



# California Regional Water Quality Control Board

## Los Angeles Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Over 50 Years Serving Coastal Los Angeles and Ventura Counties  
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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October 16, 2002

Mr. Stephen McElroy  
Facility Manager  
University of Southern California  
Wrigley Institute  
P. O. Box 5069  
Avalon, CA 90704

**POINT SOURCE DISCHARGES INTO AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE; EXCEPTION TO OCEAN PLAN PROHIBITION FOR THE USC CATALINA MARINE SCIENCE CENTER, SANTA CATALINA ISLAND, CA (NPDES No. CA0056651, CI6068)**

Dear Mr. McElroy:

The Los Angeles Regional Water Quality Control Board (Regional Board), at a public hearing held on October 12, 2000, adopted a National Pollutant Discharge Elimination System (NPDES) permit (Order No. 00-140) for your discharge of seawater aquarium overflow to the Pacific Ocean nearshore zone at Big Fisherman Cove.

As you may be aware, the 2002 California Ocean Plan, *Section III.E.1*, prohibits all point source discharges into areas designated Area of Special Biological Significance (ASBS). Catalina Marine Science Center discharges effluent directly into the Subarea One, Santa Catalina Island ASBS. Catalina Marine Science Center 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.

Catalina Marine Science Center can seek an exception to the prohibition. If Catalina Marine Science Center decides to seek an exception, the State Board recommends that you prepare and transmit an application package to the Regional Board. The application package should include the following:

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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

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- 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:
  - 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.
2. Completed standard NPDES application forms required for requesting a modification of permit conditions (forms enclosed).
3. The State Board recommends that Catalina Marine Science Center also addresses compliance with conditions stated in the current NPDES Permit, Order No. 00-140, NPDES No. CA0056651.

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 David Hung at 213/576-6664.

Sincerely,



Dennis A. Dickerson  
Executive Officer

Enclosed: Form 1  
U.S. EPA Form 2C

Cc: Dominic Gregorio, DWQ, State Board  
Michael Lauffer, Office of Chief Counsel

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