



DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:
5090
Ser N45JWB.rc/0384
October 27, 2004

Mr. Dominic Gregorio
Division of Water Quality, Ocean Standards Unit
State Water Resources Control Board
1001 I Street Box 100
Sacramento, CA 95812-0100

This letter is in response to your October 18, 2004 letter discussing San Nicholas Island (SNI) storm water discharges into an Area of Special Biological Significance (ASBS).

As discussed in your October 18, 2004 letter, enclosure (1), we are requesting an exception to the ASBS discharge prohibition for storm water discharges from SNI.

If you need further information regarding this issue contact Mr. Rob Chichester, Water Program Manager, at (619) 524-6417.

Sincerely,

A handwritten signature in black ink, appearing to read "A. J. Gonzales".

A. J. GONZALES
Captain, U.S. Navy
Program Director Environment

Enclosure: 1. SWRCB letter dated October 18, 2004

Copy to: CO NBVC (N45V)
Los Angeles Regional Water Quality Control Board

State Water Resources Control Board



Terry Tamminen
Secretary for Environmental
Protection

Executive Office

1001 I Street • Sacramento, California 95814 • (916) 341-5615
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
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Arnold Schwarzenegger
Governor

OCT 18 2004

Mr. Rob Chichester
Environmental Department N45JWB.RC
U.S. Department of the Navy
33000 Nixie Way, Building 50, Suite 326
San Diego, CA 92147-5110

Dear Mr. Chichester:

PROHIBITION OF WASTE DISCHARGES INTO THE SAN NICOLAS ISLAND AND BEGG ROCK AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE

The California Ocean Plan (Ocean Plan), adopted by the State Water Resources Control Board (State Board) and approved by the U.S. Environmental Protection Agency (U.S. EPA), lists 34 coastal marine waters which the State Board has designated as Areas of Special Biological Significance (ASBS). ASBS are defined as "those areas designated by the State Board requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable."

The Ocean Plan, Section III.E.1., requires that: "Waste* shall not be discharged to areas designated as being of special biological significance. Discharges shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in these areas." "Waste" is defined as the "total discharge, of whatever origin." Your discharge of storm water (industrial storm water and nonpoint source runoff) into the San Nicolas Island and Begg Rock Area of Special Biological Significance is subject to the prohibition against waste discharges to an ASBS.

The Ocean Plan, Section III.I.1, allows the State Board to grant exceptions to this prohibition, 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 there must be compliance with the California Environmental Quality Act (CEQA). The U.S. EPA must also concur.

Information regarding the Ocean Plan, ASBS, or existing exceptions to the Ocean Plan may be found at <http://www.swrcb.ca.gov/plnspols/oplans/index.html>.

California Environmental Protection Agency

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Encl (1)

Because you do not already have an exception issued by the State Board for storm water discharges to the ASBS, you are required to cease discharging. You may, however, request an exception to the prohibition if you believe your discharge will not compromise protection of ocean waters for beneficial uses, and the public interest will be served. Please notify the State Board prior to January 1, 2005 whether you intend to cease discharging to the specified ASBS or whether you will seek an exception. We will discuss further steps with you subsequently. Your response should be sent to Dominic Gregorio of the Division of Water Quality, Ocean Standards Unit, with a copy sent to the Los Angeles Regional Water Quality Control Board.

The State Board staff will hold a workshop, at a date and location as yet to be determined, for those parties interested in pursuing an exception. The purpose of this workshop will be to provide information on the procedures for applying for an exception and possible funding sources that may be available to address discharges into ASBS. You will receive an invitation to this workshop in the near future.

If you have any questions, please feel free to contact Stan Martinson, Chief, Division of Water Quality, at (916) 341-5458 (marts@swrcb.ca.gov) or Dominic Gregorio, Division of Water Quality, Ocean Standards Unit, at (916) 341-5488 (gregd@swrcb.ca.gov).

Sincerely,



Celeste Cantú
Executive Director

cc: U.S. Department of the Navy
Environmental Planning and Management Department
Code 870000E, 575 "I" Avenue, Suite 1
Point Mugu, CA 93042-5049
Attention: Mr. Steven Schwartz

Mr. Jonathon Bishop, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013