

EXECUTIVE OFFICER SUMMARY REPORT  
December 16, 2015

- ITEM: 8
- SUBJECT: WDR Reissuance: Waste Discharge Requirements and Monitoring and Reporting Program Reissuance: TDY Holdings, LLC and TDY Industries, LLC, Post-Closure Maintenance and Monitoring of the Convair Lagoon Sand Cap, San Diego Bay (Tentative Order No. R9-2015-0029). (*Tom Alo*)
- PURPOSE: To consider adoption of Tentative Order No. R9-2015-0029
- RECOMMENDATION: Adoption of Tentative Order No. R9-2015-0029 (**Supporting Document No. 1**).
- PRACTICAL VISION: The Tentative Order establishes ongoing monitoring and reporting requirements for the Convair Lagoon Sand Cap. Consistent with the mission of the Strategy for Healthy Waters chapter of the Practical Vision, these requirements protect water quality and beneficial uses in San Diego Bay by verifying that the sand cap is in good condition and continues to isolate PCB-impacted sediments from the environment.
- KEY ISSUES:
1. Revisions to the Waste Discharge Requirements (WDRs) and Monitoring and Reporting Program (MRP) for the Convair Lagoon Sand Cap are appropriate because (1) the sand cap has successfully isolated bay sediments impacted with polychlorinated biphenyls (PCBs) from the environment for over 15 years, (2) ongoing PCB sources were cleaned up at the former TDY facility, (3) the storm water conveyance system was eliminated as a pathway for PCB-impacted sediments to be conveyed to Convair Lagoon, and (4) the 4.6 milligrams per kilogram (mg/kg) action level for repair work, storm drain cleaning, and/or investigation can be lowered because PCB sources to Convair Lagoon have been abated.

2. The eelgrass transplanted on the surface of the Convair Lagoon sand cap is a compensatory mitigation site due to the lost eelgrass from construction of the sand cap. The Tentative Order incorporates long-term eelgrass inspection and reporting requirements.

**DISCUSSION:**

TDY Holdings, LLC and TDY Industries, LLC (hereinafter referred to as Dischargers) discharged wastes from their manufacturing operations at the former TDY facility through the storm drain system to the San Diego Bay. Cleanup and Abatement Order No. 86-92 required the Dischargers to construct a sand cap in Convair Lagoon to isolate PCB-impacted bay sediments from the environment. In 1998, the Dischargers constructed the sand cap to cover sediments with PCB concentrations of 4.6 mg/kg or greater.

Because the sand cap is a waste containment facility, the San Diego Water Board prescribed WDRs for the proper maintenance, repair, and monitoring of the sand cap in Order No. 98-21 (**Supporting Document No. 2**). MRP No. 98-21 establishes monitoring and reporting requirements to ensure that the Dischargers comply with the WDRs in Order No. 98-21 (**Supporting Document No. 3**). The Dischargers have monitored the sand cap for over 15 years pursuant to the WDR and MRP and have demonstrated that the sand cap is successfully isolating the PCB-impacted bay sediments from the environment.

Water Code section 13263 (e) requires the San Diego Water Board to periodically review waste discharge requirements and if appropriate, revise them. Tentative Order No. R9-2015-0029 reissues and revises the WDRs and MRP for the Convair Lagoon Sand Cap.

The Dischargers requested revisions to the WDR and MRP to remove outdated requirements, reduce monitoring frequency, and clarify other maintenance requirements (**Supporting Document No. 4**). The Dischargers justified these revisions because (1) the sand cap has successfully isolated the PCB-impacted sediments from the environment for 15 years, (2) ongoing PCB sources were cleaned up at the former TDY facility, and (3) the storm water conveyance system was eliminated as a pathway for PCB-impacted sediments to be conveyed to Convair Lagoon. The San Diego Water Board considered the Dischargers' proposed

modifications and noticed the Tentative Order for formal public comment on October 9, 2015 (**Supporting Document No. 5**). The Dischargers were the only stakeholder to submit written comments on the Tentative Order (**Supporting Document No. 6**). The San Diego Water Board responded to the Dischargers' comments in **Supporting Document No. 7**.

The San Diego Water Board made all of the changes requested by the Dischargers except for removing the eelgrass inspection and maintenance requirements. A requirement for long-term inspection and maintenance of the eelgrass mitigation area is consistent with (1) Clean Water Act Section 401 Water Quality Certifications issued for other projects in the Region, and (2) with inspection and maintenance requirements for the Campbell Shipyard Bay Sediment Cap, a similar type of containment facility in San Diego Bay.

## LEGAL CONCERNS:

None.

## SUPPORTING DOCUMENTS:

1. Revised Tentative Order No. R9-2015-0029
2. Order No. 98-21
3. Monitoring and Reporting Program No. 98-21
4. Proposed Modifications from the Dischargers (August 22, 2013)
5. Tentative Order No. R9-2015-0029 (October 9, 2015)
6. Comments from the Dischargers (October 29, 2015)
7. San Diego Water Board Responses to Comments

## SIGNIFICANT CHANGES:

If adopted, the Tentative Order will supersede Order No. 98-21 except for enforcement purposes.

## COMPLIANCE RECORD:

The Dischargers have complied with Order No. 98-21 since its adoption by the San Diego Water Board on May 13, 1998.

## PUBLIC NOTICE:

The Tentative Order was noticed for formal public review and comment on the San Diego Water Board's website on October 9, 2015. Notice was also provided in the meeting notice and agenda for the December 16, 2015 Board meeting.