CALIFORNIA COASTAL COMMISSION ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION 45 FREMONT STREET SUITE 2000 SAN FRANCISCO, CALIFORNIA 941105-2219 (415) 904-5200 FAX (415) 904-5400 WWW.COASTALCA.GOV



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Prepared December 06, 2018 (for the December 13, 2018 Hearing)

- **To:** Commissioners and Interested Parties
- From: Alison Dettmer, Deputy Director

Subject: Energy, Ocean Resources and Federal Consistency Division Deputy Director's Report for December 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and negative determinations for the Energy, Ocean Resources and Federal Consistency Division are being reported to the Commission on December 13, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's office in San Francisco. Staff is asking for the Commission's concurrence on the items in the Energy, Ocean Resources and Federal Consistency Division Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on December 13th.

With respect to the December 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on December 13, 2018 (see attached)

Waivers

- 9-18-1075-W, Soil Sampling (Long Beach)
- 9-18-1168-W, Temporary Beach Closure (Haskell'S Beach, Goleta)
- 9-18-1181-W, Shark Detector (500 Yd. Transect Of Near Coastal Waters From Wu=Ithwer Side Of The Balboa Pier, Newport Beach)

Immaterial Amendments

• 9-16-0464-A1, Phillips 66 L354 Maintenance Work- Excavation & Removal of Exposed Underground Pipeline (Guadalupe-Nipomo Dunes National Wildlife Refuge)

• 9-17-0656-A1, Marine Protected Area Statewide Signage Project (Crystal Cove State Park 8471 N. Coast Hwy, Laguna Beach, Orange Co.)

Negative Determinations and No Effect Letters

Administrative Items for Federal Consistency Matters

• ND-0037-18, Corps of Engineers, Los Angeles District, Action: Concur, 11/20/2018

Six-year maintenance dredging program of federal navigation channels at Ventura Harbor from September 2018 to September 2024, with between 0.5 and 1.0 million cubic yards of material dredged annually, and with disposal occurring on South Jetty Beach, South Beach, McGrath State Beach, and in the nearshore off McGrath State Beach.

 ND-0038-18, Department of the Air Force, Action: Concur, 11/14/2018 Replacement of existing overhead and underground electrical distribution feeder line D1 on north

Replacement of existing overhead and underground electrical distribution feeder line D1 on north Vandenberg Air Force Base, Santa Barbara County.

• ND-0039-18, U.S. Coast Guard, Action: Concur, 11/14/2018

Pile removal and replacement, and pile and sheet pile corrosion control at Coast Guard Base Los Angeles-Long Beach, Los Angeles County

• ND-0040-18, U.S. Coast Guard, Action: Concur, 12/4/2018

US Coast Guard, 10-Year authorization for Maintenance Dredging at Ballast Point, with initial dredging proposed of 25,000 cu. yds., and beach and nearshore disposal, at Coast Guard Mooring Ballast Point, Naval Base Point Loma, San Diego

• ND-0041-18, U.S. Customs and Border Protection, Action: Concur, 12/5/2018

Removal of two modular buildings and installation of one new modular building at the Imperial Border Patrol Station/San Diego Sector Horse Patrol Unit, Imperial Beach, San Diego County

• ND-0042-18, Department of the Navy, Action: Concur, 12/4/2018

Uniform national standards to control certain discharges incidental to the normal operation of a vessel of the Armed Forces into the navigable waters of the U.S., the territorial seas, and the contiguous zone.

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November 29, 2018

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver:	9-18-1075-W

Applicant: Beach Oil Minerals Partners, LLC

Location: 6433 Second St., Long Beach

Proposed Development: Beach Oil Minerals Partners (BOMP) proposes to conduct additional followup soil sampling at nine locations within the Synergy Oil Field The Commission has approved three previous waivers for previous soil testing; 9-16-0947-W in November 2016 for a Phase II Environmental Site Assessment on the Synergy Oil Field and an adjacent City-owned property; 9-17-0128-W in February 2017 for further testing to determine the extent of contamination at four locations identified in the Phase II analysis, and; 9-17-0579-W in August 2017 to further characterize contamination at two of the sites. In all cases, soil sampling was conducted using hand augers and no mechanized equipment. After presenting results of these testing efforts to an Interagency Review Team (IRT), including U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, California Department of Fish and Wildlife, NOAA National Marine Fisheries Service and Coastal Commission staff, that is reviewing the northern portion of the Synergy site as a potential mitigation bank, the IRT requested additional sampling to confirm the location and extent of contamination on one the portion of the site that is proposed for restoration. BOMP is seeking approval to conduct this additional testing in the northern portion of the site. Sampling includes: (1) re-testing at 3 previously tested locations to ensure samples are tested for the full suite of analytes, (2) testing at 3 new randomly generated sample locations, (3) testing at 3 new sample locations associated with oil field activities, and (4) additional step-out testing at a previously sampled location with identified contamination. All sample locations are shown in Exhibits 1-3.

For this additional testing, BOMP proposes to use a hand auger to collect samples at various depths up to 10 feet below ground surface (bgs), depending on the type of sampling. After soil samples have been collected, BOMP will backfill the borings with native soil. A final report will be generated and distributed to the IRT.

Rationale: For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, and it will not conflict with the policies of Chapter Three of the Coastal Act:

Coastal Development Permit De Minimis Waiver

9-18-1075-W

Wetlands: The purpose of the proposed soil sampling is to determine the extent of soil ٠ contamination present within the Synergy Oil Field that BOMP has proposed for restoration and creation of a mitigation bank. The sampling efforts and any subsequent cleanup actions are a critical step in restoring the biological productivity of these disturbed wetland areas. The sampling locations include areas mapped as Coastal Commission wetlands, although sampling will occur only in unvegetated areas to avoid impacts to wetland vegetation. All samples will be collected using a hand auger to minimize impacts to adjacent wetlands and vegetation. Although several samples will be taken from wetland areas, the impact area of each sample is small (2.4-8.3 square inches per sample depending on the type of equipment) and will be sited to avoid impacts to any wetland vegetation. Given the small size and isolated location of each sample impact area, any potential impacts to the surrounding wetland habitat will be insignificant. To further reduce the potential for adverse effects, a biological monitor will monitor all sampling work to ensure any sensitive areas and species are avoided and will conduct onsite contractor training to inform workers of sensitive habitats throughout the site. Any service vehicles necessary to transport workers conducting the sampling to the sites will remain on existing access roads. Any necessary refueling will occur outside of wetland areas. All work will occur during dry conditions and outside the avian nesting season.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth Acting Executive Director

Kate Huckelbridge Senior Environmental Scientist

cc: File

EXHIBIT 1



EXHIBIT 2



EXHIBIT 3



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November 29, 2018

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

- **Waiver**: 9-18-1168-W
- Applicant: California State Lands Commission
- Location: Haskell's Beach; Santa Barbara County

Proposed Development: Temporary closure of beach and shoreline area during plugging and abandonment of one oil well and one water injection well located on two small piers located on the eastern end of Haskell's Beach in Goleta. Plugging and abandonment activities are expected to take approximately 10 to 15 days for each of the two wells (one on each pier) and during this time, the closure would extend 150-feet around the active work area. The closure area would be demarcated by caution tape, cones, or other temporary marking and enforced by safety personnel. During sensitive operations, the safety zone would be extended to a maximum of 300-feet around the pier. These larger closure areas would be used on a very limited basis of approximately four to eight hours for each of the two wells. The intent of the closure would be to protect members of the public from possible injury due to contact with the heavy machinery and materials used during well abandonment activities.

Rationale:

- To minimize interruption of beach use, the closure would occur outside the high beach use summer season and would be limited to between 20 and 30 days during the winter months (mostly January).
- To minimize the amount of affected beach area, work at the two piers would occur sequentially and would not overlap. As such, only one of the two closure areas would be in place at any one time.
- The closure areas would be limited to the far eastern end of Haskell's Beach nearly one mile from the primary beach access parking lot and trailhead for Haskell's Beach.
- The closure areas would be primarily limited to portions of the beach below the high tide line or underneath the existing piers. Only a small portion of dry sand upper beach would be included in the closures.

- Safety personnel would be onsite throughout the project and during all construction activities. These personnel would be available to escort members of the public across the closure areas on an opportunistic basis if access can be safely provided.
- The intent of the closures would be to protect members of the public from possible injury due to contact with the heavy machinery and materials used during well abandonment activities on the oil production piers.
- The applicant would carry out extensive advance public noticing of the closures no less than one week prior to their planned implementation. This noticing would include posting physical notices at the work site and all primary beach access routes for Haskell's Beach, including the public beach use parking lot and trailhead off of Hollister Avenue, the beach access route from the Bacara Resort, and the trail system on the Ellwood Mesa.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its August meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth Executive Director

(by) Cassidy Teufel Senior Environmental Scientist

cc: File

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November 29, 2018

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 9-18-1181-W

Applicant: Clever Buoy USA, LLC

Location: Adjacent to Balboa Pier, City of Newport Beach; Orange County

Proposed Development: Continued use of a network of six linked multi-beam sonar devices on the seafloor along with associated chains, cables and buoy near the end of the Balboa Pier. The sonar devices would operate continuously for up-to 60 days as part of a test of an autonomous shark detection system. The sonar devices were deployed on September 27, 2018 by divers under CDP Waiver No. 9-18-0285 and are being operated as part of an ongoing 60-day trial (October 10th through December 10th). Each device is attached to an approximately four foot high by two foot wide metal frame mooring system with three inch diameter, six foot long "legs" that are be buried in the seafloor using a low-power diver-operated water jet. Upon completion of the current 60-day trial, the system would remain in operation for an additional second 60-day trial period (mid-December through mid-February). At the completion of this second trial, the entire system (including buoy, chains, cables, sonar devices and metal frames) would be collected and removed. The coverage area for the sonar devices extends roughly 500 feet on either side of Balboa Pier.

Rationale:

- All support vessels used during maintenance and removal activities would have an oil spill prevention and response plan and appropriate response equipment on board at all times. In addition, no at-sea fueling or refueling of the support vessel or equipment would be carried out.
- The project site does not support eelgrass, kelp, rocky reef or other sensitive marine habitats.
- To help ensure that all project equipment remains in place and does not become marine debris or pose a hazard to recreational activities or navigation, Clever Buoy staff would thoroughly inspect the system at least once every two weeks and immediately after any significant storm or swell event. In the event equipment breaks or becomes dislodged, it would be immediately repaired, re-secured or removed. Clever Buoy staff would also continuously monitor the status and condition of all sonar devices and passive monitoring equipment for alerts that may indicate equipment failure or movement. If such situations

9-18-1181-W

arise and cannot be resolved remotely, additional inspections would be carried out to resolve the issue.

- At the end of the 60-day trial, all equipment and associated infrastructure would be removed and documented and a post-removal inspection would be carried out to help ensure that no equipment is left behind. The inspection results would be provided to Commission staff.
- In order to help prevent damage or entanglement of fishing gear, the sonar devices and support frames would be located outside of the high-use fishing area immediately adjacent to the Balboa Pier. Any fishing gear that drifts onto or becomes entangled with the project equipment would be collected during inspections and disposed of at an appropriate onshore facility.
- During all project removal activities, a trained and qualified marine wildlife observer would be located on the project support vessel and would be authorized to halt operations if marine wildlife (such as marine mammals or reptiles) is observed in the area and would be at risk of entanglement or injury from removal operations.
- The six multi-beam sonar devices would be operated at a sound frequency (approximately 720 kHz) that is outside the known hearing range of humans, marine mammals, sea turtles, sharks and fish. In addition, the devices would be operated at an intensity that would cause the generated sound energy to fade to background levels within less than 200 m.
- Potential shark detections observed by the system during the trial would be transmitted to the Newport Beach lifeguards and would be responded to in the same manner as a shark sighting report, following the Shark Policy developed for regional lifeguards in collaboration with relevant experts. Following this policy, a beach closure would only be likely if the presence of a shark is visually confirmed and the lifeguards determine that it poses a safety risk to ocean users.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its December meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth Executive Director

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(by) Cassidy Teufel Senior Environmental Scientist

cc: File

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NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. 9-16-0464-A1

November 27, 2018

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. 9-16-0464-A1 granted to Phillips 66 Company for: decommissioning (cleaning, isolation, rendering inert and abandoning in place) of 1.4-mile long segments of three oil and gas pipelines within the Guadalupe-Nipomo Dunes National Wildlife Refuge.

Project Site: Guadalupe-Nipomo Dunes National Wildlife Refuge, San Luis Obispo County.

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Removal of two above ground sections of pipeline within the Guadalupe Nipomo Dunes National Wildlife Refuge. Work activities would take place at two sites and would include removal of a 36-foot long pipeline section and a 10-foot long pipeline section. At both sites, the pipelines are either exposed or partially buried to a maximum depth of one foot.

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. This amendment has been considered "immaterial" for the following reason(s):

- The pipeline sections to be removed have undergone in-situ abandonment activities authorized under CDP No. 9-16-0464, including cold tapping, integrity testing, cleaning and purging. All residual fluids have been removed from the pipelines and no signs of impacted soils were found within the pipeline alignment.
- All work would be conducted in accordance with revised and updated versions of previously approved plans for soil management and erosion protection, spill prevention and response, habitat restoration, and cultural resource protection.

Notice of Proposed Immaterial Permit Amendment

9-16-0464-A1

- All work would be carried out under an existing Special Use Permit from the U.S. Fish and Wildlife Service.
- Cultural resource monitors from local Tribes would be onsite during all pipeline excavation and ground disturbance activities. The pipelines would be exposed by excavating with hand tools.
- Throughout all work activities, biological monitoring would be conducted by a qualified biologist.
- Vegetation would be minimally cleared within the work locations and laydown areas. Crews would access work locations via existing trails whenever possible. Where there are no existing trails, trails will be made via trampling of herbaceous species and minimum necessary vegetation trimming of shrub species.
- Before cutting the exposed sections, a small portion of pipeline coating would be removed at each cut location, and spill containment would be placed at each location to catch any residual fluids that may be present.
- At the completion of pipeline removal, remaining pipeline sections would be capped and excavations would be backfilled and work locations restored to pre-project conditions.

If you have any questions about the proposal or wish to register an objection, please contact Cassidy Teufel at the phone number provided above.

cc: Commissioners/File

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NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. 9-17-0656-A1

November 29, 2018

To: All Interested Parties

From: John Ainsworth, Executive Director

- Subject: Permit No. 9-17-0656 granted to California Marine Sanctuary Foundation and Ocean Protection Council for: installation of 150 interpretive and regulatory signs at coastal access points near state designated marine protected areas.
- **Project Site:** 150 sites within the counties of Del Norte, Humboldt, Mendocino, Sonoma, Marin, San Mateo, Santa Cruz, Monterey, San Luis, Santa Barbara, Los Angeles, Orange, and San Diego.

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Relocation of a marine protected area interpretive sign in Crystal Cove State Park

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. This amendment has been considered "immaterial" for the following reason(s):

- The new sign installation location is within a developed area adjacent to an existing access trail.
- No vegetation removal or disturbance would occur as a result of the sign installation.
- Installation would be completed using only hand tools and access to the work site would be on foot. No heavy equipment or machinery would be used.
- Installation of the sign would not result in short- or long-term closure of pedestrian access or recreational trail areas within Crystal Cove State Park.
- The sign would not result in the loss or blockage of coastal views.

Notice of Proposed Immaterial Permit Amendment 9-17-0656

If you have any questions about the proposal or wish to register an objection, please contact Cassidy Teufel at the phone number provided above.

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

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November 20, 2018

Eduardo T. De Mesa Chief, Planning Division Los Angeles District U.S. Army Corps of Engineers ATTN: Kirk Brus 915 Wilshire Blvd, Suite 930 Los Angeles, CA 90017-3849

Subject: Negative Determination ND-0037-18 (Ventura Harbor Maintenance Dredging Program, Ventura County)

Dear Mr. De Mesa:

The Coastal Commission staff has reviewed the above-referenced negative determination for a six-year maintenance dredging program at Ventura Harbor for the period from September 2018 through September 2024.¹ The purpose of the project is to maintain federally-authorized navigation channels, restore safe navigation within the harbor for commercial and recreational vessels, and provide beach nourishment materials for downcoast beaches eroded by littoral processes. The project includes annual dredging of between 500,000 and one million cubic yards of sandy littoral drift material from the federal entrance and navigation channels and the federal sand trap, and disposal of those sediments at South Beach, South Jetty Beach, McGrath State Beach, and/or in the nearshore zone off McGrath State Beach. Dredged material would not be placed within 200 feet of the mouth of the Santa Clara River or its estuary.

The sediment sampling and analysis plan (SAP) and SAP results were reviewed and approved by the Southern California Dredged Material Management Team (SC-DMMT, which includes Coastal Commission staff and representatives from the U.S. Environmental Protection Agency and the Regional Water Quality Control Boards) in May 2018 and August 2018, respectively. Based on the SAP test results, the SC-DMMT determined that the proposed dredged materials were physically and chemically suitable for discharge on the beach and/or in the marine environment. As with previous Ventura Harbor maintenance dredging programs, all dredging and disposal operations would be limited to the period between September 15 and March 15. Single-point discharge of dredged material and prior consultation with Coastal Commission and other resource agency staff would be implemented to protect grunion runs should dredging and disposal operations need to extend for a short time period beyond March 15. However, any extended

¹ The Corps states that weather conditions, performance of the dredging equipment, and funding levels could influence dredging program completion, and therefore the program completion period could extend through September 2025. The Corps will inform the Commission should this extension be implemented.

ND-0037-18 (Corps of Engineers) Page 2

dredging and disposal work would terminate well in advance of the Memorial Day weekend and would not occur during the peak summer recreation season.

The Corps has included in the proposed maintenance dredging program all the previous and successful avoidance, minimization, monitoring, and coordination measures that the Commission has historically found necessary to protect environmentally sensitive habitat (including areas supporting snowy plovers, grunions, tidewater gobies, and steelhead trout), public access and recreation, water quality, and other coastal resources. As with previous Corps dredging projects at Ventura Harbor, all project activities at the Spinnaker Drive staging area (located at the north end of Spinnaker Drive) will avoid encroaching into or affecting the adjacent environmentally sensitive dune habitat. Should the alternate staging area at the Surfers Knoll parking area be used, the Corps will ensure that temporary signage will be placed at this site to inform visitors that free public parking is available in the adjacent Ventura Harbor Village parking lot.

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The Commission and its Executive Director have concurred with a number of consistency and negative determinations for similar maintenance dredging operations in Ventura Harbor (CD-017-89, ND-021-92, ND-035-92, ND-021-94, CD-054-94, ND-051-95, ND-103-96, CD-104-96, ND-083-97, CD-064-98, ND-036-04, and ND-037-11). In the last three consistency items, the Commission and Executive Director concurred, respectively, with six-year maintenance dredging programs at Ventura Harbor essentially identical to the proposed six-year program, finding that the dredging and disposal activities would not adversely affect coastal resources.

In conclusion, the Commission staff **agrees** that the proposed six-year maintenance dredging program at Ventura Harbor is the same as or similar to consistency determinations with which we have previously concurred. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

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(for)

JOHN AINSWORTH **Executive Director**

cc: CCC – South Central Coast District

CALIFORNIA COASTAL COMMISSION

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November 14, 2018

Beatrice L. Kephart Chief, Installation Management Flight ATTN: Tracy Curry 30 CES/CEI 1028 Iceland Avenue Vandenberg AFB, CA 93437-6010

Subject: Negative Determination ND-0038-18 (Replacement of Overhead and Underground Electrical Distribution Feeder Line D1, North Vandenberg Air Force Base, Santa Barbara County)

Dear Ms. Kephart:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Air Force proposes to replace the existing overhead and underground electrical distribution feeder line D1 which powers numerous space launch facilities on north Vandenberg Air Force Base (AFB). The new route will run parallel to and on the opposite side of the main road in this area of the base, and will be placed above and below ground. The existing D1 line will remain operational until installation, testing, and operation of the new line is completed. Subsequently, the existing wires and electrical equipment will be removed and wooden power poles will be removed and/or cut off at ground level to avoid soil disturbance.

The Air Force completed Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service. The Air Force will comply with all terms, conditions, and reporting requirements for implementation of the reasonable and prudent measures stipulated in the Biological Opinion issued by the Service on March 21, 2018. These measures include reducing the potential for injury or mortality of California red-legged frogs, and minimizing impacts to Gaviota tarplant communities and Western snowy plover habitat.

The Air Force completed National Historic Preservation Act Section 106 consultation with the California State Historic Preservation Officer (SHPO), who concurred on September 27, 2017, with the Air Force's finding that the project would not affect historic properties. The Air Force also states that should previously undocumented cultural resources be discovered during construction activities, procedures contained in the Vandenberg AFB Integrated Cultural Resources Management Plan would be followed. Project construction activities hold the potential to temporarily affect soils, vegetation, and water quality at and adjacent to work areas. All exposed soil areas will be revegetated with a native seed mix and sufficient mulch to prevent

ND-0038-18 (Vandenberg AFB) Page 2

erosion. The Air Force will implement a Storm Water Pollution Prevention Plan and incorporate best management practices into the project design to avoid adverse effects to water quality.

Under the federal consistency regulations (15 CFR Section 930.35), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." In July 2012 the Executive Director concurred with ND-022-12 for an electrical distribution line replacement project on south Vandenberg AFB. In August 2016 the Executive Director concurred with ND-0027-16 for an electrical distribution line replacement project on north Vandenberg AFB. The proposed electrical distribution line project on north Vandenberg Air Force Base is similar to these previous projects. In conclusion, the Commission staff **agrees** that the proposed project will not adversely affect coastal resources. We therefore <u>concur</u> with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

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(for) JOHN AINSWORTH Executive Director

cc: CCC – South Central Coast District

CALIFORNIA COASTAL COMMISSION

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November 14, 2018

Dave Stalters Chief, Environmental Management Branch Civil Engineering Unit Oakland U.S. Coast Guard 1301 Clay Street, Suite 700N Oakland, CA 94612-5203

Subject: Negative Determination ND-0039-18 (Pile Removal, Replacement, and Maintenance at Base Los Angeles-Long Beach, Los Angeles County)

Dear Mr. Stalters:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Coast Guard proposes to conduct pile removal and replacement, and pile and sheet pile corrosion control at the industrial wharf and at the floating docks within the boat basin at Coast Guard Base LA-LB. The Coast Guard states that the proposed work is necessary to return the wharf and docks to full operational capability. The project includes the following elements: (1) remove ten steel mooring piles and install four composite piles with floating mooring connections in the boat basin; (2) remove 75 creosote piles in the boat basin adjacent to the floating docks; (3) prepare and coat sheet pile surfaces and floating dock guide piles in the boat basin that exhibit corrosion; (4) repair corroded sheet pile wall surfaces, floating dock guide piles, and wood pier support piles; and (5) replace wrapping on eight piles at the industrial wharf. The project is scheduled to occur between October 2018 and April 14, 2019, and is expected to take no more than 30 days to complete.

The Coast Guard has initiated informal consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding potential project impacts to listed species and essential fish habitat. As a part of those consultations, the Coast Guard states that it has committed to implementing best management practices during the construction period to protect marine habitat and resources. These measures include: (1) no pile installation between the hours of 7pm and 7am; (2) bubble curtains will be used to attenuate underwater sound levels; (3) a soft-start technique will be used during pile driving to allow marine mammals and fish to vacate the project area before the vibratory driver reaches full power; (4) monitoring will occur to ensure marine mammals and green sea turtles do not enter the project area; (5) construction will occur outside the California least tern nesting and foraging season; (6) silt curtains will be used to isolate turbidity; and (7) construction best management practices regarding spill prevention, debris containment, stormwater and erosion control, and equipment staging. In addition, the

ND-0039-18 (U.S. Coast Guard) Page 2

Coast Guard will incorporate into the project all conditions attached to its U.S. Army Corps of Engineers and Los Angeles Regional Water Quality Control Board permits.

In conclusion, the Commission staff **agrees** that the proposed project will not adversely affect coastal resources. The project is similar to other piling repair, maintenance, and replacement projects previously reviewed by the Commission at this and other locations. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

mark.

(for)

) JOHN AINSWORTH Executive Director

cc: CCC – South Coast District

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000 SAN FRANCISCO, CA 94105-2219 VOICE AND TDD (415) 904-5200



December 4, 2018

Dave Stalters, Chief Environmental Branch Chief U.S. Coast Guard Civil Engineering Unit Oakland 1301 Clay St., Suite 700N Oakland, California 94612-5204

Attn: Gilda Barboza

Re: ND-0040-18, Negative Determination, U.S. Coast Guard, Maintenance Dredging, Ballast Point, San Diego

Dear Mr. Stalters:

The Coastal Commission staff has reviewed the above-referenced Coast Guard negative determination for a 10-Year authorization for maintenance dredging at Ballast Point Mooring, Point Loma, San Diego. The initial dredging is scheduled for February 2019, with subsequent dredging estimated to occur every 2-5 years. The Coast Guard estimates the initial dredge volume to be 25,000 cu. yds. of sandy sediments, with subsequent volumes likely "much smaller." Dredging would take approximately 3 weeks to complete. The material to be dredged for the initial phase has been tested and deemed by the Commission staff, the Army Corps, and EPA, to be suitable for nearshore or beach disposal.

Three disposal alternatives are identified in the Coast Guard's negative determination: Smuggler's Cove (as part of a nearby, proposed Navy nearshore restoration project, which the Commission staff is currently reviewing), Silver Strand Boatlanes (also nearshore disposal), and LA-5 (in federal waters offshore of San Diego). The initial dredging, which is of predominantly sand-sized clean sediment, is not proposed or authorized for LA-5 disposal; that third option would be reserved for future sediments that test clean (i.e., suitable for open ocean disposal) but are not suitable for beach or nearshore disposal due to grain size.

The dredging will occur outside the least tern breeding season. Monitoring and avoidance measures adequate to protect sea turtles will be incorporated. Pre- and post-dredging monitoring for eelgrass will be conducted; any effects on eelgrass will be mitigated consistent with the Southern California Eelgrass Mitigation Policy. For all but the first dredge activity, the Coast Guard will provide the Commission staff with the applicable information: proposed project details, testing and monitoring results, and any other relevant information, prior to conducting the dredging.

ND-0040-18, USCG Ballast Point Dredging Page 2

Under the federal consistency regulations, a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." In ND-057-05, the Commission staff concurred with 25,000-35,000 cu. yds. of maintenance dredging at Ballast Point, with nearshore disposal offshore of Imperial Beach. In ND-10-01, the Commission staff concurred with a negative determination for 45,000 cu. yds. of Coast Guard maintenance dredging at Ballast Point, with nearshore disposal at Imperial Beach. In that concurrence, the Commission staff noted that the activity was similar to two previous consistency determinations: CD-26-94, Coast Guard dredging at Ballast Point, with nearshore disposal offshore of Imperial Beach, and CD-91-93, Navy, Point Loma dredging, with disposal at the same site.

In conclusion, the Commission staff **agrees** with the Coast Guard that this project is similar to the previously-authorized Coast Guard dredging activities at Ballast Point described above. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

- (for) JACK AINSWORTH Executive Director
 - cc: San Diego District U.S. Navy Corps of Engineers, L.A. District

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000 SAN FRANCISCO, CA 94105-2219 VOICE (415) 904-5200 FAX (415) 904-5400 TDD (415) 597-5885



December 5, 2018

Joseph Zidron Real Estate and Environmental Branch Chief Border Patrol & Air and Marine Program Management Office 2400 Avila Road, Suite 5020 Laguna Niguel, CA 92677

Subject: Negative Determination ND-0041-18 (Removal and Installation of Modular Buildings, Imperial Beach Border Patrol Station, San Diego County)

Dear Mr. Zidron:

The Coastal Commission staff has reviewed the above-referenced negative determination. U.S. Customs and Border Protection proposes to remove two modular buildings and install one replacement modular building at the Imperial Beach Border Patrol Station. The existing buildings are each approximately 1,540 square-feet in size and the proposed replacement building is 3,000 square-feet in size. Removals will be phased to allow use of one existing building while the other is removed. Once the new building is installed, the second existing building will be removed. The new building will be connected to existing utilities and placed within the existing disturbed footprint of the current buildings. Ground disturbance will be minimal since the existing and proposed buildings are located above-ground.

In conclusion, the Commission staff agrees that the proposed project will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely.

(for) JOHN AINSWORTH Executive Director

CCC – San Diego Coast District cc:

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000 SAN FRANCISCO, CA 94105-2219 VOICE AND TDD (415) 904-5200



December 4, 2018

Susan Goodfellow, Director Energy and Environmental Readiness Division Department of the Navy Office of the Chief of Naval Operations 2000 Navy Pentagon Washington DC 20350-2000

Attn: Mike Pletke

Re: **ND-0042-18** Navy National Consistency Determination, Uniform National Discharge Standards for Vessels of the United States, Phase II, Batch Two

Dear Ms. Goodfellow:

On October 18, 2016, the Commission staff administratively concurred with Navy National Consistency Determination for Uniform National Discharge Standards (UNDS) for Vessels of the United States, Phase II, Batch One (ND-029-16). The Batch One standards applied to 11 of the discharges from Vessels of the Armed forces (out of a total of 25 discharges for which the Dept. of Defense (DOD) and the Environmental Protection Agency (EPA) determined that it is reasonable and practicable to require a marine pollution control device (MPCD)). The Navy has now submitted a follow-up National Consistency Determination¹ for "Batch Two" discharges, which would apply to the following 11 additional discharges: catapult water brake tank and post-launch retraction exhaust, controllable pitch propeller hydraulic fluid, deck runoff, firemain systems, graywater, hull coating leachate, motor gasoline and compensating discharge, sonar dome discharge, submarine bilgewater, surface vessel bilgewater/oil-water separator effluent, and underwater ship husbandry. As was the case for Batch One, the rules apply out to 12 miles from shore.

EPA previously adopted discharge standards under the Clean Water Act (CWA) applicable to private commercial vessels,² through issuance of National Pollutant Discharge Elimination System (NPDES) Vessel General Permits (VGPs) in 2008, 2013 and 2014. The Commission conditionally concurred with EPA's original consistency determination (CD-042-08) for an NPDES VGP for non-military vessels, and the Commission staff subsequently concurred with an EPA consistency determination for an NPDES VGP/small VGP (or, sVGP) for similar vessels (CD-058-11).

¹ Also submitted to the San Francisco Bay Conservation and Development Commission, as well as all the non-California state coastal management programs. This letter is applicable only to "non-BCDC" waters discharges in California waters.

 $^{^{2}}$ I.e., discharges incidental to the normal operation of commercial and non-recreational vessels greater than or equal to 79 feet in length.

The CWA exempts military vessels from NPDES permits, which is the reason the Navy has submitted separate consistency determinations for its vessels.³ As noted in your determination, the proposed standards are comparable to those previously issued by EPA for commercial vessels. Page 4 of your determination notes: "While UNDS and the NPDES VGP are separate actions, the NPDES VGP informed the UNDS action, due to the similarities in the discharge performance standards." Page 1 of your determination states that the proposed standards would "be the most effective equipment or management practice to reduce the adverse environmental impacts of the discharge consistent with the considerations set forth by UNDS." Page 4 also states the standards would:

... reduce the adverse environmental impacts associated with the discharges from vessels of the Armed Forces, stimulate the development of improved vessel pollution control, advance the development of environmentally sound vessels, and improve the operational flexibility of vessels both domestically and internationally.

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." We **agree** that the effect of the proposed Phase II Batch Two discharge standards would be similar to those of Batch One, and would benefit (and not adversely affect) coastal zone water quality and marine resources. We therefore <u>concur</u> with your determination submitted under the Coastal Zone Management Act. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

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(for) JOHN AINSWORTH Acting Executive Director

Attachment – Discharge Performance Standards, Phase II Batch Two

cc: SFBCDC EPA (Region 9 - Eugene Bromley) EPA (Headquarters – Katherine Weiler)

³ The CWA directs the Secretary of Defense, in consultation with EPA, to establish separate standards for military vessels.

D. PHASE II BATCH TWO PERFORMANCE STANDARDS

The EPA and DoD proposed performance standards for the 11 UNDS Phase II Batch Two discharges incidental to the normal operation of a vessel of the Armed Forces into the navigable waters of the United States, the territorial seas, and the contiguous zone. These performance standards would reduce the adverse environmental impacts associated with the discharges from vessels of the Armed Forces, stimulate the development of innovative vessel pollution control, advance the development of environmentally sound vessels, and improve the operational flexibility of vessels both domestically and internationally. These discharge performance standards are designed to be consistent with the effluent limitations included in the National Pollutant Discharge Elimination System (NPDES) general permit for discharges incidental to the normal operation of a commercial vessel. During the development of the 11 proposed UNDS Phase II Batch Two discharge performance standards, the EPA and DoD analyzed the information from the Phase I of UNDS, considered the NPDES Vessel General Permit (VGP) effluent limitations, and incorporated the considerations of the seven statutory factors listed in CWA § 312(n)(2)(B). While UNDS and the NPDES VGP are separate actions, the NPDES VGP informed the UNDS action, due to the similarities in the discharge performance standards.

This section summarizes each of the Batch Two discharges and the corresponding proposed performance standards that were determined to be reasonable and practicable to mitigate the adverse impacts to the marine environment from the UNDS Phase II Batch Two 11 discharges. In selecting these standards, the EPA and DoD considered the information from Phase I of UNDS, the NPDES VGP effluent limitations, and the seven statutory factors listed in CWA § 312(n)(2)(B).

1. CATAPULT WATER BRAKE TANK AND POST-LAUNCH RETRACTION EXHAUST

Catapult water brake tank and post-launch retraction exhaust is the oily water skimmed from the water brake tank and the condensed steam discharged during catapult operations. Catapult water brakes stop the forward motion of an aircraft carrier catapult system used to launch various aircraft from Navy aircraft carriers. In waters subject to UNDS, the catapult water brake is primarily used for testing catapults on recently constructed aircraft carriers, following major drydock overhauls, or after major catapult modifications. The catapult water brake tank serves as the water supply for the catapult water brake system. During each aircraft launch or test, lubricating oil is introduced to the catapult water brake tank by the catapult pistons; as the water is recirculated through the catapult water brake and the water brake tank, oil accumulates in the tank. The proposed performance standard for catapult water brake tank and post-launch retraction exhaust is:

(a) Discharges of catapult water brake tank effluent are prohibited.

(b) The number of post-launch retractions must be limited to the minimum number required to test and validate the system and conduct qualification and operational training.

2. CONTROLLABLE PITCH PROPELLER HYDRAULIC FLUID

Controllable pitch propeller (CPP) hydraulic fluid is the hydraulic fluid that discharges into the receiving waters from propeller seals as part of normal operation, and the hydraulic fluid released during routine maintenance of the propellers. CPPs are used to control a vessel's speed or direction while maintaining a

constant propulsion plant output (i.e., varying the pitch or "bite" of the propeller blades without varying the propulsion shaft speed). High-pressure hydraulic oil is used throughout the CPP system of pumps, pistons, crossheads, and crank rings. The hydraulic fluid might be discharged into the surrounding water due to leaks associated with CPP seals and during routine maintenance or replacement of the propellers. The proposed performance standard for CPP hydraulic fluid is:

(a) The protective seals on controllable pitch propellers must be maintained to minimize the leaking of hydraulic fluid.

(b) To the greatest extent practicable, maintenance activities on controllable pitch propellers must be conducted when a vessel is in drydock. If maintenance and repair activities must occur when the vessel is not in drydock, appropriate spill response equipment (e.g., oil booms) must be used to contain and clean any oil leakage.

(c) The discharge of controllable pitch propeller hydraulic fluid must not contain oil in quantities that:

(1) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or

(2) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or

(3) Contain an oil content above 15 ppm as measured by EPA Method 1664a or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (e.g., ISO Method 9377) or United States Coast Guard; or (4) Otherwise are harmful to the public health or welfare of the United States.

3. DECK RUNOFF

Deck runoff is an intermittent discharge generated from precipitation, freshwater washdowns, wave action, or seawater spray falling on the weather deck or the flight deck that is discharged overboard through deck openings. Deck runoff contains any residues that may be present on the deck surface. Residues and contaminants present on the deck originate from topside equipment components as well as the varied activities that take place on the deck. Some or all of these pollutants can be introduced to the deck from shipboard activities, storage of material on the deck, maintenance activities, and the decking material itself. The proposed performance standard for deck runoff is:

(a) Flight deck washdowns are prohibited.

(b) Minimize deck washdowns while in port and in federally-protected waters.

(c) Prior to performing a deck washdown, exposed decks must be broom cleaned and on-deck debris, garbage, paint chips, residues, and spills must be removed, collected, and disposed of onshore in accordance with any applicable solid waste or hazardous substance management and disposal requirements.

(d) If a deck washdown or above water line hull cleaning will result in a discharge, it must be conducted with minimally-toxic and phosphate free soaps, cleaners, and detergents. The use of soaps that are labeled toxic is prohibited. Furthermore, soaps, cleaners, and detergents should not be caustic and must be biodegradable. All soaps and cleaners must be used as directed by the label.

(e) Where feasible, machinery on deck must have coamings or drip pans, where necessary, to prevent spills and collect any oily discharge that may leak from machinery. The drip pans must be drained to a waste container for disposal onshore in accordance with any applicable oil and

hazardous substance management and disposal requirements. The presence of floating solids, visible foam, halogenated phenol compounds, dispersants, and surfactants in deck washdowns must be minimized.

(f) Topside surfaces and other above water line portions of the vessel must be well maintained to minimize the discharge of rust (and other corrosion by-products), cleaning compounds, paint chips, non-skid material fragments, and other materials associated with exterior topside surface preservation. Residual paint droplets entering the water must be minimized when conducting maintenance painting. The discharge of unused paint is prohibited. Paint chips and unused paint residues must be collected and disposed of onshore in accordance with any applicable solid waste and hazardous substance management and disposal requirements.

(g) When vessels conduct underway fuel replenishment, scuppers must be plugged to prevent the discharge of oil. Any oil spilled must be cleaned, managed, and disposed of onshore in accordance with any applicable oil and hazardous substance management and disposal requirements.

4. FIREMAIN SYSTEMS

Firemain system discharges consist of the surrounding water pumped through the firemain system for testing, maintenance, and training, as well as secondary uses for the operation of certain vessel systems. The proposed performance standard for firemain systems is:

(a) Firemain systems may be discharged for testing and inspections of the firemain system. To the greatest extent practicable, conduct maintenance and training outside of port and as far away from shore as possible. Firemain systems may be discharged in port for certification, maintenance, and training requirements if the intake comes directly from the surrounding waters or potable water supplies and there are no additions (e.g., aqueous film-forming foam) to the discharge.

(b) Firemain systems must not be discharged in federally-protected waters except when needed to washdown the anchor chain to comply with anchor washdown requirements in § 1700.16.(c) Firemain systems may be used for secondary uses if the intake comes directly from the surrounding waters or potable water supplies.

5. GRAYWATER

Graywater is galley, bath, and shower water, as well as wastewater from lavatory sinks, laundry, interior deck drains, water fountains, and shop sinks. On vessels of the Armed Forces, graywater is distinct from blackwater. Blackwater is the sewage generated by toilets and urinals and is regulated separately from graywater under the CWA. Armed Forces Vessels have graywater collection systems that are separate from the blackwater collection systems. The proposed performance standard for graywater is:

(a) For discharges from vessels that have the capacity to hold graywater:

(1) Graywater must not be discharged in federally-protected waters or the Great Lakes.(2) Graywater must not be discharged within one mile of shore if an onshore facility is available and disposal at such a facility is reasonable and practicable.

(3) Production and discharge of graywater must be minimized within one mile of shore when an onshore facility is either not available or use of such a facility is not reasonable and practicable.

(b) For discharges from vessels that do not have the capacity to hold graywater:

(1) Production and discharge of graywater must be minimized in federally-protected waters or the Great Lakes.

(2) Graywater must not be discharged within one mile of shore if an onshore facility is available and disposal at such a facility is reasonable and practicable.

(3) Production and discharge of graywater must be minimized within one mile of shore when an onshore facility is either not available or use of such a facility is not reasonable and practicable.

(c) Large quantities of cooking oils (e.g., from a deep fat fryer), including animal fats and vegetable oils, must not be added to the graywater system. Small quantities of cooking oils (e.g., from pot and dish rinsing) must be minimized if added to the graywater system within three miles of shore.

(d) Minimally-toxic soaps, cleaners, and detergents and phosphate free soaps, cleaners, and detergents must be used in the galley, scullery, and laundry. These soaps, cleaners, and detergents should also be free from bioaccumulative compounds and not lead to extreme shifts in the receiving water pH. For purposes of this subparagraph, extreme shifts means causing the receiving water pH to fall below 6.0 or rise above 9.0 as a direct result of the discharge. (e) The discharge of graywater must not contain oil in quantities that:

(1) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or

(2) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or

(3) Contain an oil content above 15 ppm as measured by EPA Method 1664a or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (e.g., ISO Method 9377) or United States Coast Guard; or (4) Otherwise are harmful to the public health or welfare of the United States.

6. HULL COATING LEACHATE

Hull coating leachate is defined as the constituents that leach, dissolve, ablate, or erode from the paint on the vessel hull into the surrounding seawater. Antifouling hull coatings are often used on vessel hulls to prevent or inhibit the attachment and growth of aquatic life or biofouling and contain biocides which are used to prevent biofouling growth on the hull by continuous leaching of biocides into the surrounding water. The proposed performance standard for hull coating leachate is:

(a) Antifouling hull coatings subject to registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C 136 et seq.) must be applied, maintained, and removed in a manner consistent with requirements on the coatings' FIFRA label.

(b) Antifouling hull coatings not subject to FIFRA registration (i.e., exempt or not produced for sale and distribution in the United States) must not contain any biocides or toxic materials banned for use in the United States (including those on EPA's List of Banned or Severely Restricted Pesticides). This performance standard applies to all vessels, including vessels with a hull coating applied outside the United States.

(c) Antifouling hull coatings must not contain tributyltin (TBT).

(d) Antifouling hull coatings must not contain any organotin compounds when the organotin is used as a biocide. Antifouling hull coatings may contain small quantities of organotin compounds other than TBT (e.g., dibutyltin) when the organotin is acting as a chemical catalyst

and not present above 2,500 milligrams total tin per kilogram of dry paint film. In addition, any such antifouling hull coatings must be designed to not slough or peel from the vessel hull. (e) Antifouling hull coatings that contain TBT or other organotin compounds that are used as a biocide must be removed or an overcoat must be applied.

(f) Incidental amounts of antifouling hull coating discharged after contact with other hard surfaces (e.g., moorings) are permissible.

(g) To the greatest extent practicable, use non-copper based and less toxic antifouling hull coatings. To the greatest extent practicable, use antifouling hull coatings with the lowest effective biocide release rates, rapidly biodegradable components (once separated from the hull surface), or use non-biocidal alternatives, such as silicone coatings.

(h) To the greatest extent practicable, avoid use of antifouling hull coatings on vessels that are regularly removed from the water and unlikely to accumulate hull growth.

7. MOTOR GASOLINE AND COMPENSATING DISCHARGE

Motor gasoline and compensating discharge is the seawater taken into, and discharged from, motor gasoline tanks to eliminate free space where vapors could accumulate. Seawater, which is less buoyant than gasoline, occupies the free space to prevent potentially explosive gasoline vapors from forming. The retained seawater is then discharged when the vessel refills the tanks with gasoline in port or when performing maintenance. The proposed performance standard for motor gasoline and compensating discharge is:

(a) The discharge of motor gasoline and compensating effluent must not contain oil in quantities that:

(1) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or

(2) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or

(3) Contain an oil content above 15 ppm as measured by EPA Method 1664a or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (e.g., ISO Method 9377) or United States Coast Guard; or (4) Otherwise are harmful to the public health or welfare of the United States.

(b) The discharge of motor gasoline and compensating effluent must be minimized in port. If an oily sheen is observed, any spill or overflow of oil must be cleaned up, recorded, and reported to the National Response Center immediately.

(c) The discharge of motor gasoline and compensating effluent is prohibited in federallyprotected waters.

8. SONAR DOME DISCHARGE

Sonar dome discharge occurs from the leaching of antifouling materials into the surrounding seawater and the release of seawater or freshwater retained within the sonar dome. Sonar domes are structures located on the hull of ships and submarines, used for the housing of electronic equipment for detection, navigation, and ranging. The shape and design pressure in some sonar domes are maintained by filling them with water. Antifouling materials are used on the exterior of the sonar dome to prevent fouling which degrades sonar performance. Navy surface ship domes that are made of rubber have an exterior layer that is impregnated with TBT. On submarines and Military Sealift Command surface ships, the

sonar domes are made of steel or glass reinforced plastic and do not contain TBT but are covered with an antifouling coating. The discharge of the water from the interior of the sonar domes primarily occurs when the vessel is pierside and is intermittent depending on when the dome is emptied for maintenance. The proposed performance standard for sonar dome discharge is:

(a) The water inside the sonar dome must not be discharged for maintenance activities unless the use of a drydock for the maintenance activity is not feasible.

(b) The water inside the sonar dome may be discharged for equalization of pressure between the interior and exterior of the dome.

(c) A biofouling chemical that is bioaccumulative should not be applied to the exterior of a sonar dome when a non-bioaccumulative alternative is available.

9. SUBMARINE BILGEWATER

Submarine bilgewater is the wastewater from a variety of sources that accumulates in the lowest part of the submarine (i.e., bilge). Submarine bilgewater consists of a mixture of discharges and leakage from a wide variety of sources (e.g., seawater accumulation, normal water leakage from machinery, and fresh water washdowns), and includes all the wastewater collected in the bilge compartment, oily waste holding tank, or any other oily water or holding tank. Consequently, the discharge can contain a variety of constituents including cleaning agents, solvents, fuel, lubricating oils, and hydraulic oils. Submarines have a drain system consisting of a series of oily bilge collecting tanks and a waste oil collecting tank or tank complex to collect oily wastewater. Discharges from these tanks occur from the bottom of the tank after gravity separation. The proposed performance standard for submarine bilgewater is:

The discharge of submarine bilgewater:

(a) Must not contain oil in quantities that:

(1) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or

(2) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or (3) Contain an oil content above 15 ppm as measured by EPA Method 1664a or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (e.g., ISO Method 9377) or United States Coast Guard; or

(4) Otherwise are harmful to the public health or welfare of the United States.

(b) Must not contain dispersants, detergents, emulsifiers, chemicals, or other substances added for the purpose of removing the appearance of a visible sheen. This performance standard does not prohibit the use of these materials in machinery spaces for the purposes of cleaning and maintenance activities associated with vessel equipment and structures.

(c) Must only contain substances that are produced in the normal operation of a vessel. Oil solidifiers, flocculants or other additives (excluding any dispersants or surfactants) may be used to enhance oil-water separation during processing in an oil-water separator only if such solidifiers, flocculants, or other additives are minimized in the discharge and do not alter the chemical make-up of the oils being discharged. Solidifiers, flocculants, or other additives must not be directly added, or otherwise combined with, the water in the bilge.

(d) Must not occur in port if the port has the capability to collect and transfer the submarine bilgewater to an onshore facility.

(e) Must be minimized and, if technologically feasible, discharged as far from shore as possible.

(f) Must be minimized in federally protected waters.

(g) Must employ management practices that will minimize leakage of oil and other harmful pollutants into the bilge.

10. SURFACE VESSEL BILGEWATER/OIL-WATER SEPARATOR EFFLUENT

Surface vessel bilgewater is the wastewater from a variety of sources that accumulates in the lowest part of the vessel (the bilge) and the oil-water separator effluent is produced when the wastewater is processed by an oil-water separator. Bilgewater consists of water and other residue that accumulates in a compartment of the vessel's hull or is collected in the oily waste holding tank or any other oily water holding tank. The primary sources of drainage into the bilge are the main engine room(s) and auxiliary machinery room(s), which house the vessel's propulsion system and auxiliary systems (i.e., steam boilers and water purification systems), respectively. The proposed performance standard for surface vessel bilgewater/oil-water separator effluent is:

(a) All surface vessels must employ management practices that will minimize leakage of oil and other harmful pollutants into the bilge.

(b) Surface vessels equipped with an oil-water separator must not discharge bilgewater and must only discharge oil water separator effluent through an oil content monitor consistent with paragraph (c) of this section. All surface vessels greater than 400 gross tons must be equipped with an oil-water separator. Surface vessels not equipped with an oil-water separator must only discharge bilgewater consistent with paragraph (d) of this section.

(c) The discharge of oil-water separator effluent:

(1) Must not contain oil in quantities that:

(i) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or

(ii) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or

(iii) Contain an oil content above 15 ppm as measured by EPA Method 1664a or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (e.g., ISO Method 9377) or United States Coast Guard; or

(iv) Otherwise are harmful to the public health or welfare of the United States.
(2) Must not contain dispersants, detergents, emulsifiers, chemicals, or other substances added for the purpose of removing the appearance of a visible sheen. This performance standard does not prohibit the use of these materials in machinery spaces for the purposes of cleaning and maintenance activities associated with vessel equipment and structures.

(3) Must only contain substances that are produced in the normal operation of a vessel. Oil solidifiers, flocculants or other additives (excluding any dispersants or surfactants) may be used to enhance oil-water separation during processing in an oil-water separator only if such solidifiers, flocculants, or other additives are minimized in the discharge and do not alter the chemical make-up of the oils being discharged. Solidifiers, flocculants, or other additives must not be directly added, or otherwise combined with, the water in the bilge.

(4) Must not occur in port if the vessel has the capability to collect and transfer oil-water separator effluent to an onshore facility.

(5) Must be minimized within one mile of shore.

(6) Must occur while sailing at speeds greater than six knots, if the vessel is underway.

(7) Must be minimized in federally protected waters.

(d) The discharge of bilgewater (i.e., wastewater from the bilge that has not been processed through an oil-water separator):

(1) Must not occur if the vessel has the capability to collect, hold, and transfer bilgewater to an onshore facility.

(2) Notwithstanding the prohibition of the discharge of bilgewater from vessels that have the capability to collect, hold, and transfer bilgewater to an onshore facility; the discharge of bilgewater:

(i) Must not contain dispersants, detergents, emulsifiers, chemicals, or other substances to remove the appearance of a visible sheen. This performance standard does not prohibit the use of these materials in machinery spaces for the purposes of cleaning and maintenance activities associated with vessel equipment and structures.

(ii) Must only contain substances that are produced in the normal operation of a vessel. Routine cleaning and maintenance activities associated with vessel equipment and structures are considered to be normal operation of a vessel.(iii) Must not contain oil in quantities that:

(A) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines; or

(B) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or

(C) Contain an oil content above 15 ppm as measured by EPA Method 1664a or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (e.g., ISO Method 9377) or United States Coast Guard; or

(D) Otherwise are harmful to the public health or welfare of the United States.

(iv) Must be suspended immediately if a visible sheen is observed. Any spill or overflow of oil or other engine fluids must be cleaned up, recorded, and reported to the National Response Center immediately.

11. UNDERWATER SHIP HUSBANDRY

Underwater ship husbandry discharges occur during the inspection, maintenance, cleaning, and repair of hulls and hull appendages while a vessel is waterborne. Underwater ship husbandry includes activities such as hull cleaning, fiberglass repair, welding, sonar dome repair, propeller lay-up, non-destructive testing/inspections, masker belt repairs, and painting operations. Underwater ship husbandry operations are normally conducted pierside, and could result in the release of metals (copper or zinc) or the introduction of non-indigenous species. The proposed performance standard for underwater ship husbandry is:

(a) For discharges from vessels that are less than 79 feet in length:

(1) To the greatest extent practicable, vessel hulls with an antifouling hull coating must not be cleaned within 90 days after the antifouling coating application.

(2) Vessel hulls must be inspected, maintained, and cleaned to minimize the removal and discharge of antifouling coatings and the transport of fouling organisms. To the greatest extent practicable, rigorous vessel hull cleanings must take place in drydock or at a land-based facility where the removed fouling organisms or spent antifouling coatings can be disposed of onshore in accordance with any applicable solid waste or hazardous substance management and disposal requirements.

(3) Prior to the transport of the vessel overland from one body of water to another, vessel hulls must be inspected for any visible attached living organisms. If fouling organisms are found, they must be removed and disposed of onshore in accordance with any applicable solid waste and. hazardous substance management and disposal requirements.

(4) Vessel hull cleanings must be conducted in a manner that minimizes the release of antifouling hull coatings and fouling organisms, including:

(i) Adhere to any applicable cleaning requirements found on the coatings' FIFRA label.

(ii) Use soft brushes or less abrasive cleaning techniques to the greatest extent practicable.

(iii) Use hard brushes only for the removal of hard growth.

(iv) Use a vacuum or other collection/control technology, when available and feasible.

(b) For discharges from vessels that are greater than or equal to 79 feet in length:

(1) To the greatest extent practicable, vessel hulls with an antifouling hull coating must not be cleaned within 90 days after the antifouling coating application. To the greatest extent practicable, vessel hulls with copper based antifouling coatings must not be cleaned within 365 days after coating application.

(2) Vessel hulls must be inspected, maintained, and cleaned to minimize the removal and discharge of antifouling coatings and the transport of fouling organisms. To the greatest extent practicable, rigorous vessel hull cleanings must take place in drydock or at a land-based facility where the removed fouling organisms or spent antifouling coatings can be disposed of onshore in accordance with any applicable solid waste or hazardous substance management and disposal requirements.

(3) Vessel hull cleanings must be conducted in a manner that minimizes the release of antifouling hull coatings and fouling organisms, including:

(i) Adhere to any applicable cleaning requirements found on the coatings' FIFRA label.

(ii) Use soft brushes or less abrasive cleaning techniques to the greatest extent practicable.

(iii) Use hard brushes only for the removal of hard growth.

(iv) Use a vacuum or other collection/ control technology, when available and feasible.

E. DESCRIPTION OF COASTAL EFFECTS

The proposed UNDS Phase II Batch Two discharge performance standards, once implemented, will require vessels to hold or minimize the discharge of the 11 Batch Two discharges within 12 nautical miles (nm) from the nearest land of the United States, including territories. An analysis of the coastal