

California Regional Water Quality Control Board, San Diego Region

February 8, 2013

Sent via e-mail to Interested Parties List

In reply refer to:

Reg Measure ID 388876: KSCHWALL

Place: 785854

To Interested Persons:

**SUBJECT: Tentative Order No. R9-2013-0026; NPDES Permit No.CAG719001;
General Waste Discharge Requirements for Discharges from
Boatyards and Boat Maintenance Facilities Adjacent to Surface
Waters within the San Diego Region**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is pleased to release for public review and comment Tentative Order No. R9-2013-0026, National Pollutant Discharge Elimination System (NPDES) Permit No. CAG719001 (Tentative Order). Notice is hereby given that the San Diego Water Board will receive written comments on the Tentative Order in accordance with title 40 Code of Federal Regulations section 124.10 (40 CFR 124.10) and Water Code section 13167.5. Notice is also given that the San Diego Water Board) intends to consider adoption of the Tentative Order at its scheduled meeting on Wednesday April 10, 2013.

Background

The Tentative Order is a General NPDES Permit that proposes to regulate discharges of industrial storm water from boatyards and boat maintenance and repair facilities (collectively referred to as boatyards) located adjacent to surface waters in the San Diego Region. The Tentative Order proposes to initially provide coverage for existing storm water discharges from these nine boatyards on the effective date of the Tentative Order following its adoption: 1) Driscoll Custom Boats, 2) Knight and Carver YachtCenter, 3) Koehler Kraft Company, Inc., 4) Nielsen and Beaumont Marine, 5) Shelter Island Boatyard, 6) The Marine Group, LLC (Formerly, Southbay Boat Yard), 7) Dana Point Shipyard, 8) Driscoll Mission Bay, LLC, and 9) Oceanside Marine Center, Inc. The Tentative Order also proposes to regulate an existing discharge of ballast and flood water from a floating drydock located at Knight and Carver YachtCenter, Inc.

The nine boatyards listed above are currently regulated under individual NPDES Permits which will be superseded on the effective date of the Tentative Order if it is adopted. The nine boatyards are therefore on notice that they will be regulated under the Tentative Order, if adopted. The Tentative Order also provides for the future

enrollment and coverage of other new or as yet unregulated boatyards that will be effective when the San Diego Water Board issues a Notice of Enrollment (NOE) which may include additional or increased monitoring or other facility-specific requirements due to site specific circumstances of the discharge or facility.

The Tentative Order includes a Fact Sheet in Attachment F pursuant to 40 CFR 124.8 (a) that sets forth the principal background information and facts, regulatory and legal citations, references and additional explanatory information and data in support of the requirements of the Tentative Order.

Document Availability

The Tentative Order and attachments are available on the San Diego Water Board website at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/npdes/boatyards/boatyards.shtml

You may also receive a copy of the Tentative Order by contacting Kristin Schwall at (858) 467-2345, e-mail kschwall@waterboards.ca.gov or Michelle Mata at (858) 467-2981, e-mail mmata@waterboards.ca.gov or by visiting the San Diego Water Board's office at 9174 Sky Park Court, Suite 100, San Diego, California 92123-4340, weekdays between 8:00 a.m. and 5:00 p.m., telephone 858-467-2952.

Submission of Written Comments

Interested persons wishing to submit comments, including testimony, technical documentation and factual information, on the Tentative Order must submit them so that they are received no later than **5:00 p.m. on Monday, March 11, 2013**. Written comments should be submitted to:

Krisitin Schwall, P.E.
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego California 92123-4340

The early submission of written comments on the Tentative Order is encouraged. Timely submitted electronic written comments are acceptable and should be submitted via e-mail to the attention of Kristin Schwall at kschwall@waterboards.ca.gov.

The submission of written comments is the opportunity for interested persons to raise and comment on issues pertaining to the terms and conditions of the Tentative Order. All written comments including testimony, technical documentation, and factual information pertaining to the terms and conditions of the Tentative Order to be considered by the San Diego Water Board at the April 10, 2013 public hearing must be received by 5:00 pm on March 11, 2013.

Please indicate in the subject line of all written comments "Comment - Tentative Order No. R9-2013-0026, Place ID: 785854. If the submitted written comments exceed five pages in length or contain foldouts, color graphics, or maps, 15 hard copies must be submitted for distribution to the San Diego Water Board members and staff.

Consistent with State Water Board regulations that apply to this proceeding, written comments received after the close of the comment period will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party. Written comments received by the close of the comment period will be provided to the San Diego Water Board members for their review in advance of a public hearing to consider adoption of the Tentative Order. All timely written comments will also be posted as they are received on the San Diego Water Board website at http://www.waterboards.ca.gov/sandiego/water_issues/programs/npdes/boatyards/boatyards.shtml

Public Hearing for Consideration of Tentative Order Adoption

The San Diego Water Board will convene a public hearing on April 10, 2013 to hear testimony and policy statements from interested persons summarizing their written comments and to consider adoption of the Tentative Order. The April 10, 2013 San Diego Water Board meeting will begin promptly at 9:00 a.m. and will be held at the following location:

Board Room
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

The scope of oral testimony at the public hearing will be strictly limited to summarizing the previously submitted written comments and making policy statements. No new issues may be raised at the hearing. Participants will have an opportunity to address the San Diego Water Board members, subject to reasonable limitations, prior to the Board taking action on the Tentative Order. Written material will likely not be accepted by the San Diego Water Board on the day of the hearing.

Please bring the Tentative Order to the attention of any person known to you who would be interested in this matter.

Ex Parte Communications

Ex parte communications with San Diego Water Board members are allowed in this matter subject to the disclosure requirements of Water Code section 13287. A notice of ex parte communication shall be filed with the San Diego Water Board within seven working days of the communication. **Ex parte communications are prohibited for a period beginning 14 days before the board meeting at which the proposed order is scheduled for board action.** For communications concerning any issue in this

proceeding, ex parte communications are prohibited starting on **March 27, 2013**. If the San Diego Water Board does not take action on April 10, 2013, the ex parte prohibition will remain in place until the Board, the Chair or the Executive Officer directs otherwise.

Once lifted, the prohibition on ex parte communications may be reinstated for 14 days before the date of the board meeting to which the decision is continued. The San Diego Water Board will provide notice via the Lyris email list for this item if the prohibition is lifted and/or reinstated. An ex parte disclosure form for pending General Orders and related additional information can be accessed at:

http://www.waterboards.ca.gov/rwqcb9/publications_forms/forms/docs/SanDiego_disclosure_1-18-13.pdf

Contact for Further Information

In the subject line of any response, please include the requested "In reply refer to:" information located in the header of this letter. If you have any questions or comments, please contact Kristin Schwall at (858) 467-2345 or via email at kschwall@waterboards.ca.gov.

Respectfully,



David T. Barker
Supervising Engineer

DTB:bin:ks

Enclosure: Tentative Order No. R9-2013-0026, NPDES Permit No. CAG719001

Distribution via email:

Boatyard Name	Contact Name	Street Address	E-mail Address
Driscoll Inc.	Tom Driscoll	2500 Shelter Island San Diego, CA 92106	tom@driscollinc.com
Driscoll Inc.	Mike Benedict	2500 Shelter Island San Diego, CA 92106	Mike@driscollinc.com
Knight & Carver YachtCenter Inc.	Giovanni LoCoco	1313 Bay Marina Drive National City, CA 91950	glococo@knightandcarver.com
Koehler Kraft Company, Inc.	Kelly Korkko	2302 Shelter Island Drive San Diego, CA 92106	Info@koehlerkraft.com
Nielsen Beaumont Marine	Tom Nielsen	2420 Shelter Island Drive San Diego, CA 92106	Tom@nielsenbeaumont.com
Shelter Island Boatyard	Roy Hobbs	2330 and 2390 Shelter Island Drive	siboatyard@spamcop.net

GARY STRAWN, ACTING CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

9174 Sky Park Court, Suite 100, San Diego, CA 92123-4353 | (858) 467-2952 | www.waterboards.ca.gov/sandiego

Boatyard Name	Contact Name	Street Address	E-mail Address
		San Diego, CA 92106	
The Marine Group, LLC	Francisco Garay	997 G Street Chula Vista, CA 91910	ray@marinegroupbw.com
The Marine Group, LLC	Todd Roberts	997 G Street Chula Vista, CA 91910	troberts@marinegroupbw.com
Dana Point Shipyard	Catherine Cope	34671 Puerto Place Dana Point, CA 92629	dpsy@pacbell.net
Driscoll Mission Bay, LLC	Joseph & Michael Driscoll	1500 Quivira Way San Diego, CA 92109	Joseph@driscoll-boats.com
Oceanside Marine Centre, Inc.	John Tyrell	1550 Harbor Drive North San Diego, CA 92054	jestermh@att.net
Oceanside Marine Centre, Inc.	Aladdin Masry	1550 Harbor Drive North San Diego, CA 92054	abcenviro@hotmail.com

And also distributed via the Lyris Interested Parties email list.

Order No.	R9-2013-0026
NPDES No.	CAG719001
CIWQS Place ID	785854
Reg. Measure No.	388876