
San Diego Regional Water Quality Control Board

TENTATIVE

Russell McCarthy
Vice President, Administration
Continental Maritime of San Diego, LLC
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russell.mccarthy@cmsd-msr.com

In reply refer to/attn:
215572:EKnight

Subject: Tentative Notice of Applicability, Order R9-2023-0012, National Pollutant Discharge Elimination System Permit CAG039001, General Waste Discharge Requirements for Discharges from Shipyards to San Diego Bay

Continental Maritime of San Diego

Russell McCarthy:

On May 10, 2023, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) adopted *Order R9-2023-0012, National Pollutant Discharge Elimination System (NPDES) Permit CAG039001, Waste Discharge Requirements for Discharges from Shipyards to San Diego Bay* (General Order). The General Order allows any owner or operator of a shipyard located adjacent to San Diego Bay to submit a Notice of Intent (NOI) application for coverage under the General Order. Regulatory coverage under the General Order will commence when the San Diego Water Board approves the NOI and issues a Notice of Applicability (NOA). The NOA may include additional or increased monitoring or other facility-specific requirements due to site-specific circumstances. The Discharger will be authorized to discharge starting on the effective date specified in the NOA and shall comply with the terms and conditions of the General Order and the NOA.

On September 29, 2023, Continental Maritime of San Diego (CMSD or Discharger) submitted an NOI application for coverage under the General Order.

This NOA is to inform the Discharger that the Continental Maritime of San Diego facility (Facility) is enrolled in the General Order effective the date of this NOA.

Order R9-2015-0009, NPDES Permit CA0109142, as amended by R9-2019-0020 (Previous Order), an individual NPDES permit that regulates discharges to San Diego Bay from the Facility is hereby rescinded. Pursuant to Order R9-2023-0012, the Previous Order will be rescinded upon the effective date of this NOA. (See page 11 of Order R9-2023-0012).

The Facility meets the enrollment eligibility criteria included in the General Order. An electronic copy of the General Order is available online at the following website:

https://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/orders2023.html

NOA INFORMATION

The Discharger Information, Discharge Location, and Enrollment Information are summarized in Tables 1 through 3 below. Table 4, Administrative Information, contains the NOA issuance date, and enrollment effective date.

Table 1- Discharger Information

Discharger	Continental Maritime of San Diego, LLC
Name of Facility	Continental Maritime of San Diego, LLC
Facility Address	1995 Bay Front Street San Diego, CA 92113

Table 2 – Discharge Locations

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
Stormwater Discharge Valve	Stormwater	32.69478	-117.14938	San Diego Bay
SW-003*	Stormwater	32.69389	-117.14778	San Diego Bay
SW-004	Stormwater	32.69389	-117.14806	San Diego Bay
SW-005	Stormwater	32.69500	-117.14917	San Diego Bay
SW-006	Stormwater	32.69361	-117.13417	San Diego Bay
SW-007	Stormwater	32.69527	-117.15000	San Diego Bay
SW-008	Stormwater	32.69556	-117.14778	San Diego Bay
SW-009	Stormwater	32.69556	-117.14778	San Diego Bay
SW-010	Stormwater	32.69500	-117.14805	San Diego Bay

*SW-001 and SW-002 stormwater discharge points eliminated 2/26/2004

Table 3 – Enrollment Information

WDID	9 000000400
Facility Contact, Title, Agency, Phone, and Email	Russell McCarthy Director of Administration CMSD 619-234-8851 Russell.mccarthy@cmsd-msr.com
Authorized Person to Sign and Submit Reports	Russell McCarthy
Mailing Address	1995 Bay Front Street San Diego, CA 92113
Billing Address	Same as above
Type of Facility	Ship Repair (SIC Code 3731)
Major or Minor Facility	Minor
Discharge Category	1 – Highest Threat to Water Quality
Facility Permitted Flow	Industrial stormwater discharge to be calculated at the time of discharge event.
Watershed	908.22 – Pueblo San Diego Hydrologic Unit, San Diego Mesa Hydrologic Area, Chollas Hydrologic Subarea
Receiving Water	San Diego Bay

Table 4 – Administrative Information

This NOA was issued by the Executive Officer on:	TENTATIVE
This Enrollment is effective as of:	TENTATIVE

NOA FINDINGS AND REQUIREMENTS

The Discharger must comply with all applicable requirements in the General Order and any additional requirement included in this NOA, upon the effective date of enrollment in the General Order.

1. FACILITY AND DISCHARGE DESCRIPTION

1.1. Facility Description

CMSD is a full-service ship repair and modernization facility located on 31.8 acres of tidelands leased from the San Diego Unified Port District on the San Diego Bay front. The lease area is comprised of 14 acres of land and an adjacent offshore area of 17.8 acres of water located between Cesar Chavez Parkway and Belt Street directly under the Coronado Bridge in San Diego, California. The Facility currently consists of 350,625 square feet of office, warehouse and manufacturing building area, 679 parking spaces, and six piers ranging from 175 feet to 700 feet in length. However, several of the piers have undergone or are undergoing demolition and reconfiguration.

Piers 1, 2, and 7 have been demolished. Modifications to Wharfs 3, 5, and 7 have been completed. No extra square footage has been added to the Discharger's land or water lease. Piers 1, 2, and 3 became Warf 3. The timber decks of Pier 5 will be removed and become Warf 5. Pier 7 became Wharf 7. Work on Pier 4 has not started. The Pier 4 modification involves the removal and replacement of the timber portion of the pier; the concrete portion of the pier will remain in place with replacement of 181 piles. The Wharf 4 modification includes the removal of 3,583 square feet of Wharf 4 and the new construction of 3,070 square feet with the removal of timber support piles and the replacement of octagonal concrete support piles.

The shipyard provides a variety of services, including structural repair, sheet metal fabrication, surface preparation (mechanical cleaning and abrasive blasting) and painting, electrical component repair and replacement, machinery overhaul and repair, piping systems repair, boiler repair, bilge/ballast water treatment, acid flushing, lagging and insulation removal and installation, and the overhaul and rigging of shipboard components.

General industrial processes associated with shipbuilding, conversion, repair, and maintenance include metal fabrication; welding and brazing; abrasive blasting; hydro washing; fiberglass work; paint and coating application; mechanical work; electrical work; woodwork (including sanding); chemical cleaning of piping; line heating, and hazardous waste storage. Several shipbuilding and repair activities take place over water or near shore locations, while others may be performed in workshops or at work sites located inland on the shipyard property.

The Discharger manages four waste streams during a ship repair evolution. These waste streams include bilge/ballast water, steam cleaning pit water, shop cleaning of non-ferrous alloys, and sanitary sewer effluent. These waters either go to a pump station and to Publicly Owned Treatment Works (POTW), to on-site processing and subsequent discharge to POTW, are manifested to a Treatment, Storage, and Disposal Facility, or are piped directly to municipal sewer manholes, depending upon the waste stream type.

1.2. Description of Wastewater

Several stormwater diversion and containment systems and 10 outfalls are in place at the Facility. Discharge Points SW-001 and SW-002 at the Facility are for noncontact fire protection systems that no longer discharge wastewater as of February 26, 2004. All industrial areas at the Facility are surrounded by berms to divert and collect stormwater during a rainfall event before discharging into Discharge Points SW-003 through SW-010. The Stormwater Diversion System (SWDS) is designed to handle a 2.3 inch rainfall event. If a storm generates more than 2.3 inches of rain, then the SWDS will flood and water will overflow containment berms. During these times, normally closed valves may be opened to divert the flooding water into San Diego Bay.

The municipal stormwater drain that discharges collected runoff from the Coronado Bridge to San Diego Bay runs under the CMSD facility. If a rainfall event exceeds the capacity of the SWDS, some outfalls which contain a normally closed valve will be opened to discharge to San Diego Bay via the municipal storm drain that flows under the facility. During such rainfall events, the Discharger collects a water sample from the municipal storm drain at the location of Discharge Point SW-008 to provide a background analysis of the water. The background analysis provides analytical data on the constituents in the municipal storm drain water before it commingles with water from catch basins throughout the Facility. The main purpose of this outfall at Discharge Point SW-008 is to assess the magnitude of impact the Facility has on the receiving water in comparison to the municipal stormwater runoff with which it commingles.

In all cases, the Discharger implements a Best Management Practices (BMP) Program and a Stormwater Pollution Prevention Plan (SWPPP) that prevents discharge of pollutants into receiving waters at levels that would contribute to the degradation of the receiving waters and/or impact the beneficial uses of the receiving waters.

2. FACILITY REQUIREMENTS

The Discharger must implement the requirements contained in the General Order and this NOA.

3. EFFLUENT LIMITATIONS

3.1. Reasonable Potential Analysis

The San Diego Water Board has reviewed the NOI and determined that an additional reasonable potential analysis is not required because there is only industrial stormwater discharge.

3.2 Effluent Limitations

No additional effluent limitations.

3.3. Anti-Backsliding Requirements

Sections 402(o) and 303(d)(4) of the Clean Water Act (CWA) and federal regulations at Title 40 of the Code of Federal Regulations (40 CFR) section 122.44(l) restrict backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. The effluent limitation values are the same as the General Order and they are the same or more stringent than the previous order.

3.4 Antidegradation Policy

Federal regulation 40 CFR section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16 ("Statement of Policy with Respect to Maintaining High Quality of Waters in California"). Resolution 68-16 is deemed to incorporate the federal antidegradation policy where the federal policy applies under federal law. Resolution 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The San Diego Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. The permitted discharge must be consistent with the antidegradation provision of 40 CFR section 131.12 and State Water Board Resolution 68-16.

4. RECEIVING WATER LIMITATIONS

4.1. Receiving Water Limitations and Sediment Limitations

The Discharger shall not cause violations of the requirements contained in section 6 of the General Order.

5. MONITORING AND REPORTING PROGRAM

5.1. Effluent Monitoring

The Discharger shall monitor as required in section 3.2 and 7.3 of the MRP of the General Order.

5.2. Receiving Water Monitoring

5.2.1. Receiving Water Monitoring Plan

The Discharger shall submit a Receiving Water Monitoring Plan within twelve months of the effective date of this NOA. The plan shall include the requirements in section 4.3 of the MRP of the General Order and the parameters from Table E-5 of the General Order.

5.2.2. Sediment Monitoring Plan

The Discharger shall submit a submit a Sediment Monitoring Plan within twelve months of the effective date of this NOA. This plan shall include the requirements in section 4.4 of the MRP of the General Order and a schedule of Sediment Monitoring Report submittals.

5.2.3. Sediment Monitoring Report

The Discharger shall submit a Sediment Monitoring Report every 2 years in accordance with the schedule in the Sediment Monitoring Plan.

5.3. Self-Monitoring Reports

The Discharger shall submit all supporting documentation with the Self-Monitoring Reports (SMR), including but not limited to laboratory reports and chain-of-custody forms.

5.3.1. No Discharge Certification

For any monitoring period in which no discharge occurred, the SMR shall include a statement certifying that no discharge occurred during the monitoring period.

5.3.2. Electronic Submittals

The Discharger shall electronically submit all monitoring reports and documents required by this NOA and the General Order using the State Water Board's California Integrated Water Quality System (CIWQS) website (https://www.waterboards.ca.gov/water_issues/programs/ciwqs). The Discharger shall maintain sufficient staffing and resources to ensure submittals are complete and timely.

The CIWQS website will provide additional information for submittals in the event there will be a planned service interruption for electronic submittal. In an unexpected event send the submittal by email to sandiego@waterboards.ca.gov and include in a carbon copy to the San Diego Water Board staff. Include in the subject the reference code **243883:EKnight**. Routine email correspondence may be sent directly to individual San Diego Water Board staff members.

5.4. Reporting Schedule

Table 5. NOA Reporting Schedule

Report Name	MRP Section of the General Order	Due Date (date)
Initial Investigation TRE Work Plan	3.3.1.9.1	Within 90 days of the effective date of the NOA
Detailed TRE Work Plan	3.3.1.9.4	Within 30 days of receiving the validated results for a TRE trigger
TIE Work Plan	3.3.1.9.5	As required by the San Diego Water Board
TRE/TIE Progress Reports	3.3.1.9.6	February 1 and August 1 each year following the TRE trigger
TRE/TIE Final Report	3.3.1.9.8	As described in the Detail TRE Work Plan
Receiving Water Monitoring Plan	4.3	Within 12 months of the effective date of the NOA
Sediment Monitoring Plan	4.4	Within 12 months of the effective date of the NOA
Receiving Water Monitoring Report	4.3	Annually, by September 1, as described in the Receiving Water Monitoring Plan
Sediment Monitoring Report	4.4	Every two years, by September 1, as described in the Sediment Monitoring Plan
Climate Change Action Plan	6.1	Within three years of the effective date of the NOA

Report Name	MRP Section of the General Order	Due Date (date)
Quarterly Report	8.2.7.1	May 1 August 1 November 1 February 1
Annual Report	8.2.7.2	September 1
Industrial Stormwater Annual Report	7.3.5	September 1

6. ENFORCEMENT

The Discharger must review and ensure this NOA completely and accurately reflects the Facility's discharge. If the Discharger violates the terms or conditions listed in this NOA or the General Order, the San Diego Water Board may take enforcement action, including assessment of administrative civil liability.

Pursuant to Water Code section 13385, subdivisions (h) and (i), violations of effluent limitations contained in a NPDES permit subject the Discharger to a Mandatory Minimum Penalty (MMP) of \$3,000 for each serious violation, or for the fourth and each subsequent non-serious violation in a six-month period. The Discharger is also subject to discretionary administrative civil liability for each NPDES permit violation in an amount not to exceed the sum of both the following pursuant to Water Code section 13385, subdivision (c): \$10,000 for each day in which the violation occurs; and \$10 for each gallon of discharge not cleaned up in excess of 1,000 gallons.

7. OTHER INFORMATION

7.1. 30-Day Comment Period

A tentative version of this NOA was noticed and released for public review and comment on February 14, 2025, with comments due by March 17, 2025. The Notice of Opportunity to Comment (Notice) was posted on the San Diego Water Board website for the duration of the comment period and sent to the Discharger and all known interested parties. The Notice announced the availability of the Tentative NOA for review and provided instructions for submittal of written comments.

7.2. Additional Modifications

This NOA may be modified to require technical or monitoring reports to assess the quality of the discharge and its potential impact on the water quality and beneficial uses of the receiving water.

7.3. Petition for Review

Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 et seq. The State Water Board must receive the petition by 5:00 p.m., 30 calendar days after the date of this letter. Copies of the law and regulations applicable to filing petitions may be found on the Internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

In the subject line of any response, please include the reference **215572:EKnight**. If you have any questions regarding this NOA or the discharge requirements of the General Order, please contact Ella Knight at Ella.Knight@waterboards.ca.gov or (619) 521-3342.

Respectfully,

TENTATIVE

David W. Gibson
Executive Officer

Copies to:

April McGinley, CMSD Environmental Supervisor, april.mcginley@cmsd-msr.com
Jones, Trevor, CMSD Env. Health and Safety/Security, trevor.jones@cmsd-msr.com

Tech Staff Info & Use	
General Order	R9-2023-0012
General NPDES Permit	CAG039001
Previous Order	R9-2015-0009
Previous NPDES Permit	CA0109142
CW Place ID (Continental Maritime Shipyard (formerly CMSD San Diego Shipyard, Inc.))	215572
CW Party/Organization ID (Continental Maritime of San Diego, LLC (formerly Helios Acquisition, LLC))	611205
CW Party/Person ID (Russell A. McCarthy)	609263
CW Party/Person ID (April McGinley)	532235
CW Party/Person ID (Trevor Jones)	611536
CW Regulatory Measure (General Order)	453413
CW Regulatory Measure (NOA Enrollment draft)	459094
Previous CW Regulatory Measure (R9-2015-0009)	400280
WDID	9 000000400