

Response to Comments

**Stellar Biotechnologies, Incorporated, Stellar Biotechnologies Facility
Tentative Order No. R4-2017-XXXX
NPDES Permit No. CA0063070, CI No. 7219**

Agency/ Letter	#	Comment	Response	Action Taken
Letter dated May 4, 2017, from Stellar Biotechnologies, Incorporated (Discharger or Stellar) Comments on Tentative Order No. R4-2017-XXXX				
Discharger	1	<p><u>Harmonization of the effluent limitations in the proposed revisions to the company' s two permits (CA0063070 and CA0064131):</u></p> <p>The two permits are for similar aquaculture operations located on the same contiguous property utilizing the same source water and receiving water. We feel that significant differences in permit format and differences in effluent limitations for specific constituents was an oversight in the permit review process and does not have valid technical justification.</p> <p>The adoption of permits for the same operation with different constituent effluent limitations will cause an undue hardship and expense for the company and will complicate review and oversight by the RWQCB. Our request is that the two permits be harmonized to facilitate effective administration except in areas where differences can be technically justified.</p>	<p>Both permits used the standard National Pollutant Discharge Elimination System (NPDES) permit template developed by the State Water Resources Control Board. The discussions on a specific issue regarding the discharge may be different but the outline of the information is the same. As an example, the presentations of the bacteria effluent limitations in the effluent limitations tables are different in the two proposed permits but the effluent limitations used to determine compliance are the same.</p> <p>Two permits issued cover two different operations; one is a flow-through system and the other is an aquaculture research and cultivation facility. The data submitted for each facility were evaluated separately. As such, we consider there two different waste streams and two separate discharges to the Port Hueneme Harbor.</p> <p>The effluent limitations were based on the results of reasonable potential analyses (RPAs) conducted on the monitoring data reported during the last permit term. The calculations for the effluent limitations utilized coefficient of variations derived from the monitoring data. Therefore, effluent limitations for a specific constituent may be different in the two permits. The procedures for calculating limitations are presented in the Fact Sheet.</p> <p>The additional effluent limitations of ammonia and total residual chlorine are included in this proposed permit because the RPAs demonstrated reasonable potential for these pollutants.</p>	None necessary.

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Discharger	2	<p><u>Inclusion of Intake Credits for chlorine and ammonia WQBELs:</u></p> <p>The source water for the Stellar Biotechnologies, Inc. facility is Port Hueneme Harbor, an active commercial port with multiple businesses contributing to discharge and surface water runoff affecting source water quality. The inclusion of ammonia and chlorine effluent limitations is acceptable to Stellar, but we request that Intake Credits be included in the permits for these constituents.</p>	<p>The criteria for applying intake water credit are specified in 40 C.F.R. section 122.45 (g). The Discharger indicated that the source water (intake water) for the Facility is Port Hueneme Harbor that is subject to discharges from multiple businesses and local surface runoff. The historical data demonstrated that the source water quality is affected by these discharges. The discharges from the Facility does go back to the same water body, Port Hueneme Harbor. The Discharger also asserted that the operation in the Facility does not contribute ammonia or chlorine to the effluent, thus the levels of ammonia and total residual chlorine in the influent should be similar to the effluent. Therefore, the presence of these two pollutants in the intake water may largely account for the levels of these pollutants in the effluent. Based on these facts, Regional Board staff determined that the Discharger has satisfied the conditions of 40 C.F.R. section 122.45(g). As such, this revised tentative permit includes intake water credits for ammonia and total residual chlorine at Discharge Point 001. The inclusion of intake water credits will restrict effluent concentrations of ammonia and total residual chlorine to levels at or below the intake water concentrations or the final effluent limitations for these pollutants.</p> <p>In addition to adding the intake water credits for ammonia and total residual chlorine in the effluent limitations table, the intake water monitoring program requires additional quarterly monitoring for ammonia and total residual chlorine in order to determine compliance with the effluent limitations.</p>	Changes have been made.
Discharger	3	<p><u>The inclusion of monitoring requirements and for Cyanide and Silver WQBELs:</u></p> <p>Silver and Cyanide are not constituents that would be contributed to the effluent discharge by Stellar's operation but have been included in the proposed permit revisions as a result of the reported presence of these constituents in both the receiving water and effluent discharge from a single grab sample.</p> <p>The inclusion of sampling requirements and effluent limitations</p>	<p>The effluent limitations for silver and cyanide were established based on the reasonable potential analysis procedures in the State Implementation Policy (SIP). The SIP requires the consideration of a DNQ (detected, but not quantified) value as a detected value when conducting the reasonable potential analysis. The analyses demonstrated reasonable potential for silver and cyanide.</p> <p>Since the receiving water also had detected concentrations for silver and cyanide, the intake water credits were applied for</p>	None necessary.

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		<p>is problematic because the WQBEL is below the quantitative detection limit (for cyanide) and below the practical quantitation limit (for both silver and cyanide) of the assay method, making compliance with the requirement impractical if not impossible.</p> <p>It is our request that these constituents, Cyanide and Silver be dropped from the proposed permit revisions.</p>	<p>these two constituents. In order to determine compliance with the limitations and to evaluate the source water for intake water credits, both intake water monitoring and effluent monitoring are required.</p> <p>Any monitoring result reported as a DNQ will not result in a violation of the effluent limitation (noncompliance) as described in Section VII.A. of the tentative Order.</p>	
Discharger	4	<p><u>Change from Acute Toxicity testing to Chronic Toxicity testing:</u></p> <p>The inclusion of a requirement for Chronic Toxicity testing is excessive for a marine aquaculture operation. The company's business is the cultivation of live marine invertebrates, which represents an on-going real-time toxicity evaluation. We request that the toxicity testing requirement remain as an Acute Toxicity test, consistent with the previous 17 years of the company's operating history under its NPDES permits.</p>	<p>The Basin Plan specifies a narrative objective for toxicity, requiring that all waters be maintained free of toxic substances in concentrations that are lethal to or produce other detrimental responses by aquatic organisms. Detrimental responses include, but are not limited to, decreased growth rate, decreased reproductive success of resident or indicator species, and/or significant alterations in population, community ecology, or receiving water biota.</p> <p>Since a chronic toxicity test is capable of measuring both sublethal and lethal effects and it is more stringent than the acute toxicity limit, this proposed permit includes chronic toxicity limitations and chronic toxicity monitoring with evaluation using the Test of Significant Toxicity (TST) methods.</p> <p>Staff concurs that the operation of this facility is a marine aquaculture operation. However, survival of the species you are working with does not guarantee protection of other species. Hence, the requirement for toxicity testing of the most sensitive species identified in the initial screening is required.</p>	None necessary.