

California Regional Water Quality Control Board San Francisco Bay Region

RESPONSE TO WRITTEN COMMENTS

On the Tentative Order for
Dry Dock Operations

**Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara,
Solano, and Sonoma Counties**

The Regional Water Board received comments from Bay Ship & Yacht Company on a draft NPDES permit (Tentative Order) distributed for public comment on May 7, 2023. The comments are summarized below in *italics* (paraphrased for brevity), followed by staff's response. For the full content and context of the comments, please refer to the comment letter. To request a copy of the letter, see the contact information provided in Attachment F, section 8.8, of the Revised Tentative Order.

All revisions to the Tentative Order are shown with underline text for additions and strikethrough ~~text~~ for deletions.

Comment 1

Bay Ship & Yacht quotes the Water Quality Control Plan for Enclosed Bays and Estuaries of California, Sediment Quality Provisions (Sediment Quality Provisions), which states, "The Water Boards shall assign the highest priority for stressor identification to those segments or reaches with the highest percentage of sites designated as Clearly Impacted and Likely Impacted." Bay Ship & Yacht requests data, analyses, and findings that support prioritizing stressor identification studies in receiving water segments covered in the Revised Tentative Order.

Response

The Sediment Quality Provisions do not prevent the Water Board from requiring stressor identification studies when evidence indicates that sediment is "Clearly Impacted" or "Likely Impacted" even if the Water Board has not yet determined the segments or reaches with the highest percentage of sites that are "Clearly Impacted" and "Likely Impacted." As described in Fact Sheet section 4.3.3.7.5, the Revised Tentative Order finds reasonable potential that dry dock discharges could cause or contribute to an exceedance of the sediment quality objectives. This is based on sediment quality assessments conducted and provided by dry dock dischargers, including Bay Ship & Yacht, that determined sediment in the vicinity of two of the three active dry dock operations in San Francisco Bay were "Possibly Impacted" and "Likely Impacted." Pursuant to the Sediment Quality Provisions, the Water Boards are required to direct permittees to conduct stressor identification studies if the sediments fail to meet the narrative sediment quality objectives. The Revised Tentative Order requires the dischargers to begin stressor identification studies for "Clearly Impacted" and "Likely Impacted" sites. The dischargers must conduct confirmation monitoring for "Possibly Impacted" sites; if monitoring confirms that the sites are either "Clearly Impacted" or "Likely Impacted," then the dischargers must conduct stressor identification studies for those sites. This approach is consistent with the Sediment Quality Provisions.

Comment 2

Bay Ship & Yacht recommends revising Attachment E, Table E-1, Footnote 1, to require receiving water and sediment monitoring at one location per dry dock “at minimum” instead of at only one location per dry dock. This would allow for more than one monitoring location and the collection of more data, and is consistent with the Sediment Quality Provisions.

Response

We agree and revised Attachment E, Table E-1, as follows:

Table E-1. Monitoring Locations

Monitoring Location Type	Monitoring Location ^[1]	Monitoring Location Description
Exposed Deck of Dry Dock	EFF-00n	Randomly selected areas on dry dock n deck that have been exposed to wastes from operations (three areas at a minimum, each a minimum of one square foot).
Receiving Water at Dry Dock	RSW-00n-L	For each dry dock, location near the perimeter or end of dry dock n, close to Monitoring Location SED-00n-L.
Reference Water	RSW-00(N+1) RSW-R00N	Water location at sufficient distance from dry dock and other potential discharges to represent reference conditions (close to Monitoring Location SED-00(N+1) SED-R00N).
Sediment at Dry Dock	SED-00n-L	For each dry dock, location where representative sediment samples may be collected at the perimeter of dry dock n, close to Monitoring Location RSW-00n-L.
Reference Sediment	SED-00(N+1) SED-R00N	Sediment location at sufficient distance from dry dock and other potential discharges to represent reference conditions (close to Monitoring Location RSW-00(N+1) RSW-R00N). ^[2]
Stormwater	STW-00n-N	Locations representing each stormwater discharge point prior to contact with receiving water, where a representative stormwater sample can be obtained.

Footnotes:

^[1] Receiving water shall be monitored at one location per dry dock, at minimum, and sediment shall be monitored at one location per dry dock, at minimum. For Monitoring Locations EFF-00n, RSW-00n-L, and SED-00n-L, “n” is the number designation of the dry dock and “L” is the number designation of the monitoring location for that dry dock. For Monitoring Locations ~~RSW-00(N+1)~~ and ~~SED-00(N+1)~~ RSW-R00N, SED-R00N, and STW-00N, “N” is the total number dry docks at the facility number designation of the monitoring location. For example, if there are two floating dry docks, each with two receiving water monitoring locations, two sediment monitoring locations, two reference water monitoring locations, two reference sediment monitoring locations, and two stormwater monitoring locations, the location names shall be as follows:

- Dry dock monitoring locations: EFF-001 and EFF-002.
- Receiving water monitoring locations: RSW-001 and RSW-002. RSW-001-1, RSW-001-2, RSW-002-1, and RSW-002-2.
- Reference water monitoring locations: RSW-003 RSW-R001 and RSW-R002.
- Sediment monitoring locations: SED-001 and SED-002 SED-001-1, SED-001-2, SED-002-1 and SED-002-2.
- Reference sediment monitoring locations: SED-003 SED-R001 and SED-R002
- Stormwater monitoring locations: STW-001 and STW-002

Regardless of the number of dry docks, only one reference water and one reference sediment location are required, at minimum.

For Monitoring Locations STW-00n, “n” is the number designation of the stormwater discharge point.

^[2] Reference sediment monitoring locations shall be located in areas expected to be uninfluenced by the discharge of pollutants of concern and shall be representative of habitat characteristics of the assessment area (e.g., salinity, grain size).

We revised Attachment E section 4 as follows:

Each Discharger shall monitor receiving waters at Monitoring Locations ~~RSW-00n and RSW-00(N+1)~~ RSW-00n-L and RSW-R00N as specified below:

We revised Attachment E section 5.1 as follows:

Monitoring Locations. The Discharger shall conduct sediment monitoring at Monitoring Locations ~~SED-00n and SED-00(N+1)~~ SED-00n-L and SED-R00N.

We revised Attachment E section 6 as follows:

Each Discharger that has enrolled for coverage of its landside (non-dry dock) industrial stormwater discharges shall conduct stormwater monitoring at Monitoring Location ~~STW-00n~~ STW-00N as described below:

We revised Attachment E section 6.1 as follows:

Sample Collection and Frequency. The Discharger shall conduct stormwater monitoring at all locations identified in its Notice of Intent form (i.e., Monitoring Location ~~STW-00n~~ STW-00N)....

We revised Attachment E section 7.2.2.1.3.2 as follows:

Analytical Results. Each Discharger shall arrange all analytical and field test results in a tabular format to clearly illustrate compliance or lack thereof with the effluent limits and receiving water limits, and any exceedances of the trigger in Provision 6.3.4 of the Order. Tabulated monitoring data shall include the monitoring location name (e.g., EFF 00n, ~~SED-00nA, RSW-00n~~ SED-00n-L, RSW-00n-L), sample date, sample type, parameter, test results, units, corresponding analytical method detection limits, minimum levels, reporting levels, and related quantification parameters as signed by the laboratory director or other responsible laboratory official....

Comment 3

Bay Ship & Yacht requests removal of the chromium and nickel monitoring in Attachment E, Table E-3 (Sediment Chemistry Monitoring), because neither metal is listed as a required analyte in the Sediment Quality Provisions.

Response

We disagree. Table E-3 includes chromium and nickel because they are metals common in the shipyard industry, as described in Attachment F section 4.3.3.1.

Furthermore, monitoring performed under the previous order detected chromium and nickel in sediment. As stated in Sediment Quality Provisions section IV.A.1.h.1, the Sediment Quality Provisions list only the minimum required analytes to assess exposure in sediment and allow the inclusion of additional analytes if they are believed to pose a risk to benthic communities. Although chromium and nickel monitoring data cannot be used in certain exposure assessments described in the Sediment Quality Provisions, these data can be used to conduct more effective stressor identification studies.

Comment 4

Bay Ship & Yacht requests revising Attachment E section 5.5 so it is consistent with Attachment F section 4.3.3.7.5 and the Sediment Quality Provisions. The Sediment Quality Provisions require confirmation monitoring for sediment classified as “Possibly Impacted,” and stressor identification studies for sediment classified as “Likely Impacted” or “Clearly Impacted.”

Response

We agree and revised Attachment E section 5.5 as follows:

Sediment Stressor Identification Study. If the Discharger determines sediments at any dry dock sediment monitoring location (i.e., a non-reference sediment monitoring location) are “Likely Impacted” or “Clearly Impacted” through sediment monitoring assessments, it shall proceed with conducting a sediment stressor identification study in accordance with *Water Quality Control Plan for Enclosed Bays and Estuaries of California, Sediment Quality Provisions*, section IV.A.4.f. The stressor identification study shall seek ~~confirmation and~~ characterization of pollutant related impacts, pollutant identification, and source identification to determine whether sediment impacts are linked to dry dock operations....

Additionally, we revised the last paragraph of Attachment F section 4.3.3.7.5 as follows:

While the impact of dry dock discharges on sediment quality is unclear, this Order conservatively finds reasonable potential that discharges authorized under this Order could cause or contribute to an exceedance of the sediment objectives; therefore, consistent with the Water Quality Control Plan for Enclosed Bays and Estuaries of California, Sediment Quality Provisions, this Order imposes the sediment objectives as receiving water limits (see Provisions 5.1.3 through 5.1.5 of the Order). Furthermore, the Monitoring and Reporting Program (MRP) section 5.5 requires confirmation monitoring for sediments categorized as “Possibly Impacted,” and stressor identification studies for sediments categorized as ~~“Possibly Impacted,”~~ “Likely Impacted,” and “Clearly Impacted” to clarify the potential impacts dry dock discharges could have on sediment quality

and to inform future reasonable potential analyses. This requirement is consistent with section IV.A.4.f of the plan.

Comment 5

Bay Ship & Yacht recommends revising Attachment E, Table E-5, to allow adequate time to conduct confirmation monitoring and stressor identification studies.

Response

We agree and revised Attachment E, Table E-5, as follows:

Table E-5. Monitoring Periods

Sampling Frequency	Monitoring Period Begins On	Monitoring Period
1/Event for wipe sampling	Effective date of Authorization to Discharge	After dry dock deck cleaning and no more than four days prior to dry dock flooding or submergence
1/Year	Closest January 1 before or after effective date of Authorization to Discharge ^[1]	January 1 through December 31
Once	Effective date of Authorization to Discharge	Once during the term of the Order within 12 months prior to <u>so that all related information is submitted no later than January 5, 2028.</u>

Comment 6

Bay Ship & Yacht requests revising Attachment F section 4.3.3.7.5 to be consistent with Attachment E section 5.5, which requires confirmation monitoring for sediment classified as “Possibly Impacted,” and stressor identification studies for sediment classified as “Likely Impacted” or “Clearly Impacted.”

Response

See our response to Comment 4.