



CLEAN WATER ACT REWRITE BILL PROVISIONS

Provisions in the bill (HR 961) to reauthorize the Clean Water Act (CWA) would delay compliance dates for implementing non-point source pollution controls by one year for each year Congress fails to appropriate 100 percent of the authorized funding for the program. The new bill differs from the 1994 proposal in two key respects: it would create an administrative appeals process for wetlands determinations and would authorize the state revolving loan fund program at \$2 billion a year. The bill separates wetlands into three separate categories, from "Type A" which is the most ecologically valuable, to "Type C" the least valuable.

The EPA Water Office is finalizing a rule that would regulate smaller storm water dischargers. The EPA hopes to charter a Federal Advisory Committee group that would address several issues, including storm water discharges, sanitary sewer overflows, some non-point pollution, and broad concerns related to all types of weather runoff.

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The Senate Environment and Public Works Committee may consider streamlining the EPA storm water permitting program. The 1994 proposal would have exempted small cities in non-urban areas from storm water permitting requirements. The committee will also examine current and new programs under the CWA and consider whether they impose unfunded mandates on state and local governments.

RCRA

The EPA's Office of Solid Waste will consider policy decisions regarding how to manage different combustion wastes, determining when a material becomes a solid waste, and determining the criteria under which a waste qualifies for regulation under the hazardous waste regulatory scheme. The proposed rule would establish treatment standards for treated hazardous wastes primarily managed in land-based waste water treatment systems whose ultimate discharger is regulated under the CWA.

Underground Storage Tanks

EPA's underground storage tank program in 1995 will emphasize early compliance with the 1998 upgrade requirements. The EPA's Office of Underground Storage Tanks will work with the American Society for Testing and Materials (ASTM) and the American Petroleum Institute to develop a comprehensive training program to help states implement a risk-based approach to compliance. About 10 state underground storage tank programs could be given tentative or full approval in the upcoming year.

Above-Ground Storage Tanks

A report determining whether liners or other secondary means of containment should be used to prevent leaks or aid in leak detection at on-shore oil storage facilities located near navigable waters is expected to be issued by EPA in 1995. Various facilities subject to the requirements will receive surveys to provide site-specific information to support the spill prevention program. Required information will include the size, number and type of oil storage tanks, types of spill prevention systems and the number and size of oil discharges that have occurred at a facility.

--*Environment Reporter*, Vol. 25, No. 36, January 13, 1995, p. 1764-1783.

--*Environment Reporter*, Vol. 25, No. 37, January 20, 1995, p. 1803-1804.

--*Environment Reporter*, Vol. 25, No. 42, February 24, 1995, p. 2031-2032.

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DOD WORKING TO ESTABLISH UNIFORM NATIONAL DISCHARGE STANDARDS

The Department of Defense (DOD) is currently working with other Federal agencies and Congress to amend the Clean Water Act (CWA) to include Uniform National Discharge Standards (UNDS) for DOD vessels. Once the statute is amended to require UNDS, the EPA will be tasked with the responsibility of promulgating the standards. However, the Navy has the lead in collecting much of the data, and will make recommendations to EPA regarding the technical approach to take regarding establishing the standards.

Under the proposed legislative amendment, the EPA Administrator (with input from DOD) would determine "the discharges incidental to the normal operation of a [DOD vessel] for which it is reasonable and practicable to require treatment by a marine pollution control device in order to mitigate adverse impacts on the marine environment." In addition, for those discharges determined to require pollution control devices, the EPA Administrator (with the concurrence of DOD) would define federal standards of performance that would apply to such DOD vessels.

Basic rules by which federal agencies establish regulations and Congress enacts mandates on state and local governments and the private sector may change with the Republican-controlled congress. Regulations affecting the environment, human health or safety must undergo new risk assessment. Factors to be considered in the determination of whether to require pollution control devices and mandating of performance standards include:

- Nature of the discharge;
- Environmental effects;
- Practicability of controlling the discharge;
- Effect of the pollution control device on Navy operations; and
- Costs of installation and operation.

Under the proposed § 312(d)(5), regulations would be issued by DOD (after consultation with EPA) governing the design, construction, installation and use of marine pollution control devices. The bill would ensure that the standards and regulations would be applicable across all coastal states and the territories of the United States, and would preclude the adoption or enforcement of any related state regulations except as allowed for in the CWA.

The Marine Environmental Support Office (MESO) and the Ship Environmental Support Office (SESO) have begun assembling pertinent data for the UNDS Technical Working Group at the request of CNO (N-45). These data collection efforts will focus



on ships' discharges and receiving waters at major U.S. naval ports. An analysis of the potential environmental impact of the Navy's non-food, non-plastic solid waste discharge is currently being conducted at NRaD's Environmental Sciences Division in compliance with Annex V of MARPOL and the U.S. Marine Plastic Pollution Research and Control Act.

On November 17, 1994, the General Accounting Office (GAO) stated in a report that the Navy's plans to reduce the discharge of solid waste from ships need to be improved. In 1987 the Navy set goals of reducing overboard discharge of plastics within five years and to develop and install shipboard solid waste processing equipment by 1998.



View of NRaD shipboard solid waste discharge wake dispersion field experiment. -U.S. Navy photograph.

--*National Discharge Standards for U.S. Navy Vessels - Draft Technical Approach and Quality Assurance Project Plan*. Prepared by Radian Corporation for CNO Environmental Protection, Safety & Occupational Health Division (N45). July 1994.
 --*Environment Reporter*, Vol. 25, No. 31, December 02, 1994, p. 1509.

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MORE FROM EPA ON TESTING REQUIREMENTS FOR DREDGE SPOILS

The revised EPA dredge spoil testing guidelines (see *Marine Environmental Update*, Vol. FY95, No. 1, December 1994) would be improved by comparing dredged material to reference sediments. "Reference sediment" is defined as a sediment that reflects the conditions at the disposal site where no dredged material disposal ever occurred. It also serves as a point of comparison to identify potential environmental effects of a discharge of dredged material.

Reference sediment is collected with the following considerations: to obtain physical characteristics, including grain size, as similar as practicable as the dredged material proposed for discharge; to avoid areas in the immediate vicinity of, including depositional zones of, spills, outfalls or other significant sources of contaminants; and to be as close as practicable to, and subject to the same hydrologic influences as, the disposal site, but removed from areas which are subject to sediment migration of previous dredged material discharges.

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Adoption of the reference sediment approach would allow the regulatory program to better assess the potential cumulative impacts of dredged material discharges. Dredged material proposed for discharging in waters of the U.S. would also be more consistent with current methods used for testing dredged material proposed for ocean disposal. For further information contact Mr. John Goodin at (202) 260-9910.

--*Environmental Update*, Vol. 7, No. 1, January 1995, p. 6-7.

--*Environmental Compliance Alert*, January 13, 1995, p. 6.

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USCG REQUIRES OIL SPILL RESPONSE PLANS ABOARD SHIPS

U.S. flag vessels weighing more than 400 gross tons and U.S. flag oil tankers weighing more than 150 gross tons must carry approved oil spill response plans, under a final rule adopted December 27, 1994, by the Coast Guard (59 FR 66482). The Coast Guard received 36 comments in response to its February 17, 1995 notice of proposed rule-making and the final rule was amended to:

- Require manned vessels to carry the emergency response plan on board;
- Provide a sample index for an oil response plan to aid owners and operators in plan development;
- Allow owners or operators to use a standard plan to cover similar types of ships in their fleets; and
- Modify the schedule for submission of emergency response plans to either 90 days before a new ship begins operations or by January 4, 1995 for existing vessels.
- Unmanned vessels only need to carry emergency notification lists in their documentation containers, with the remaining sections of the plan maintained at the vessel's home office.

The rule changes take effect immediately. According to Lieutenant Commander Duane Smith of the Coast Guard's Marine Environmental Protection Division (G-MEP-2): "The Navy is not required to follow this but they are encouraged to because it would show that they are environmentally pro-active." He also stated that the Navy should be familiar with the "5090 Plan."

OPNAVINST 5090.1B, Chapter 19, Section 8.2.10, states: "Each Navy ship shall develop an oil SCP [Spill Contingency Plan] and an HS [hazardous substance] SCP ... The HS SCP may be prepared alone or in conjunction with the oil SCP. The plan(s) shall contain procedures for reporting, containment, control, recovery, and disposal of spills, protective clothing, spill clean-up materials, information sources for oil and HS, and names and telephone numbers of fleet as well as shoreside NOSC's [Navy On-Scene



Coordinators]." For additional information you may contact Lt. Commander Smith at G-MEP-2, 2100 Second Street South West, Washington, D.C. 20593-0001; (202) 267-2611.

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MULTIMEDIA APPROACH EFFECTIVE IN FEDERAL FACILITIES ENFORCEMENT

The EPA presented results from 41 inspections conducted during Fiscal Year 1993. Their multimedia approach to enforce environmental laws at federal facilities was established when the EPA recognized federal facilities demonstrated lower rates of environmental compliance than the private sector. The goals of the project were to improve federal agency compliance, increase awareness of environmental laws and rules, reduce environmental risks posed by federal facilities, use enforcement authorities and resources more efficiently, and expand pollution prevention efforts.

Of the 41 inspections conducted by the EPA, 31 facilities were cited for a total of 75 enforcement actions, resulting in penalties of more than \$2.1 million. The Resource Conservation and Recovery Act (RCRA) was the statute most often violated, accounting for 26 of the 75 actions. In addition to RCRA, the Clean Air Act, the Toxic Substances Control Act and the Clean Water Act accounted for more than 80 percent of all violations.

Twenty-four percent of the facilities were not hit with any enforcement action. The EPA concluded that the interim report indicates multimedia approaches at federal facilities can be effective, and that effective enforcement can be achieved through multimedia inspections.

--*Remedial Project Manager News*, Vol. 1, No. 3, June 1994, p. 15.

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TREATMENT COSTS MAY RISE FOR OILY WASTES

Off-site wastewater treatment costs could increase dramatically under new effluent limitations proposed by EPA Centralized Waste Treatment (CWT) rules. The cost for treatment of oily waste could increase by 42% depending on which treatment facility they choose. New effluent limitation standards were outlined by the EPA on January 28, 1995. These rules set discharge standards for the treatment of: wastewater treatment

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sludges, process residuals, tank bottoms, off-specification products and cleanup wastes. Wastes sent to these facilities by pipeline are not covered, only wastes shipped by tanker load. According to the EPA, the proposed controls would reduce 142 million pounds of pollutants a year by controlling discharges from 72 CWT facilities. For more information contact Debra DiCianna at the EPA at (202) 260-7141.

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RISK ASSESSMENT BILL OPPOSED

The Clinton administration and environmentalists are mounting a campaign to derail the risk assessment bill (HR 1022) which was overwhelmingly adopted by the House. The House bill would require federal agencies to justify the cost of any regulation that could cost industry more than \$25 million by proving that the benefits of a new rule are reasonably related to its cost, and alternatives to the rule are either less cost-effective or provide less flexibility. Just before approving HR 1022, the House also approved a freeze on all government regulations issued after November 20, 1994, until they could undergo the cost/benefit analysis. President Clinton threatens to veto HR 1022 unless it is severely modified in the Senate.

--*Environment Reporter*, Vol. 25, No. 35, January 06, 1995, p. 1685-1686.

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ASTM GUIDANCE TRAINING FOR RISK-BASED REMEDIATION

The American Society of Testing and Materials (ASTM) has put together a program devised to train state regulators on risk-based corrective action for petroleum releases from underground tanks. Training introduces risk management concepts and the main components involved in risk management according to ASTM's guidelines. Regulators work through exercises using state data to determine what its particular risk-based corrective action would entail. In the final steps, regulators develop a guidance document for risk-based remediation.

The program which is funded by a public-private partnership was intended to help interested states develop risk-based remediation guidance for individual's needs. The ASTM Risk-Based Corrective Action Task Group is sponsoring the training and seeks to train a minimum of one state in each of the 10 EPA regions this year. More information about training is available from Steven D. McNeely at the Office of Underground Storage Tanks at EPA's Office of Solid Waste and Emergency Response, (703) 308-8889.

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POLLUTION REDUCTION USING MAN-MADE WETLANDS

The U.S. Army Corps of Engineers believes that wetlands will be an inexpensive way of intercepting pollutants before they get to lakes and streams. Nonpoint source pollution originates from the land, both urban and agricultural, and enters lakes and streams in the form of runoff.

The Bowman-Haley Reservoir is using one of these constructed wetlands to help clean up their watershed located near Bowman, North Dakota. Researchers who monitor the sediments and nutrients trapped by the wetland have already learned the importance of quickly establishing aquatic vegetation. They are also obtaining pollutant data at the inlets and outlets of the wetland. Wetlands can also remove pollutants through vegetative uptake of the nutrients. A long term goal of this project is to provide the criteria for a cost effective constructed wetland design.

The Tennessee Valley Authority (TVA) wetland project is utilizing multi-disciplinary teams in 12 watersheds along the Tennessee River system. TVA states that each team evaluates the sources of pollution affecting lakes and streams in their area, and must identify environmental problems and solutions. The teams use biological monitoring in addition to more traditional chemical monitoring.

The EPA Office of Water will soon release a report describing over 100 watershed projects across the U.S. The EPA will use these projects as a guide for developing their own watershed program. Copies of the report, *Evaluation of a Watershed Approach to Clean Water*, may be obtained by calling Water Quality 2000 at (703) 684-2418 or writing to them at c/o Water Environment Federation, 601 Wythe Street, Alexandria, VA 22314.

--*Environmental Update*, Vol. 7, No. 1, January 1995, p.9.

--*Air & Water Pollution Control*, Vol. 7, No. 26, December 21, 1994, p. 2-3.

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SENATE BILL WOULD REDEFINE WETLAND

Senator Larry Pressler (R-SD), introduced a bill (S 352) on February 03, 1995, which would reform wetlands provisions under the Clean Water Act and would provide property owners compensation if they lose economic use of their lands that are regulated as wetlands. The bill would also allow some areas to be considered wetlands with

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critical significance to the long-term conservation of the ecosystem where they are found. Some zones would be classified as providing habitat for significant wildlife populations, protection of water quality, or natural flood controls. Another category in the bill is marginal wetlands.

--*Environment Reporter*, Vol. 25, No. 35, January 06, 1995, p. 1698.

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MOST POLLUTED MILITARY INSTALLATIONS OFTEN LEFT OFF NPL

Military installation posing the greatest threats to human health or the environment are often not listed as priority sites under the EPA's superfund program. According to the General Accounting Office (GAO), the Department of Defense (DOD) will not be able to efficiently institute cleanup efforts until it and the EPA evaluate the large number of sites currently on the National Priorities List (NPL) or the Base Realignment and Closure Commission (BRAC) list to determine which should be designated as high priority.

The DOD's ability to address high-priority installations is slowed by the complex and time-consuming superfund study and cleanup process, prolonged study of hazardous waste sites, and disagreements with regulatory agencies over the extent of cleanup. Many DOD installations also have limited resources, including technology and expertise, to achieve effective cleanups. The report (GAO/NSIAD-95-8) is available from GAO, PO Box 6015, Gaithersburg, MD 20884-6015, (202) 512-6000.

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NAVY, EPA INVESTIGATE POSSIBLE VIOLATION AT NAB CORONADO

Two Navy criminal investigations began in January at the Coronado Naval Amphibious Base over an allegation that Assault Craft Unit 1 may have improperly handled cans of paint. The EPA also could fine the unit if an impropriety is confirmed. While the alleged environmental violation involved no pollutant release, there are allegations of a possible violation of hazardous-waste rules.

The allegations stem from a routine environmental inspection performed at the base on December 19, 1994. It is claimed that the unit placed an undetermined number of partly used cans of paint and paint thinner aboard an LCU (Landing Craft, Utility) which

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was sent into San Diego Bay until the inspection was over. Navy officials may have been tipped off to the maneuver, and had the craft watched until it returned to the dock. Under hazardous-waste regulations the paint/thinner should have been turned in to a Reuse Center. Ron Bennefield, a Special Agent at Naval Criminal Investigative Service headquarters in Washington, confirmed that a criminal investigation into the matter is being conducted in conjunction with the EPA.

--*The San Diego Union-Tribune*, January 10, 1995, p. B-2.

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NAS ALAMEDA FINED FOR 17 HAZARDOUS WASTE VIOLATIONS

Alameda Naval Air Station agreed to pay \$80,000 in penalties resulting from an October 1992 base inspection where 17 hazardous waste violations were found by the Cal/EPA Department of Toxic Substances Control. Violations included: storage of incompatible wastes without adequate separation, storage of hazardous waste for more than 90 days without authorization, failure to place hazardous waste in containers, unlabeled waste containers, failure to determine whether waste is hazardous, failure to provide required fire extinguishers and other safety equipment, failure to provide adequate training review, and improper record keeping.

--Prepared from U.S. Navy sources.

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NSWC INDIAN HEAD ADDED TO SUPERFUND LIST

Indian Head Naval Surface Warfare Center, Indian Head, Maryland, was proposed for addition to the EPA's superfund National Priorities List (NPL) (60 FR 8212) on February 13, 1995. The NPL currently has 1,241 sites -- 1087 in the general section and 154 in the federal facilities section.

--*Environment Reporter*, Vol. 25, No. 41, February 17, 1995, p. 2013.

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FINAL CANCELLATION OF TRIBUTYL TIN FLUORIDE

An order issued pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq., announced EPA's cancellation of the registrations for ELF ATOCHEM North America, Inc. products containing tributyltin fluoride (TBTF). This order also announces the Agency's decision prohibiting ATOCHEM's sale, distribution and use of existing stocks of its TBTF products. The cancellation and existing stocks provision was effective November 30, 1994. For more information contact Ann Sibold, Review Manager, Special Review and Re-registration Division (7508W), EPA, 401 M Street South West, Washington, D.C. 20460.

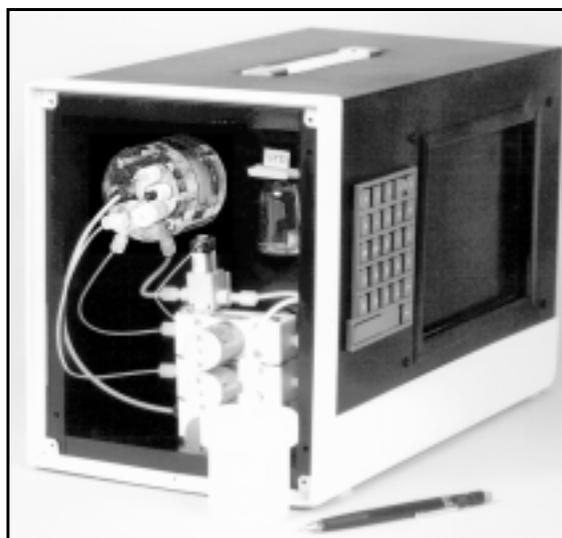
--*Air & Water Pollution Control*, Vol. 7, No. 26, December 21, 1994, p. 1.

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PORTABLE INSTRUMENT FOR AUTOMATED FIELD METALS ANALYSIS

A new prototype instrument for the measurement of trace metals in water has been developed at NRaD. The system is based on the electrochemical method known as Potentiometric Stripping Analysis and has application in both environmental quality and industrial process monitoring.

Initially, the instrument provides an on-site measurement capability for lead, copper, cadmium and zinc. The method is ultimately capable of measuring 45 different metals. The system features the ability to perform single, multiple, continuous or unattended measurements at preprogrammed intervals over extended periods with no sample preparation. Analysis times are typically three minutes per sample at a sensitivity of approximately 1 ppb for the listed metals in drinking water, ground water or seawater.



The NRaD-developed Metalizer 5000™.

The analyzer can be packaged in many configurations to suit specific requirements. These could include: minimum size for maximum portability, NEMA enclosures for industrial locations, or bench-top systems for laboratory settings.



A three-year Cooperative Research and Development Agreement has been signed between NRaD and Environmental Technologies Group, Inc. (ETG) to transition this government technology into commercialization. ETG is marketing the instrument under the name of 'Metalyzer 5000™.'

The Metalyzer 5000™ is scheduled to be available in the fourth quarter of 1995. To obtain further information on the Metalyzer 5000™, contact ETG, Inc., P.O. Box 9840, Baltimore, MD 21284-9840, (800) 635-4598 or FAX (410) 321-5255.

Metalyzer 5000™ Features:

- Sample frequency collection adjustable from 1 minute to 1 week
- Results in 3 minutes
- Automatic sample volume measurement
- Displays each metal concentration to ppb levels
- Embedded 486 computer
- User-friendly menus for easy set-up, measurement, and analyses
- Analysis results transferrable to 3.5" diskette, PCMCIA card, modem card or download to optional printer
- Retractable keyboard and mouse for user interface
- Battery pack and converter unit available

Metalyzer 5000™ System specifications:

- Measurement Sensitivity: sub-ppb (parts per billion)
- Measurement Range Tested: 1-200 ppb
- Trace Metal Detection: Auto or manual modes
- Measurement Rate, Maximum: Up to 1 sample per minute
- Measurement Rate, Typical: 1 sample per 3 minutes
- Sample Volume: 6 ml (3 ml measurement + 3 ml flush)
- User Interface Display: 5.25" x 7" LCD screen
- Data Entry: Retractable drawer with mouse & keyboard
- Data Storage: Hard disk + 1.44 MB 3.5" floppy disks
- Size: 12"H x 8.3"W x 15"D
- Weight: 22 Pounds
- MTBF: 500 Hours
- Operating Environment: 0-70°C
- Power Requirements: 2A at 115 VAC

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STATE REGULATORY HIGHLIGHTS

EPA, Texas Sign MOA On Federal Facility Cleanups

An agreement between the Texas Natural Resource Conservation Commission and Region VI of the EPA will allow for more efficient cleanup of severely contaminated federal facilities in Texas. It establishes a system for coordinating state and federal activities at federal facilities where contamination from hazardous substances is severe. The agreement is designed to integrate investigation and cleanup activities under the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

--*Environment Reporter*, Vol. 25, No. 39, February 03, 1995, p. 1885.

New Jersey Issues Manual on Storm Water Control

A new manual outlining best management practices for storm water control to help reduce nonpoint source pollution is available. The manual provides guidelines covering planning techniques, pollution controls and facility retrofitting, with an emphasis on pollution prevention through proper planning. The manual will assist planners, municipal officials, engineers, landscape architects, developers and others involved in storm water management. The manual is available for \$7 from the Office of Environmental Planning by calling (609) 633-1179. Copies are free to municipalities, county planning agencies and soil conservation districts.

--*Environment Reporter*, Vol. 25, No. 25, October 21, 1994, p. 1228.

Texas Discharge Permits to be Reviewed on Watershed Model

Industrial and municipal wastewater dischargers in Texas have a new regulatory regime based on comprehensive watershed protections. This watershed approach may possibly save dischargers time and money in savings on data collections. The permitting burden on dischargers may ease because the state will be conducting much of the water quality analysis, according to the Texas Natural Resources Conservation Commission. Additional savings will be made with a new plan to schedule all discharger permit applications for expiration and renewal in the same fiscal year. For information contact Linda Fernandez (512) 239-5000.

--*Environment Reporter*, Vol. 25, No. 37, January 20, 1995, p. 1788.

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DOCUMENTS AVAILABLE FROM MESO

Estuarine Ecological Risk Assessment for Portsmouth Naval Shipyard, Kittery, Maine -- Phase I: Problem Formulation

This report presents the findings of the first phase of a research and monitoring project to assess the ecological risk of hazardous waste released from the Portsmouth Naval Shipyard in Kittery, ME, on the Great Bay Estuary. The ecological risk assessment follows the framework proposed by the EPA Risk Assessment Forum and consists of quantitatively estimating the likelihood of adverse ecological effects resulting from exposure to hazardous waste releases from the shipyard. The purpose of the study was to assess the potential environmental effects from past, present, and future releases of hazardous substances into the estuary. The study was developed in context of an ecological risk assessment to determine where contaminants would accumulate, to measure exposure levels, and to evaluate whether contaminants were adversely affecting the ecology of the estuary.

ABOUT THE MARINE ENVIRONMENTAL UPDATE

This newsletter is produced by the Marine Environmental Support Office (MESO) and is dedicated specifically to inform the Navy about marine environmental issues that may influence how the Navy conducts its operations. MESO is located at the Naval Command, Control and Ocean Surveillance Center's Research, Development, Test and Evaluation Division (NRaD) in San Diego, California. The mission of MESO is to provide Navy-wide technical and scientific support on marine environmental science, protection and compliance issues. This support covers a broad spectrum of activities, including routine requests for data and information, technical review and consultation, laboratory and field studies, comprehensive environmental assessments, and technology transfer. Significant developments in marine law, policy, and scientific advancements will be included in the newsletter, along with references and points of contact for further information. The Marine Environmental Support Office may be reached at:

**MARINE ENVIRON SUPPORT OFC
NCCOSC RDTE DIV 5221
53475 STROTHER ROAD
SAN DIEGO CA 92152-6325**

**(619) 553-5330, 553-5331
DSN 553-5330, 553-5331
FAX (619) 553-5404.**

**E-MAIL ADDRESS: MESO@NOSC.MIL
PLAD: NCCOSC RDTE DIV SAN DIEGO CA**

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