

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
TENTATIVE
TIME SCHEDULE ORDER NO. R9-2009-0117
REQUIRING
GENERAL DYNAMICS
NATIONAL STEEL AND SHIPBUILDING COMPANY (NASSCO)
DISCHARGE TO THE SAN DIEGO BAY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NO. R9-2009-0099
(NPDES PERMIT NO. CA0109134)**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

1. On August 12, 2009, the Regional Board adopted Waste Discharge Requirements Order No. R9-2009-0099 (NPDES No. CA0109134), for General Dynamics, National Steel and Shipbuilding Company (hereinafter Discharger), for the discharge of discharge hydrostatic relief water, de-ballast water, and dewatering wastewater from numerous discharge locations to San Diego Bay, a water of the United States and a tributary to the Pacific Ocean. Contact storm water is discharged to San Diego Bay from the Facility only in the event that all storm water capacity at the Facility has been exhausted.
2. Order No. R9-2009-0099 includes Final Effluent Limitations in Section IV.A.1, which reads, in part, as follows:

Table 1. Final Effluent Limitations for Graving Dock Flood Dewatering, in part

Discharge Location	Parameter	Units	Effluent Limitations		
			Annual Average	Average Monthly	Maximum Daily
Flood Dewatering (Graving Dock – M-2)	Copper, Total Recoverable	µg/L	1	--	12.8
	Nickel, Total Recoverable	µg/L	--	6.78	13.60

¹ Discharges shall achieve an annual average effluent concentration that is no greater than the running annual average of the receiving water concentration. The annual average of the effluent concentrations

3. The above effluent limitations were established to implement the California Toxics Rule (CTR) and the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The above effluent limitations are new limitations, which were not prescribed in previous Order No. R9-2003-0005, NPDES PERMIT NO. CA0109134, WASTE DISCHARGE REQUIREMENTS FOR NATIONAL STEEL AND SHIPBUILDING COMPANY, SAN DIEGO COUNTY adopted by the Regional Board on February 5, 2003.

4. California Water Code (CWC) section 13300 states: “Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”
5. By letter dated July 8, 2009, the Discharger submitted a request for a Time Schedule Order with a proposed compliance schedule for achieving the final effluent limitations. This compliance schedule has been incorporated into this Time Schedule Order.
6. Section 13385(j)(3) states, in part, that mandatory minimum penalties do not apply to a violation of an effluent limitation where the waste discharge is in compliance with a time schedule order issued pursuant to Section 13300; the time schedule order was issued on or after July 1, 2000 and specifies the actions the discharger is required to take in order to correct the violations; and the Regional Board finds that the discharger is not able to consistently comply with the effluent limitations for any one of four reasons set forth in Section 13385(j)(3)(B), including that:

“The effluent limitation is a new, more stringent, or modified regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.”
7. In accordance with CWC section 13385(j)(3)(B), the Regional Board finds that these effluent limitations shown in Table 1 are new and more stringent because they were not included in the Discharger’s last waste discharge requirements (Order No. R9-2003-0005). These effluent limitations shown in Table 1 become applicable after the effective date of the waste discharge requirements (Order No. R9-2009-0099) which will be issued after July 1, 2000. New or modified control measures are necessary in order to comply with the effluent limitation and the Discharger reports that the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
8. CWC section 13385(j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to CWC section 13263.3. Order No. R9-2009-0099 requires the Discharger to submit a Pollution Prevention Plan pursuant to CWC section 13263.3(d)(2) within 9 months of the effective date of the Order .
9. Pursuant to CWC section 13267(b), the Regional Board may require the Discharger to furnish, under penalty of perjury, technical or monitoring program

reports. Monitoring reports and other technical reports are necessary to determine compliance with the NPDES permit and with this Order.

10. This Time Schedule Order is issued in accordance with CWC section 13300 and establishes a time schedule for compliance.
11. Compliance with this Order exempts the Discharger from mandatory penalties for violations of effluent limitations for the constituents in Table 1 only in accordance with CWC section 13385(j)(3).
12. CWC section 13385(j)(3)(A) requires this Order to specify the actions that the Discharger is required to take in order to correct the violations that would otherwise be subject to mandatory minimum penalties. This Order requires the Discharger to develop and implement new or modified control measures to comply with the effluent limitations prescribed in Order No. R9-2009-0099 shown in Table 1. This Order requires the Discharger to submit a feasibility study to determine the appropriate new or modified control measures necessary to bring the discharge into compliance, complete the required design, permitting and construction activities and achieve full compliance with Order No. R9-2009-0099. In addition, this Order requires the discharger to implement new flooding and cleaning procedures to reduce the copper concentration of the discharger.
13. This enforcement action is being taken for the protection of the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with section 15308, Chapter 3, Title 14 of the California Code of Regulations. The issuance of this Order is also an enforcement action taken by a regulatory agency and is exempt from the provisions of CEQA pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. Finally, issuance of this Order is exempt from the provisions of CEQA because the Order does not constitute approval of a project.
14. Any person adversely affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action. The petition must be received by the State Board within 30 days of the date on which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED THAT pursuant to CWC sections 13300 and 13267 General Dynamics, National Steel and Shipbuilding Company shall comply with the following time schedule to ensure compliance with the requirements contained in Order No. R9-2009-0099:

Table 2. Compliance Schedule

Task	Compliance Date
Implement new flooding and cleaning procedures and collect data to evaluate impact on floodwater	September 30, 2009 (Graving Dock Launch)
Complete survey of potential technologies and engineering analysis of alternatives.	February 28, 2010
Refine and implement flooding and cleaning procedures based on previous data sets; collect data to evaluate impact on floodwater.	March 31, 1010 (Graving Dock Launch)
Complete feasibility study(ies) to facilitate selection of potential treatment options.	August 31, 2010
Implement new flooding and cleaning procedures based on previous data sets; collect data to evaluate impact on floodwater.	August 31, 2010 (Graving Dock Launch)
Complete the preliminary design of the appropriate treatment option.	April 29, 2011
Complete the permitting process necessary to construct and implement selected treatment option.	January 31, 2012
Complete financial arrangements for construction.	April 30, 2012
Issue Request for Proposals for detailed design and construction of selected treatment system.	June 29, 2012
Select contractor for construction of treatment system.	November 30, 1012
Begin construction of selected treatment option.	January 31, 2013
Complete construction.	August 30, 2013
Start-up and shakedown , including performing initial test of system during planned September 2013 graving dock launch.	August – December 2013 (Graving Dock Launch – September 2013)
Perform additional graving dock flooding as necessary to test, modify , and bring system into compliance with technical specifications.	January 2014 – August 2014
Achieve full compliance with graving dock floodwater discharge limitations prescribed in Order No. R9-2009-0099.	August 12, 2014

1. The Discharger shall submit to the Regional Board on or before each compliance date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, and shall include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Board by letter when it returns to compliance with the time schedule.
2. The following interim effluent limitations¹ shall be effective until **August 12, 2014** or when the Discharger achieves compliance, whichever is earlier:

Table 3. Interim Effluent Limitations for Graving Dock Flood Dewatering

Discharge Location	Parameter	Units	Interim Maximum Daily
M-2 (Graving Dock Flood Dewatering)	Copper, Total Recoverable	µg/L	41.5
	Nickel, Total Recoverable	µg/L	18.7

3. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability. If compliance with these effluent limitations is not achieved by the Full Compliance Date, the discharge would not be exempt from mandatory minimum penalties for violation of the effluent limitations and would be subject to issuance of a Cease and Desist Order in accordance with CWC section 13301.
4. As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all technical reports required herein shall be prepared by, or under the supervision of, a California Registered Engineer or Registered Geologist (as applicable) and shall be signed by the registered professional.
5. Any person signing a document submitted under this Order shall make the following certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

¹ The Interim effluent limitations are based on effluent performance data from February 2003 through June 2007 for the Discharger.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on August 12, 2009.

TENTATIVE

JOHN H. ROBERTUS
Executive Officer