibition for waste discharges from the San Nicolas Island Desalination Plant.

On October 3, 1990, the State Board, in compliance with the California Environmental Quality Act (CEQA), subsequent to a public hearing, and with the concurrence of the United States Environmental Protection Agency (U. S. EPA), approved the Regional Board's request and adopted Resolution 90-105, granting the Navy an exception to the Ocean Plan for the purpose of discharging brine waste from the San Nicolas Island Desalination Plant. The exception was conditional on compliance with waste discharge requirements issued by the Regional Board.

On June 29, 2000, the Regional Board renewed a National Pollutant Discharge Elimination System (NPDES) permit (Order No. 00-074) with an ASBS exception for your discharge of reverse osmosis reject brine and filter backwash water from San Nicolas Island Desalination Plant.

On October 27, 2004, State Board and Regional Board staff received a letter from Captain A.J. Gonzalez, Program Director Environment, requesting an exception from the ASBS waste discharge prohibition for the Navy's storm water discharges on San Nicolas Island. In addition, in March 2005, Regional Board staff received an application requesting a revision of the NPDES permit due to increasing volume of brine discharge, and to relocate the effluent discharge location for the San Nicolas Island Desalination Plant. An update of the ASBS exception for brine discharge will be required.

The Ocean Plan, *Section III.I.1*, allows the 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 CEQA. Exceptions also require U. S. EPA concurrence.

California Environmental Protection Agency



Since the discharge conditions will be changed, you are required to submit information to update an ASBS exception for both brine and storm water discharge. The State Board has provided information on our website describing the information necessary to request an exception (see http://www.waterboards.ca.gov/plnspols/oplans/docs/instruct_asbs_opexceptions.pdf). The State Board recommends that you prepare and transmit an application package directly to the Regional Board. While the State and Regional Boards already have information on file that you have previously submitted, in order to proceed with your exception request you must submit the following additional information by March 1, 2006. The application package should include the following:

1. A cover letter including a request that the Regional Board assist you in requesting an update of exception from the Ocean Plan from the State Board. This request should include the following required items:
 - a) Identification of the applicable Ocean Plan provisions, e.g., *Section III.H.2* (the ASBS discharge prohibition);
 - b) Justification and rationale for the exception, and documentation that shows that the public interest will be served by granting 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. At a minimum this information should include:
 - i) Quantitative intertidal/subtidal biological surveys at a representative site for each of these areas: desalination brine discharge, barge landing, storm water outfall from the residential area, downstream from rocket launch pads, and a reference location(s) on the Island.
 - ii) An assessment of all available historical data (since January 2000) on discharge volume, chemical and physical constituents, toxicity, and indicator bacteria in storm water runoff and on discharge volume, chemical (including Ocean Plan Table B) and physical constituents, and toxicity (Ocean Plan Table B) in the brine waste water effluent, and an assessment of all available historical data (since January 2000) on discharge volume, chemical and physical constituents, toxicity, and indicator bacteria for industrial storm water runoff.
 - iii) Chemical analyses for Ocean Plan Table B constituents for the protection of marine aquatic life in samples of receiving water at: desalination brine discharge, barge landing during a storm event, storm water outfall from the residential area during a storm

event, downstream from rocket launch pads during a storm event (include analyses for perchlorate and dioxins), and a reference sample location on the island.

iv) Chemical analysis (Ocean Plan Table B chemical constituents for the protection of marine aquatic life) and sediment toxicity of sediments at: desalination brine discharge, barge landing, storm water outfall from the residential area, downstream from rocket launch pads (include analyses for perchlorate and dioxins), and a reference sample location on the island.

v) A characterization of the watershed areas draining to the ASBS in terms of land use, population density, and percentage of impervious surface. If there are areas where pesticides or herbicides are applied provide a listing of such treatments in terms of the chemicals and application rates.

vi) A description of current treatment processes, pollution controls, and/or best management practices currently used or planned (with a schedule for implementation).

vii) An analysis of alternatives to the discharge and their impacts if implemented.

2. Compliance history for drainages into the ASBS, including any spills or upset events that resulted in the discharge of toxic or otherwise prohibited substances, including untreated or partially treated wastewater. This includes, but is not limited to, compliance with the general industrial storm water permit and the current NPDES Permit, Order No. 00-074, NPDES No. CA0061794 for the desalination brine discharge.
3. Completed standard NPDES application forms required for requesting a modification of permit conditions.
4. Since your requests will substantially increase mass emissions of pollutants and involve the relocation of an existing outfall, application of the antidegradation policy would be triggered. Therefore, you are required to conduct an antidegradation analysis and submit a final report to the Regional Board.

Please send this information to the Regional Board, attention David Hung, with a copy to the State Board, Division of Water Quality, attention Dominic Gregorio.

Once the staff of the Regional Board is satisfied that all the required information has been submitted, State Board staff will prepare the required documentation to satisfy the CEQA. We anticipate that the CEQA procedure and documentation/staff recommendation on the exception will take approximately four months following Regional Board Staff approval of the additional information described above. At the end of that period, the State Board will consider the staff recommendation regarding the modification of the exception.

If the State Board issues the exceptions, then the Regional Board may re-issue the individual NPDES permits for the brine discharge, and may enroll you in coverage under the Phase II MS4 and the General

Industrial Storm Water NPDES permits. In all cases, the Regional Board will enforce the mitigation measures described in the exceptions if they are granted by the State Board.

The State Board will be having its second workshop on ASBS issues on August 31, 2005 in Monterey. More information on this workshop will be provided to you separately.

If you have any question regarding this letter, please contact Cassandra Owens at 213/576-6750 or David Hung at 213/576-6664.

Sincerely,



Blythe Ponck Bacharowski, Acting Chief
Watershed Regulatory Section

Cc: Mr. Rob Chichester, Water Program Manager
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Dominic Gregorio, State Board
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