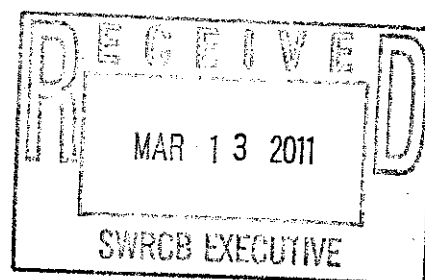




March 13, 2011

Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
Via email to commentletters@waterboards.ca.gov



Re: Monterey Bay Aquarium ASBS Special Exception

Dear Ms. Townsend and Board Members:

Monterey Coastkeeper supports the State Water Resources Control Board in its efforts to protect ocean water quality and natural marine communities, especially in Areas of Special Biological Significance (ASBS). The ASBS designation was created specifically to protect ocean water quality in areas with remarkable biological communities. We appreciate and recognize the cooperative spirit between Monterey Bay Aquarium, State Board staff, and our organization; we all want to protect the amazing resources of our Coast. We recognize the important public education and research mission of Monterey Bay Aquarium.

Monterey Coastkeeper is a program of The Otter Project. Monterey Coastkeeper protects our watersheds and coastal ocean for the benefit of wildlife and humans alike. These comments are made on behalf of the 3000 members of the Otter Project and Monterey Coastkeeper.

Monterey Coastkeeper conditionally supports the staff recommendation that the State Board grant the exception requested by Monterey Bay Aquarium to the California Ocean Plan prohibition on discharges into and adjacent to the Pacific Grove ASBS.

The ASBS exception process has positively impacted operations at Monterey Bay Aquarium. As noted in the Initial Study:

- Site BMPs have been considered and adopted
- Elimination of two ocean outfalls
- And most significantly, the Tuna Research backflush filter water has been rerouted from stormwater discharge to the sewer POTW.

In general, we have less concern with the flow-through seawater system at Monterey Bay Aquarium. We have moderate concern about chlorinated water discharge and Corporation Yard discharge. We have moderate to high concern with the potential discharges from the old Monterey Boatworks site (note: it is unclear from the site description whether Monterey Boatworks is on the Hopkins Marine Station or Monterey Bay Aquarium property and this concern will be repeated in our Hopkins Marine Station comments).

Monitoring

We believe monitoring is an essential part of any permit or exception; however we also believe that excessive monitoring can be burdensome. We believe the Rocky Intertidal Life Survey will be expensive and - while interesting - will do little to contribute to discharge control. The granitic rock outcroppings that underlie Monterey Bay Aquarium are rare along the California Coast and the relatively sheltered aspect combine to make the site rich with marine life and relatively unique. The site most similar is Pt. Pinos, but Pt. Pinos faces the open ocean. Intertidal surveys can be variable, especially where species richness is high.

The unique qualities of the site and lack of a comparable control plus the variability through time of the rocky intertidal will make it very difficult if not impossible to find any meaning in Intertidal Life Surveys. We hope this requirement is either eliminated or that all the dischargers into this ASBS will combine resources for a single survey.

We feel monitoring resources are best spent on bioaccumulation, sediment, and water quality monitoring (waste seawater, stormwater, receiving water and reference site). We believe these studies are essential to the permit. Further, we believe it is essential that butyltins be monitored in sediment and in mussel (or sand crab) tissues (bioaccumulation).

Chlorine Discharges to ASBS

Section 7.1.7 of the Initial Study (page 24) mentions two SORAC tanks where chlorinated water is discharged to drains (SEA-2). Although we understand that the chlorine is neutralized with other chemicals, we would encourage plans be made to eliminate the discharge.

Stormwater Management Plan and Corporation Yard BMPs

We are unclear on the configuration of the drains discharging from the Corporation Yard and would appreciate clarification. In one section (Initial Study page 24) it says that the Corporation Yard is sloped towards drains going to the Sanitary Sewer. In another section (Initial Study page 62) stormwater from the Corporation Yard is used for metals and toxicity testing and we would assume this is water collected at a drain or discharge point. Corporation Yard stormwater was found to exceed ocean plan standards for metals. If the Corporation Yard does in fact discharge into the ASBS the Aquarium should propose remedies and BMPs in its stormwater management plan.

Monterey Boatworks

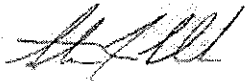
For decades the Monterey Boatworks operated on the site now between Hopkins Marine Station and Monterey Bay Aquarium. And for decades hulls were scraped, sandblasted and repainted. We are very concerned about the potential presence of butyltin chemicals on this site. Butyltin is an extremely toxic chemical that was mixed with boat paint to kill barnacles and algae - it was an anti-fouling chemical. Butyltin has been found in harbor sediments adjacent to boat works at Moss Landing, Santa Barbara and many other harbors. Butyltin can cause immune system suppression in marine mammals and has been found in extremely high levels in sea otters washing ashore dead in the Moss Landing / Monterey areas and death by disease was correlated with butyltin tissue loads.¹ Sediments should be studied adjacent to the Boatworks property. In addition, the bioaccumulation study should analyze for butyltins. If mussels are not available for tissue analysis adjacent to the site, sand crabs could possibly substitute as a test organism. We believe this analysis is an essential requirement for this exception. We believe the butyltin analysis should not become overly burdensome: sediments and tissues should be analyzed for two years and if the chemicals are not present, the analysis can be discontinued. (note: We do not know if the Monterey Boatworks site should be included in the Hopkins or Aquarium exception. This section will be repeated in our Hopkins Marine Station comments).

In closing, we wish to emphasize that we believe Monterey Bay Aquarium cares deeply about ocean water quality and preserving the resources within the ASBS. We do not believe the flow-through sea water system are threats to water quality. We would like to see elimination of the chlorinated water discharge from the two SORAC tanks. We would like to see more

¹ Kannan, K. et al. 1998. Butyltin residues in southern sea otters (*Enhydra lutris nereis*) found dead along California coastal waters. *Environ. Sci. Technol* 32:1169-1175.

information about practices at the Corporation Yard. And finally, we believe it is essential that the Boatworks property be studied for butyltin contamination.

Sincerely,

A handwritten signature in dark ink, appearing to read 'S. Shimek', with a stylized flourish at the end.

Steve Shimek
Executive Director