State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
June 10, 2009

ITEM: 7

SUBJECT: NPDES Permit Reissuance: Waste Discharge Requirements for BAE Systems San Diego Ship Repair Inc. (formerly named Southwest Marine, Inc.), Discharge to San Diego Bay (Tentative Order No. R9-2009-0080, NPDES Permit No. CA0109151) *(Vicente Rodriguez)*

PURPOSE: To hold a public hearing and receive comments from interested parties and interested persons regarding the tentative NPDES permit for waste discharge requirements for BAE Systems San Diego Ship Repair Inc. (Discharger).

PUBLIC NOTICE: Notices for this hearing and availability of the tentative Order were sent by mail on May 4, 2009 and email on May 5, 2009 to all known interested parties and interested persons for review and comments. A newspaper notice was published in the San Diego Union-Tribune on May 5, 2009. Copies of the tentative Order have been made available for public review at the San Diego Regional Water Quality Control Board office and were posted on the San Diego Regional Board's web site on May 4, 2009. These procedures served as the 30-day official public notification for this action, as required by 40 CFR (Code of Federal Regulations) 124.10.

This tentative Order (R9-2009-0080) is a revised version of a previous draft that was initially noticed and made publicly available in May 2008 (R9-2008-0048). The changes from the May 2008 version are shown in underline/strikeout format.

DISCUSSION: The Discharger is currently discharging pursuant to Order No. R9-2002-0161 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0109151. The Discharger submitted a Report of Waste Discharge (ROWD), dated May 11, 2007, and applied for a NPDES permit renewal to discharge drydock ballast water, fire protection water, potable water leaks from hoses, steam condensate leaks from hoses, and water weight test bag effluent, from

numerous discharge locations at BAE Systems San Diego Ship Repair Inc., hereinafter Facility. Contact storm water is generally not discharged to San Diego Bay, but may be treated on-site and then discharged to a municipal treatment plant for disposal. However, discharges of storm water may occur at the Facility to the San Diego Bay when the on-site holding capacity is exceeded or the storm water collection and treatment system is not operating properly.

Discharges from the ship repair Facility to the San Diego Bay include drydock ballast tank water, fire protection water, drips of potable water and steam condensate from hoses supplying these services to ships, effluent from weight test bags, and storm water. The supply water for the fire protection water, cooling water, dry dock ballast water, and weight test bags is pumped from the San Diego Bay. In the NPDES ROWD submitted to the Regional Water Board, dated May 11, 2007, the Discharger states that the non-contact cooling water discharges from building 13 (for the compressor air system) have been eliminated.

A description of each discharge is provided in section II.A of Attachment F (Fact Sheet) to the tentative Order. Attachment B provides a map of the area around the Facility. Attachment C provides a flow schematic of the Facility.

To date, the Regional Board has received comments from BAE Systems (see Supporting Document 5). Copies of all comments received, responses to comments, and any errata to the tentative Order will be provided to the Regional Board in the second agenda mailing.

COMPLIANCE RECORD: No effluent limitation exceedances were identified during the permit term.

LEGAL CONCERNS: None

SUPPORTING DOCS:

1. Location Map
2. Underline/Strikeout Tentative Order No. R9-2009-0080
3. Copy of tentative Order transmittal letter to discharger and interested parties, dated May 4, 2009
4. Copy of tentative Order transmittal letter to discharger and interested parties, dated May 20, 2008.
5. BAE Systems Comment Letter dated May 26, 2009.

SIGNIFICANT CHANGES FROM CURRENT ORDER:

The Industrial Storm Water Acute toxicity effluent limit was changed as follows:

a. Order No. R9-2002-0161:
In a 96-hour static or continuous flow bioassay test, the discharge shall not produce less than 90% survival, 50% of the time, and not less than 70% survival, 10% of the time, using a standard test species and protocol approved by the Regional Water Board. Numerical effluent limits are sampled twice a year and toxicity is sampled at least once a year.
This requirement was based on language from the 1974 Enclosed Bays and Estuaries Policy.

b. Tentative Order No. R9-2009-0080:
Discharges of storm water shall achieve a rating of "Pass" for acute toxicity with the determination of Pass or Fail from a single-effluent-concentration (paired) acute toxicity test is determined using a one-tailed hypothesis test called a t-test. The objective of a Pass or Fail test is to determine if survival in the single treatment (100% effluent) is significantly different from survival in the control (0% effluent). The survival rate in the effluent toxicity must not be less than 5% of survival rate in the control sample, using standard statistical methods. Numerical effluent limits and toxicity are sampled at least twice a year.
This requirement was based on language from the 1974 Enclosed Bays and Estuaries Policy, the Basin Plan, EPA guidance document "Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program (EPA/833/R-00/003, 2000), EPA document Methods for Measuring Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (5 th Edition); (EPA-821-R-02-012, 2002), and the results and comments from the Navy study "Storm Water

Toxicity Evaluation Conducted at: Naval Station San Diego, Naval Submarine Base San Diego, Naval Amphibious Base Coronado, and Naval Air Station North Island, dated May 2006."

RECOMMENDATION: Staff recommends the adoption of tentative Order No. R9-2009-0080.