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## State Water Resources Control Board

**DRAFT MITIGATED  
NEGATIVE DECLARATION**  
Pursuant to Section 21080(c)  
Public Resources Code

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**To:** Office of Planning & Research      **From:** State Water Resources Control Board  
State Clearinghouse                              Division of Water Quality  
1400 Tenth Street                                1001 I Street  
Sacramento, CA 95814                         Sacramento, CA 958124

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**Project Title:** Exception to the California Ocean Plan for the Humboldt State University  
Telonicher Marine Laboratory Discharge into the Trinidad Head Area of  
Special Biological Significance

**Applicant:** Humboldt State University Telonicher Marine Laboratory  
PO Box 690, 570 Ewing Street  
Trinidad, California, 95570

**Location:** Telonicher Marine Laboratory  
570 Ewing Street  
Trinidad, California  
with outfall located at approximately 41.0566° N and -124.1469° W

**Project Description:** The Humboldt State University Telonicher Marine Laboratory (TML) seeks an exception from the California Ocean Plan's prohibition on discharges into Areas of Special Biological Significance (ASBS). The exception with conditions, if approved, would allow its continued waste seawater and storm water discharges into the Trinidad Head ASBS.

**Determination:** Based on the evaluation in the Initial Study, the State Water Resources Control Board (State Water Board) finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been incorporated into the project. This Mitigated Negative Declaration includes the following terms and conditions as mitigation measures.

## **Terms and Conditions:**

### **Seawater System Waste Seawater**

The discharge must comply with all other applicable provisions, including water quality standards, of the Ocean Plan. Natural water quality conditions in the receiving water must not be altered as a result of the discharge(s), and marine communities must be protected from pollution. Natural ocean water quality will be determined by a comparison to the range of constituent concentrations in reference areas agreed upon by participants in the regional monitoring program(s) or, in the absence of a north coast regional monitoring program, by the State Water Board in consultation with the North Coast Regional Water Quality Control Board (Regional Water Board).

TML will not discharge chemical additives, including antibiotics and chlorine, into the seawater discharge system effluent. In addition and at a minimum, TML's seawater effluent must comply with effluent limits implementing Table B water quality objectives as required in Section III.C. of the Ocean Plan.

TML must develop and implement a program for prevention of Biological Pollutants (non-native invasive species) in consultation with the California Department of Fish and Game Marine Resources Division.

### **Dry Weather Flows**

TML must continue to prevent all discharges of non-storm water facility runoff (i.e., any discharge of facility runoff that reaches the ocean that is not composed entirely of storm water), except those associated with the operation and maintenance of the seawater system, and emergency fire fighting.

TML must develop and implement a program to prohibit non-storm water runoff draining to the ASBS in a Storm Water Management Plan/Program (SWMP).

The SWMP must describe the measures by which non-storm water discharges have been eliminated, how these measures will be maintained over time, and how these measures are monitored and documented.

### **Storm Water Runoff**

The SWMP must include a description of how pollutants have been and will be reduced in storm water runoff into the ASBS, through the implementation of Best Management Practices (BMPs). The SWMP must describe the BMPs currently employed and BMPs planned (including those for construction activities) and must include an implementation schedule for planned BMPs.

Discharges must be free of trash, petroleum products and pesticides.

The BMPs and implementation schedule must be designed to ensure natural water quality conditions in the receiving water, and must meet effluent limitations for the co-mingled waste seawater and storm water effluent. The implementation schedule must be developed to ensure that the BMPs are implemented within one year of the approval date of the SWMP by the Regional Water Board.

The SWMP must include a map of surface drainage of storm water runoff, including areas of sheet runoff, and any structural Best Management Practices employed. The map must also show the storm water conveyances in relation to other facility features such as the laboratory seawater system and discharges, service areas, sewage treatment, and waste and hazardous materials storage areas. The SWMP must also include a procedure for updating the map and plan when other changes are made to the facilities.

TML is required to submit its final SWMP to the Regional Water Board within one year of the effective date of this exception.

### **Monitoring**

#### *Rocky Intertidal Marine Life Survey*

At least once every permit cycle (every five years), TML must perform a quantitative survey of rocky intertidal marine life near the discharge and at a reference site. The Regional Water Board staff, in consultation with the State Water Board's Division of Water Quality staff, must approve the survey design. The results of the survey must be completed and submitted to the Regional Water Board within six months prior to permit expiration. Alternatively this requirement may be met by participation in a regional monitoring program approved by the State Water Board staff.

#### *Bioaccumulation Study*

Once during the upcoming permit cycle, TML must perform a bioaccumulation study using California mussels (*Mytilus californianus*) to determine the concentrations of metals near the discharge and at a reference site. The Regional Water Board staff, in consultation with the State Water Board's Division of Water Quality staff, must approve the study design. The results of the survey must be completed and submitted to the Regional Water Board at least six months prior to the permit expiration. Based on the study results, Regional Water Board staff, in consultation with the Division of Water Quality staff, may adjust the study design in subsequent permits, or add additional test organisms. Alternatively this requirement may be met by participation in a regional monitoring program approved by the State Water Board staff.

#### *Sediment Study*

Once annually, TML must sample and analyze the subtidal sediment and storm water effluent for Ocean Plan Table B constituents. For sediment toxicity testing, only an

acute toxicity test using the amphipod *Eohaustorius estuarius* must be performed. Based on the first year sample results the Regional Water Board Executive Officer may determine specific constituents to be tested during the remainder of each permit cycle, except that acute toxicity for sediment must be tested annually. Alternatively this requirement may be met by participation in a regional monitoring program approved by the State Water Board staff.

#### *Waste Seawater Effluent Monitoring*

Monthly flows for the seawater discharge system discharging to the ASBS must be measured and reported quarterly to the Regional Water Board.

Once annually, an effluent sample collected from the waste seawater discharge during a filter backwash event during the dry season must be analyzed for Ocean Plan Table A constituents (except oil and grease), Biochemical Oxygen Demand, salinity, temperature, and Ocean Plan Table B constituents (for marine life, except cyanide, phenolic compounds, endosulfan, endrin, and HCH). Ammonia must be measured at a detection limit of 10 µg/L. Based on the results from the first year, Regional Water Board staff will determine the Table B constituents to be tested annually during the remainder of the permit cycle, except that ammonia nitrogen and chronic toxicity (for at least one consistent invertebrate or algal species) must be tested at least annually for the waste seawater effluent.

#### *Storm Water Runoff Monitoring*

The volume of storm water runoff (by storm event) must be measured (or estimated) and reported annually to the Regional Water Board.

Once annually, during wet weather (storm event greater than 0.5 inch per day), the storm water runoff effluent (co-mingled with waste seawater effluent, if discharged simultaneously) must be sampled and analyzed from the storm drain for all Ocean Plan Table A constituents, and indicator bacteria.

Once every permit cycle, during wet weather (storm event greater than 0.5 inch per day), the storm water effluent must be sampled and analyzed additionally for Table B constituents (for marine aquatic life except acute toxicity) and PAHs.

The Regional Water Board may, at its discretion or at the request of TML, and after receiving and analyzing the required water quality monitoring data, choose to reduce and/or eliminate certain monitoring requirements for constituents that routinely are found in concentrations below Ocean Plan objectives.

### *Receiving Water Monitoring*

Pre-storm monitoring: At least once per permit cycle the receiving water adjacent to the seawater discharge system and storm water discharges must be sampled 24 hours prior to a storm event.

Post-storm receiving water adjacent to the seawater discharge system and storm water discharges must also be monitored at every time the effluent is sampled and analyzed for the same constituents as annual waste seawater samples and storm water samples. The sample location for the receiving water will be in the surf zone immediately adjacent to the outfall location where effluent is sampled.

For receiving water monitoring, alternatively, this requirement may be met by participation in a regional monitoring program approved by the State Water Board staff.

### *Reference Site Monitoring*

Reference samples must also be monitored at the same time as the effluent samples (twice annually) and analyzed for the same constituents as annual waste seawater samples and storm water samples. Reference samples will be collected in the ocean at a station determined via a regional monitoring program, or in the absence of such program, by the State Water Board. Samples at the reference station during wet weather may be collected immediately following a storm event, but in no case more than 24 hours after, if sampling conditions are unsafe during the storm. Wet weather reference samples must be collected at the point where runoff from a reference watershed enters the ocean in the surf zone.

Alternatively, this requirement may be met by participation in a regional monitoring program approved by the State Water Board.

### *Metals Analysis*

For metals analysis, waste seawater, co-mingled waste seawater and storm water effluent, reference samples, and receiving water samples must be analyzed by the approved analytical method with the lowest minimum detection limits (currently Inductively Coupled Plasma/ Mass Spectrometry) described in the Ocean Plan.

### **Alteration of Natural Water Quality**

Waste seawater and storm runoff discharges must not cause or contribute to any alteration of natural water quality conditions in the receiving water.

If monitoring information indicates that *natural ocean water quality* is not maintained, but there is sufficient evidence that a discharge is not contributing to the alteration of natural

water quality, then the Regional Water Board Executive Officer may make that determination. In this case, sufficient information must include runoff and seawater system effluent sample data that has equal or lower concentrations for the range of constituents at the applicable reference area(s).

If the results of receiving water monitoring indicate that the storm water runoff is causing or contributing to an alteration of natural water quality in the ASBS, as measured at the reference station(s), TML is required to submit a report to the Regional Water Board within 30 days of receiving the results. Those constituents in storm water that alter natural water quality or Ocean Plan receiving water objectives must be identified in that report. The report must describe BMPs that are currently being implemented, BMPs that are planned for in the SWMP, and additional BMPs that may be added to the SWMP. The report shall include a new or modified implementation schedule. The Regional Water Board Executive Officer may require modifications to the report. Within 30 days following approval of the report by the Regional Water Board Executive Officer, TML must revise its SWMP to incorporate any new or modified BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required. As long as TML has complied with the procedures described above and is implementing the revised SWMP, then TML does not have to repeat the same procedure for continuing or recurring exceedances of the same constituent.

**Construction Activity Potentially Affecting the ASBS**

TML will notify the Regional Water Board within 180 days prior to any construction activity that could result in any discharge or habitat modification in the ASBS. Furthermore TML must receive approval and appropriate conditions from the Regional Water Board prior to performing any significant modification, re-building or renovation of the facilities within the ASBS, per the requirements of Section III.E.2 of the Ocean Plan.

**Implementation in Permits**

The Regional Water Board will include these mitigating conditions in the NPDES permit, or a General NPDES permit, for the seawater effluent.

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Adopted by the State Water Resources Control Board on \_\_\_\_\_, 2011.

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Jeanine Townsend  
Clerk to the Board

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Date