

**California Regional Water Quality Control Board
San Diego Region**

Response to Comments Report

**Tentative Order No. R9-2015-0070
NPDES NO. CA0107239**

**Waste Discharge Requirements for the
University of California, San Diego
Scripps Institution of Oceanography,
Discharge to the Pacific Ocean,
San Diego County**

November 18, 2015

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

2375 Northside Drive, Suite 100, San Diego, California 92108
Phone • (619) 516-1990 • Fax (619) 516-1994
<http://www.waterboards.ca.gov/sandiego>

Documents are available at: <http://www.waterboards.ca.gov/sandiego>

**California Regional Water Quality Control Board
San Diego Region**

Henry Abarbanel, *Chair*
Gary Strawn, *Vice Chair*
Eric Anderson
Tomás Morales
Stefanie Warren
Betty Olsen
Vacant

David W. Gibson, *Executive Officer*
James G. Smith, *Assistant Executive Officer*

Catherine Hagan, *Senior Staff Counsel, Office of Chief Counsel*
Adriana Nunez, *Staff Counsel, Office of Chief Counsel*

This report was prepared under the direction of

David T. Barker, P.E., *Supervising Water Resource Control Engineer,
Surface Water Protection Branch*
Brandi N. Outwin-Beals, P.E., *Senior Water Resources Control Engineer,
Source Control Regulation Unit*

By

Joann Lim, *Water Resources Control Engineer*

This Page Intentionally Left Blank

Introduction

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has prepared this Response to Comments Report on Tentative Order No. R9-2015-0070, NPDES Permit No. CA0107239, Waste Discharge Requirements for the University of California, San Diego - Scripps Institution of Oceanography, Discharge to the Pacific Ocean (Tentative Order). The Tentative Order was made available for public review and comment for 31 days, with the comment period ending on October 12, 2015.

Comments were received from:	Page No.
University of California, San Diego	1
U.S. Environmental Protection Agency	3

Comments and Responses

The summarized comments and San Diego Water Board responses to the comments are listed in the table that follows. The comments are organized according to the party that made the comment. The table indicates if the Tentative Order was revised in response to the comment.

No.	Comment	Response	Action Taken
Kimberly O'Connell, University of California, San Diego (Discharger)			
1	<p>The University of California, San Diego – Scripps Institution of Oceanography (Facility) does not meet the definition of a Concentrated Aquatic Animal Production (CAAP) facility. Therefore, the CAAP facility requirements should be removed from the Tentative Order.</p>	<p>Because the Facility does not meet the definition of a CAAP facility, as specified in title 40 of the Code of Federal Regulations (40 CFR) part 122, Appendix C, the best management practices contained in the Compliance Guide for the Concentrated Aquatic Animal Production Point Source Category (http://water.epa.gov/scitech/wastetech/guide/aquaculture/upload/2006_05_03_guide_aquaculture_guidance_full-final.pdf) have been removed from the Tentative Order:</p> <ul style="list-style-type: none"> • Section VI.C.3.b of the Tentative Order, including the footnote, has been deleted. • Section II of Attachment F has been modified to include the following language: “Because the Facility does not meet the definition of a Concentrated Aquatic Animal Production (CAAP) Facility, as specified in 40 CFR part 122, Appendix C, the best management practices (BMPs) contained in the Compliance Guide for the Concentrated Aquatic Animal Production Point Source Category (http://water.epa.gov/scitech/wastetech/guide/aquaculture/upload/2006_05_03_guide_aquaculture_guidance_full-final.pdf) have not been incorporated into this Order.” • Section VI.B.3.b of Attachment F, including the footnote, has been deleted. 	<p>The Tentative Order has been revised as noted.</p>

No.	Comment	Response	Action Taken
2	<p>The Ocean Plan Exception¹ only requires chronic toxicity monitoring at Outfall 002 once per year during dry weather (if a discharge occurs during dry weather) and once per year during the wet weather.</p> <p>The monitoring required by the Tentative Order for Outfall 002 should be modified from twice per year (no mention of dry/wet weather) to once per year during dry weather (if a discharge occurs during dry weather) and once per year during the wet weather.</p>	<p>Based on consultation with the State Water Board, the San Diego Water Board agrees that the intent of the Ocean Plan Exception was to require chronic toxicity monitoring at Outfall 002 once per year during dry weather (if a discharge occurs during dry weather) and once per year during the wet weather. Based on this understanding, the following change has been made to the Tentative Order:</p> <ul style="list-style-type: none"> The minimum sampling frequency for chronic toxicity in Table E-3 has been changed from "2/year" to a footnote stating "Two samples must be collected from Outfall 002 (once during dry weather and once during wet weather). If there is no flow during the dry weather from Outfall 002, only one sample must be collected from Outfall 002 during the wet weather." 	<p>The Tentative Order has been revised as noted.</p>

¹ State Water Resources Control Board Resolution, *Approving an Exception to the California Ocean Plan for the University of California San Diego Scripps Institution Of Oceanography and Adopting an Addendum to the Initial Study/Mitigated Negative Declaration (Ocean Plan Exception)*, issued on April 21, 2015. The adopted Resolution has not yet been assigned a resolution number.

No.	Comment	Response	Action Taken
Debra Denton, Environmental Scientist, U.S. Environmental Protection Agency (USEPA)			
3	<p>Section III.C.3, 3rd paragraph - delete the last sentence: "If purple sea urchin and sand dollar are not available, the Discharger may conduct bivalve embryo development test method using the mussel <i>Mytilus galloprovincialis</i> or Pacific Oyster <i>Crassostrea gigas</i>, Test Method 1005.0." If purple sea urchin and sand dollar are not available, the Discharger can seek approval to use an alternative species at that time.</p>	<p>The San Diego Water Board agrees with the direction from USEPA and has modified section III.C.3 of the Tentative Order as requested.</p>	<p>The Tentative Order has been revised as noted.</p>
4	<p>Table E-7 - delete the following:</p> <ul style="list-style-type: none"> • Alternative species <i>M. beryllina</i>: 80% or greater mean survival in controls; average dry weight per surviving organism in control chambers equals or exceeds 0.50 mg. • Acceptable alternative methods depending on availability and seasonal spawning condition of the preferred species and endpoint: <ol style="list-style-type: none"> 1) Bivalve Embryo Development Test Method using the mussel <i>Mytilus galloprovincialis</i> or Pacific Oyster <i>Crassostrea gigas</i>; Test Method 1005.0. (Table 4 of the test method, above). 2) Echinoderm, Egg Fertilization Test Method using <i>S. purpuratus</i> or <i>D. excentricus</i>; Test Method 1008.0 (Table 7 of the test method, above). 	<p>The San Diego Water Board agrees with the direction from USEPA and has modified Table E-7 as requested.</p>	<p>The Tentative Order has been revised as noted.</p>

No.	Comment	Response	Action Taken
	<ul style="list-style-type: none"> • Alternative Test: Bivalve Embryo Development: Mean percent survival in the lab control must be 50% of greater, and 90% of surviving organisms must have normal shell development. The PMSD in the test must be less than 25. • Alternative Test: Echinoderm Egg Fertilization: Control mean fertilization $\geq 70\%$ and PMSD must be <25. <p>Table E-7 - delete the word "mean" throughout.</p>		