

California Regional Water Quality Control Board
San Francisco Bay Region

RESPONSE TO WRITTEN COMMENTS

On the Issuance of a New General Permit for Discharges from Dry Dock Operations

From April 1 through May 3, 2012, we circulated for public comment a tentative order to issue a new general NPDES permit for dry dock discharges. Bay Ship & Yacht Co. and Allied Defense Recycling LLC submitted comments, summarized below in *italics* and followed by our response to each comment. Interested persons should refer to the original texts to ascertain the full substance and context of each comment. Revisions to the tentative order are shown in underline for additions and ~~strikethrough~~ for deletions.

BAY SHIP & YACHT CO.

Bay Ship & Yacht Co. Comment 1

Bay Ship seeks clarification regarding whether dischargers with existing permits need to submit a Notice of Intent given that the tentative order would automatically supersede individual permits. Bay Ship also asks when, if current permittees must complete a Notice of Intent, the notices must be submitted.

Response to Comment 1

The Revised Tentative Order (page 8) would automatically rescind existing permits “as of the effective date of an Authorization to Discharge ... covering the same discharges...” In other words, an existing dry dock operator may continue to operate under its existing individual permit until that permit expires. By that time, the dry dock operator must have submitted a Notice of Intent and received a formal Authorization to Discharge under the new general permit. Alternatively, a dry dock operator could choose to submit a Notice of Intent and receive an Authorization to Discharge sooner, thus rescinding its individual permit sooner. If a dry dock operator chooses to continue its operations under its existing permit, it should submit the Notice of Intent not less than 180 days prior to the expiration of its individual permit.

Bay Ship & Yacht Co. Comment 2

Bay Ship requests confirmation that a walk-behind sweeper would meet the Best Management Practices requirement for both sweeping and vacuuming in the tentative order.

Response to Comment 2

The Revised Tentative Order specifies the activities to be performed, not the means of compliance. If a walk-behind sweeper provides both the vacuum and sweeping functions, it would comply with the Revised Tentative Order.

Bay Ship & Yacht Co. Comment 3

Bay Ship notes that the tentative order requires accelerated monitoring if a trigger exceedance is observed and asks if this applies to all pollutants or just to the pollutant that exceeds the trigger.

Response to Comment 3

Attachment E, Provision III.B.3, of the Revised Tentative Order requires accelerated monitoring for all pollutants, except tributyltin and PCBs, when any trigger is exceeded.

Bay Ship & Yacht Co. Comment 4

Bay Ship notes that the trigger units were “µg/sample” in the tentative order and proposes that, since wipe sample kits are designed to measure pollutants based on a one square foot sample, the trigger units should be “µg/sq. ft.”

Response to Comment 4

We agree and changed Table 3 as shown and similarly Table F-3 (not shown):

Table 3. Triggers for Dry Dock Wipe Samples

Analyte	Trigger (µg/sample sq. ft.)
Chromium	31,000
Hexavalent Chromium	3,100
Copper	1,800
Lead	330
Nickel	8,300
Zinc	18,000
Tributyltin	2.1
Polychlorinated biphenyls (PCBs)	3.9

In addition we changed Attachment E, Section II.B.2:

2. Wipe Sampling Procedure

Samples shall be collected using commercially available wipe test kits for the collection of metals, PCBs, and TBT. The results of the analyses shall be reported as ~~µg/sample~~ or µg/ft²sq. ft.

Bay Ship & Yacht Co. Comment 5

Bay Ship comments that the tentative order required a separate annual report to determine the effectiveness of the non-contact cooling water BMPs and further notes that, for Bay Ship, this would be inappropriate because it rarely has vessels that use non-contact cooling water.

Response to Comment 5

We agree that it would be inappropriate for Bay Ship, or any other dry dock operator, to file a separate annual report for non-contact cooling water. All annual reporting for non-contact cooling water should be included with the Annual Report required for all operations that is to be submitted by February 1. We revised the last paragraph of Provision VI.C.9 to clarify as follows:

The Discharger shall conduct one compliance evaluation each year to determine the effectiveness of the BMPs Plan for non-contact cooling water and convey this

~~information submit a report~~ with the annual report (see MRP [Attachment E] Section VIII VI). The Discharger shall revise its BMP Plan as appropriate, and summarize its evaluation and along with a description of any revisions in the annual Self-Monitoring Report required by Attachment E of this Order.

Bay Ship & Yacht Co. Comment 6

Bay Ship requests clarification of wipe sampling locations and frequency, as described in Attachment E, Provision III.B.1, for monitoring PCBs and TBT (tributyltin). It expresses confusion regarding how many wipe samples should be collected, questioning whether the requirement would be 5 or 15 samples.

Response to Comment 6

We agree that the wording in the tentative order was confusing. When PCBs and TBT monitoring is required, the areas to be wipe sampled for PCBs and TBT are to be adjacent to the three discrete areas to be sampled for the other pollutants. In other words, just three wipe samples for PCBs and three wipe samples for TBT are to be collected during each sampling event required for these pollutants. We revised Attachment E, Provision III.B.1, as follows:

1. Wipe Sampling Locations

Sample locations shall be selected by a randomized grid procedure, and locations shall be recorded and reported in quarterly self-monitoring reports. To assess the amount of pollutant remaining on the dry dock after cleaning and before submergence, three areas shall be selected randomly from a grid on the dry dock deck. At each grid location, wipe samples shall be collected for analysis of the metals identified in Table 3 of the Order and, when ~~required~~ necessary, polychlorinated biphenyls (PCBs) and tributyltin (TBT) ~~from five adjoining areas~~. The adjoining wipe samples shall be considered as one set of wipe samples to meet the analytical requirements of this Order. Three sample sets are required for each sampling event for Monitoring Locations EFF-00n. The methodology shall follow USEPA recommended procedures including, but not limited to: EPA/600/R-07/004 January 2007, EPA/540/P-91/008 OSWER Directive 9360.4-07 January 1991, and 40 CFR 761.123.

ALLIED DEFENSE RECYCLING

Allied Defense Recycling LLC Comment 1

Allied Defense Recycling LLC notes that the Mare Island Historical Society may require a one-time permit to operate Dry Dock 1 for permanent static moorage of a museum vessel.

Response to Comment 1

Allied Defense Recycling LLC may file a Notice of Intent requesting coverage for Dry Dock 1 under the general permit. The Notice of Intent can specify the duration of the coverage desired, or Allied Defense Recycling LLC can submit a subsequent letter rescinding or modifying its Notice of Intent. Note that the permit fee will be for each fiscal year of coverage (July 1 through June 30) and will not be pro-rated if coverage is for just part of the fiscal year.