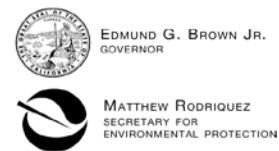


ADMINISTRATIVE DRAFT



California Regional Water Quality Control Board, San Diego Region

ADMINISTRATIVE DRAFT

**ORDER NO. R9-2013-XXXX
NPDES NO. CAGXXXXXX**

**GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES
FROM BOATYARDS AND BOAT MAINTENANCE AND REPAIR FACILITIES
TO SURFACE WATERS WITHIN THE SAN DIEGO REGION**

The following dischargers are subject to waste discharge requirements as set forth in this General Permit:

Table 1. Discharger Information¹

Discharger	Name of Facility	Facility Address
Driscoll Inc	Driscoll Boat Works/ Driscoll Custom Boats	2500 Shelter Island San Diego, CA 92106 San Diego County
Knight & Carver YachtCenter Inc	Knight & Carver YachtCenter	1313 Bay Marina Drive National City, CA 91950
Koehler Kraft Company, Inc.	Koehler Kraft Company, Inc.	2302 Shelter Island Drive San Diego, CA 92106
Nielsen Beaumont Marine	Nielsen Beaumont Marine	2420 Shelter Island Drive San Diego, CA 92106
Shelter Island Boatyard	Shelter Island Boatyard	2330 and 2390 Shelter Island Drive San Diego, CA 92106
The Marine Group, LLC (Formerly Southbay Boat Yard)	The Marine Group, LLC	997 G Street Chula Vista, CA 91910
Dana Point Shipyard	Dana Point Shipyard	34671 Puerto Place Dana Point, CA 92629
Driscoll Mission Bay, LLC	Driscoll Mission Bay, LLC	1500 Quivira Way San Diego, CA 92109
Oceanside Marine Centre, Inc.	Oceanside Marine Centre, Inc.	1550 Harbor Drive North San Diego, CA 92054

¹ Additional boatyards and boat maintenance and repair facilities may be subject to regulation under this Order upon submission of a Notice of Intent (NOI)(Attachment C) and authorization from the California Regional Water Quality Control Board, San Diego Region prior to initiating the discharge as described in section I.B of this Order.

Table 2. Discharge Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
SW-SDDRI (Previously C-001)	Driscoll Boat Works / Driscoll Custom Boats Storm Water Runoff	32° 43' 20" N	117° 13' 40" W	America's Cup Harbor, San Diego Bay

ADMINISTRATIVE DRAFT

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
SW-KAC (Previously C-001)	Knight and Carver Yachtcenter Storm Water Runoff	32° 39' 33" N	117° 07' 01" W	San Diego Bay
BW-KAC-001	Knight and Carver Yachtcenter Ballast Water	1	1	San Diego Bay
SW-KKC (Previously C-001)	Koehler Kraft Company, Inc. Storm Water Runoff	32° 40' 6" N	117° 13' 24" W	America's Cup Harbor, San Diego Bay
SW-NBM (Previously C-001)	Nielsen Beaumont Marine Inc. Storm Water Runoff	32° 43' 02" N	117° 13' 05" W	America's Cup Harbor, San Diego Bay
SW-SIB-01 (Previously C-001)	Shelter Island Boatyard Storm Water Runoff	32° 43' 6" N	117° 13' 26" W	Shelter Island Yacht Basin, San Diego Bay
SW-SIB-02 (Previously C-002)	Shelter Island Boatyard Storm Water Runoff	32° 43' 9" N	117° 13' 30" W	Shelter Island Yacht Basin, San Diego Bay
SW-MGBW (Previously C-001)	Marine Group Boat Works, LLC (South Bay Boatyard) Storm Water Runoff	32° 37' 48" N	117° 6' 24" W	San Diego Bay
SW-DANA-01 (Previously C-001)	Dana Point Shipyard Industrial Storm Water Runoff	32° 27' 37" N	117° 41' 27" W	Dana Point Harbor
SW-DANA-02 (Previously C-002)	Dana Point Shipyard Non-Industrial Storm Water Runoff	33° 27' 39" N	117° 41' 27" W	Dana Point Harbor
SW-MDRIS (Previously C-001)	Driscoll Mission Bay, LLC Storm Water Runoff	32° 45' 34" N	117° 14' 22" W	Mission Bay
SW-OMC-01 (Previously C-001)	Oceanside Marine Centre Inc. Storm Water Runoff	33° 12' 35" N	117° 23' 38" W	Oceanside Harbor
SW-OMC-02 (Previously C-002)	Oceanside Marine Centre Inc. Storm Water Runoff	33° 12' 38" N	117° 23' 38" W	Oceanside Harbor

¹ Discharge Point No. BW-KAC-001 is located on a floating drydock and may occur at any point within the leasehold area of the Knight and Carver Yachtcenter facility.

Table 3. Administrative Information

This Order was adopted by the Regional Water Quality Control Board on:	<DATE>
This Order shall become effective on:	<DATE>
This Order shall expire on:	<DATE>
The U.S. Environmental Protection Agency (USEPA) and the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) have classified these discharges as minor discharges. In accordance with Section 2200, Title 23 of the California Code of Regulation, the threat to water quality and complexity of the discharge is determined to be category 2C.	

I, David W. Gibson, Executive Officer, do hereby certify that this General Permit with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on **<DATE>**.

David W. Gibson, Executive Officer

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I. PERMIT COVERAGE

A. Eligibility Criteria

Discharges covered by this General Permit are limited to industrial storm water from boatyard and boat maintenance and repair facilities in the San Diego Region adjacent to surface water, and drydock ballast water from Knight and Carver Yachtcenter’ s floating drydock. Boatyards and boat maintenance and repair facilities regulated by this General Permit at the time of adoption are listed in Table 4.

Table 4. Regulated Boatyards in the San Diego Region

Dischargers	Previous Order/ NPDES Number	WDID Number	Receiving Water
Driscoll Custom Boats	R9-2005-0147 CA0109061	9 000000484	San Diego Bay Shoreline at America’s Cup Harbor
Knight and Carver Yachtcenter	R9-2005-0149 CA0109088, as revised by Order No. R9-2010-0096	9 000000816	San Diego Bay
Koehler Kraft Company, Inc.	R9-2005-150 CA0109096	9 000000474	San Diego Bay Shoreline at America’s Cup Harbor
Nielsen and Beaumont Marine	R9-2005-0151 CA0109100	9 000000112	San Diego Bay Shoreline at America’s Cup Harbor
Shelter Island Boatyard	R9-2005-0152 CA0109118	9 000000344	San Diego Bay, Shelter Island Yacht Basin
The Marine Group, LLC (Formerly, Southbay Boat Yard)	R9-2005-0153 CA0109126	9 000000481	San Diego Bay
Dana Point Shipyard	R9-2006-0019 CA0109312	9 000000219	Dana Point Harbor
Driscoll Mission Bay, LLC	R9-2006-0020 CA0109291	9 000000305	Mission Bay at Quivira Basin
Oceanside Marine Center, Inc.	R9-2005-0021 CA0109304	9 000000111	Oceanside Harbor

B. Notice of Intent Application

Any person proposing to discharge pollutants in storm water runoff from a boatyard or a boat maintenance and repair facility directly adjacent to surface water not identified in Table 4 above shall file a completed Notice of Intent (NOI) form (Attachment C) with filing fee for coverage under this Order and obtain authorization from the San Diego Water Board prior to initiating the discharge.

C. Coverage

Coverage will be effective for the boatyards or boat maintenance and repair facilities identified in Table 4 above upon the effective date of this Order. Coverage for boatyards or boat maintenance and repair facilities not identified in Table 4 will be effective when the San Diego Water Board issues the Discharger a Notice of Enrollment (NOE) which may include additional or increased monitoring or other facility specific

requirements due to site specific circumstances of the discharge or facility. The effective enrollment date will be specified in the NOE and the Discharger is authorized to discharge starting on the date specified in the NOE

D. Notice of Termination

Dischargers shall submit a written request referred to as a "Notice of Termination (NOT)" to the San Diego Water Board when coverage under this General Permit is no longer required. Discharger eligibility for termination of permit coverage can be established under, the following conditions:

1. A new owner or operator has taken over responsibility for the facility; or
2. The Discharger has ceased boatyard or boat maintenance and repair operations at the facility, and there are not, or no longer will be, discharges of storm water associated with boatyard or boat maintenance and repair operations from the facility (or discharges from the operation of a floating drydock, if applicable); or
3. The Discharger has obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

The NOT letter constitutes a notice that the Discharger (and his/her agent) at the site has ceased the discharge of storm water under this General Permit. The NOT should include "Notice of Termination (NOT)" In the subject line, the Waste Discharge Identification Number (WDID No.) assigned to the Discharger by the San Diego Water Board when enrolled in the Order, the name and address of the boatyard or boat maintenance and repair facility, and be signed and dated in accordance with the signatory requirements of the Order. The Discharger shall continue to comply with the requirements of the Order until the San Diego Water Board notifies the Discharger in writing that the NOT has been approved. Submittal of a NOT letter does not guarantee termination. Approval of the NOT does not relieve the Discharger's responsibility for paying any applicable outstanding invoices of annual fees or submitting any outstanding required reports as a result of enrollment under this General Permit.

E. Transferring Ownership

Enrollment under the Order is not transferable. The enrolled Discharger must submit an NOT to the San Diego Water Board in the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the enrolled Discharger. The new succeeding owner or operator must submit an NOI application of enrollment under this General Permit and obtain authorization for the San Diego Water Board.

II. FINDINGS

The San Diego Water Board finds:

A. Background. On December 14, 2005, the San Diego Water Board adopted seven individual Waste Discharge Requirement NPDES Permits for discharges of storm water to San Diego Bay from boatyards and boat maintenance and repair facilities within the San Diego Region. The San Diego Water Board adopted an additional three individual Waste Discharge Requirement NPDES Permits for discharges of storm water to Dana Point Harbor, Oceanside Harbor, and Mission Bay from boatyards and boat maintenance and repair facilities on April 12, 2006. Each of the individual NPDES Permits issued in 2005 and 2006 have similar effluent limitations and monitoring requirements, due to the same or substantially similar operations that take place at these facilities. As a result, the San Diego Water Board has decided to issue a general permit for the discharges of storm water from boatyards and boat maintenance and repair facilities instead of reissuing the individual NPDES permits. A total of nine boatyards and boat maintenance and repair facilities will be regulated by this General Permit. The San Diego Water Board may enroll other boatyards or boat maintenance and repair facilities under this Order subject to the eligibility criteria described in Section I.A.1 of this Order.

B. Discharge Description. This Order covers existing and proposed discharges of storm water from boatyards and boat maintenance and repair facilities within the San Diego Region as well as dry dock ballast and flood water from Knight and Carver YachtCenter. The San Diego Region covers a large portion of San Diego County, portions of South Orange County, and the southwestern portion of Riverside County based on hydrologic drainage areas.

Boatyards and boat maintenance and repair facilities conduct activities that include, but are not limited to; exterior/interior surface coating application/removal (e.g., painting and sanding), wood work, metal work, fiberglass work, hydrowashing, hull cleaning, engine repair, general mechanical/fixture repair, and hazardous waste storage. These industrial activities along with material handling equipment or activities, raw materials, by-products, waste materials or industrial machinery, generate pollutants that have the potential to discharge to receiving waters when exposed to storm water. In addition to storm water, Knight and Carver Yachtcenter, Inc. discharges ballast water and flood water from a floating drydock. Potential storm water pollutants often associated with boat maintenance and repair operations include: biochemical oxygen demand (BOD), metals (copper and zinc), total petroleum hydrocarbins (TPH), oil and grease, tributyl tin (TBT), settleable solids, total suspended solids (TSS), and total organic carbon (TOC).

In addition to the discharge of storm water, one of the facilities to be covered under this General Permit (Knight and Carver Yachtcenter, Inc.) discharges ballast water and drydock floodwater to San Diego Bay. The Knight and Carver drydock is used to conduct boat repair and maintenance activities which cannot normally be conducted while a vessel is waterborne. These activities generally include exterior hull repair; abrasive blasting; hydroblasting; painting; the repair or replacement of shafts, propellers, and rudders; and the repair or replacement of valves and fittings below the waterline. Vessel launching and recovery is accomplished by means of integral ballast tanks, which take in and discharge seawater used to raise and lower the drydock. Potential wastes generated during boat repair include spent abrasives, paint, rust,

petroleum products, marine growth and general refuse and debris. The drydock is configured to prevent any waste including industrial process water, storm water, and wash water from entering the San Diego Bay receiving water. Potential pollutants from drydock flooding include materials and wastes from boat maintenance and repair operations left on the drydock deck prior to flooding. Potential pollutants in drydock ballast water include sediment and solids that may enter the drydock ballasts, and pollutants already present in the San Diego Bay water pumped into the ballasts.

- C. Legal Authorities.** This Order is issued pursuant to sections 402 of the CWA and implementing regulations adopted by the USEPA and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a NPDES permit for point source discharges from approved facilities to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260). States may request authority to issue general NPDES permits pursuant to 40 CFR section 122.28. On June 8, 1989, the State Water Resources Control Board (State Water Board) submitted an application to USEPA requesting revisions to its NPDES Program in accordance with 40 CFR sections 122.28, 123.62, and 403.10. The application included a request to add general NPDES permit authority to its approved NPDES Program. On September 22, 1989, USEPA, Region 9, approved the State Water Board's request and granted authorization for the State of California to issue general NPDES permits.
- D. Background and Rationale for Requirements.** The San Diego Water Board developed the requirements in this General Permit based on information submitted as part of the applications for the individual boatyards and boat maintenance and repair facilities, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this General Permit and constitutes part of the Findings for this General Permit. Attachments A through E, G and H are also incorporated into this General Permit.
- E. California Environmental Quality Act (CEQA).** Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100-21177.
- F. Technology-Based Effluent Limitations.** Section 301(b) of the CWA and implementing USEPA permit regulations at 40 CFR 122.44, require that NPDES permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. This General Permit incorporates technology-based requirements as discussed in section IV.B of the Fact Sheet (Attachment F). Technology-based requirements in this General Permit include the implementation of a storm water pollution prevention plan (SWPPP), a best management practices (BMPs) plan, numeric action levels (NALs), and effluent limitations based on Table A of the *Water Quality Control Plan for Ocean Waters of California, California Ocean Plan*.

G. Water Quality-Based Effluent Limitations. Section 301(b) of the CWA and 40 CFR 122.44(d) require that NPDES permits include effluent limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

40 CFR 122.44(d)(1)(i) mandates that NPDES permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in 40 CFR 122.44(d)(1)(vi).

H. Water Quality Control Plans. The San Diego Water Board's *Water Quality Control Plan for the San Diego Basin* (hereinafter Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan. The Basin Plan was adopted by the San Diego Water Board on September 8, 1994, and was subsequently approved by the State Water Board on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the San Diego Water Board and the State Water Board. Beneficial uses applicable to coastal waters in the San Diego Basin are summarized in Table 2-3 of the Basin Plan.

The State Water Board adopted the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for surface waters.

The State Water Board adopted the *Water Quality Control Policy for Enclosed Bays and Estuaries of California (Bays and Estuaries Policy)* on May 16, 1974. The *Bays and Estuaries Policy* establishes principles for management of water quality, quality requirements for waste discharges, discharge prohibitions, and general provisions to prevent water quality degradation and to protect the beneficial uses of waters of enclosed bays and estuaries. These principles, requirements, prohibitions, and provisions have been incorporated into this General Permit.

On September 16, 2008 the State Water Board adopted the *Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1 Sediment Quality* (Sediment Quality Plan). The Sediment Quality Plan became effective on August 25, 2009. The Sediment Quality Plan establishes: 1) narrative sediment quality objectives for benthic community protection from exposure to contaminants in sediment and to protect human health; and 2) a program of implementation using a multiple lines of evidence approach to interpret

the narrative sediment quality objectives. This General Permit implements the requirements of the Sediment Quality Plan.

The State Water Board adopted the *Water Quality Control Plan for Ocean Waters of California, California Ocean Plan* (Ocean Plan) in 1972 and amended it in 1978, 1983, 1988, 1990, 1997, 2000, 2005, and 2009. The State Water Board adopted the latest amendment on September 15, 2009 and it became effective on March 10, 2010. The Ocean Plan is applicable, in its entirety, to point source discharges to the ocean. Although not directly applicable to the discharges eligible for coverage under this General Permit, Table A of the Ocean Plan has historically been used to develop appropriate technology-based effluent limitations for discharges to San Diego Bay by the San Diego Water Board. This Order carries over technology-based effluent limitations for Knight and Carver Yachtcenter's floating drydock based on Table A of the Ocean Plan. Further, since the receiving waters for the facilities eligible for coverage under this General Permit share strong hydraulic connections with the Ocean, and share many of the same characteristics of the Ocean, requirements and water quality objectives have been established as necessary to protect the beneficial uses of the ocean.

The requirements of this General Permit implement the applicable water quality control plans.

- I. **Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes. (40 CFR 131.21; 65 Fed. Reg. 24641 (April 27, 2000).) Under the revised regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.
- J. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About 40 priority pollutant criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new priority pollutant criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants and are applicable to discharges regulated under this General Permit.
- K. **State Implementation Policy.** On March 2, 2000, the State Water Board adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP). The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the San Diego Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria

promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this General Permit implement the SIP. The SIP is not applicable to storm water discharges authorized by this General Permit.

- L. Stringency of Requirements for Individual Pollutants.** This Order contains Numeric Action Levels (NALs). An exceedance of an NAL is not a violation of this Order. This Order also contains chronic toxicity limitations, but it does not contain pollutant-specific water quality-based effluent limitations (WQBELs). These requirements are discussed in sections IV.B and IV.C of the Fact Sheet (Attachment F). This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements. These limitations are not more stringent than required by the CWA.

All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to 40 CFR 131.21(c)(1). Collectively, this General Permit's restrictions are no more stringent than required to implement the requirements of the CWA.

- M. Antidegradation Policy.** 40 CFR 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 No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters 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. As discussed in detail in the Fact Sheet, the permitted discharges are consistent with the antidegradation provision of 40 CFR section 131.12 and State Water Board Resolution No. 68-16.
- N. Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations and requirements in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this General Permit are at least as stringent as the effluent limitations in the previous individual NPDES Permits for the facilities eligible for coverage under this General Permit.

- O. Endangered Species Act.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act

(Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limitations, receiving water limitations, and other requirements to protect the beneficial uses of waters of the State. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

P. Impaired Water Bodies on CWA 303(d) List. Under section 303(d) of the 1972 CWA, states, territories and authorized tribes are required to develop lists of water quality limited segments. The waters on these lists do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. On November 12, 2010, USEPA gave final approval to California's 2010 section 303(d) List of Water Quality Limited Segments, as it pertains to the San Diego Region. A discussion of impaired water bodies applicable to this General Permit is provided in section III.D of the Fact Sheet (Attachment F).

Q. Total Maximum Daily Loads. The USEPA requires the San Diego Water Board to develop TMDLs for each 303(d) listed pollutant and water body combination. On February 9, 2005, the San Diego Water Board adopted a Basin Plan amendment incorporating the *Dissolved Copper Shelter Island Yacht Basin, San Diego Bay TMDL (Resolution R9-2005-0019)*. The TMDL was subsequently approved by the State Water Board on September 22, 2005, by the Office of Administrative Law on December 2, 2005, and by USEPA on February 8, 2006.

The TMDL does not assign a wasteload allocation (WLA) to the Shelter Island Boatyard or to industrial storm water discharges, but neither does it explicitly exclude such discharges. The Shelter Island Boatyard maintains on-site storage for storm water and the authority to discharge limited amounts of storm water to the municipal sanitary sewer. The Shelter Island Boatyard rarely discharges storm water to the Shelter Island Yacht Basin. The San Diego Water Board finds that the requirements of this General Permit will further incentivize the Shelter Island Boatyard to avoid discharge to the Shelter Island Yacht Harbor and is consistent with the Shelter Island Yacht Basin dissolved copper TMDL.

Applicable 303(d) listings and TMDLs have been considered in the development of this General Permit.

R. Monitoring and Reporting. 40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the San Diego Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements to implement federal and State requirements. This MRP is provided as Attachment E to this General Permit.

S. Standard and Special Provisions. Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D to this General Permit. The San Diego Water Board has also included in

this General Permit special provisions applicable to the individual dischargers. A rationale for the special provisions contained in this General Permit is provided in the attached Fact Sheet (Attachment F).

- T. Provisions and Requirements Implementing State Law.** Some of the provisions/requirements in section VIII.A.2 of this General Permit are included to implement State law only. These provisions/requirements are not required or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations.
- U. Executive Officer Delegation of Authority.** The San Diego Water Board by prior resolution has delegated all matters that may legally be delegated to its Executive Officer to act on its behalf pursuant to California Water Code (CWC) §13223. Therefore, the Executive Officer is authorized to act on the San Diego Water Board's behalf on any matter within this General Permit unless such delegation is unlawful under CWC §13223 or this General Permit explicitly states otherwise.
- V. Notification of Interested Parties.** The San Diego Water Board has notified the dischargers and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for these discharges and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet (Attachment F) of this General Permit.
- W. Consideration of Public Comment.** The San Diego Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this General Permit.

THEREFORE, IT IS HEREBY ORDERED, that this General Permit supersedes Order Nos. R9-2005-0147, R9-2005-0149 (as amended by R9-2010-0096), R9-2005-0150, R9-2005-0151, R9-2005-0152, R9-2005-0153, R9-2006-0019, R9-2006-0020, and R9-2006-0021 except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this General Permit.

III. DISCHARGE PROHIBITIONS

A. The dumping, deposition or discharge of the following wastes directly into receiving waters, or adjacent to such waters in any manner that may allow its being transported into the waters is prohibited:

1. paint chips;
2. blasting materials;
3. paint overspray;
4. paint spills;
5. water contaminated with abrasive blast materials, paint, oils, fuels, lubricants, solvents, or petroleum;
6. hydro-blast water;
7. tank cleaning water from tank cleaning to remove sludge and/or dirt;
8. clarified water from oil and water separator, except for storm water discharges treated by an oil and water separator and reported by the Discharger to the San Diego Water Board;
9. steam cleaning water;
10. pipe and tank hydrostatic test water;
11. saltbox water;
12. hydraulic oil leaks and spills;
13. fuel leaks and spills;
14. trash;
15. refuse and rubbish including, but not limited to, any cans, bottles, paper, plastic, vegetable matter, or dead animals deposited or caused to be deposited by man.
16. fiberglass dust;
17. swept materials;
18. ship repair and maintenance activity debris;
19. waste zinc plates;
20. marine fouling organisms except the discharge of marine fouling organism removed from unpainted, uncoated surfaces by underwater operations.
21. demineralizer and reverse osmosis brine;
22. oily bilge water;
23. materials of petroleum origin in sufficient quantities to be visible; and
24. polychlorinated biphenyl compounds, such as those used for transformer fluid.

B. The discharge of the first flush of storm water runoff (first 0.1 inch of rainfall), from maintenance and repair areas, storage areas, or other on-site locations where industrial activity may occur (including floating drydocks), is prohibited.

- C.** Discharges of liquids or materials other than storm water (i.e., non-storm water discharges), with the exception of drydock ballast water and flood water from Knight and Carver Yachtcenter, Inc., either directly or indirectly to waters of the United States are prohibited. These prohibited discharges include, but are not limited to, any water which, during industrial activity, comes into direct contact with, or results from waste or materials used during industrial processes. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit.
- D.** All discharges regulated under this General Permit shall comply with discharge prohibitions contained in the San Diego Water Board's and statewide water quality control plans. The San Diego Water Board's Basin Plan Waste Discharge Prohibitions are hereby incorporated in this General Permit as if fully set forth herein and are summarized in Attachment G.
- E.** Discharges of wastes to waters of the United States are prohibited except as specifically authorized by this General Permit or in a manner or location specifically described in this General Permit or another NPDES permit.
- F.** The direct or indirect discharge of storm water to waters of the United States in a manner causing or threatening to cause pollution, contamination, or nuisance as defined in CWC Section 13050 are prohibited.
- G.** The discharge of storm water from boatyards and boat maintenance and repair facilities to waters within the San Diego Region is prohibited unless a report of waste discharge has been submitted, and the San Diego Water Board has provided the Discharger with a written NOE identifying the discharge subject to waste discharge requirements.
- H.** The discharge of wastes that cause or contribute to the violation of water quality standards (designated beneficial uses and water quality objectives developed to protect beneficial uses) is prohibited.
- I.** If a Discharger reuses or recycles stored or contained storm water in processing activities (e.g., hydrowashing vessels, general vessel wash down, etc.), then the reused/recycled water shall be considered industrial process water and is prohibited from discharge to waters of the State under this General Permit.
- J.** Knight and Carver Yachtcenter, Inc. is prohibited from discharging anything other than San Diego Bay water from the drydock ballast tanks or in the flooding water. The discharge of sediment, chlorine, biocides, or other maintenance byproducts from the drydock ballast tanks or in the flooding water is prohibited.

IV. EFFLUENT LIMITATIONS

- A.** Discharges of industrial storm water to waters of the State shall maintain compliance with the following effluent limitation:

Discharges shall not contain substances toxic to aquatic life. Compliance with this effluent limitation shall be determined as specified in sections **III and IV** of the MRP.

B. Discharges of ballast water from Knight and Carver Yachtcenter, Inc. shall maintain compliance with the following effluent limitations for discharges of ballast water at Discharge Point No. BW-001 to the San Diego Bay, with compliance measured at Monitoring Location No. BW-001 as described in sections III and IV of the attached MRP.

Table 5. Knight and Carver Yachtcenter Ballast Water Effluent Limitations

Parameter	Units	Effluent Limitations		
		Average Monthly	Weekly Average	Instantaneous Maximum
Oil and Grease	mg/L	25	40	75
Settleable Solids	ml/L	1.0	1.5	3.0
Turbidity	NTU	75	100	225
pH	Standard Units	--	--	1
Temperature	°F	--	--	2
Chronic Toxicity	--	--	--	Narrative ³

¹ Discharges shall be between 7.0 and 9.0 at all times.

² Discharges shall not be greater than 20°F over the natural temperature of the receiving water at any time.

³ Discharges shall not contain substances toxic to aquatic life. Compliance with this effluent limitation shall be determined as specified in section **III and IV** of the MRP.

V. NUMERIC ACTION LEVELS (NALs)

A. Numeric Action Levels (NALs), found in Table 6 of this Order are used as numeric thresholds for corrective action. An exceedance of an NAL is not a violation of this Order. The Discharger shall implement corrective actions as described below.

1. NAL Exceedance Determination Method:

The Annual Average of all analytical sampling results from all qualifying storm events (QSEs) in a reporting year shall not exceed the Annual NAL Value for any parameter listed in Table 6.

Table 6. Numeric Action Levels

Parameter	Test Method*	Detection Limit	Reporting Units	Annual NAL Value
pH	Field Test with Calibrated Portable Instrument		s.u.	6.0-9.0
Total Suspended Solids (TSS)	EPA 160.2 SM2540-D	1	mg/L	100
Total Oil & Grease (TOG)	EPA 413.2 or EPA 1664	1	mg/L	15
Zinc, Total Recoverable	EPA 200.8	0.0005	mg/L	0.26**
Copper, Total Recoverable	EPA 200.8	0.0005	mg/L	0.0332**
Lead, Total Recoverable	EPA 200.8	0.0005	mg/L	0.262**
Chemical Oxygen Demand	SM 5220C	1	mg/L	120

Parameter	Test Method*	Detection Limit	Reporting Units	Annual NAL Value
Biochemical Oxygen Demand	SM 5210B	3	mg/L	30

* SM – Standard Methods for the Examination of Water and Wastewater, 18th edition
 EPA – EPA test methods

* The NAL is the highest value used by EPA based on their hardness table in the 2008 MSGP.

B. Exceedances of the NAL Annual Average are not a violation of this General Permit.

C. NAL Exceedance Response Actions (ERAs)

1. No Exceedance – Baseline Status

- a. All dischargers will automatically be placed in Baseline status until they have an exceedance of the NAL Annual Average.
- b. Dischargers in Level 1 or Level 2 status will return to Baseline status upon eight (8) consecutive QSEs resulting in no exceedances of an NAL Annual Average.

2. Level 1 Status - Operational Source Control

In the event that sampling results indicate that the NAL Annual Average is exceeded, the discharger shall immediately have Level 1 status for any and all parameters exceeded. Within 60 days of obtaining Level 1 status the discharger shall do the following:

- a. Evaluate industrial pollutant sources and the Storm Water Pollution Prevention Plan (SWPPP) to identify where additional operational source control BMPs and/or SWPPP implementation measures are necessary to prevent or reduce industrial pollutants in storm water discharges in compliance with best available technology (BAT) and best conventional technology (BCT).
- b. Based upon the above evaluation:
 - i. Implement additional BMPs and SWPPP implementation measures as soon as practicable; and
 - ii. Revise the SWPPP as soon as practicable, but no later than October 1 of the following reporting year.
- c. Submit by August 1 of the following reporting year, a NAL Level 1 Exceedance Report which includes the following items for each constituent that exceeded an NAL Annual Average:
 - i. A summary of the Level 1 evaluation required in Section **V.C.2.a**;

- ii. A description and implementation schedule for additional BMPs and SWPPP revisions including those that have yet to be implemented as of the annual report submittal date; and
- iii. A certification that all industrial pollutant sources have been evaluated, and all necessary SWPPP BMPs and implementation measures have been identified.

3. Level 2 Status – Treatment / Structural Control

- a. In any subsequent reporting year that sampling indicates a discharger in Level 1 status exceeds an NAL Annual Average, the discharger shall immediately have Level 2 status for any and all parameters exceeded.
- b. As soon as practicable after obtaining Level 2 status, the discharger shall evaluate industrial pollutant sources and the SWPPP to identify locations and install structural and/or treatment control BMPs as necessary to prevent or reduce industrial pollutants in storm water discharges in compliance with BAT/BCT.
- c. The discharger shall prepare, certify, and submit by August 1 an NAL Level 2 Exceedance Report which shall include:
 - i. A description of treatment and/or structural source control BMPs, and
 - ii. An implementation schedule for the design and construction of the treatment and/or structural source control BMPs.
- d. Certification Reports. At any time in Level 2 status, the discharger may evaluate industrial pollutant sources, the SWPPP, non-industrial pollutant sources, and the impact of storm water discharges to receiving waters, and prepare a technical report supporting a BAT/BCT Compliance Certification or Non-Industrial Pollutant Certification as detailed below.
- e. BAT/BCT Compliance Certification. The certification report shall include:
 - i. An identification and evaluation of all pollutant source(s) associated with industrial activity that are causing an exceedance of an Annual Average with a discussion of the existing BMPs,
 - ii. A Certification that the discharger is in compliance with the receiving water limitations of this General Permit (**Section VII**), and
 - iii. A Certification that no additional operational source control, treatment, or structural source control BMPs are required to reduce or prevent pollutants in storm water discharges in compliance with BAT/BCT. The discharger shall evaluate each of the following factors in this report: [From 40 CFR Part 125.3(d)]

- (a)** The total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application;
 - (b)** The age of equipment and facilities involved;
 - (c)** The process employed;
 - (d)** The engineering aspects of the application of various types of control techniques;
 - (e)** Process changes; and
 - (f)** Non-water quality environmental impact (including energy requirements).
- f.** Non-Industrial Pollutant Certification. This certification report shall include:
 - i.** An identification and evaluation of all industrial and non-industrial related pollutant sources which could/are causing an exceedance of an Annual Average,
 - ii.** A Certification that the Discharger is in compliance with the receiving water limitations of this General Permit (**Section VII**),
 - iii.** A Certification that the pollutant source(s) causing the exceedance of an Annual Average are not generated, caused, or related to the facility's industrial activities, and
 - iv.** A Certification that no additional BMPs are required to reduce or prevent pollutants in storm water discharges in compliance with BAT/BCT.
- g.** The technical reports required to support the certifications in **V.C.3.e. or f.** shall, at a minimum, include the following:
 - i.** A description of the industrial pollutant sources and corresponding industrial pollutants that are or may be discharged,
 - ii.** A summary of the existing BMPs,
 - iii.** An evaluation and determination that industrial pollutants in storm water discharges are not causing or contributing to an exceedance of a water quality standard,
 - iv.** Alternate NALs, if applicable,
 - v.** An evaluation and determination of the discharger's alternative NAL(s) related to compliance with BAT/BCT;

- vi. An analysis documenting the costs of structural and treatment controls that would be effective in further reducing pollutant discharges but that exceed BAT/BCT; and
 - vii. (Applicable to Non-Industrial Pollutant Certification Only) An evaluation of all on-site/off-site analytical monitoring data demonstrating that non-industrial related pollutant source(s) are causing exceedances of an Annual Average, If analytical monitoring data has not been collected to fully support that the source of pollutants in storm water discharges are non-industrial, the technical report shall contain a (one) 1-year monitoring program to (1) collect and analyze samples from non-industrial pollutant sources to fully support that exceedances of an NAL Annual Average are solely caused by non-industrial based pollutant sources, and (2) to assist in determining, along with monitoring data from storm water associated with industrial activities, the appropriate NAL(s).
 - (a) Upon the certifications described in **V.C.3.e and f**, the discharger shall have Baseline status unless 1) the San Diego Water Board rejects the certification, 2) the Annual Average exceeds the discharger's recommended alternative NAL, or 3) the Annual Average exceeds the NAL in Table 6 for a different pollutant.
 - (b) The San Diego Water Board may review any technical reports submitted in connection with Level 2 certification or reporting requirements. Upon review of a Level 2 report or certification, the San Diego Water Board may direct the discharger to take further action(s) to comply with this Order.
4. **Compliance Storm Events.** All treatment BMPs for any pollutant shall be designed for no less than a 5-year, 24-hour storm event. Compliance storm events (expressed in inches of rainfall) can be determined by using these maps:

<http://www.wrcc.dri.edu/pcpnfreq/nca5y24.gif>

<http://www.wrcc.dri.edu/pcpnfreq/sca5y24.gif>

Discharges of storm water shall comply with applicable NALs unless the storm event causing the discharges is determined after the fact to be equal to or larger than the Compliance Storm Event (expressed in inches of rainfall). The Compliance Storm Event is the 5-year, 24-hour storm (expressed in tenths of an inch of rainfall), as determined by using the above maps.

Compliance storm event verification shall be done by reading an on-site rain gauge.

VI. DISCHARGE SPECIFICATIONS

The discharges of storm water and floating drydock ballast water shall comply with the following:

- A.** Waste management systems must be designed and operated in a manner that will maintain the indigenous marine life and a healthy and diverse marine community.
- B.** Waste discharged must be essentially free of:
 - 1. Material that is floatable or will become floatable upon discharge.
 - 2. Settleable material or substances that may form sediments, which will degrade benthic communities or other aquatic life.
 - 3. Substances, which will accumulate to toxic levels in marine waters, sediments, or biota.
 - 4. Substances that significantly decrease the natural light to benthic communities and other marine life.
 - 5. Materials that result in aesthetically undesirable discoloration of the ocean surface.
- C.** Waste effluents shall be discharged in a manner that provides sufficient initial dilution to minimize the concentrations of substances not removed in treatment.
- D.** The location of waste discharges from the Facilities shall assure that:
 - 1. Pathogenic organisms and viruses are not present in areas where shellfish are harvested for human consumption or in areas used for swimming or other body contact sports.
 - 2. Maximum protection is provided to the marine environment.
- E.** Waste that contains pathogenic organisms or viruses shall be discharged at a sufficient distance from shell fishing and water contact sports areas to maintain applicable bacterial standards without disinfection. Where conditions are such that an adequate distance cannot be attained, reliable disinfection in conjunction with a reasonable separation of the discharge point from the area of use must be provided. Disinfection procedures that do not increase effluent toxicity and that constitute the least environmental and human hazard shall be used.
- F.** The Discharger shall not cause pollution, contamination, or nuisance, as those terms are defined in CWC 13050, as a result of the treatment or discharge of wastes.
- G.** Collected screenings, sludges, and other solids removed from liquid wastes, shall be disposed of in a manner approved by the San Diego Water Board.

VII. RECEIVING WATER LIMITATIONS

A. General Receiving Water Limitations

All discharges regulated under this Order shall at all times be in conformance with applicable water quality standards and shall not cause or contribute to an excursion

above any applicable narrative or numeric water quality objective, including but not limited to all applicable provisions contained in:

1. The San Diego Water Board's Water Quality Control Plan for the San Diego Basin (Basin Plan), including beneficial uses, water quality objectives, and implementation plans;
2. State Water Board water quality control plans and policies including the:
 - a. Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries (Thermal Plan). and
 - b. Water Quality Control Policy for the Enclosed Bays and Estuaries of California.
 - c. Policy for Implementation of Toxics Standards for Inland Surface Waters, and Enclosed Bays, and Estuaries of California
 - d. Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1 Sediment Quality; and
 - e. The Statement of Policy with Respect to Maintaining High Quality of Waters in California (State Water Board Resolution No. 68-16).
3. Priority pollutant criteria promulgated by the USEPA through the:
 - a. National Toxics Rule (NTR)¹ (promulgated on December 22, 1992 and amended on May 4, 1995) and
 - b. California Toxics Rule (CTR).^{2,3}

B. Surface Water Limitations

Receiving water limitations are based on water quality objectives contained in the Basin Plan and Ocean Plan and are a required part of this General Permit. The discharge of storm water and floating drydock ballast water from the Facilities shall not, separately or jointly with any other discharge, cause non-attainment of the following water quality objectives. These limitations apply unless more stringent provisions exist in either the Basin Plan, or an applicable State plan. Then the more stringent limitation shall apply.

1. Bacterial Characteristics

- a. Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone used for water contact sports, as determined by

¹ 40 CFR 131.36

² 65 Federal Register 31682-31719 (May 18, 2000), adding Section 131.38 to 40 CFR

³ If a water quality objective and a CTR criterion are in effect for the same priority pollutant, the more stringent of the two applies

the San Diego Water Board, but including all kelp beds, the following bacterial objectives shall be maintained throughout the water column.

- i. Samples of water from each sampling station shall have a density of total coliform organisms less than 1,000 per 100 ml (10 per ml); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 ml (10 per ml), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml (100 per ml).
 - ii. The fecal coliform density, based on a minimum of not less than five samples for any 30-day period, shall not exceed a geometric mean of 200 per 100 ml nor shall more than 10 percent of the total samples during any 30-day period exceed 400 per 100 ml.
- b. The Initial Dilution Zone for any wastewater outfall shall be excluded from designation as kelp beds for purposes of bacterial standards. Adventitious assemblages of kelp plants on waste discharge structures (e.g., outfall pipes and diffusers) do not constitute kelp beds for purposes of bacterial standards.
 - c. At all areas where shellfish may be harvested for human consumption, as determined by the San Diego Water Board, the median total coliform density shall not exceed 70 per 100 mL throughout the water column, and not more than 10 percent of the samples shall exceed 230 per 100 mL.

2. Physical Characteristics

- a. Floating particulates and grease and oils shall not be visible.
- b. The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.
- c. Natural light shall not be significantly reduced at any point outside the initial dilution zone as a result of the discharge of waste.
- d. The rate of deposition of inert solids and the characteristics of inert solids in the ocean sediments shall not be changed such that benthic communities are degraded.
- e. The temperature of the receiving water shall not be altered or the water quality degraded due to the temperature of the discharge of waste.

3. Chemical Characteristics

- a. The dissolved oxygen concentration shall not at any time be depressed more than 10 percent from that which occurs naturally, as the result of the discharge of oxygen demanding waste materials.
- b. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.
- c. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.
- d. The concentration of substances set forth in Chapter II, Table B of the Ocean Plan, shall not be increased in marine sediments to levels that would degrade indigenous biota.
- e. The concentration of organic materials in marine sediments shall not be increased to levels that would degrade marine life.
- f. Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.
- g. Numerical water quality objectives established in Chapter II, Table B of the California Ocean Plan (2009) shall not be exceeded in ocean waters as a result of storm water discharges.

4. Biological Characteristics

- a. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.
- b. The natural taste, odor, color of fish, shellfish, or other marine resources used for human consumption shall not be altered.
- c. The concentration of organic materials in fish, shellfish, or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

5. Toxic Materials

- a. The discharge of waste shall not by itself or jointly with any other discharge, cause water quality objectives found in Table B of the Ocean Plan (2009) to be exceeded in the receiving water, except that limitations indicated for radioactivity shall apply directly to the undiluted waste effluent.
- b. Pollutants in sediments shall not be present in quantities that, alone or in combination, are toxic to benthic communities. [Bays and Estuaries Plan - SQO]

- c. Pollutants shall not be present in sediments at levels that will bioaccumulate in aquatic life to levels that are harmful to human health. [Bays and Estuaries Plan - SQO]

6. Radioactivity

The discharge of radioactive waste shall not degrade marine life.

VIII. PROVISIONS

A. Standard Provisions

1. **Federal Standard Provisions.** The Discharger shall comply with all Standard Provisions included in Attachment D of this General Permit.
2. **San Diego Water Board Standard Provisions.** The Discharger shall comply with the following provisions:
 - a. The Discharger shall comply with all applicable federal, state, and local laws and regulations for handling, transport, treatment, or disposal of waste or the discharge of waste to waters of the State in a manner which causes or threatens to cause a condition of pollution, contamination or nuisance as those terms are defined in CWC 13050.
 - b. This Order expires on <DATE>, after which, the terms and conditions of this permit are automatically continued pending issuance of a new Order, provided that all requirements of USEPA's NPDES regulations at 40 CFR 122.6 and the State's regulations at CCR Title 23, section 2235.4 regarding the continuation of expired Orders and waste discharge requirements are met.
 - c. A copy of this General Permit and Notice of Enrollment shall be maintained on-site at the Facility, and shall be available to San Diego Water Board, State Water Board, and USEPA personnel and/or their authorized representative at all times.
 - d. The Discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this General Permit and the Notice of Enrollment from the San Diego Water Board, including such accelerated or additional monitoring as may be necessary to determine the nature, and effect of the noncomplying discharge.
 - e. The San Diego Water Board or Director of the USEPA may require a person requesting enrollment under this General Permit or subject to waste discharge requirements under this General Permit to apply for and obtain an individual NPDES permit. Cases where an individual NPDES permit may be required include, but are not limited to those described in 40 CFR 122.28(b)(3)(i) and (b)(3)(ii), and where the volume of a discharge exceeds 10 million gallons per year, or the duration of a discharge exceeds 3 years.

B. Monitoring and Reporting Program (MRP) Requirements

1. The Discharger shall comply with the MRP, and future revisions thereto, in Attachment E of this General Permit, and any additional monitoring requirements specified in the NOE.

C. Special Provisions – Not Applicable

IX. REOPENER PROVISIONS

- A.** This Order may be reopened for modification to include an effluent limitation if monitoring establishes that the discharge causes, has the reasonable potential to cause, or contributes to an excursion above applicable water quality objectives/criteria.
- B.** This Order, or coverage under this General Permit, may be modified, revoked and reissued, or terminated for causes including, but not limited to, the following;
 2. Violation of any terms or conditions of this General Permit or the Notice of Enrollment from the San Diego Water Board;
 3. Obtaining enrollment under this General Permit, or a Notice of Enrollment from the San Diego Water Board, by misrepresentation or failure to disclose fully all relevant facts;
 4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 5. A finding that monitoring for the pollutants listed in this General Permit and MRP do not ensure compliance with water quality criteria or objectives for additional pollutants expected to be present; or
 6. A finding based on data or other sources, by the San Diego Water Board, that continued discharges may cause unreasonable degradation of the aquatic environment.
- C.** The filing of a request by the enrollee for modification, revocation and reissuance, or termination of this General Permit or an associated discharge Notice of Enrollment from the San Diego Water Board, or a notification of planned change in or anticipated noncompliance with this order or discharge Notice of Enrollment does not stay any condition of this General Permit or the Notice of Enrollment from the San Diego Water Board.
- D.** If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307 (a) of the CWA for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this General Permit, the San Diego Water Board may institute proceedings under these regulations to modify or revoke and reissue the General Permit to conform to the toxic effluent standard or prohibition.

- E. This General Permit may be re-opened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach.
- F. This General Permit may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new Minimum Levels (MLs).
- G. This General Permit may be re-opened and modified to revise effluent limitations as a result of future Basin Plan Amendments, or the adoption of a total maximum daily load (TMDL) for the receiving water.
- H. **Toxicity Reopener.** In accordance with 40 CFR Parts 122 and 124, this permit may be modified to include effluent limitations or permit conditions to address toxicity in the effluent or receiving waterbody, as a result of the discharge; or to implement new, revised, or newly interpreted water quality standards applicable to acute or chronic toxicity.
- I. This General Permit may be re-opened and modified, revoked and, reissued or terminated in accordance with the provisions of 40 CFR 122.44, 122.62 to 122.64, 125.62, and 125.62. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this General Permit, and endangerment to human health or the environment resulting from the permitted activity.

X. STORM WATER DISCHARGE REQUIREMENTS AND INDUSTRIAL BMPS

- A. The dischargers shall eliminate the discharge of the first-flush (0.1 inch) of storm water runoff from the Facility maintenance and repair areas to surface waters or storm drains, and shall appropriately maintain all means by which this is accomplished.
- B. The Discharger shall continue to implement the Storm Water Pollution Prevention Plan (SWPPP) from the previous NPDES Permit and develop, implement, and maintain a SWPPP consistent with the requirements of Attachment H by 90 days from the effective date of this General Permit. The SWPPP shall address all areas on which industrial activities occur (including the Knight and Carver Yachtcenter, Inc. floating drydock). In addition to addressing storm water discharges, the SWPPP shall also contain BMPs for industrial process performed on-site (pier, float, dock, or other leasehold areas where work may occur directly over or on the receiving water) such as hydrowashing and sand blasting.
- C. The SWPPP shall contain adequate BMPs to prevent the discharge of any ship repair or other pollutants generated on floating drydocks (Knight and Carver Yachtcenter, Inc.), as well as BMPs for floating drydock ballast water discharges and vessel cooling water discharges. The Discharger shall also ensure the use of applicable BMPs from USEPA's December 19, 2008 (most recently amended on November 2010) Vessel General Permit.
- D. A completed copy of the SWPPP shall be submitted to the San Diego Water Board within 90 days of the effective date for this General Permit or of submission of an NOE.

The Discharger shall amend its SWPPP in accordance with 40 CFR 125.100 through 125.104 whenever there is a change in facility/leasehold/work area design, construction, operation, or maintenance, which materially affects the potential for discharge of toxic and hazardous pollutant to surface waters.

- E. Treatment systems and related collection and conveyance facilities shall be constructed and maintained to prevent the discharge of pollutants to surface waters during and after collection in those facilities.
- F. Appropriate means, such as but not limited to berms, shall be used to isolate the Facility's maintenance/repair area(s) to prevent storm water run-on from commingling with the storm water discharge from the maintenance/repair area, and to prevent storm water runoff to offsite areas.
- G. The Discharger shall develop and implement a method of notifying the owner/operator of each vessel at the Discharger's leasehold of their obligation to prevent the discharge of waste and to comply with Basin Plan Prohibitions regarding the discharge of sewage from vessels as stated below. The Discharger shall have a method of enforcing this requirement.
 - 1. The discharge of treated or untreated sewage from vessels to Mission Bay, Oceanside Harbor, Dana Point Harbor, or other small boat harbors is prohibited.
 - 2. The discharge of untreated sewage from vessels to San Diego Bay is prohibited.
 - 3. The discharge of treated sewage from vessels to portions of San Diego Bay that are less than 30 feet deep at MLLW is prohibited.
 - 4. The discharge of treated sewage from vessels, which do not have a properly functioning USCG certified Type I or Type II marine sanitation device, to portions of San Diego Bay that are greater than 30 feet deep at MLLW is prohibited.

XI. SPECIAL STUDIES, TECHNICAL REPORTS AND ADDITIONAL MONITORING REQUIREMENTS – NOT APPLICABLE

XII. SPECIAL PROVISIONS FOR WASTEWATER FACILITIES (POTWS ONLY) – NOT APPLICABLE

XIII. OTHER SPECIAL PROVISIONS – NOT APPLICABLE COMPLIANCE SCHEDULES – NOT APPLICABLE

XIV. COMPLIANCE DETERMINATION

Compliance with the effluent limitations and action levels contained in sections IV and V of this General Permit will be determined as specified below:

A. General

Compliance with effluent limitation shall be determined using sample reporting protocols defined below and in the MRP and in Attachment A of this General Permit. For purposes of reporting and administrative enforcement by the San Diego and State Water Boards, the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the constituent in the monitoring sample is greater than the effluent limitation and greater than or equal to the minimum level (ML) or lowest quantifiable level.

B. Multiple Sample Data.

When determining compliance with an AMEL or MDEL for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of “Detected, but Not Quantified” (DNQ) or “Not Detected” (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:

1. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

C. Sample Reporting Protocols

1. Dischargers must report with each sample result the acceptable reported ML and the laboratory’s current Method Detection Limit (MDL).
2. Dischargers must also report results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:
 - a. Sample results greater than or equal to the reported ML must be reported “as measured” by the laboratory (i.e., the measured chemical concentration in the sample).
 - b. Sample results less than the reported ML, but greater than or equal to the laboratory’s MDL, must be reported as “Detected, but Not Quantified”, or DNQ.

For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words “Estimated Concentration” (may be shortened to “Est. Conc.”). The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (+

a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

- c. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.
- d. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.

H. Compliance with Average Monthly Effluent Limitation (AMEL).

If the average (or when applicable, the median determined by subsection B above for multiple sample data) of daily discharges over a calendar month exceeds the AMEL for a given parameter, this will represent a single violation for the purpose of assessing mandatory minimum penalties under Water Code section 13385, though the Discharger will be considered out of compliance for each discharge day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month) for discretionary penalties. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Discharger will be considered out of compliance only for days when the discharge occurs. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month and no penalty assessed.

I. Compliance with Weekly Average Effluent Limitation (WAEL).

If the average (or when applicable, the median determined by subsection B above for multiple sample data) of daily discharges over a calendar week (Sunday through Saturday) exceeds the WAEL for a given parameter, this will represent a single violation for the purpose of assessing mandatory minimum penalties under Water Code section 13385, though the Discharger will be considered out of compliance for each discharge day of that week for that parameter (e.g., resulting in 7 days of non-compliance) for discretionary penalties. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the WAEL, the Discharger will be considered out of compliance only for days when the discharge occurs. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week and no penalty assessed.

J. Compliance with Instantaneous Minimum Effluent Limitation.

If the analytical result of a single sample is lower than the instantaneous minimum effluent limitation for a parameter, a violation will be flagged and the Discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent

limitation would result in two instances of noncompliance with the instantaneous minimum effluent limitation.

K. Compliance with Instantaneous Maximum Effluent Limitation.

If the analytical result of a single sample is higher than the instantaneous maximum effluent limitation for a parameter, a violation will be flagged and the Discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of noncompliance with the instantaneous maximum effluent limitation).

L. Chronic Toxicity

Compliance with this General Permit's narrative effluent limitation for chronic toxicity contained in section IV of this General Permit, shall be determined using:

1. The monitoring data generated in accordance with sections III and IV of Attachment E, Monitoring and Reporting Program; and
2. A statistical method identified by the Discharger in a report submitted pursuant to section IV of Attachment E, Monitoring and Reporting Program.

ATTACHMENT A – DEFINITIONS

Anti-Backsliding

Provisions in the Clean Water Act (CWA) and USEPA regulations [CWA 303 (d) (4); CWA 402 (c); CFR 122.44 (1)] that require a reissued permit to be as stringent as the previous permit with some exceptions.

Antidegradation

Policies which ensure protection of water quality for a particular body where the water quality exceeds levels necessary to protect fish and wildlife propagation and recreation on and in the water. This also includes special protection of waters designated as outstanding natural resource waters. Antidegradation plans are adopted by the State to minimize adverse effects on water.

Average Monthly Effluent Limitation (AMEL)

The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Effluent Limitation (AWEL)

The highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Beneficial Uses

The Beneficial Uses of waters of the State may be protected against quality degradation include, but are not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

Best Management Practices (BMPs)

Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Best Professional Judgment (BPJ)

The method used by permit writers to develop technology-based NPDES permit conditions on a case-by-case basis using all reasonably available and relevant data.

Bioaccumulative Pollutants

Those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

Biochemical Oxygen Demand (BOD)

A measurement of the amount of oxygen utilized by the decomposition of organic material, over a specified time period (usually 5 days) in a wastewater sample; it is used as a measurement of the readily decomposable organic content of a wastewater.

Certifying Official

All applications must be signed as follows:

For a corporation: By a responsible corporate officer, which means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

Chronic Toxicity Tests

Chronic toxicity tests measure the sub-lethal effects of a discharge or ambient water sample (e.g. reduced growth or reproduction). Certain chronic toxicity tests include an additional measurement of lethality.

Composite Sample

Sample composed of two or more discrete samples of at least 100 milliliters collected at periodic intervals during the operating hours of a facility over a 24-hour period. The aggregate sample will reflect the average water quality covering the compositing or sample period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.

Conventional Pollutants

Pollutants typical of municipal sewage, and for which municipal secondary treatment plants are typically designed; defined at 40 CFR 401.16 as BOD, TSS, fecal coliform bacteria, oil and grease, and pH.

Daily Discharge

Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

Daily Maximum Limit

The maximum allowable daily discharge of pollutant. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the 24-hour period. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that 24-hour period.

Degrade (Degradation)

Degradation shall be determined by comparison of the waste field and reference site(s) for characteristic species diversity, population density, contamination, growth anomalies, debility, or supplanting of normal species by undesirable plant and animal species. Degradation occurs if there are significant differences in any of three major biotic groups, namely, demersal fish, benthic invertebrates, or attached algae. Other groups may be evaluated where benthic species are not affected, or are not the only ones affected.

Detected, but Not Quantified (DNQ)

Sample results that are less than the reported Minimum Level, but greater than or equal to the laboratory's MDL.

Discharge Monitoring Report (DMR)

Means the USEPA uniform form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved states as well as by USEPA. The USEPA will supply DMRs to any approved state upon request. The USEPA national forms may be modified to substitute the state agency name, address, logo, and other similar information, as appropriate, in place of USEPA's.

Dredged Material

Any material excavated or dredged from the navigable waters of the United States, including material otherwise referred to as "spoil".

Effluent Limitation

Any restriction imposed by an Order on quantities, discharge rates, and concentrations of pollutants that are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean.

Enclosed Bays

Indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. This definition includes but is not limited to: Humboldt Bay, Bodega Harbor, Tomales Bay, Drakes Estero, San Francisco Bay, Morro Bay, Los Angeles Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay.

Estuaries and Coastal Lagoons

Waters at the mouths of streams that serve as mixing zones for fresh and ocean waters during a major portion of the year. Mouths of streams that are temporarily separated from the ocean by sandbars shall be considered as estuaries. Estuarine waters will generally be considered to extend from a bay or the open ocean to the upstream limit of tidal action but may be considered to extend seaward if significant mixing of fresh and salt water occurs in the open coastal waters. The waters described by this definition include but are not limited to the Sacramento-San Joaquin Delta as defined by section 12220 of the California Water Code, Suisun Bay, Carquinez Strait downstream to Carquinez Bridge, and appropriate areas of the Smith, Klamath, Mad, Eel, Noyo, and Russian Rivers.

First Flush

Storm water runoff that occurs between the time a storm event begins and when a minimum of 0.1 inch of precipitation has been collected in a rain gauge or equivalent measurement device at a location on the site which is representative of precipitation at the site. A storm event is a period of rainfall that is preceded by at least seven days without rainfall.

Grab Sample

An individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes. The sample is taken from a waste stream on a one-time basis without consideration of the flow rate of the waste stream and without consideration of time of day.

Instantaneous Maximum Effluent Limitation

The highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation

The lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

Maximum Daily Effluent Limitation (MDEL)

The highest allowable daily discharge of a pollutant.

Method Detection Limit (MDL)

The minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in Title 40 of the Code of Federal Regulations, Part 136, Attachment B.

Minimum Level (ML)

The concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

Natural Light

Reduction of natural light may be determined by the San Diego Water Board by measurement of light transmissivity or total irradiance, or both, according to the monitoring needs of the San Diego Water Board.

Not Detected (ND)

Those sample results less than the laboratory's MDL.

Nuisance

Water Code section 13050, subdivision (m), defines nuisance as anything which meets all of the following requirements:

1. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
2. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
3. Occurs during, or as a result of, the treatment or disposal of wastes.

Qualifying Storm Events (QSEs)

A qualifying storm event occurs when sufficient precipitation generates runoff from the Facility that is discharged into the receiving water and has not been preceded by a qualifying storm event for at least 7 days.

Reported Minimum Level

The ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this General Permit. The MLs included in this General Permit correspond to approved analytical methods for reporting a sample result that are selected by the San Diego Water Board either from Appendix II of the Ocean Plan in accordance with section III.C.5.a of the Ocean Plan or established in accordance with section III.C.5.b of the Ocean Plan. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps

employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the reported ML.

Storm Event

A storm event is a period of rainfall of at least 0.1 inches of rain that is preceded by at least seven days without rainfall.

Technology-Based Effluent Limit

A permit limit for a pollutant that is based on the capability of a treatment method to reduce the pollutant to a certain concentration.

Toxic Pollutant

Pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator of USEPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. Toxic pollutants also include those pollutants listed by the Administrator under CWA section 307(a)(1) or any pollutant listed under section 405 (d) which relates to sludge management.

Toxicity Reduction Evaluation (TRE)

A study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A Toxicity Identification Evaluation (TIE) may be required as part of the TRE, if appropriate. (A TIE is a set of procedures to identify the specific chemical(s) responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests).

Untreated or Partially Treated Wastewater

Any volume of waste discharged from the sanitary sewer system upstream of a wastewater treatment plant headworks.

Waste

As used in the Ocean Plan, waste includes a Discharger's total discharge, of whatever origin (i.e., gross, not net, discharge).

Water Quality Control Plan

Consists of a designation or establishment for the waters within a specified area of all of the following:

1. Beneficial uses to be protected.
2. Water quality objectives.

3. A program of implementation needed for achieving water quality objectives.

Water Quality Objectives

The limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area. Water quality objectives referenced in this Order are based on State policies and plans.

Water Quality Standards

The limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area. Water quality standards referenced in this Order are based on federal regulations (NTR and CTR).

Whole Effluent Toxicity (WET)

The aggregate toxic effect of an effluent measured directly by a chronic or acute toxicity test.

ATTACHMENT B – MAP

Figure B-1. Boatyards in San Diego Bay and Mission Bay
(See Figure B-2 for a detail of Shelter Island boatyards)

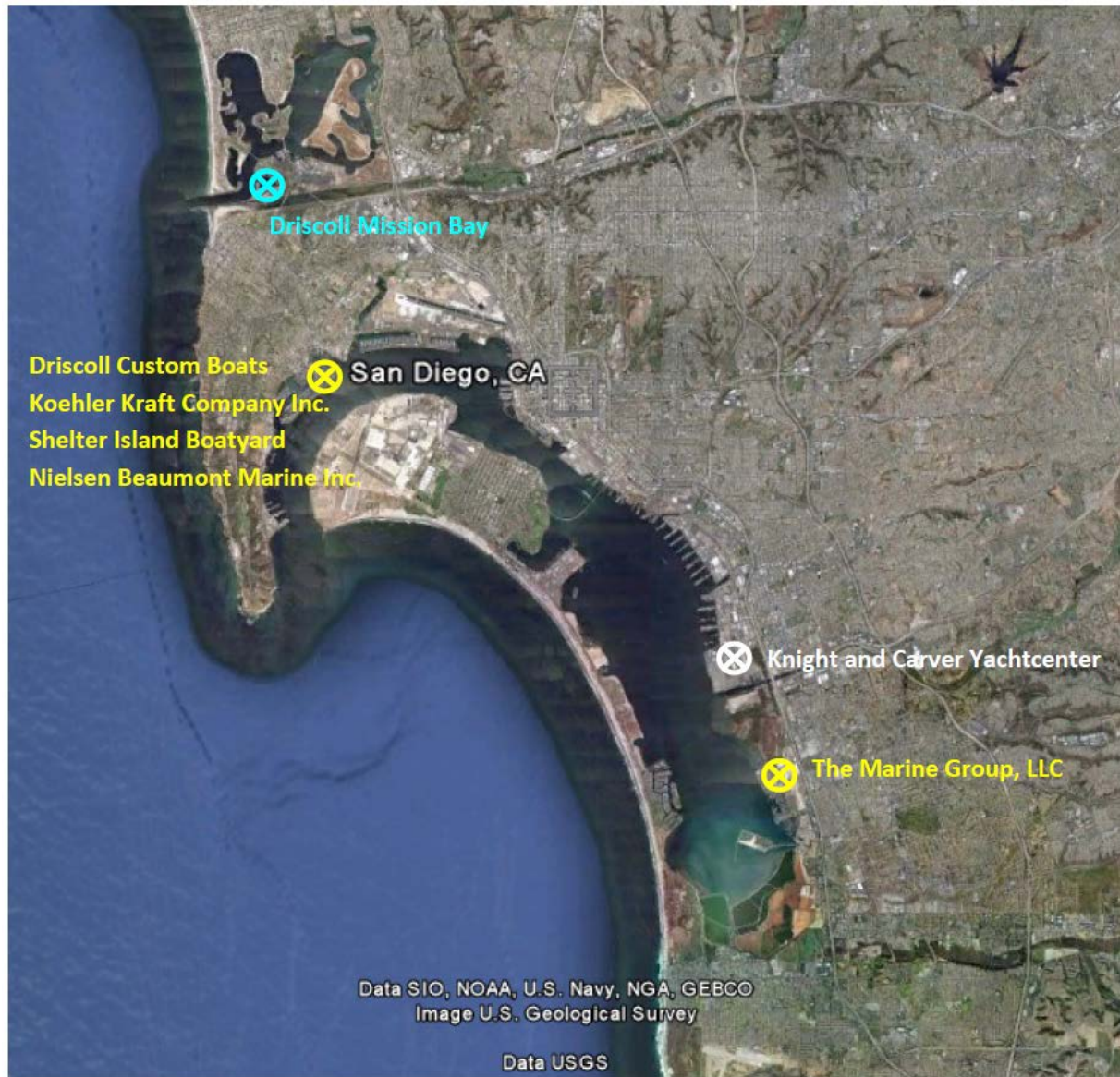


Figure B-2. Detail of Shelter Island Boatyards

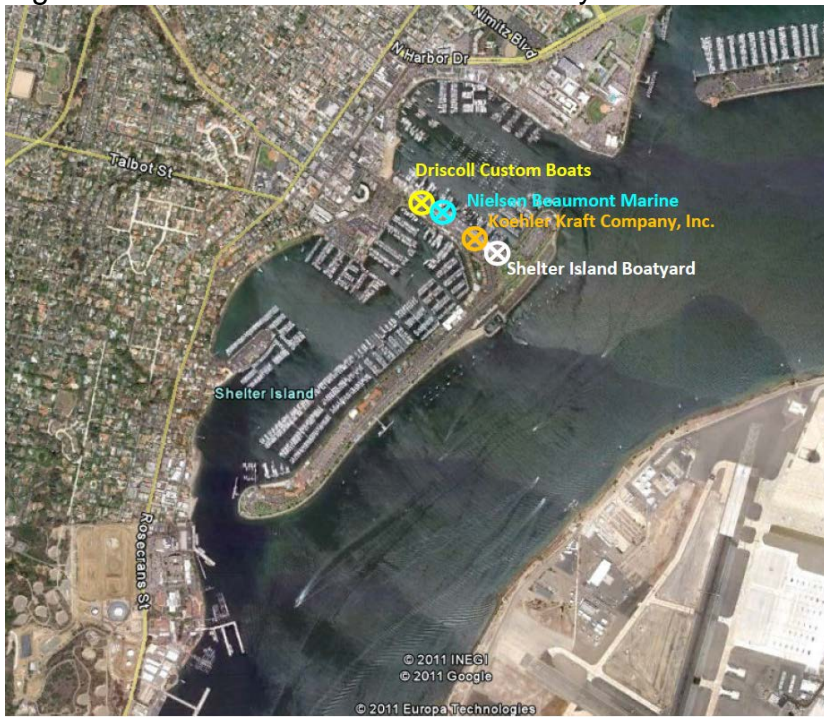
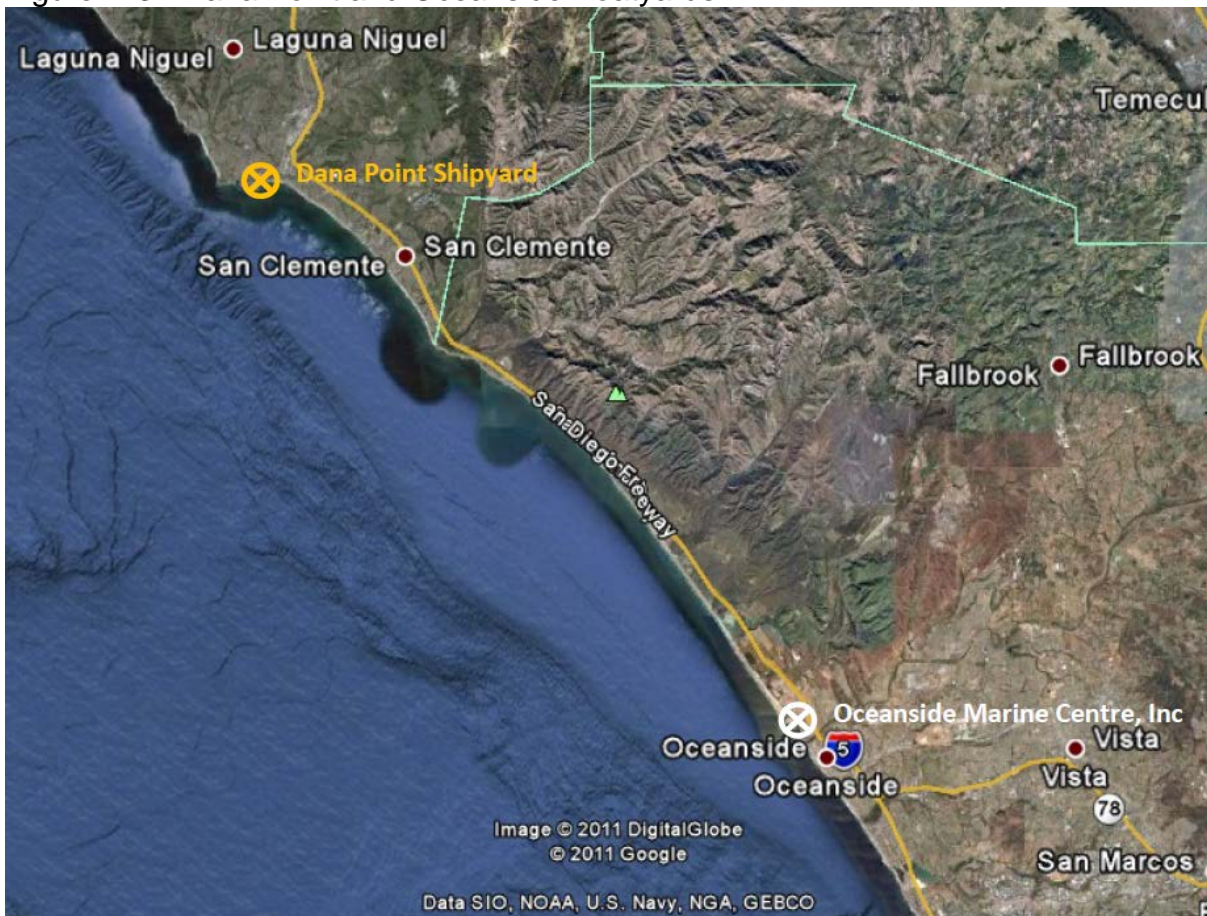


Figure B-3. Dana Point and Oceanside Boatyards



ATTACHMENT C – NOTICE OF INTENT (NOI)

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
 SAN DIEGO REGION**

**NOTICE OF INTENT TO COMPLY WITH THE TERMS OF THE
 GENERAL WASTE DISCHARGE REQUIREMENTS FOR THE DISCHARGES OF STORM WATER
 RUNOFF ASSOCIATED WITH BOATYARDS AND BOAT MAINTENANCE AND REPAIR FACILITIES,
 SAN DIEGO REGION (ORDER NO. R9-2013-XXXX, NPDES NO. CAGXXXXXX)**

I. NOI Status

Submittal of this Notice of Intent (NOI) is for (mark only one item):

<input type="checkbox"/> Operation and Maintenance of the boatyard and/or boat maintenance and repair facility
<input type="checkbox"/> Change of information (i.e., New Ownership)

II. Items Required for Determining Eligibility

The following items must be completed and submitted in order for the San Diego Water Board to determine eligibility:

<input type="checkbox"/> A complete NOI
<input type="checkbox"/> A map with all information specified in Attachment H – Storm Water Pollution Prevention Plan Sections D.1 and 2.
Application Fee in accordance with California Code Of Regulations Title 23. Division 3. Chapter 9. Waste Discharge Reports And Requirements Article 1. Section 2200 (b)(3) Annual Fee Schedules.
<input type="checkbox"/> Make checks payable to the State Water Resources Control Board
Amount Submitted: \$ _____

_____ (name of applicant)
<input type="checkbox"/> Certifies that only storm water runoff from a boatyard will be discharged to surface waters from the facility.
<input type="checkbox"/> Has reviewed and understands the Order
<input type="checkbox"/> Will comply with all terms, conditions, and requirements of the Order.

III. Facility Owner

Company Name:			
Mailing Address			
City	State	Zip	Phone
Contact Person:		Title:	
e-mail address:			

IV. Facility Location

Facility Name:			
Street Address:			
City:	State:	Zip:	Phone:
Latitude:		Longitude:	
Contact Person:		Title:	
e-mail address:			

V. Billing Information

Company Name:			
Mailing Address:			
City:	State:	Zip:	Phone:
Contact Person:		Title:	
e-mail address:			

VI. Receiving Water Information

Storm water from the facility property discharges (check all that apply):

<input type="checkbox"/> Directly to Waters of the U.S. (e.g., river, lake, creek, ocean, harbor)
<input type="checkbox"/> Indirectly to Waters of the U.S.
<input type="checkbox"/> To a storm drain system – enter owner’s name (e.g., San Diego County)
Name of Receiving Water:

VII. Activities Performed

Activities performed on the facility property include (check all that apply):

<input type="checkbox"/> Hyrdrowashing	<input type="checkbox"/> Electrical work
<input type="checkbox"/> Fiberglass work	<input type="checkbox"/> Wood work
<input type="checkbox"/> Metal work	<input type="checkbox"/> Canvas fabrication
<input type="checkbox"/> Paint/Coating application	<input type="checkbox"/> Welding/Brazing
<input type="checkbox"/> Light Mechanical work	<input type="checkbox"/> Hazardous waste storage
<input type="checkbox"/> Other (list and describe):	

VIII. Material Handling

Types of materials that will be handled and/or stored on the facility property include (check all that apply):

<input type="checkbox"/> Petroleum products	<input type="checkbox"/> Asphalt/Concrete
<input type="checkbox"/> Hazardous substances	<input type="checkbox"/> Treated wood products
<input type="checkbox"/> Metal	<input type="checkbox"/> Solvents
<input type="checkbox"/> Paint	<input type="checkbox"/> Plated products
<input type="checkbox"/> Other (list and describe):	

IX. Implementation of NPDES Permit Requirements

Check all boxes that apply:

Storm Water Pollution Prevention Plan (SWPPP)	
<input type="checkbox"/>	A SWPPP that includes the minimum requirements described in Section X and Attachment H of this General Permit has been prepared for this facility and submitted to the San Diego Water Board.
Monitoring Program	
<input type="checkbox"/>	A Sample Collection Plan has been developed and submitted to the San Diego Water Board as described in the Monitoring and Reporting Program of this General Permit.
Permit Compliance Responsibility	
<input type="checkbox"/>	A qualified person has been assigned responsibility to ensure full compliance with this General Permit and to implement all elements of the SWPPP
<input type="checkbox"/>	A qualified person is responsible for preparing and submitting all quarterly and annually required reports, data, and observation listed in the Monitoring and Reporting Program of this General Permit to the San Diego Water Board
<input type="checkbox"/>	A qualified person is responsible for eliminating all unauthorized discharges identified in the SWPPP.

X. Map

Have you included a site map with this submittal?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Does your facility map clearly indicate all sample locations?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

XI. Discharge and Monitoring Locations

Complete all applicable spaces. If additional discharge and monitoring locations, provide the information in a supplementary attachment.

Location Name/Number	Latitude	Longitude
Discharge Point(s)		
Discharge Monitoring Point(s)		

XII. Certification

<p>"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. In addition, I certify that the provisions of the permit, including the criteria for eligibility will be complied with."</p>	
Printed Name:	
Signature:	Date:
Agency and Title:	

Submit the NOI, first annual fee, map, and other attachments to the following address:

San Diego Water Board
 9174 Sky Park Court, Suite 100
 San Diego, CA 92123

Attn: Boatyards and Boat Maintenance and Repair Facilities
 Core Regulatory Unit
 NOTICE OF INTENT

State Use Only

WDID	Staff Initials	Status: <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete <input type="checkbox"/> Withdrawn
Date NOI Received	Check #:	
Date NOI Processed:	Fee Amount Received: \$	
CIWQS Place No.:	CIWQS Reg. Meas. No.:	
Comments:		

ATTACHMENT D – STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this General Permit. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 CFR § 122.41(a).)
2. The Discharger shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this General Permit has not yet been modified to incorporate the requirement. (40 CFR § 122.41(a)(1).)

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit. (40 CFR. § 122.41(c).)

C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this General Permit that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR. § 122.41(d).)

D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this General Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this General Permit. (40 CFR. § 122.41(e).)

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 CFR § 122.41(g).)

2. The issuance of this General Permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 CFR § 122.5(c).)

F. Inspection and Entry

The Discharger shall allow the San Diego Water Board, State Water Board, United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (40 CFR § 122.41(i); Water Code, § 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this General Permit (40 CFR § 122.41(i)(1));
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit (40 CFR § 122.41(i)(2));
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Permit (40 CFR § 122.41(i)(3)); and
4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (40 CFR § 122.41(i)(4).)

G. Bypass

1. Definitions

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR § 122.41(m)(1)(i).)
- b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR § 122.41(m)(1)(ii).)

2. Bypass not exceeding limitations. The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 CFR § 122.41(m)(2).)

3. Prohibition of bypass. Bypass is prohibited, and the San Diego Water Board may take enforcement action against a Discharger for bypass, unless (40 CFR § 122.41(m)(4)(i)):
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 CFR § 122.41(m)(4)(i)(A));
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 CFR § 122.41(m)(4)(i)(B)); and
 - c. The Discharger submitted notice to the San Diego Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 CFR § 122.41(m)(4)(i)(C).)
4. The San Diego Water Board may approve an anticipated bypass, after considering its adverse effects, if the San Diego Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above. (40 CFR § 122.41(m)(4)(ii).)
5. Notice
 - a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass. (40 CFR § 122.41(m)(3)(i).)
 - b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). (40 CFR § 122.41(m)(3)(ii).)

H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 CFR § 122.41(n)(1).)

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was

caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 CFR § 122.41(n)(2).)

2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 CFR § 122.41(n)(3)):
 - a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 CFR § 122.41(n)(3)(i));
 - b. The permitted facility was, at the time, being properly operated (40 CFR § 122.41(n)(3)(ii));
 - c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (40 CFR § 122.41(n)(3)(iii)); and
 - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 CFR § 122.41(n)(3)(iv).)
3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 CFR § 122.41(n)(4).)

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 CFR § 122.41(f).)

B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this General Permit after the expiration date of this General Permit, the Discharger must apply for and obtain a new permit. (40 CFR § 122.41(b).)

C. Transfers

This Order is not transferable to any person except after notice to the San Diego Water Board. The San Diego Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 CFR § 122.41(l)(3); § 122.61.)

III. STANDARD PROVISIONS – MONITORING

- A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 CFR § 122.41(j)(1).)
- B. Monitoring results must be conducted according to test procedures under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503 unless other test procedures have been specified in this General Permit. (40 CFR § 122.41(j)(4); § 122.44(i)(1)(iv).)

IV. STANDARD PROVISIONS – RECORDS

- A. Except for records of monitoring information required by this General Permit related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by Part 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this General Permit, and records of all data used to complete the application for this General Permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the San Diego Water Board Executive Officer at any time. (40 CFR § 122.41(j)(2).)

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements (40 CFR § 122.41(j)(3)(i));
2. The individual(s) who performed the sampling or measurements (40 CFR § 122.41(j)(3)(ii));
3. The date(s) analyses were performed (40 CFR § 122.41(j)(3)(iii));
4. The individual(s) who performed the analyses (40 CFR § 122.41(j)(3)(iv));
5. The analytical techniques or methods used (40 CFR § 122.41(j)(3)(v)); and
6. The results of such analyses. (40 CFR § 122.41(j)(3)(vi).)

C. Claims of confidentiality for the following information will be denied (40 CFR § 122.7(b)):

1. The name and address of any permit applicant or Discharger (40 CFR § 122.7(b)(1)); and
2. Permit applications and attachments, permits and effluent data. (40 CFR § 122.7(b)(2).)

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the San Diego Water Board, State Water Board, or USEPA within a reasonable time, any information which the San Diego Water Board, State Water Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this General Permit or to determine compliance with this General Permit. Upon request, the Discharger shall also furnish to the San Diego Water Board, State Water Board, or USEPA copies of records required to be kept by this General Permit. (40 CFR § 122.41(h); Water Code, § 13267.)

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the San Diego Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below. (40 CFR § 122.41(k).)
2. All permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA). (40 CFR § 122.22(a)(3).)
3. All reports required by this General Permit and other information requested by the San Diego Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 CFR § 122.22(b)(1));
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 CFR § 122.22(b)(2)); and
 - c. The written authorization is submitted to the San Diego Water Board and State Water Board. (40 CFR § 122.22(b)(3).)
4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard

Provisions – Reporting V.B.3 above must be submitted to the San Diego Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 CFR § 122.22(c).)

5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.” (40 CFR § 122.22(d).)

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this General Permit. (40 CFR § 122.22(l)(4).)
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the San Diego Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices. (40 CFR § 122.41(l)(4)(i).)
3. If the Discharger monitors any pollutant more frequently than required by this General Permit using test procedures approved under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503, or as specified in this General Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the San Diego Water Board. (40 CFR § 122.41(l)(4)(ii).)
4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this General Permit. (40 CFR § 122.41(l)(4)(iii).)

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this General Permit, shall be submitted no later than 14 days following each schedule date. (40 CFR § 122.41(l)(5).)

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time

the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. (40 CFR § 122.41(l)(6)(i).)

2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 CFR § 122.41(l)(6)(ii)):
 - a. Any unanticipated bypass that exceeds any effluent limitation in this General Permit. (40 CFR § 122.41(l)(6)(ii)(A).)
 - b. Any upset that exceeds any effluent limitation in this General Permit. (40 CFR § 122.41(l)(6)(ii)(B).)
3. The San Diego Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 CFR § 122.41(l)(6)(iii).)

F. Planned Changes

The Discharger shall give notice to the San Diego Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 CFR § 122.41(l)(1)):

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 CFR § 122.41(l)(1)(i)); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this General Permit. (40 CFR § 122.41(l)(1)(ii).)
3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 CFR § 122.41(l)(1)(iii).)

G. Anticipated Noncompliance

The Discharger shall give advance notice to the San Diego Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with General permit requirements. (40 CFR § 122.41(l)(2).)

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above. (40 CFR § 122.41(l)(7).)

I. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the San Diego Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information. (40 CFR § 122.41(l)(8).)

VI. STANDARD PROVISIONS – ENFORCEMENT

- A.** The San Diego Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13385, 13386, and 13387

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the San Diego Water Board as soon as they know or have reason to believe (40 CFR § 122.42(a)):

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this General Permit, if that discharge will exceed the highest of the following "notification levels" (40 CFR § 122.42(a)(1)):
 - a. 100 micrograms per liter ($\mu\text{g/L}$) (40 CFR § 122.42(a)(1)(i));
 - b. 200 $\mu\text{g/L}$ for acrolein and acrylonitrile; 500 $\mu\text{g/L}$ for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony (40 CFR § 122.42(a)(1)(ii));
 - c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR § 122.42(a)(1)(iii)); or
 - d. The level established by the San Diego Water Board in accordance with section 122.44(f). (40 CFR § 122.42(a)(1)(iv).)
2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this General Permit, if that discharge will exceed the highest of the following "notification levels" (40 CFR § 122.42(a)(2)):

- a. 500 micrograms per liter ($\mu\text{g/L}$) (40 CFR § 122.42(a)(2)(i));
- b. 1 milligram per liter (mg/L) for antimony (40 CFR § 122.42(a)(2)(ii));
- c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR § 122.42(a)(2)(iii)); or
- d. The level established by the San Diego Water Board in accordance with section 122.44(f). (40 CFR § 122.42(a)(2)(iv).)

ATTACHMENT E – MONITORING AND REPORTING PROGRAM

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

Regulations at section 122.48, title 40 of the Code of Federal Regulations (40 CFR 122.48) require that all National Pollutant Discharge Elimination System (NPDES) permits specify monitoring and reporting requirements. California Water Code sections 13267 and 13383 also authorize the California Regional Water Quality Control Board, San Diego (San Diego Water Board) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements, which implement the federal and State regulations.

I. GENERAL MONITORING PROVISIONS

- A.** Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring locations specified below and, unless otherwise specified, before the monitoring flow joins or is diluted by any other waste stream, body of water, or substance. Monitoring locations shall not be changed without notification to and the approval of this San Diego Water Board.
- B.** Monitoring must be conducted according to United States Environmental Protection Agency (USEPA) test procedures approved at 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act (CWA) as amended, unless other test procedures are specified in this General Permit and/or this MRP and/or this San Diego Water Board.
- C.** A copy of the monitoring and reports signed, and certified as required by Attachment D, Standard Provisions V.B, of this General Permit, shall be submitted to the San Diego Water Board at the address listed in section VII.B.6.c this MRP.
- D.** The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring, instrumentation, copies of all reports required by this General Permit and this MRP, and records of all data used to complete the application for this General Permit. Records shall be maintained for a minimum of five years from the date of sample, measurement, report, or application. This period may be extended by request of this San Diego Water Board or by the USEPA at any time.
- E.** All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or by a laboratory approved by the San Diego Water Board.
- F.** The Discharger shall report in its cover letter all instances of noncompliance not reported under Attachment D, section V.H of this General Permit at the time monitoring reports are submitted. The reports shall contain the information listed in Attachment D, section V.E of this General Permit.
- G.** All monitoring instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure

their continued accuracy. All flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices.

H. Monitoring results shall be reported at intervals and in a manner specified in this General Permit or in this Monitoring and Reporting Program.

II. MONITORING LOCATIONS

Storm water monitoring shall be conducted at the specified monitoring locations in Table E-1 for each storm water discharge location at the facility to demonstrate compliance with the requirements in this General Permit.

In addition, Knight and Carver Yachtcenter, Inc. shall monitor the discharge of drydock ballast water to demonstrate compliance with effluent limitations and additional requirements in this General Permit as specified in Table E-2.

Table E-1. Storm Water Monitoring Locations

Discharge Point	Monitoring Location Name	Monitoring Location Description
Driscoll Custom Boats	SW-SDDRIS	A representative sample location for the discharge of storm water to America’s Cup Harbor, San Diego Bay
Knight and Carver Yachtcenter	SW-KAC	A representative sample location for the discharge of storm water to San Diego Bay
Koehler Kraft Company, Inc.	SW-KKC	A representative sample location for the discharge of storm water to America’s Cup Harbor, San Diego Bay
Nielsen Beaumont Marine	SW-NBM	A representative sample location for the discharge of storm water to America’s Cup Harbor, San Diego Bay
Shelter Island Boatyard	SW-SIB-01	A representative sample location for the discharge of storm water to Shelter Island Yacht Basin
Shelter Island Boatyard	SW-SIB-02	A representative sample location for the discharge of storm water to Shelter Island Yacht Basin
The Marine Group, LLC (Formerly, Southbay Boat Yard)	SW-MGBW	A representative sample location for the discharge of storm water to the San Diego Bay
Dana Point Shipyard	SW-DANA-01	A representative sample location for the discharge of industrial storm water to the Dana Point Harbor located on the South end of the Facility
Dana Point Shipyard	SW-DANA-02	A representative sample location for the discharge of storm water to the Dana Point Harbor located on the North end of the Facility. Generally non-industrial, but sampling is required if industrial processes occur in this drainage area.
Driscoll Mission Bay, LLC	SW-MDRIS	A representative sample location for the discharge of storm water to Mission Bay
Oceanside Marine Centre, Inc.	SW-OMC-01	A representative sample location for the discharge of storm water to Oceanside Harbor located on the Southwest end of the Facility
Oceanside Marine Centre, Inc.	SW-OMC-02	A representative sample location for the discharge of storm water to Oceanside Harbor located on the Southwest end of the Facility

Table E-2. Knight and Carver Yachtcenter, Inc. Ballast Water Monitoring Location

Discharge Point	Monitoring Location Name	Discharge Point Latitude
BW-KAC	Knight and Carver Yachtcenter Ballast Water	A location where a representative sample of the drydock ballast water can be obtained just prior to, or during, the discharge into the San Diego Bay

III. EFFLUENT MONITORING REQUIREMENTS

A. Discharge Monitoring

1. Dischargers shall monitor industrial storm water discharges at locations identified in Table E-1 as specified in Table E-3 and section VI.C of this MRP.

Table E-3. Storm Water Monitoring Requirements.

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Volume of Discharge	Gallons	Estimate ¹	2 qualifying storm events per year ³	2
Oil and Grease	mg/L	Grab	2 qualifying storm events per year ³	2
Total Suspended Solids	mg/L	Grab	2 qualifying storm events per year ³	2
Chemical Oxygen Demand	mg/L	Grab	2 qualifying storm events per year ³	2
Biochemical Oxygen Demand (5-day @ 20°C)	mg/L	Grab	2 qualifying storm events per year ³	2
Settleable Solids	ml/L	Grab	2 qualifying storm events per year ³	2
pH	Standard units	Grab	2 qualifying storm events per year ³	2
Copper, Total Recoverable	µg/L	Grab	2 qualifying storm events per year ³	2
Lead, Total Recoverable	µg/L	Grab	2 qualifying storm events per year ³	2
Zinc, Total Recoverable	µg/L	Grab	2 qualifying storm events per year ³	2
Tributyltin (TBT)	µg/L	Grab	2 qualifying storm events per year ³	2
Chronic Toxicity	4	Grab	1 qualifying storm event per quarter ³	5

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
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- ¹ The volume of storm water discharge can be estimated by multiplying: (amount of rainfall in inches/12) X square feet of surface area X impervious factor. There are 7.5 gallons of water per cubic foot.
- ² Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136; for priority pollutants the methods must meet the lowest minimum levels (MLs) specified in Attachment 4 of the SIP, where no methods are specified for a given pollutant, by methods approved by the San Diego Water Board or the State Water Board.
- ³ A qualifying storm event occurs when sufficient precipitation generates runoff from the Facility that is discharged into the receiving water and has not been preceded by a qualifying storm event for at least 7 days.
- ⁴ As described in section IV.A.3 of this MRP.
- ⁵ As described in section IV of this MRP.

2. Knight and Carver Yachtcenter, Inc., shall monitor the discharge of drydock ballast water at Monitoring Location No. BW-001 as specified in Table E-4.

Table E-4. Knight and Carver Yachtcenter, Inc. – Ballast Water Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency ¹	Required Analytical Test Method
Flow	GPD	Grab	1/Quarter	Estimate
pH	Standard units	Grab	1/Quarter	²
Temperature	°F	Grab	1/Quarter	²
Arsenic, Total Recoverable	µg/L	Grab	1/Quarter	²
Copper, Total Recoverable	µg/L	Grab	1/Quarter	^{2,3}
Settleable Solids	ml/L	Grab	1/Year	²
Turbidity	NTU	Grab	1/Year	²
Total Suspended Solids	mg/L	Grab	1/Year	²
Oil and Grease	mg/L	Grab	1/Year	²
Total Petroleum Hydrocarbons (TPH)	mg/L	Grab	1/Year	²
Polynuclear Aromatic Hydrocarbons (PAH)	µg/L	Grab	1/Year	²
Tributyltin (TBT)	µg/L	Grab	1/Year	²
Chronic Toxicity	----- ⁴	Grab	1/Year	⁵
Total Residual Chlorine	µg/L	Grab	1/Year	²
Remaining CTR Priority Pollutants	µg/L	Grab	Once in Year One Once in Year Four	²

- ¹ Monitoring for ballast water shall only occur when there is a discharge not regulated by the USEPA's Vessel General Permit.
- ² As specified in 40 CFR Part 136, for priority pollutants the methods must meet the lowest minimum levels (MLs) specified in Attachment 4 of the SIP, where no methods are specified for a given pollutant, by methods approved by the San Diego Water Board or the State Water Board.
- ³ Samples shall be analyzed for copper according to method 1638 or 1640. The commonly used methods 6010B and 200.7 have been found to give inaccurate copper reading in saline-matrix samples due to interference with the sodium-argon complex, which has a molecular weight similar to copper.
- ⁴ As described in section IV.A.3 of this MRP.

⁵ As described in section IV of this MRP.

IV. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

A. Chronic Toxicity

1. Chronic toxicity test samples shall be collected prior to the point of discharge, at the designated monitoring location for the effluent as specified in Tables E-1 and E-2.

Monitoring results shall be submitted annually with the annual report, as specified in section VII.B of this MRP.

A species sensitivity screening shall be conducted during the first sample collection under this General Permit. The Discharger shall collect a single storm water sample and a single ballast water sample and concurrently conduct three toxicity tests using a fish, an invertebrate, and an alga species. A minimum of four single-concentration toxicity tests utilizing the instream waste concentration (IWC) and control shall be performed for each test species used. The test species that exhibits the highest percent effect at the IWC during a species sensitivity screening (i.e. the most sensitive species) shall be utilized for routine monitoring during the permit cycle. The species sensitivity sample from a storm water location must be from a sample location with the most expected toxicity.

2. Marine and Estuarine Species and Test Methods

NPDES wastewater and point source WDR dischargers shall follow the methods for chronic toxicity tests as established in Code of Federal Regulations, title 40, section 136.3 using a single-concentration test design for routine monitoring, or a five-concentration test design for accelerated monitoring. The United States Environmental Protection Agency (U.S. EPA) method manuals referenced therein include Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition (EPA-821-R-02-013), and Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Third Edition (EPA-821-R-02-014). Additional methods for chronic toxicity monitoring are outlined in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms, First Edition (EPA-600-R-95-136).

The Discharger shall conduct a static renewal toxicity test with the topsmelt, *Atherinops affinis* (Larval Survival and Growth Test Method 1006.01); a static non-renewal toxicity test with the giant kelp, *Macrocystis pyrifera* (Germination and Growth Test Method 1009.0); and a toxicity test with one of the following invertebrate species:

- Static renewal toxicity test with the mysid, *Holmesimysis costata* (Survival and Growth Test Method 1007.01);
- Static non-renewal toxicity test with the Pacific oyster, *Crassostrea gigas*, or the mussel, *Mytilus* spp., (Embryo-larval Shell Development Test Method 1005.0);

- Static non-renewal toxicity test with the red abalone, *Haliotis rufescens* (Larval Shell Development Test Method);
- Static non-renewal toxicity test with the purple sea urchin, *Strongylocentrotus purpuratus*, or the sand dollar, *Dendraster excentricus* (Embryo-larval Development Test Method); or
- Static non-renewal toxicity test with the purple sea urchin, *Strongylocentrotus purpuratus*, or the sand dollar, *Dendraster excentricus* (Fertilization Test Method 1008.0).

If laboratory-held cultures of the topsmelt, *Atherinops affinis*, are not available for testing, then the Discharger shall conduct a static renewal toxicity test with the inland silverside, *Menidia beryllina* (Larval Survival and Growth Test Method 1006.01), found in the third edition of *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms* (EPA/821/R-02/014, 2002; Table IA, 40 CFR Part 136).

Additional species may be used by the Discharger if approved by the San Diego Water Board.

3. Statistical Method for Chronic Toxicity Analysis

Within 90 days of the effective date of this General Permit or of issuance of a Notice of Enrollment for this General Permit, each discharger shall submit a technical report to the San Diego Water Board that identifies and evaluates the statistical method that will be used for analyzing whole effluent toxicity data for compliance determinations with the narrative chronic toxicity effluent limitation contained in section IV of this General Permit. The statistical method may include Hypothesis Test Methods or Point Estimate Methods and shall be consistent with one of the following alternative statistical approaches:

- a. The statistical approach described in USEPA's National Pollutant Discharge Elimination System Test of Significant Toxicity (TST) Implementation Document, June 2010 (EPA 833-R-10-003); or
- b. The statistical approaches described in USEPA Technical Support Documents (TSD) for water quality-based toxics control.

The selected statistical method for analyzing effluent toxicity data shall be implemented within 30 days of submittal unless directed otherwise in writing by the San Diego Water Board.

Additional information on the methods described above can be found in section IV.C.5 of the Fact Sheet.

B. Quality Assurance

1. Quality assurance measures, instructions, and other recommendations and requirements are found in the test methods manual previously referenced.

2. The chronic IWC for applicable discharges is 100 percent effluent.
3. Effluent dilution water and control water should be prepared and used as specified in the test methods manual *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (EPA/821/R-02/012, 2002); or, for *Atherinops affinis*, *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms* (EPA/600/R-95/136, 1995). If the dilution water is different from test organism culture water, then a second control using culture water shall also be used.
4. If organisms are not cultured in-house, then concurrent testing with a reference toxicant shall be conducted. If organisms are cultured in-house, then monthly reference toxicant testing is sufficient. Reference toxicant tests and effluent toxicity tests shall be conducted using the same test conditions (e.g., same test duration, etc.).
5. All multi-concentration reference toxicant test results must be reviewed and reported according to USEPA guidance on the evaluation of concentration-response relationships found in *Method Guidance and Recommendations for Whole Effluent Toxicity (WET) Testing (40 CFR 136)* (EPA 821-B-00-004, 2000).
6. If either the reference toxicant or effluent toxicity tests do not meet all test acceptability criteria in the test methods manual, then the Discharger shall resample and retest within 14 days (or as soon as possible for storm water).
7. If the discharged effluent is chlorinated, then chlorine shall not be removed from the effluent sample prior to toxicity testing without written approval by the permitting authority.
8. pH drift during a toxicity test may contribute to artifactual toxicity when ammonia or other pH-dependent toxicants (e.g., metals) are present. This problem is minimized by conducting toxicity tests in a static-renewal or flow-through mode, as recommended in Paragraph 9.5.9 of the test methods manual.

If the Discharger believes pH drift is contributing to artifactual toxicity during chronic toxicity testing, the Discharger shall conduct three sets of side-by-side toxicity tests in which the pH of one treatment is controlled at the pH of the effluent while the pH of the other treatment is not controlled, as described in Section 11.3.6.1 of *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms* (EPA/821/R-02/014, 2002). Toxicity is confirmed to be artifactual and due to pH drift when no toxicity above the chronic effluent limit is observed in the treatments controlled at the pH of the effluent. Upon this confirmation and following written approval by the permitting authority, the Discharger may use the procedures outlined in Section 11.3.6.2 of the chronic marine and estuarine test methods manual to control effluent sample pH during the toxicity test.

C. Accelerated Toxicity Testing and TRE/TIE Process

1. If the chronic toxicity effluent limit is exceeded and the source of toxicity is known (e.g., BMP failure, spill etc.), then the Discharger shall conduct one additional toxicity test using the same species and test method. Sampling for this toxicity test shall be at the next qualifying storm event or the next discharge event after notification of the failing toxicity test results. If the additional toxicity test does not exceed the applicable toxicity effluent limitation, then the Discharger may return to the regular testing frequency.
2. If the chronic toxicity effluent limitation is exceeded and the source of toxicity is not known, then the Discharger shall continue to conduct additional toxicity tests during each qualifying storm event or discharge event, using the same species and test method, for a minimum of three sampling events. If none of the additional toxicity tests exceed the applicable toxicity effluent limitation, then the Discharger may return to the regular testing frequency.
3. If one of the additional toxicity tests (in sections IV.C.1 or IV.C.2) exceeds the applicable toxicity effluent limitation, then, within 30 days of receipt of this test result, the Discharger shall prepare, implement, and submit to the San Diego Water Board, a Detailed TRE Work Plan which shall include the following: further actions undertaken by the Discharger to investigate, identify, and correct the causes of toxicity; actions the Discharger will take to mitigate the effects of the discharge and prevent the recurrence of toxicity; and a schedule for these actions. Further, the TRE shall be consistent with EPA manual *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070, 1989). The San Diego Water Board may require the Discharger to implement revisions to the TRE Work Plan.
4. The Discharger may initiate a TIE as part of a TRE to identify the causes of toxicity using the same species and test method and, as guidance, USEPA manuals: *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures* (EPA/600/6-91/003, 1991); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996).
5. Within 1 year of the implementation of the TRE, the Discharger shall submit a report on the findings of the TRE and include control measures to address the sources. If the TRE is not complete within 1 year of implementation or as otherwise contained in the TRE Work Plan, the Discharger shall submit an annual update of the current status of the TRE, and a revised TRE implementation schedule. Quarterly status reports shall be submitted to the San Diego Water Board until a final report on the findings of the completed TRE and necessary control measures are submitted.

Quarterly status reports shall indicate current actions, anticipated actions, current findings, challenges to completing the TRE, and any revisions to the TRE implementation schedule.

6. The control measures identified in the final TRE report shall be incorporated into the SWPPP as soon as possible. The Discharger shall re-evaluate and revise the control measures as necessary based on storm water discharge monitoring results.

D. Reporting of Toxicity Monitoring Results

1. The Discharger shall submit a full laboratory report for all toxicity testing as an attachment to the annual self monitoring report (SMR) as specified in Table E-6 of this MRP. The laboratory report shall contain: the toxicity test results; the dates of sample collection and initiation of each toxicity test; all results for effluent parameters monitored concurrently with the toxicity test(s); and progress reports on TRE/TIE investigations.
2. The Discharger shall provide the actual test endpoint responses for the control (i.e., the control mean) and the IWC (i.e., the IWC mean) for each toxicity test to facilitate the review of test results and determination of reasonable potential for toxicity by the permitting authority.
3. The Discharger shall notify the San Diego Water Board in writing within 14 days of receipt of any test result with an exceedance of the toxicity effluent limitation. This notification shall describe actions the Discharger has taken or will take to investigate, identify, and correct the causes of toxicity; the status of actions required by this permit; and schedule for actions not yet completed; or reason(s) that no action has been taken.

V. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER

A. Receiving Water and Sediment Monitoring

Receiving water and sediment monitoring shall be performed to assess compliance with receiving water limits. A monitoring plan which satisfies the requirements of the State Water Board's Water Quality Control Plan for Enclosed Bays and Estuaries of California – Part 1 Sediment Quality effective August 25, 2009 (see Sections VII.D., Receiving Water Limits Monitoring Frequency and Section VII.E, Sediment Monitoring) and Table E-5 below shall be submitted within 90 days of the effective date of this Order or issuance of a Notice of Enrollment. The receiving water and sediment monitoring requirements may be satisfied individually or by participating in a monitoring coalition with a group of boatyards or other existing monitoring coalition such as the Regional Harbor Monitoring Program (RHMP). (The RHMP refers to a monitoring coalition developed by the Port of San Diego, City of San Diego, City of Oceanside, and County of Orange to monitor general water quality and condition of aquatic life in San Diego Bay, Mission Bay, Oceanside Harbor and Dana Point Harbor.)

The monitoring plan shall include a schedule for completion of all sample collection and analysis activities and submission of Receiving Water and Sediment Monitoring Reports in year 2 and year 5 of the General Permit term. The Receiving Water and Sediment Monitoring Reports shall include the following information:

1. Analysis. An evaluation, interpretation and tabulation of the water and sediment monitoring data including interpretations and conclusions as to whether applicable Receiving Water Limitations in this Order have been attained at each sample station; and
2. Sample Location Map. The locations, type, and number of samples shall be identified and shown on a site map.

The monitoring plan shall be implemented within 1 year of the submittal of a monitoring plan.

Table E-5. Minimum Receiving Water Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Priority Pollutants				
Cadmium, Total Recoverable	µg/L	Grab	2/5 Years	1
Copper, Total Recoverable	µg/L	Grab	2/5 Years	1,2
Mercury, Total Recoverable	µg/L	Grab	2/5 Years	1
Nickel, Total Recoverable	µg/L	Grab	2/5 Years	1
Zinc, Total Recoverable	µg/L	Grab	2/5 Years	1
Remaining CTR Priority Pollutants	µg/L	Grab	1/5 Years	1
Non-Conventional Pollutants				
Temperature	°F	Grab	2/5 Years	1

¹ As specified in 40 CFR 136.

² Effluent samples shall be analyzed for copper according to method 1638 or 1640. The commonly used methods 6010B (Inorganics by ICP-Atomic Emission Spectroscopy) and 200.7 (Trace Elements-ICP) have been found to give inaccurate copper readings in saline-matrix samples due to interference with the sodium-argon complex, which has a molecular weight similar to copper. Method 1638 (ICP/MS) or 1640 (On-Line Chelation) will eliminate the sodium-argon complex before the sample is tested for copper. No inaccurate readings for other metals in a saline-matrix sample analyzed by methods 6010B or 200.7 are known.

VI. OTHER MONITORING REQUIREMENTS

A. Annual Compliance Certifications

1. The Discharger shall submit an annual certification statement to the San Diego Water Board certifying the following. The Discharger shall submit an explanation of any statements that are not certified.
 - a. The Discharger has complied with all conditions of this General Permit;
 - b. The Discharger has eliminated industrial process water discharges in accordance with Discharge Prohibition III.C of this General Permit;
 - c. The Discharger does have a storm water diversion system that will eliminate the discharge of the first-flush storm water runoff for each storm event, as defined in Attachment A, from its maintenance and repair area(s) to storm drains or surface water in accordance with Discharge Prohibition III. B of this General Permit.
 - d. The Discharger has implemented BMPs in accordance with its SWPPP, and that the SWPPP has been amended in accordance with the SWPPP requirements, Section X. and Attachment H, of this General Permit;
 - e. The Discharger has isolated its maintenance/repair areas in accordance with Storm Water Discharge Requirements X.A. and X.F. of this General Permit;
 - f. The Discharger has not discharged any liquids other than storm water pursuant to Discharge Prohibition III.C.
 - g. The Discharger has notified each owner/operator of each vessel at the Discharger's leasehold of their obligation to prevent the discharge of waste and to comply with Basin Plan prohibitions regarding the discharge of sewage from vessels as stated in section X.G of this Order. In addition, the Discharger shall briefly report on any corrective actions taken against any vessel owner/operator(s).

The certification statement shall be signed by an authorized person as required in Section V.B Standard Provisions - Reporting of Attachment D, and shall be submitted annually to the San Diego Water Board in accordance with Table E-6 of this MRP.

B. Spill / Illicit Discharge Log

The Discharger shall log and report all spills and illicit discharges to surface water originating within and/or from its leasehold. The Spill/ Illicit Discharge Log shall be submitted annually in accordance with Table E-6 of this MRP. The spill/illicit discharge reports shall identify:

1. The time and date of the spill or illicit discharge;

2. The cause of the spill or illicit discharge;
3. The materials or wastes involved in the spill or illicit discharge;
4. The estimated volume of the spill or illicit discharge;
5. The specific location where the spill or illicit discharge originated;
6. The fate of the spill or illicit discharge (e.g., Mission Bay, hydrowash area, or other location(s) that the spill or illicit discharge was able to reach);
7. The physical extent or size of the problem area(s);
8. Whether the spill or illicit discharge contained pollutants;
9. The public agencies notified;
10. The corrective action taken; and
11. The actions taken to prevent or minimize future spills or illicit discharges.

C. Chemical Utilization Audit

The Discharger shall submit a Chemical Utilization Audit to summarize hazardous materials used at its Facility and which may be discharged to surface waters or conveyance systems thereto in any manner. The audit form shall document the following information:

1. The name of the product and common trade name, if applicable;
2. The primary component/chemical contained in the product;
3. The quantity of the product used over the entire reporting period, and any further quantity per unit time that may be practically reportable (e.g., gallons/month);
4. The frequency or timing of the product's use (e.g., daily, several times per month, specific dates or ranges of dates that may apply to specialized applications, etc.);
5. A brief description of what the product is used for (e.g., hull coating, interior applications only, topside applications only);
6. A brief description of how the product is used and how it is typically worked with (e.g., sprayed, brushed, applied then sanded); and,
7. Any additional comments that may assist in characterizing a product or its use (e.g., chemical was/is only used during particular seasons, indoors only).

Material Safety Data Sheets (MSDS) should not be submitted with the annual report unless requested by the San Diego Water Board. MSDS for all products used by the Discharger must be available for submittal at all times.

The Chemical Utilization Audit (or the cover page for multiple pages) shall be signed by an authorized person as required in section V.B Standard Provisions - Reporting of Attachment D, and shall be submitted annually to the San Diego Water Board in accordance with Table E-6 of this MRP.

D. Tributyltin Log

The Discharger shall maintain and submit a log of work done on TBT-painted vessels within its leasehold. The report shall document the following information:

1. Type of activity (in-water hull cleaning, TBT paint removal, or TBT paint application);
2. The date(s) of the activity;
3. The size (length and width) and type of vessel;
4. The method of the activity;
5. The volume of waste generated and method of disposal or volume of paint applied; and
6. The location(s) within the leasehold where the activity occurred.

The TBT log shall be signed by an authorized person as required in Attachment D, Standard Provisions, section V.B and shall be submitted annually to the San Diego Water Board in accordance with Table E-6 of this MRP.

E. Storm Water and Non-Storm Water Monitoring

1. Non-Storm Water Discharge Visual Observations

- a. The Discharger shall conduct visual observations of all drainage areas within its Facility for the presence of unauthorized non-storm water discharges to waters of the State other than those to the sanitary sewer system. Visual observations shall be conducted on a weekly basis during the wet season (October 1 through April 30) and shall be conducted monthly during the dry season (May 1 through September 30). The observations should include all work areas within the Discharger's leasehold that may drain to or have the potential to discharge through wind or other means to waters of the State, including all pier, dock, float, or other areas where work may occur directly over or on the receiving water.
- b. Visual observations shall document the presence of any discolorations, stains, floating or suspended material, etc., as well as the source of any discharge (if

known). The presence of any odors shall be documented at the time visual observations are documented. Records shall be maintained of the visual observations dates, specific leasehold/facility locations observed, specific observations detailing what was or was not observed, and response(s) taken to eliminate unauthorized non-storm water discharges. The Discharger shall also respond by revising its SWPPP, as necessary, and implementing and reporting the appropriate changes in accordance with this General Permit. Dischargers shall report non-storm water discharge visual observations with their Annual Storm Water Monitoring Report for the appropriate monitoring period, as specified in Table E-6 of this MRP. A summary of non-storm water visual observations shall be submitted with the Storm Water Annual Report as specified in section VI.C.8 of this MRP.

2. Storm Water Discharge Visual Observations

- a. The Discharger shall visually observe storm water discharges from the first qualifying storm event in each month of the wet season (October 1 through April 30). These visual observations shall occur at all discharge locations during the first hour of discharge.
- b. A qualifying storm event is one that begins producing storm water discharge during daylight scheduled Facility operating hours, and is preceded by at least 7 days without a storm water discharge.
- c. The Discharger shall visually observe the discharge of stored or contained storm water at the time of discharge to surface waters during daylight scheduled Facility operating hours. Stored or contained storm water that will likely discharge to surface waters after daylight scheduled Facility operating hours due to anticipated precipitation shall be observed prior to the discharge during scheduled Facility operating hours.
- d. The Discharger shall observe and document the presence or absence of floating and suspended materials, oil and grease, discoloration, turbidity, odors, and source of any observed pollutants.
- e. Monthly, the Discharger shall visually observe storm water storage and containment areas to detect leaks and ensure appropriate maintenance.
- f. The Discharger shall record all storm events that occur during daylight scheduled Facility operating hours that do not produce a discharge to surface water.
- g. The Discharger shall maintain records of all visual observations, personnel performing the observations, observation dates, observed locations, and corrective actions taken in response to the observations. The SWPPP shall be revised, as necessary.

3. Sampling and Analysis

- a. The Discharger shall collect storm water samples during the first four hours of discharge to waters of the State or to storm water conveyance systems that discharge thereto. Storm water samples shall be collected from (1) the first qualifying storm event, and (2) at least one other qualifying storm event. All storm water discharge locations shall be sampled. Sampling of stored or contained storm water shall occur at the time the stored or contained storm water is discharged to waters of the State or to storm water conveyance systems that discharge thereto. The samples shall be analyzed in accordance with Table E-3, Storm Water Monitoring Requirements of this MRP.
- b. If a sample is not collected from the first qualifying storm event, the Discharger shall collect samples from two other qualifying storm events and shall explain in the Annual Storm Water Monitoring Report why the first qualifying storm event was not sampled.
- c. The results of the storm water sample laboratory analyses shall be reported in the Annual Storm Water Monitoring Report, and will be submitted with the accompanying visual observations. The samples shall be analyzed in accordance with Table E-3 of this MRP.

4. Storm Water Discharge Sampling Location

Monitoring location(s) shall be specified in the SWPPP, depicted on a site map, and shall not be changed without notice to and the approval of the San Diego Water Board. The installation of automatic or mechanical storm water samplers at the monitoring station(s) is recommended.

5. Storm Water Discharge Sampling Requirements

The Discharger is required to be prepared to collect samples and conduct visual observations at the beginning of the wet season (October 1) and throughout the wet season until minimum requirements of **section VI.C.** of this MRP are completed with the following exceptions:

The Discharger is not required to collect a sample or conduct visual observations in accordance with **section VI.C** of this MRP during dangerous weather conditions, such as flooding, electrical storm, etc. Non-storm water and storm water visual observations are only required during daylight scheduled facility operating hours. Dischargers that do not collect the required samples or visual observations during a wet season due to this exception shall include an explanation in the Storm Water Annual Report describing why the sampling or visual observations could not be conducted.

Preparedness to collect samples includes but is not limited to the following:

- a. On-site personnel with the knowledge of how, when and where to collect samples;

- b. The appropriate sampling equipment on-site (containers, coolers, access to ice, transportation, etc.); and
- c. On-site personnel awareness of what contracted laboratory to the sample(s) to and the applicable holding time for the sample.

The San Diego Water Board recommends that the Discharger contact a laboratory certified in accordance with General Monitoring Provision I.E of this MRP well in advance of the wet season to discuss the appropriate sampling techniques, equipment, holding time, etc., as necessary. It is the Discharger's responsibility to verify that the laboratory is capable of meeting all applicable analyses and reporting requirements.

6. Monitoring Methods

All sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All monitoring instruments and equipment (including a Discharger's own field instruments for measuring pH) shall be calibrated and maintained in accordance with manufacturer's specifications to ensure accurate measurements. All laboratory analyses must be conducted according to test procedures pursuant to 40 CFR Part 136, unless other test procedures have been specified in this General Permit or by the San Diego Water Board. All metals shall be reported as total metals.

7. Records

In addition to the information required by Attachment D, Standard Provisions, section IV.B, records of storm water monitoring information shall include:

- a. The date, place and time of visual observations;
- b. The individual(s) who performed the visual observations;
- c. Volume estimates;
- d. Method detection limits used;
- e. Quality assurance/quality control records and results;
- f. Non-storm water discharge visual observation and storm water discharge visual observation records (see sections VI.C.1 and VI.C.2 of this MRP);
- g. Visual observation and sample collection exception records (see sections VI.C.3 and VI.C.5);
- h. All calibration and maintenance records of on-site instruments used; and

- i. The records of any corrective actions and follow-up activities that resulted from the visual observations.

8. Annual Storm Water Monitoring Report

- a. The Discharger shall submit an Annual Storm Water Monitoring Report by August 1st of each year to the San Diego Water Board. The report shall include:
 - i. A summary of visual observations and sampling and analysis results;
 - ii. An evaluation of the visual observation and sampling and analysis results;
 - iii. Laboratory reports;
 - iv. An explanation of why the Discharger did not implement any activities required by this General Permit; and
 - v. Records specified in section VI.C.7 of this MRP.
- b. An authorized person in accordance with section V.B Standard Provisions - Reporting of Attachment D, shall sign the Annual Storm Water Monitoring Report.

Based on a review of the Discharger's SWPPP and the Annual Storm Water Monitoring Report, the San Diego Water Board may direct the Discharger to monitor at different and/or additional storm water discharge points.

F. Monitoring Requirements Specific to Knight and Carver Yachtcenter, Inc.

1. Floating Drydock Submergence/Emergence Water Discharge

Knight and Carver Yachtcenter, Inc. shall provide written notification to the San Diego Water Board 48 hours prior to flooding of its floating drydock. If the drydock has to be flooded on a short notice and the 48 hour notification time cannot be met, the Discharger shall notify the San Diego Water Board as early as possible and include information on why the notification time could not be met.

The Discharger shall document the condition of its drydock prior to each flooding. The conditions will be digitally documented either by video or photographs. The video must be in DVD format or other computer file format compatible with MS Windows such as mpg (Moving Picture Experts Group), avi (Audio Video Interleave), or wmv (Windows Media Video), and the photographs must be digital photographs that show the correct date and time on each picture. Video or photographs shall document conditions at the initial flooding of the facilities. If flooding is to occur at night, video or photographs shall be taken during daylight hours as close to the flooding event as possible.

The Discharger shall submit documentation of the facility conditions annually to the San Diego Water Board in accordance with Table E-6.

If a floating drydock was not flooded during the year, the Discharger shall document in the annual effluent monitoring report that no flooding occurred during that period.

2. Floating Drydock Ballast Tank Certification

Knight and Carver Yachtcenter, Inc. shall submit US Navy and ASTM reports certifying the integrity of the floating drydock ballast tanks annually, in accordance with Table E-6.

VII. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.
2. The Discharger shall report all instances of noncompliance at the time monitoring reports are submitted.

B. Self-Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or San Diego Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Water Board’s California Integrated Water Quality System (CIWQS) Program Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). Until such notification is given, the Discharger shall submit hard copy SMRs. The CIWQS Web site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.
2. The Discharger shall report in the SMR the results for all monitoring specified in this MRP under sections III through VI. The Discharger shall submit quarterly SMRs including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this General Permit. If the Discharger monitors any pollutant more frequently than required by this General Permit, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR. Quarterly reports shall be due on May 1, August 1, November 1, and February 1 following each calendar quarter; annual reports shall be due on August 1 for the preceding July 1 through June 30 storm water year.
3. Unless otherwise noted in the MRP, monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

Table E-6. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins	Monitoring Period	SMR Due Date
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Sampling Frequency	Monitoring Period Begins	Monitoring Period	SMR Due Date
1/Quarter: Knight and Carver Drydock Sample Results	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date.	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	May 1 August 1 November 1 February 1
1/Year: Annual Compliance Certification, Spill/ Illicit Discharge Log, Chemical Utilization Audit, TBT Log, Annual Storm Water Report, Knight and Carver Drydock Submergence Report and Ballast Tank Certification	July 1 following (or on) permit effective date.	July 1 through June 30	August 1

4. **Compliance Determination.** Compliance with effluent limitations for reportable pollutants shall be determined using sample reporting protocols defined in Attachment A and section XIV of this General Permit. For purposes of reporting and administrative enforcement by the San Diego and State Water Boards, the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the reportable pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported ML.
5. The Discharger shall submit SMRs in accordance with the following requirements:
 - a. The Discharger shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations. The Discharger is not required to duplicate the submittal of data that is entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, the Discharger shall electronically submit the data in a tabular format as an attachment.
 - b. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the waste discharge requirements; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.
 - c. SMRs must be submitted to the San Diego Water Board, signed and certified as required by the Standard Provisions (Attachment D), to the address listed below:

**9174 Sky Park Court, Suite 100
 San Diego, CA 92123-4340
 or the new address if the office has moved**

C. Discharge Monitoring Reports (DMRs) – Not Applicable

D. Other Reports

As specified in this Order, special reports or program components shall be submitted in accordance with the following reporting requirements.

Table E-7. Other Reporting Requirements

Document	Permit Section	Date
NAL Level 1 Exceedance Report	V.C.2.c	August 1 of the following reporting year
NAL Level 2 Exceedance Report	V.C.3.c	August 1 of the following reporting year
SWPPP consistent with Attachment H	X.B	90 Days from the Order effective date
Technical Report identifying the method for toxicity compliance determination	Attachment E, section IV.A.3	90 Days from the Order effective date
Detailed TRE Workplan	Attachment E, section IV.C.3	30 Days from receipt of one toxicity test which exceeds the limitation during accelerated monitoring
TRE Findings Report	Attachment E, section IV.C.5	1 Year from implementation of the TRE
Notification of exceedance of the toxicity effluent limitation	Attachment E, section IV.D.3	14 Days from receipt of the test result
Receiving and Sediment Monitoring Plan	Attachment E section V.A	90 Days from the Order effective date

ATTACHMENT F – FACT SHEET

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ATTACHMENT F – FACT SHEET

As described in section II of this General Permit, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this General Permit.

I. DISCHARGE INFORMATION

A. Introduction

This General Permit covers existing discharges of storm water from boatyards and boat maintenance and repair facilities within the San Diego Region. In addition, this General Permit covers an existing discharge of ballast water from a floating drydock located at Knight and Carver Yachtcenter, Inc.

The federal Clean Water Act (CWA) requires that point source discharges of pollutants to waters of the United States be permitted in accordance with the National Pollutant Discharge Elimination System (NPDES). Title 40 Code of Federal Regulations (CFR) 122.28 provides for the issuance of general permits to regulate discharges of waste which result from the same or substantially similar operations, are the same type of waste, require similar permit conditions, and require similar monitoring. Nine known boatyards with similar operations and discharges are located within the San Diego Region. Currently, these nine dischargers have been issued individual NPDES Permits with similar conditions. Due to the same or substantially similar operations at each of the facilities, and the similar regulatory and monitoring requirements previously established for these facilities, the San Diego Water Board has elected to issue a general permit for storm water discharges from boatyards and boat maintenance and repair facilities instead of issuing several individual permits.

The CWA prohibits certain discharges of storm water containing pollutants except in compliance with an NPDES permit (Title 33 United States Code (USC) §§ 1311 and 1342(p); CWA §§ 301 and 402(p)). The United States Environmental Protection Agency (USEPA) promulgates federal regulations to implement the CWA's mandate to control pollutants in storm water runoff discharges 40 CFR Parts 122, 123, and 124). Facilities that discharge storm water "associated with industrial activity" requiring a permit are listed by Standard Industrial Classification (SIC) code in 40 CFR 122.26(b)(14). USEPA issued a Multi-Sector General Permit (MSGP) in 2008. Ship and boat building or repairing yards (SIC Code 3732) are classified as Sector R—Ship and Boat Building and Repairing Yards in the MSGP. The MSGP provides coverage for industrial facilities that discharge storm water in areas not covered by an approved state NPDES program. On September 22, 1989, USEPA granted the State of California, through the State Water Resources Control Board (State Water Board) and the Regional Water Control Quality Control Boards (Regional Water Boards), authority to issue general permits pursuant to 40 CFR Parts 122 and 123.

On April 17, 2007, the State Water Board adopted Water Quality Order No. 97-03-DWQ, a general permit for discharges of storm water associated with industrial activities excluding construction activities (State-wide General Permit). The State-wide General Permit addressed the discharge of storm water discharges from industrial facilities, including ship and boat building or repair yards. However, the State-wide General Permit allows Regional Water Boards to determine that discharges from a facility or group of facilities, otherwise eligible for coverage under the State-wide General Permit may not be appropriately addressed by the State-wide General Permit, and require these facilities to seek coverage under an individual or a different general permit. Due to the substantial threat to water quality of these water front boatyard and boat maintenance and repair operations, the materials used in the operations, and the wastes generated, the San Diego Water Board has elected to develop a general permit specific to boatyard operations.

Therefore, discharges from Ship and Boat Building and Repairing Yards are not covered by the USEPA MSGP or State-wide General Permit. However, this General Permit contains many of the same provisions as those in the MSGP and State-wide General Permit, as they apply to boatyards and boat maintenance and repair facilities.

Certain pollutants potentially contained in discharges of storm water from boatyards and boat maintenance and repair facilities threaten to cause or contribute to excursions above narrative and numeric water quality objectives contained in state and federal regulations. These types of discharges could therefore pose a chronic or acute toxicity risk to freshwater and saltwater aquatic animal and plant life. Pollutants of concern include, but are not limited to biochemical oxygen demand (BOD), copper, oil and grease, pH, tributyltin (TBT), total organic carbon (TOC), total suspended solids (TSS), and zinc.

In addition to the discharge of storm water, one of the facilities to be covered under this General Permit (Knight and Carver Yachtcenter, Inc.) discharges ballast water and drydock floodwater to the San Diego Bay. Typically general permits do not include specific requirements for individual facilities, however since the operations at Knight and Carver Yachtcenter, Inc. closely mirror the operations of other boatyards covered under this General Permit, the San Diego Water Board has included specific requirements for the discharge of drydock ballast water and drydock flooding water from Knight and Carver Yachtcenter, Inc., so that the facility may also receive coverage under this General Permit. Requirements specific to Discharge Point No. BW-001 for drydock ballast water are applicable only to Knight and Carver Yachtcenter, Inc., and are not applicable to other boatyards that receive coverage under this General Permit.

B. Background

On December 14, 2005, the San Diego Water Board adopted seven individual Waste Discharge Requirements (WDRs) for discharges of storm water to San Diego Bay from boatyards and boat maintenance and repair facilities within the San Diego Region. The San Diego Water Board adopted an additional three individual WDRs for discharges of

storm water to Dana Point Harbor, Oceanside Harbor, and Mission Bay from boatyards and boat maintenance and repair facilities within the San Diego Region on April 12, 2006. Each of the individual permits issued in 2005 and 2006 have similar effluent limitations and monitoring requirements, due to the similar operations that take place at these facilities. As a result, the San Diego Water Board has decided to issue a general permit for the discharges of storm water from boatyards and boat maintenance and repair facilities instead of issuing individual permits. Initially a total of nine boatyards and boat maintenance and repair facilities will be eligible for enrollment under this General Permit. The San Diego Water Board may add additional enrollees at their discretion.

On March 16, 2010, Knight and Carver Yachtcenter, Inc. submitted an application to add a 4,000-ton floating drydock (Diligence) to the facility covered under Order No. R9-2005-0149. On September 8, 2010, the San Diego Water Board adopted Order No. R9-2010-0096, an Order modifying the individual permit for Knight and Carver Yachtcenter, Inc. to address the discharge of drydock ballast water. As discussed in section I.A of this Fact Sheet, this General Permit establishes individual requirements for the discharge of drydock ballast water from the Knight and Carver Yachtcenter, Inc. floating drydock (Diligence).

C. Discharge Description

Boatyards and boat maintenance and repair facilities conduct activities that include but are not limited to, exterior/interior surface coating application/removal (e.g., painting and sanding), wood work, metal work, fiberglass work, hydrowashing, hull cleaning, engine repair, general mechanical/fixture repair, and hazardous waste storage. These industrial activities along with material handling equipment or activities, raw materials, by-products, waste materials or industrial machinery, generate pollutants that have the potential to discharge to receiving waters when exposed to storm water. Potential storm water pollutants often associated with boat maintenance and repair operations include: BOD, copper, oil and grease, pH, TOC, TSS, and zinc.

TBT antifouling paint was a potential storm water pollutant in the past, but all TBT antifouling paint product registrations have been cancelled. Cancellation of the last such registration was effective in December 2005. The effective date is the last date the product can be sold by the registrant.

The Knight and Carver drydock is used to conduct repair and maintenance activity which cannot normally be conducted while a vessel is waterborne. These activities generally include exterior hull repair; abrasive blasting; hydroblasting; painting; the repair or replacement of shafts, propellers, and rudders; and the repair or replacement of valves and fittings below the waterline. Vessel launching and recovery is accomplished by means of integral ballast tanks, which take in and discharge seawater used to raise and lower the drydock. Potential wastes generated during ship repair include spent abrasives, paint, rust, petroleum products, marine growth and general refuse and debris. The drydock is configured to prevent any waste including industrial process water, storm water, and wash water from entering the receiving water.

Potential pollutants from drydock flooding include materials and wastes from boat maintenance and repair operations left on the drydock deck prior to flooding. Potential pollutants in drydock ballast water include sediment and solids that may enter the drydock ballasts, and pollutants already present in the San Diego Bay water pumped into the ballasts.

D. Summary of Existing Requirements

A summary of the existing requirements for the nine boatyards is provided below:

1. The individual permits for each of the nine boatyards and boat maintenance and repair facilities have the same effluent limitation for acute toxicity:
 - a. The acute toxicity of storm water runoff to surface waters or to storm drains shall not be less than seventy (70) percent survival as determined by a 96-hour bioassay based on a grab sample.
2. The individual permits for each of the nine boatyards and boat maintenance and repair facilities have the following discharge prohibitions in common:
 - a. The discharge of industrial process water is prohibited;
 - b. The discharge of first-flush (0.1 inch) storm water runoff from the Discharger's maintenance and repair areas is prohibited;
 - c. Discharges of wastes in a manner or to a location which have not been specifically authorized are prohibited;
 - d. Odors, vectors, and other nuisances of waste origin, beyond the limits of the property; and
 - e. If the Discharge intends to reuse or recycle stored or contained storm water for use in processing activities (e.g., hydrowashing vessels, general wash down), then the reused/recycled water will be considered industrial process water and is prohibited from discharge to waters of the State.
3. Four of the 9 individual permits for the 9 boatyards and boat maintenance and repair facilities also have a discharge prohibition prohibiting hydrowashing and sand blasting operations during a storm event with the potential to discharge storm water runoff to receiving water.
4. Each of the individual permits for the boatyards and boat maintenance and repair facilities required dischargers to develop and implement a Best Management Practices (BMP) Plan and a Storm Water Pollution Prevention Plan (SWPPP). The BMP Plan identifies Facility personnel responsible for the proper implementation of the BMP and includes schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the offsite

discharge of generated pollutants from year-round industrial activities. The SWPPP requires the Discharger to conduct a regular assessment of the potential for various sources to contribute pollutants to storm water discharges and that storm water pollution prevention practices are effectively removing pollutants from storm water discharges during the wet season. This General Permit requires dischargers to maintain updated SWPPPs and to continue to implement the plan during the permit term. The requirements of the BMP Plans have been included as part of the SWPPP.

5. The Monitoring and Reporting Program (MRP) included in the individual permits for the 9 boatyards and boat maintenance and repair facilities requires the Discharger to report quarterly storm water and non-storm water visual observations. The quarterly and annual monitoring data required in each of the individual permits for submittal to the San Diego Water Board for review include:
 - a. Compliance Certifications that the Discharger has eliminated the discharge of the first-flush storm water runoff for each storm event and industrial process water discharges.
 - b. Spill/Illicit Discharge Log listing all spills and illicit discharges from the Facility.
 - c. Chemical Utilization Audit Forms describing hazardous materials used at the Facility which may be discharged to the bay, surface waters, or conveyance systems.
 - d. Tributyltin Log of work done on tributyltin (TBT) painted vessels within its leasehold.
 - e. Waste Hauling Log including final copies of all Uniform Hazardous Waste Manifest forms, or a log, documenting the volume, type, disposition, and date of disposal of hazardous waste and recycled wastes, which meet the hazardous waste criteria specified in Title 22 of the California Code of Regulations.
 - f. Storm Water and Non-Storm Water Monitoring describing visual observations conducted by the Discharger of all storm water discharges from its Facility during one storm event per month during the wet season (October 1 through May 31). The Discharger conducts quarterly visual observations of all drainage areas within the Facility for the presence of unauthorized non-storm water discharges to waters of the State other than those to the sanitary sewer system.
 - g. Sampling and Analysis of storm water samples collected by the Discharger during the first hour of discharge to the receiving water or to the storm water conveyance system.
 - h. Annual Vessel Owner Compliance Certification submitted in the annual monitoring report to document compliance with the Basin Plan prohibitions regarding discharges from vessels.

- i. Sediment Chemistry Monitoring of surficial sediment samples conducted by the dischargers at specified stations within each leasehold and at designated reference stations.
6. In addition to storm water requirements, Order No. R9-2010-0096 for Knight and Carver Yachtcenter, Inc. establishes prohibitions, effluent limitations, and monitoring requirements specific to floating drydock ballast water.
- a. Order No. R9-2010-0096 prohibits the discharge of the first-flush (0.1 inch) of storm water runoff from the drydock.
 - b. Final effluent limitations established in Order No. R9-2010-0096 include:

Table F-1. Historic Effluent Limitations for Knight and Carver Yachtcenter Drydock

Parameter	Units	Effluent Limitations		
		Average Monthly	Weekly Average	Instantaneous Maximum
Oil and Grease	mg/L	25	40	75
Settleable Solids	ml/L	1.0	1.5	3.0
Turbidity	NTU	75	100	225
pH	Standard Units	--	--	1
Temperature	°F	--	--	2
Acute Toxicity	--	--	--	3
Chronic Toxicity	Pass/Fail	--	--	1 ⁴

¹ Discharges shall be between 7.0 and 9.0 at all times.
² Discharges shall not be greater than 20°F over the natural temperature of the receiving water at any time.
³ The acute toxicity shall not be less than 70 percent survival as determined by a 96-hour bioassay.
⁴ Discharges shall achieve a rating of 1 TUc for chronic toxicity.

- c. Order No. R9-2010-0149 required the implementation and maintenance of a BMP Plan to prevent the discharge of any ship repair or other pollutants generated on the floating drydock, as well as BMPs for floating drydock ballast water discharges.
- d. Order No. R9-2010-0149 established quarterly and annual monitoring for pollutants of concern and monitoring for priority pollutants twice during the permit term.
- e. Unique monitoring requirements contained within Order No. R9-2010-0149 for discharges associated with the drydock included:
 - i. Floating Drydock Submergence/Emergency Water Discharge:
 - (a) The Discharger was required to provide written notification to the San Diego Water Board 48 hours (or as early as possible if 48 hours is not possible) prior to flooding of its floating drydock.

(b) The Discharger was required to document the condition of its drydock prior to each flooding either by digital photographs or video.

ii. Floating Drydock Ballast Tank:

(a) The Discharger was required to submit US Navy and ASTM reports certifying the integrity of the floating drydock ballast tanks annually.

E. Boatyard Compliance Summary

1. Driscoll Boat Works/Driscoll Custom Boats

During an inspection on May 11, 2011, the primary on-site Facility representative stated that no discharges to the receiving water had occurred during the life of the permit (since January 1, 2006). The Facility has minor reporting violations such as two late reports, missing logs and certifications in one report, and missing cover letter.

2. Knight & Carver YachtCenter Inc.

During an inspection on May 11, 2011, the primary on-site Facility representative stated that no storm or process water had been discharged to the receiving water (San Diego Bay) from the Facility during the life of the permit (January 1, 2006). The Facility has several late submittals of monitoring reports.

3. Koehler Kraft Company, Inc.

During an inspection on April 29, 2011, the primary on-site Facility representative stated that no storm or process water had been discharged to the receiving water (San Diego Bay) from the Facility during the life of the permit (January 1, 2006). The Facility has several missing monitoring reports as well as missing logs and certifications and summaries.

4. Nielsen Beaumont Marine

During an inspection on May 9, 2011, the primary on-site Facility representative stated that the Facility had not discharged to the receiving water during the life of the permit (since January 1, 2006). Sawdust, paint chips, and metal filings were observed in a location that discharges directly to the receiving water. The Facility has several late submittals of monitoring reports.

5. Shelter Island Boatyard

During an inspection on May 11, 2011, the primary on-site Facility representative stated that no discharges of untreated or treated storm water or process water had been made to the receiving water (Shelter Island Yacht Basin, San Diego Bay)

during the life of the permit (since January 1, 2006). The Facility has several missing monitoring reports as well as missing logs and certifications and summaries.

6. The Marine Group, LLC (Formerly Southbay Boat Yard)

During an inspection on May 10, 2011, the primary on-site Facility representative stated that no discharges to the receiving water had occurred during the life of the permit (since January 1, 2006). Completely filled-out, signed copies of the SMRs submitted to the Regional Water Board for the time period of July 1, 2009 to December 31, 2010 were not available for review. The Discharger has not been completing, maintaining records of, and submitting copies of quarterly visual observations of all drainage areas within the Facility for unauthorized non-storm water discharges. The Facility has several missing and late monitoring reports.

7. Dana Point Shipyard

Dana Point Shipyard has two discharge points: C-001 and C-002. All repair and construction activities take place in the area drained by Discharge Point C-001. During an inspection on April 26, 2011, the primary on-site Facility representative stated that Discharge Point No. C-001 has been sealed, that no discharges to the receiving water (Dana Point Harbor) have occurred, and that all effluent is directed to the SCWD sanitary sewer system. An area used strictly for boat storage with no industrial processes is drained by Discharge Point No. C-002 which empties into the receiving water (Dana Point Harbor). A new storm water treatment system has been installed for Discharge Point C-001. The treatment system includes an existing clarifier and new facilities including a flocculent injection system, 2500 gallon storage and settling tank, four bag filter vessel, and single media vessels with metal removing media. The system will have valves to select discharge to the sanitary sewer, recycling, or discharge to the harbor.

8. Driscoll Mission Bay, LLC

During an inspection on April 29, 2011, the Facility representative stated that by their own internal policy, no effluent discharges to the receiving water of either process or storm water are ever made, and that no discharges had occurred during the time period of the current permit. Chemical utilization audits were missing from annual reports for July 2007 - June 2008, July 2008 - June 2009, and July 2009 - June 2010, but were submitted for annual reports for July 2010-June 2011 and July 2011-June 2012.

During an inspection of the Facility's Back Yard area on April 29, 2011, large amounts of sawdust, paint chips, metal filings and other debris were observed on the ground throughout. Some materials and stockpiles were placed on pallets; however, many materials were also observed directly on the ground. Several storm water drains were observed to be clogged, and the potential exists for several other storm water drains in the Back Yard that lead to the Facility's treatment system to clog due

to the amount of debris observed. Large portions of the perimeter of the Back Yard lacks containment (i.e., berms), and if a storm drain was clogged, storm water containing pollutants could easily run to offsite areas, including the nearby receiving water, Mission Bay. The amounts of debris present and condition of the storm drains observed indicates that the SWPPP and BMP Plan are not being implemented and maintained. This Major Finding was also noted in the previous inspection report.

9. Oceanside Marine Centre, Inc.

The Facility retains the first-flush (0.1 inch) and provides a primary level of treatment for the remainder of the captured storm water before discharging it directly to the receiving water (Oceanside Harbor). There are two storm water treatment systems, one for the Northern Drainage Area and one for the Southern Drainage Area. The treatment system for the Northern Drainage Area consists of a collection trap for large particles, followed by a below-ground three-stage clarification system to remove finer particles and discharges to Oceanside Harbor via Discharge Point SW-OMC-02. Treatment for the Southern Drainage Area consists of the settling of particles through the use of an above-ground three-stage clarifier followed by a secondary containment tank that is then used for an irrigation system. Any effluent beyond the capacity of the secondary tank is discharged to Oceanside Harbor via Discharge Point SW-OMC-01.

During an inspection on April 27, 2011, sampling records and laboratory results were not available on site for review for the time period of July 1, 2008 through December 31, 2010. Select results from the laboratory were presented in some of the SMR cover letters, which allowed for a partial comparison of reported monitoring results versus requirements and limitations contained within the permit. The Environmental Compliance Consultant for the Facility, responsible for the self-monitoring program, was not able to clearly state the status or location of these laboratory records, and further stated that the Facility owner, who was not present, might have had them in his possession.

The facility has chronically late annual reports. In addition, the annual reports have missed the compliance certification for the past 2 years until the current report. Sampling is required for two storms per year for volume, pH, TSS, TPH, copper, zinc, and TBT. Since 2006, only 5 storms have been sampled instead of the 10 storms required. The 5 storms resulted in 10 samples because the north and south outfall were each sampled. For the storms sampled, volume and TBT were never reported and only some storms have TPH, TSS, and pH. Toxicity sampling is required on 1 storm per year, but only 3 storms have been sampled for toxicity since 2006 instead of 5 storms.

Of the toxicity samples, one sample from the north outfall did not meet the survival effluent limitation in the existing Order of 70% survival. All of the pH and lead results were below the NAL values in this Order. Five of six samples exceeded the TSS

NAL, 8 of 10 samples exceeded the copper NAL, 3 of 10 samples exceeded the zinc NAL, and 2 of 4 samples exceeded the oil and grease NAL.

During a storm from January 17 to 22, 2010, industrial process water and industrial storm water was discharged due to upstream flooding from a development on Camp Pendleton.

II. PERMIT INFORMATION

This Order supersedes the individual NPDES permits identified in Table F-2 for the discharge of storm water (and floating drydock ballast water) within the San Diego Region. Discharger’s identified in Table F-2 will be automatically enrolled under this permit unless the San Diego Water Board receives written request from the Discharger to be covered under an individual NPDES permit.

A. Eligibility Criteria

Discharges covered by this General Permit are limited to industrial storm water from boatyard and boat maintenance and repair facilities in the San Diego Region adjacent to surface water, and drydock ballast water from Knight and Carver Yachtcenter’s floating drydock. Boatyards eligible for coverage under this General Permit are summarized in Table F-2.

Table F-2. Eligible Boatyards in the San Diego Region

Dischargers	NPDES Number
Driscoll Custom Boats	CA0109061
Knight and Carver Yachtcenter	CA0109088
Koehler Kraft Company, Inc.	CA0109096
Nielsen and Beaumont Marine	CA0109100
Shelter Island Boatyard	CA0109118
The Marine Group, LLC (Formerly, Southbay Boat Yard)	CA0109126
Dana Point Shipyard	CA0109312
Driscoll Mission Bay, LLC	CA0109291
Oceanside Marine Centre Inc.	CA0109304

Other boatyards and boat maintenance and repair facilities located within the San Diego Region may be enrolled under this Order subject to the eligibility criteria described in Section I.A.1 of this Order after submission of a Notice of Intent subject to the discretion of the San Diego Water Board.

B. Notice of Intent Application

Enrollment under this General Permit is initially limited to those discharges described in section II.A of this Fact Sheet. Report of waste discharges submitted for the renewal of each facility’s individual Order have been used to determine eligibility and enrollment under this General Permit.

Any person proposing to discharge pollutants in storm water runoff from a boatyard or a boat maintenance and repair facility not identified in Table F-2 above shall file a Notice of Intent (NOI)(Attachment C) with filing fee and obtain authorization from the San Diego Water Board prior to initiating the discharge.

C. Coverage

Coverage will be effective for the boatyards identified in Table F-2 above upon the effective date of this Order. Coverage for boatyards or boat maintenance and repair facilities not identified in Table F-2 will be effective when the San Diego Water Board issues the Discharger a Notice of Enrollment (NOE) which may include additional or increased monitoring or other facility specific requirements due to site specific circumstances of the discharge or facility. The effective enrollment date will be specified in the NOE and the Discharger is authorized to discharge starting on the date specified in the NOE.

D. Termination of Discharges

Dischargers shall submit a written request referred to as a “Notice of Termination (NOT)” to the San Diego Water Board when coverage under this General Permit is no longer required. Discharger eligibility for termination can be established under the following conditions:

1. A new owner or operator has taken over responsibility for the facility; or
2. The Discharger has ceased operations at the facility, there are not or no longer will be discharges of storm water associated with boatyard and boat maintenance and repair operations from the facility; or
3. The Discharger has obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

The NOT letter constitutes a notice that the Discharger (and his/her agent) at the site has ceased the discharge of storm water under this General Permit. The NOT should include “Notice of Termination” In the subject line, the Waste Discharge Identification Number (WDID No.) assigned to the Discharger by the San Diego Water Board when enrolled under the General Permit, the name and address of the boatyard or boat maintenance and repair facility, and be signed and dated in accordance with the signatory requirements of the General Permit. The Discharger shall continue to comply with the requirements of this General Permit until the San Diego Water Board approves the NOT. Submittal of a NOT letter does not guarantee termination. Approval of the NOT does not relieve the Discharger’s responsibility for paying any applicable outstanding invoices of annual fees or submitting any outstanding required reports as a result of enrollment under this General Permit.

E. Transferring Ownership

Enrollment under the Order is not transferable. The enrolled Discharger must submit an NOI to the San Diego Water Board in the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the enrolled Discharger. The new succeeding owner or operator must submit an NOI for application of enrollment under this General Permit and obtain authorization from the San Diego Water Board.

F. Discharge Points and Receiving Waters

Under wet weather conditions the potential exists for storm water discharges to surface waters, enclosed bays, harbors, lagoons, estuaries, and/or the ocean. Discharge point(s) are specific to each facility and are summarized in Table 2 of the General Permit.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in the General Permit are based on the requirements and authorities described in this section.

A. Legal Authorities

This Order is issued pursuant to section 402 of the CWA and implementing regulations adopted by the USEPA and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a NPDES permit for point source discharges from the facilities summarized in Table F-2 to surface waters. This General Permit also serves as WDRs pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).

States may request authority to issue general NPDES permits pursuant to 40 CFR section 122.28. On June 8, 1989, the State Water Board submitted an application to the USEPA requesting revisions to its NPDES Program in accordance with 40 CFR 122.28, 123.62, and 403.10. The application included a request to add WDR authority to its approved NPDES Program. On September 22, 1989, the USEPA, Region 9, approved the State Water Board's request and granted authorization for the State to issue general NPDES permits.

40 CFR 122.28 provides for issuance of general permits to regulate a category of point sources if the sources involve the same or substantially similar types of operations; discharge the same type of waste; require the same type of effluent limitations or operating conditions; require similar monitoring; and are more appropriately regulated under a General Permit rather than individual orders.

A general permit for discharges of storm water from boatyards and boat maintenance and repair facilities is an appropriate permitting approach for the following reasons:

1. A general permit is an efficient method to establish the essential regulatory requirements for multiple dischargers with similar operations.
2. A general permit is consistent with USEPA's four-tier permitting strategy, the purpose of which is to use the flexibility provided to the CWA in designing a workable and efficient permitting system.
3. A general permit is designed to provide coverage for a group of related facilities or operations of a specific industry type or group of industries. It is appropriate when the discharge characteristics are sufficiently similar, and a standard set of permit requirements can effectively provide environmental protection and comply with water quality standards for discharges. In most cases, the general permit will provide sufficient and appropriate management requirements to protect the quality of receiving waters from discharges of storm water from boatyards and boat maintenance and repair facilities.

There may be instances where a general permit is not appropriate for a specific discharge. The San Diego Water Board may require a Discharger otherwise covered under the General Permit to apply for an individual permit or apply for coverage under a more specific General Permit if the San Diego Water Board determines that this General Permit does not provide adequate assurance that water quality will be protected, or that there is a site-specific reason why an individual permit should be required.

B. California Environmental Quality Act (CEQA)

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100 through 21177.

C. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plans.** The San Diego Water Board adopted a *Water Quality Control Plan for the San Diego Basin* (hereinafter Basin Plan) on September 8, 1994 that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives. The Basin Plan was subsequently approved by the State Water Resources Control Board (State Water Board) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the San Diego Water Board and approved by the State Water Board. The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan.

In addition, State Water Board Resolution No. 88-63 requires that, with certain exceptions, the San Diego Water Board assigns the municipal and domestic supply use to water bodies that do not have beneficial uses listed in the Basin plans.

The Basin Plan identifies the following beneficial uses of surface waters in the San Diego Region to be protected (not all surface waters have all of the beneficial uses listed below):

- Municipal and domestic supply;
- Agricultural supply;
- Groundwater recharge;
- Freshwater replenishment;
- Hydropower generation;
- Warm freshwater habitat;
- Cold freshwater habitat;
- Inland saline water habitat;
- Estuarine habitat;
- Aquaculture;
- Industrial service and process supply;
- Navigation;
- Contact water recreation;
- Non-contact water recreation;
- Commercial and sport fishing;
- Preservation of rare, threatened or endangered species;
- Marine habitat;
- Migration of aquatic organisms;
- Shellfish harvesting;
- Spawning, reproduction, and/or early development;
- Wildlife habitat;
- Preservation of areas of special biological significance; and
- Mariculture.

In order to protect these beneficial uses, the Basin Plan establishes water quality objectives (for bacterial, physical, chemical, and biological characteristics, and for radioactivity), general requirements for management of waste discharge to the bays/harbors, quality requirements for waste discharges (effluent water quality requirements), discharge prohibitions, and general provisions.

Requirements of this General Permit implement the Basin Plan.

2. California Ocean Plan. The State Water Board adopted the *Water Quality Control Plan for Ocean Waters of California, California Ocean Plan* (Ocean Plan) in 1972 and amended it in 1978, 1983, 1988, 1990, 1997, 2000, 2005, and 2009. The State Water Board adopted the latest amendment on April 21, 2005 and it became effective on February 14, 2006. The Ocean Plan is applicable, in its entirety, to point source discharges to the ocean. The Ocean Plan identifies beneficial uses of ocean waters of the State to be protected as summarized below:

- Industrial water supply;
- Aesthetic enjoyment;
- Non-contact water recreation;
- Preservation and enhancement of Areas of Special Biological Significance (ASBS);
- Fish migration;
- Fish spawning;
- Navigation;
- Water contact recreation;
- Ocean commercial and sport fishing;
- Preservation and enhancement of rare and endangered species
- Marine habitat;
- Shellfish harvesting;
- Mariculture.

Although not directly applicable to the discharges eligible for coverage under this General Permit, Table A of the Ocean Plan has historically been used to develop appropriate technology-based effluent limitations for discharges to San Diego Bay by the San Diego Water Board. This Order carries over technology-based effluent limitations for Knight and Carver Yachtcenter's floating drydock based on Table A of the Ocean Plan. Further, since the receiving waters for the facilities eligible for coverage under this General Permit share strong hydraulic connections with the Ocean, and share many of the same characteristics of the Ocean, requirements and water quality objectives have been established as necessary to protect the beneficial uses of the ocean.

- 3. Thermal Plan.** The State Water Board adopted a Water Quality Control Plan for Control Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for coastal and interstate waters and enclosed bays and estuaries.

4. National Toxics Rule (NTR) and California Toxics Rule (CTR)

USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About 40 priority pollutant criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new priority pollutant criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants which are discharged to inland surface waters, bays, and estuaries.

5. State Implementation Policy (SIP)

On March 2, 2000 the State Water Board, in Resolution No. 2000-15, adopted a Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP). The Implementation Policy establishes:

- a.** implementation provisions for priority pollutant criteria promulgated by the USEPA through the NTR and the CTR, and for priority pollutant objectives established in the Basin Plan;
- b.** monitoring requirements for 2,3,7,8-TCDD (tetrachlorodibenzo-p-dioxin) equivalents; and
- c.** chronic toxicity control provisions.

The CTR regulations and the SIP are applicable to discharges described in this General Permit. It is the dischargers responsibility to provide all data and other information requested by the San Diego Water Board for use in determining whether

the proposed discharge may cause, have a reasonable potential to cause, or contribute to an excursion above any applicable priority pollutant criterion or objective. A reasonable potential analysis of the submitted data is required to determine which priority pollutants require effluent limitations.

The procedures established in the SIP are not applicable to the discharge of storm water runoff. For this General Permit, the application of the SIP is specific to the discharge of ballast water from the Knight and Carver Yachtcenter, Inc. floating drydock.

- 6. Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes (40 CFR 131.21, 65 Fed. Reg. 24641 (April 27, 2000)). Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.
- 7. Antidegradation Policy.** 40 CFR 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 No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 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 131.12 and State Water Board Resolution No. 68-16.
- 8. Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and 40 CFR 122.44(l) prohibit 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.
- 9. Monitoring and Reporting Requirements.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the regional boards to require technical and monitoring reports. The MRP establishes monitoring and reporting requirements to implement federal and State requirements. This MRP is provided as Attachment E.
- 10. Vessel General Permit.** USEPA signed the 2008 Vessel General Permit (VGP) on December 18, 2008. The VGP became effective on February 6, 2009. The VGP

regulates discharges incidental to the normal operation of vessels operating in a capacity as a means of transportation. Vessels in a dry dock are not operating in a capacity as a means of transportation and are not covered by the VGP. Floating dry docks have been determined to be operating as a means of transportation when it is docking or undocking a vessel inclusive of the transition from that operation. Discharges from vessels at the Facility which are not operating as a means of transportation are regulated by this Order. Discharges at the Facility that are regulated by the VGP are not regulated by this Order.

D. Impaired Water Bodies on CWA 303(d) List

The CWA requires States to identify and make a list of surface water bodies that are polluted. These water bodies, referred to in law as “water quality limited segments,” do not meet water quality standards even after discharges of wastes from point sources have been treated by the minimum required levels of pollution control technology. Wastewater treatment plants, a city’s storm drain system, or a boatyard, are a few examples of point sources that discharge wastes to surface waters. States are required to compile the water bodies into a list, referred to as the “Clean Water Act Section 303(d) List of Water Quality Limited Segments” (303(d) List). States must also prioritize the water bodies on the list and develop actions plans, called total maximum daily loads (TMDLs) to improve water quality.

On November 12, 2010, USEPA gave final approval to California's 2010 section 303(d) List of Water Quality Limited Segments, as it pertains to the San Diego Region. Surface waters listed on the 303(d) list that require a TMDL and receive discharges from existing boatyards and boat maintenance and repair facilities are: (1) Dana Point Harbor listed for copper, toxicity, and zinc; (2) Oceanside Harbor listed for copper; (3) Mission Bay Quivera Basin listed for copper; (4) San Diego Bay listed for polychlorinated byphenyls; and (5) San Diego Bay, America’s Cup Harbor, listed for copper.

On February 9, 2005, the San Diego Water Board adopted a Basin Plan amendment incorporating the *Dissolved Copper Shelter Island Yacht Basin, San Diego Bay TMDL (Resolution R9-2005-0019)*. The TMDL was subsequently approved by the State Water Board on September 22, 2005, by the Office of Administrative Law on December 2, 2005, and by USEPA on February 8, 2006. The Shelter Island Boatyard is the only boatyard maintenance and repair facility eligible for coverage under General Permit that may discharge to the Shelter Island Yacht Basin. The TMDL does not assign a WLA to the Shelter Island Boatyard or to industrial storm water discharges, but neither does it explicitly exclude such discharges.

The Shelter Island Boatyard operates on-site storage tanks and BMPs to retain storm water on-site and is approved to discharge limited volumes of storm water to the municipal sanitary sewer. According to the report of waste discharge submitted by the Shelter Island Boatyard on December 8, 2010, the boatyard has not discharged storm water to surface waters in approximately 22 years.

The NALs described in section V.A and C of this Order are more stringent than the benchmarks contained in the previous individual order issued to the Shelter Island Boatyard (R9-2005-0152). It is anticipated that the NALs will further incentivize the Shelter Island Boatyard to continue to avoid discharge to the Shelter Island Yacht Basin. Further, it is noted that the TMDL establishes a 17-year implementation plan terminating on February 8, 2023. Therefore, the need for additional measures to be consistent with the TMDL, if any, may be assessed during future permitting cycles and implementation measures.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations in the CFR: 40 CFR 122.44(a) requires that permits include applicable technology-based limitations and standards; and 40 CFR 122.44(d) requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water.

Shortly after the passage of the CWA, the USEPA promulgated regulations exempting most storm water discharges from the NPDES permit requirements. (40 CFR 125.4 (1975); see also *Natural Resources Defense Council v. Costle* (D.C. Cir. 1977) 568 F.2d 1369, 1372 (Costle); *Defenders of Wildlife v. Browner* (9th Cir. 1999) 191 F.3d 1159, 1163 (Defenders of Wildlife).) When environmental groups challenged this exemption in federal court, the District of Columbia Court of Appeals invalidated the regulation, holding that the USEPA “does not have authority to exempt categories of point sources from the permit requirements of [CWA] § 402.” (Costle, 568 F.2d at 1377.) The Costle court rejected the USEPA’s argument that effluent-based storm sewer regulation was administratively infeasible because of the variable nature of storm water pollution and the number of affected storm sewers throughout the country. (Id. at 1377-82.) Although the court acknowledged the practical problems relating to storm sewer regulation, the court found the USEPA had the flexibility under the CWA to design regulations that would overcome these problems. (Id. at 1379-83.) In particular, the court pointed to general permits and permits based on requiring BMPs.

During the next 15 years, the USEPA made numerous attempts to reconcile the statutory requirement of point source regulation with the practical problem of regulating possibly millions of diverse point source discharges of storm water. (See *Defenders of Wildlife*, 191 F.3d at 1163; see also Gallagher, *Clean Water Act in Environmental Law Handbook* (Sullivan, edit., 2003) p. 300 (Environmental Law Handbook); Eisen, *Toward a Sustainable Urbanism: Lessons from Federal Regulation of Urban Storm Water Runoff* (1995) 48 Wash. U.J. Urb. & Contemp. L.1, 40-41 [Regulation of Urban Storm Water Runoff].)

In 1987, Congress amended the CWA to require NPDES permits for storm water discharges. (See CWA § 402(p), 33 U.S.C. § 1342(p); 191 F.3d at 1163; *Defenders of*

Wildlife, Natural Resources Defense Council v. USEPA (9th Cir. 1992) 966 F.2d 1292, 1296.) In these amendments, enacted as part of the Water Quality Act of 1987, Congress distinguished between industrial and municipal storm water discharges. With respect to industrial storm water discharges, Congress provided that NPDES permits "shall meet all applicable provisions of this section and section 1311 [requiring the USEPA to establish effluent limitations under specific timetables]." (CWA § 402(p)(3)(A), 33 U.S.C. § 1342(p)(3)(A); see also Defenders of Wildlife, 191 F.3d at 1163-64.)

In 1990, USEPA adopted regulations specifying what activities were considered "industrial" and thus required discharges of storm water associated with those activities to obtain coverage under NPDES permits. (55 Fed. Reg. 47,990 (1990); 40 CFR 122.26(b)(14).) Ship and boat building and repair activities, deemed a subset of the industrial activities category, must be regulated by an NPDES permit. (40 CFR 122.26(b)(14)).

The CWA and the USEPA's regulations provide states with the discretion to formulate permit terms, including specifying BMPs, to achieve strict compliance with federal technology-based and water quality-based standards. (Natural Resources Defense Council v. USEPA (9th Cir. 1992) 966 F.2d 1292, 1308.) Accordingly, this General Permit establishes specific BMPs as well as numeric action levels (NALs) in order to achieve these minimum federal standards. In addition, the General Permit requires a SWPPP to be developed and implemented consistent with Attachment H.

A. Discharge Prohibitions

Discharge prohibitions contained in this General Permit are a combination of discharge prohibitions included in the individual permits for the boatyards and boat maintenance and repair facilities that are eligible for enrollment under this General Permit. These discharge prohibitions are necessary to ensure compliance with applicable water quality objectives, conditions of applicable water quality plans, and ensure proper implementation of BMPs.

1. Discharge Prohibitions III.A, III.C, III.H prohibit the discharge of specific industrial discharges not authorized under this General Permit and is consistent with the requirements of the Enclosed Bays and Estuaries Policy.
2. Discharge Prohibition III.B prohibits the discharge of the first flush (first 0.1 inch of rainfall) from industrial portions of the facilities. Waste discharges from vessel repair and maintenance activities can cause high concentrations of copper, zinc, other metals, oil and grease, and solids within storm water runoff that can have toxic or negative effects on aquatic life. This discharge prohibition is consistent with previous individual NPDES permit requirements for the eligible facilities, and is representative of the technology-based requirements of the CWA (BAT/BCT) at the eligible facilities.
3. Discharge Prohibitions III.D, III.F, III.G, implement requirements of the Basin Plan and Ocean Plan.

4. Discharge Prohibition III.E is consistent with requirements of previous individual NPDES permits for the eligible facilities and is based on 40 CFR 122.21(a), duty to apply, and CWC section 13260, which requires filing an application and Report of Waste Discharge before discharges can occur. Discharges not described in the permit application and Report of Waste Discharge, and subsequently not considered for coverage under this General Permit, are prohibited.
5. Discharge Prohibition III.I is based on 40 CFR 122.21(a), duty to apply, and CWC section 13260, which requires filing an application and Report of Waste Discharge before discharges can occur. Discharges not described in the permit application and Report of Waste Discharge, and subsequently not considered for coverage under this General Permit, are prohibited.
6. Discharge Prohibition III.J is based on requirements in Order No. R9-2010-0096, which prohibited the discharge of anything other than San Diego Bay water from the ballast tanks of the floating drydock located at Knight and Carver Yachtcenter, Inc. (Diligence) including sediment, chlorine, biocides, or other maintenance byproducts.

B. Technology-Based Effluent Limitations

1. Scope and Authority

Section 301(b) of the CWA and implementing USEPA permit regulations at 40 CFR 122.44 require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this General Permit must meet minimum federal technology-based requirements based on Best Professional Judgment (BPJ) in accordance with 40 CFR 125.3. The CWA requires that technology-based effluent limitations be established based on several levels of controls:

- a. Best practicable treatment control technology (BPT) represents the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.
- b. Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.
- c. Best conventional pollutant control technology (BCT) represents the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering the “cost reasonableness” of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.

- d. New source performance standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires USEPA to develop ELGs representing the application of BPT, BAT, BCT, and NSPS. Section 402(a)(1) of the CWA and 40 CFR 125.3 authorize the use of BPJ to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the permit writer must consider specific factors outlined in 40 CFR 125.3.

Further, Table A of the Ocean Plan establishes technology-based requirements for conventional pollutants (suspended and settleable matter, oil and grease, turbidity, and pH) for industrial dischargers for which effluent limitations guidelines have not been established. Order No. R9-2010-0096 established effluent limitations for oil and grease, settleable solids, turbidity, and pH for the discharge of ballast water from the Knight and Carver Yachtcenter's floating drydock.

2. Applicable Technology-Based Effluent Limitations

The San Diego Water Board has determined that storm water discharges are most appropriately controlled by BMPs. The inclusion of BMPs as requirements in NPDES permits is authorized by CWA Section 304(e); and in accordance with NPDES regulations at 40 CFR 122.44(k). BMPs employed by the eligible dischargers shall be defined in a SWPPP. To assure proper implementation of BMPs, this General Permit establishes Numeric Action Levels (NALs), with a tiered compliance strategy, consistent with the direction of the State Water Board. Compliance with appropriate implementation of BMPs (and implementation of BAT/BCT) is determined based on NALs.

Pollutants of concern associated with storm water discharges from boatyards and boat repair and maintenance facilities includes BOD, copper, pH, total suspended solids, oil and grease, TOC, and zinc. The San Diego Water Board has determined that these pollutants represent a set of indicator parameters sufficient to determine the proper implementation of BMPs. As such, this General Permit establishes NALs for BOD, copper, pH, total suspended solids, oil and grease, TOC, and zinc.

Consistent with the draft State-wide Storm Water General Permit (dated January 28, 2011), this permit has established NALs based on USEPA benchmarks listed in its industrial Multi-Sector General Permit for storm water. The San Diego Water Board finds that the USEPA benchmarks serve as an appropriate set of technology-based effluent limitations that demonstrate compliance with BAT/BCT.

Consistent with the direction of the State Water Board in State-wide Construction Storm Water General Permit (Order No. 2009-0009, as amended by 2010-0014; adopted September 2, 2009, as modified on November 16, 2010), this General

Permit requires all treatment BMPs to be designed for no less than a 5-year, 24-hour storm event.

Because pollutants contained within storm water may negatively impact the receiving water if not properly controlled, and NALs are technology-based and not necessarily protective of water quality, corrective actions for receiving water limitation violations have also been included within the Order.

Technology-based effluent limitations for the Knight and Carver floating drydock were established in Order No. R9-2010-0096 for oil and grease, settleable solids, turbidity, and pH, based on Table A of the Ocean Plan. These effluent limitations have been established in this General permit for discharges of ballast water from the Knight and Carver Yachtcenter floating drydock based on Order No. R9-2010-0096 and are summarized below.

Table F-3. Technology-based Effluent Limitations for the Discharge of Ballast Water from the Knight and Carver Yachtcenter, Inc. Floating Drydock

Parameter	Units	Effluent Limitations		
		Average Monthly	Weekly Average	Instantaneous Maximum
Oil and Grease	mg/L	25	40	75
Settleable Solids	ml/L	1.0	1.5	3.0
Turbidity	NTU	75	100	225
pH	Standard Units	--	--	1

¹ Discharges shall be between 7.0 and 9.0 at all times.

C. Water Quality-Based Effluent Limitations (WQBELs)

WQBELs have been derived to implement WQOs that protect beneficial uses. Both the beneficial uses and the WQOs have been approved pursuant to federal law. USEPA also approved the SIP procedures for calculating individual WQBELs for discharges to inland surface waters (including enclosed bays and estuaries) prior to May 1, 2001. USEPA approved the Basin Plan provisions for calculating WQBELs on May 29, 2000. Most beneficial uses and Basin Plan WQOs were approved under State law and submitted to and approved by USEPA prior to May 30, 2000. Any WQOs and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless “applicable water quality standards for purposes of the [Clean Water] Act” pursuant to 40 CFR 131.21(c)(1). Collectively, this General Permit’s restrictions on individual pollutants are no more stringent than those required by CWA water quality standards.

1. Scope and Authority

As specified in 40 CFR section 122.44(d)(1)(i), permits are required to include WQBELs for pollutants (including toxicity) that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an excursion above

any state water quality standard. The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan, achieve applicable water quality objectives and criteria contained in state plans and policies, and meet water quality criteria in the CTR and NTR.

The procedures contained within the SIP for determining reasonable potential and calculating WQBELs are not applicable to the discharge of industrial storm water.

2. **Applicable Beneficial Uses and Water Quality Criteria and Objectives**

The Basin Plan, Ocean Plan, and Thermal Plan designate beneficial uses, establish water quality objectives, and contain implementation programs and policies to achieve those objectives for all waters.

- a. **Basin Plan.** The designated beneficial uses of surface waters throughout the State are summarized in section III.C.1 of this Fact Sheet. The Basin Plan establishes water quality objectives for conventional, non-conventional, and toxic pollutants based on these designated beneficial uses.
- b. **Ocean Plan.** The beneficial uses of the Pacific Ocean are summarized in section III.C.2 of this Fact Sheet.
- c. **Thermal Plan.** The Thermal Plan establishes water quality objectives for inland and coastal waters throughout the State.
- d. **SIP.** The SIP specifies procedures for the implementation of CTR/NTR water quality criteria for the discharge of non-storm water discharges to inland surface waters and enclosed bays and estuaries. The procedures specified in the SIP are not applicable to the discharge of storm water from boatyards and boat maintenance and repair facilities. At the time of drafting this General Permit, no discharges regulated under an NPDES Permit have occurred from the Knight and Carver Yachtcenter, Inc. floating drydock. Thus, representative effluent data for the discharge of ballast water from the Knight and Carver Yachtcenter, Inc. floating drydock were not available to conduct an RPA. Monitoring requirements have been established for future permitting efforts. Further, a chronic effluent limitation has been established to evaluate compliance with water quality objectives over the term of this General Permit.

3. **Determining the need for WQBELs**

- a. The Basin Plan establishes a narrative water quality objective for toxicity. Materials and operations on-site at boatyards and boat maintenance and repair facilities may contribute to toxicity within storm water runoff. Further, previous individual NPDES permits for boatyards and boat maintenance and repair facilities eligible for coverage under this General Permit included effluent limitations for acute toxicity to assure compliance with water quality standards.

As discussed in section IV.C.5 of this Fact Sheet, effluent limitations for whole effluent toxicity have been established in this General Permit for the discharge of storm water.

Order No. R9-2010-0096 established an effluent limitation for chronic toxicity for the discharge of ballast water from the Knight and Carver Yachtcenter floating drydock. This General Permit carries over the reasonable potential for chronic toxicity for the discharge of ballast water from the Knight and Carver Yachtcenter, Inc. floating drydock. However, the previous chronic effluent limitation was based on the water quality objectives contained in the Ocean Plan. The chronic toxicity effluent limitation established in this General Permit has been established based on the narrative water quality objectives of the Basin Plan, which are directly applicable to this discharge and consistent with the effluent limitation established for storm water discharges. The revised chronic toxicity effluent limitation is considered at least as stringent as the previous chronic toxicity effluent limitation for the Knight and Carver Yachtcenter, Inc. floating drydock, and is thus consistent with State and federal anti-backsliding regulations.

- b. This General Permit establishes effluent limitations for the discharge of ballast water from the Knight and Carver Yachtcenter floating drydock based on the requirements of the Thermal Plan based on section 4.B.(1) and is consistent with effluent limitations previously established for the Knight and Carver Yachtcenter, Inc. floating drydock.

4. WQBEL Calculations – Not applicable

5. Whole Effluent Toxicity (WET)

The Basin Plan defines toxicity as the adverse response of organisms to chemicals or physical agents. Further, the Basin Plan establishes a narrative water quality objective for toxicity:

“All waters shall be maintained free of toxic substances in concentrations that are toxic, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.”

The previous individual orders issued to the 9 eligible boatyards established acute toxicity effluent limitations for storm water discharges. The application of chronic toxicity monitoring and effluent limitations for storm water runoff are more desirable than acute toxicity because chronic toxicity is more conservative and provides a better indicator of chronic effects to organisms in the receiving water, other than percent survival. Chronic effects, such as detrimental physiological responses (affecting fertilization, growth, reproduction) may be present, even when acute effects such as the death of an organism are not apparent. The use of chronic toxicity allows for a more accurate determination of the narrative water quality objective, which specifies *“detrimental physiological responses”*. Many detrimental

physiological responses are not addressed when the test is limited to simply percent survival.

Because chronic toxicity is considered to be a more conservative indicator of toxicity, and the monitoring of all storm water and industrial wastewater sample locations for both acute and chronic toxicity would be costly and redundant, the monitoring requirements and effluent limitations for acute toxicity have been removed based on the application of the more conservative chronic toxicity requirements. It is assumed that if the Discharger complies with effluent limitations for chronic toxicity, they will achieve water quality greater than that necessary to achieve compliance with acute toxicity effluent limitations.

Compliance with the Basin Plan's narrative water quality objective for toxicity shall be determined based on the statistical method identified by the Discharger in a report submitted to the San Diego Water Board. The report shall be submitted to the San Diego Water Board no later than 90 days of the effective date of this General Permit or of issuance a Notice of Enrollment for this General permit. Toxicity test compliance is determined by statistical methods that are expressed as biological measurements known as "endpoints." These endpoints are derived from various tests and techniques. The Discharger may consider statistical methods including but not limited to the following:

- a. **Test of Significant Toxicity Method (TST).** The TST was designed to statistically compare a test species response to the in-stream waste concentration (IWC) and a control. Data is analyzed using Welch's t-test and quantal data is appropriately transformed prior to doing so. If the calculated t-value is less than the critical t-value (or table t-value), a sample is declared "toxic" and the test result is a "fail." A sample is deemed "not toxic" and the test result is a "pass" if the calculated t-value is greater than that of the critical t-value.

The biological effect levels (b values) incorporated into the TST define unacceptable risks to aquatic organisms and substantially decrease the uncertainties associated with the applicability of results obtained from the NOEC and LOEC endpoints. Furthermore, the TST reduces the need for multiple test concentrations which, in turn, will reduce laboratory costs for dischargers while concurrently improving data interpretation. The most significant improvement the TST offers over that of traditional hypothesis testing, however, is the inclusion of an acceptable false negative rate. While calculating a range of percent minimum significant differences (PMSDs) provides an indirect measure of power for traditional hypothesis tests, setting an appropriate β level (or α level using the TST method) establishes explicit test power and provides motivation to decrease within-test variability which will significantly reduce the risk of unreported toxic events (USEPA 2010¹). In addition to its benefits over traditional hypothesis test

¹ U.S. Environmental Protection Agency, 2002a. Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (5th Edition). EPA 821-R-02-012. Washington, DC: Office of Water.

methods, the TST is simpler to use than point estimate methods as it is less computationally intensive and not model-fit dependent (Grothe et al. 1995²).

Taken together, these refinements simplify toxicity analyses, provide dischargers with the positive incentive to generate high quality data, and afford greater protection to aquatic life.

b. Other Hypothesis Test Methods

i. Pass/Fall

A multi-step pathway is used to identify chronic or acute toxicity in a single-concentration effluent test design. Analysis begins by transforming the raw data (expressed as the proportion unaffected) by the arcsine square root transformation. This calculation is commonly used on proportionality data to stabilize the variance and satisfy the normality requirement, which is typically completed with the Shapiro-Wilk test. If the data set does not meet the normality requirements, the non-parametric Wilcoxon Rank Sum Test can be used to analyze the data. If the data is normal, an F-test is performed to determine the homogeneity of variance. Should the data exhibit homogeneity, a normal t-test will be used for evaluation. If the data is not homogeneous, a modified t-test (where the pooled variance is adjusted for equal variance) is used (USEPA 2002a).

ii. No Observable Adverse Effect Concentrations (NOAEC)

This method is used for multi-concentration acute toxicity tests with an equal number of replicates per treatment. The NOAEC endpoint is determined from Dunnett's test if the data is parametric, or Steel's Many-One Rank test if the data is non-parametric. Data is transformed to arcsine and then put through various tests to determine normality and homogeneity (USEPA 2002a). (Note: the statistical procedures are identical to the calculation of the NOEC and LOEC endpoints.

iii. No Observed Effect Concentration (NOEC) and Lowest Observed Effect Concentration (LOEC)

The NOEC endpoint can be derived for multi-concentration chronic toxicity tests. Similar to the NOAEC, the NOEC is calculated using Dunnett's Procedure or Bonferroni's adjustment for multiple comparisons when an unequal number of replicates are used. If normality assumptions are not met, Steel's Many-one Rank Test is used in place of Dunnett's Procedure, and the Wilcoxon Rank Sum test is paired with Bonferroni's adjustment. The NOEC endpoint is obtained from the highest concentration of an effluent that does not cause an observable, adverse effect on the test organisms. Derived in

² Grothe DR, Dickson KL, Reed-Judkins DK. 1996. Whole Effluent Toxicity Testing: an Evaluation of Methods and Prediction of Receiving System Impacts. SETAC Pellston Workshop on Whole Effluent Toxicity; 1995 Sept 16-25; Pellston, MI. Pensacola FL: SETAC Pr.

conjunction with the NOEC, the LOEC denotes the lowest concentration of effluent at which the test species are adversely affected (USEPA 1991; USEPA 2002a; USEPA 2002b³). Results are typically reported as chronic or acute “Toxicity Units” (denoted as TUC and TUA respectively) that are calculated by dividing 100 by the NOEC.

c. Point Estimate Methods

i. Effect Concentrations (EC)

The Effect Concentration refers to a quantity of treatment at which a certain percentage of a given number of test species exhibit a negative quantal response (e.g. death or immobilization). This percentage, established in a Discharger’s permit, is denoted in the acronym, (e.g. 25% is represented as EC25). The EC is useful for a multiconcentration toxicity test and is evaluated using point estimate techniques. This method is akin to a linear regression, but rather than exhibiting a linear fit, the data is incorporated using a log-normal function. Due to the complexity of this method, a Probit software program is typically utilized for data that fits the required parameters.

The Spearman-Karber, Trimmed Spearman-Karber, and Graphical methods may be used in place of Probit for data sets that exhibit specific characteristics (USEPA 2002b).

ii. Lethal Concentrations (LC)

The Lethal Concentration endpoint measures the quantity of an effluent that causes death in a predetermined percentage of test organisms. Similar to the EC, this quantity is identified in the acronym. Probit software is frequently utilized to perform the difficult calculations required for the LC endpoint. Acute toxicity data that neither meets the normality assumption nor contains at least two mortalities, however, cannot be entered into a Probit analysis. For these data sets, the Spearman-Karber, Trimmed Spearman-Karber, and Graphical methods are employed (Denton et al. 20074).

iii. Inhibition Concentration (IC)

Used to measure the chronic, non-quantal effects of a discharge, the Inhibition Concentration is computed from the actual effluent dilutions at which negative impacts were observed. Akin to the EC and LC, the formula for calculating the IC (Linear Interpolation) is dependent upon the characteristics of the available data, and the percentage of test organisms affected by an effluent sample is also designated in the acronym. As with all point estimate techniques, intra-laboratory and inter-laboratory variability can

³ U.S. Environmental Protection Agency. 2002b. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (4th Edition). EPA 821-R-02-013. Washington, DC: Office of Water

⁴ Denton DL, Miller JM, Stuber RA. 2007. EPA Regions 9 and 10 Toxicity Training Tool. Nov 2007. San Francisco, CA: U.S. Environmental Protection Agency

be determined by calculating the coefficient of variation (CV) percentage (USEPA 1991⁵; USEPA 2002b).

The selected statistical method for analyzing effluent toxicity data shall be implemented subject to the approval of the San Diego Water Board.

D. Final Effluent Limitations

1. Satisfaction of Anti-Backsliding Requirements

The effluent limitations and prohibitions contained within this General Permit are at least as stringent as those contained in the previous Orders for the individual dischargers eligible for coverage under this General Permit. This permit complies with all applicable federal and State anti-backsliding regulations.

2. Satisfaction of Antidegradation Policy

The requirements of this General Permit conform with federal and State antidegradation policies provided at 40 CFR 131.12 and in State Water Board Resolution No. 68-16. Discharges in conformance with the requirements of this General permit will not result in a lowering of water quality and therefore conform to antidegradation requirements specified in Resolution No. 68-16, which incorporates the federal antidegradation policy at 40 CFR 131.12 where, as here, it is applicable.

3. Satisfaction of Antidegradation Policy

Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless “applicable water quality standards for purposes of the CWA” pursuant to section 131.21(c)(1). Collectively, this General Permit’s restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

Final effluent limitations are summarized below:

a. Storm water

Discharges shall not contain substances toxic to aquatic life. Compliance with this effluent limitation shall be determined as specified in sections III and IV of the MRP.

b. Ballast Water from the Knight and Carver Yachtcenter Floating Drydock

⁵ U.S. Environmental Protection Agency). 1991. *Technical Support Document for Water Quality-based Toxics Control*. EPA/505/2- 90-001. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

Table F-4. Knight and Carver Yachtcenter Ballast Water Effluent Limitations

Parameter	Units	Effluent Limitations		
		Average Monthly	Weekly Average	Instantaneous Maximum
Oil and Grease	mg/L	25	40	75
Settleable Solids	ml/L	1.0	1.5	3.0
Turbidity	NTU	75	100	225
pH	Standard Units	--	--	1
Temperature	°F	--	--	2
Chronic Toxicity	Pass/Fail	--	--	3

¹ Discharges shall be between 7.0 and 9.0 at all times.

² Discharges shall not be greater than 20°F over the natural temperature of the receiving water at any time.

³ Discharges shall not contain substances toxic to aquatic life. Compliance with this effluent limitation shall be determined as specified in section III.A.2 of the MRP.

c. Numeric Action Levels (NAL)

In addition to toxicity effluent limitations for storm water, NALs have been established and are summarized below.

Table F-5. Numeric Action Levels

Parameter	Test Method	Detection Limit ¹	Reporting Units	Daily NAL Value (2.5X Annual NAL)	Annual NAL Value
pH ¹	Field Test with Calibrated Portable Instrument		s.u.	5.5-9.5	6.0-9.0
Total Suspended Solids (TSS) ¹	EPA 160.2 SM2540-D	1	mg/L	250	100
Total Oil & Grease (TOG) ¹	EPA 413.2 or EPA 1664	1	mg/L	37.5	15
Zinc, Total Recoverable	EPA 200.8	0.0005	mg/L	0.65**	0.26**
Copper, Total Recoverable	EPA 200.8	0.0005	mg/L	0.083**	0.0332**
Lead, Total Recoverable	EPA 200.8	0.0005	mg/L	0.655**	0.262**
Chemical Oxygen Demand	SM 5220C	1	mg/L	300	120
Biochemical Oxygen Demand	SM 5210B	3	mg/L	75	30

SM – Standard Methods for the Examination of Water and Wastewater, 18th edition

EPA – EPA test methods

¹ Test methods with lower detection limits may be necessary when discharging to impaired water bodies.

**The NAL is the highest value used by USEPA based on their hardness table in the 2008 Multi Sector General Permit.

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

Receiving water limitations of this General Permit are derived from the water quality objectives for enclosed bays and estuaries established by the Basin Plan, Sediment Quality Plan, and other applicable water quality control plans and policies.

Typical boatyard operations are in close proximity to receiving waters and create the potential for discharge to surface waters via waterborne runoff from impervious surfaces, airborne transport of particulates, and via accidental/illicit pollutant releases from spills or otherwise. Some work at boatyards is also conducted on vessels that remain in, or are returned to the receiving water. This topside or interior work may also result in discharges of wastes or pollutants such as particulates from abrasive blasting, sanding, or spilled paints/solvents to receiving waters.

BMPs implemented by the boatyard industry in San Diego prior to the 1990s were deficient in many respects and led to excessive discharges of waste to San Diego Bay which lead to cleanup and abatement orders for metals in the sediment. BMPs have improved much since the 1990s, but inadequate implementation of BMPs could lead to polluted sediment. This potential for discharge and past elevated sediment concentrations demonstrates that there is reasonable potential to cause or contribute to an exceedance of the sediment quality objectives which have been included as receiving water limitations.

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the San Diego Water Board to require technical and monitoring reports. The MRP (Attachment E) of this General Permit establishes monitoring and reporting requirements to implement federal and State requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this Facility.

A. Effluent Monitoring

Dischargers are required to conduct monitoring of the permitted discharge in order to determine compliance with permit conditions. Monitoring requirements are given in the Monitoring and Reporting Program (Attachment E) of this General Permit. This provision requires compliance with the monitoring and reporting program, and is based on 40 CFR 122.44(i), 122.62, 122.63 and 124.5. A MRP is a standard requirement in almost all NPDES permits (including the proposed Order) issued by the San Diego Water Board. In addition to containing definitions of terms, it specifies general sampling/analytical protocols and the requirements of reporting of spills, violations, and routine monitoring data in accordance with NPDES regulations, the California Water Code, and San Diego Water Board's policies. Pollutants to be monitored include all pollutants for which effluent limitations or NALs are specified or that may otherwise be necessary to characterize effluents and determine impacts to the receiving water.

Further, this General Permit establishes monitoring twice during the permit term for all CTR priority pollutants for the discharge of ballast water from the Knight and Carver Yachtcenter, Inc. floating drydock as necessary to determine reasonable potential as specified within the SIP.

B. Whole Effluent Toxicity Testing Requirements

As described in section IV.C.5. of this Fact Sheet, annual WET testing is required by this General Permit to determine compliance with the effluent limitation for chronic toxicity.

C. Receiving Water Monitoring

1. Receiving Water and Sediment Monitoring

The State Water Board's Water Quality Control Plan for Enclosed Bays and Estuaries of California – Part 1 Sediment Quality (Sediment Quality Plan) became effective on August 25, 2009. This plan establishes sediment quality objectives, beneficial uses that these objectives are intended to protect, and a program of implementation including monitoring and analysis requirements. This Order establishes monitoring and analysis requirements consistent with the Sediment Quality Plan.

This General Permit requires the Discharger to conduct receiving water and sediment monitoring individually, or by participating in a monitoring coalition with a group of boatyards or other existing monitoring coalition such as the Regional Harbor Monitoring Program (RHMP). (The RHMP refers to a monitoring coalition developed by the Port of San Diego, City of San Diego, City of Oceanside, and County of Orange to monitor general water quality and condition of aquatic life in San Diego Bay, Mission Bay, Oceanside Harbor and Dana Point Harbor.)

D. Other Monitoring Requirements

1. Compliance Certifications

This General Permit requires dischargers to submit annual and quarterly certifications indicating compliance with applicable discharge prohibitions and provisions of this General Permit. This requirement is consistent with requirements contained in previous individual NPDES permits for the eligible dischargers and is necessary to evaluate compliance with the conditions of this General Permit.

2. Spill / Illicit Discharge Log

Section X of this General Permit requires the implementation of a SWPPP. Further, this General Permit contains prohibitions for certain discharges associated with industrial activity within boatyards. Dischargers are required to maintain and submit

a Spill/Illicit Discharge Log to assist in determining compliance with the requirements of this General Permit. This requirement is consistent with requirements contained in previous individual NPDES permits for the eligible dischargers and is necessary to evaluate compliance with the conditions of this General Permit.

3. Storm Water and Non-storm Water Monitoring

Section X of this General Permit requires the implementation of a SWPPP. Further, this General Permit establishes NALs. Storm water and non-storm water monitoring is necessary to evaluate the effective implementation of the Dischargers' SWPPP and determine compliance with NALs.

4. Knight and Carver Yachtcenter, Inc. Floating Drydock Requirements

Section X of this General Permit requires the implementation of a SWPPP which are both applicable to activities occurring on the Knight and Carver Yachtcenter Floating Drydock. These reporting requirements are necessary to determine compliance with the implementation of these plans. These requirements are consistent with the requirements established in their previous NPDES permit.

E. Reporting Requirements

1. Self-Monitoring Reports and California Integrated Water Quality System (CIWQS)

At any time during the term of this permit, the State Water Board or San Diego Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). Until such notification is given, the Discharger shall submit an electronic copy of the SMR on a CD to the San Diego Water Board Office.

CIWQS is one of the Water Boards' primary regulatory information tracking systems. It is a web-based relational database for core regulatory data for use by staff, management, and the public, and it allows the regulated community to submit certain types of information to the Water Boards in compliance with adopted orders.

2. Discharge Monitoring Reports (DMRs)

Currently, only major Dischargers are required to submit discharge monitoring reports (DMRs), in addition to self-monitoring reports. The facility regulated by this Order has been classified by USEPA and the San Diego Water Board as a minor discharge and therefore is currently not required to submit DMRs. However, DMRs can be required from any discharger regardless of the major/minor designation. USEPA may be requiring DMRs from all Dischargers in electronic or paper form in the future.

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D to the Order.

40 CFR 122.41(a)(1) and (b) through (n) establish conditions that apply to all State-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. 40 CFR 123.25(a)(12) allows the State to omit or modify conditions to impose more stringent requirements. In accordance with 40 CFR 123.25, this General Permit omits federal conditions that address enforcement authority specified in 40 CFR 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this General Permit incorporates by reference Water Code section 13387(e).

B. Special Provisions

1. Reopener Provisions

This General Permit may be re-opened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR Parts 122, 123, 124, and 125. Similarly, coverage under this General Permit may be revoked or modified. The San Diego Water Board may reopen the permit to modify permit conditions and requirements. Causes for modifications to this General Permit or coverage under this General Permit include the promulgation of new regulations, modification in sludge use or disposal practices, or adoption of new regulations by the State Water Board or San Diego Water Board, including revisions to the Basin Plan.

2. Storm Water Discharge Requirements

Storm water discharge requirements are based on 40 CFR 122(k)(4), which states that BMPs may be required to control or abate the discharge of pollutants when the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA. These requirements are similar to the storm water discharge requirements contained in the previous individual NPDES permits for dischargers eligible for coverage under this General Permit.

This Order requires the Discharger to continue to implement and regularly update a SWPPP as specified in Attachment H.

USEPA's Vessel General Permit (VGP) determined that numeric effluent limitations were infeasible for many vessel discharges. While a vessel is in dry dock at this Facility, some of the discharges regulated by the VGP can continue such as

Seawater Cooling Overboard Discharges (Including Non-Contact Engine Cooling Water; Hydraulic System Cooling Water, Refrigeration Cooling Water). This Order requires that adequate BMPs for vessel cooling water discharges and other vessel discharges be incorporated into the BMP Plan.

3. Special Studies, Technical Reports and Additional Monitoring Requirements

a. Toxicity Reduction Requirements

The Basin Plan contains a narrative toxicity objective that states, “All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.” (Basin Plan at page 3-29.) This provision requires the Discharger to develop an Initial Investigative TRE Workplan in accordance with USEPA guidance which shall include steps the Discharger intends to follow if toxicity is measured above the effluent limitation for toxicity. This provision also includes requirements to initiate the TRE/TIE process if the results of toxicity testing exceed the effluent limitation for chronic toxicity.

4. Other Special Provisions – Not Applicable

VIII. PUBLIC PARTICIPATION

The San Diego Water Board is considering the issuance of WDRs that will serve as an NPDES permit for the Facility. As a step in the WDR adoption process, the San Diego Water Board staff has developed tentative WDRs. The San Diego Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The San Diego Water Board has notified the eligible Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was published in the **<notification type>** on **<DATE>** and posted on the San Diego Water Board web site on **<DATE>**.

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person or by mail to the Executive Office at the San Diego Water Board at the address above on the cover page of this General Permit.

To be fully responded to by staff and considered by the San Diego Water Board, written comments must be received at the San Diego Water Board offices by 5:00 p.m. on **<DATE>**.

C. Public Hearing

The San Diego Water Board will hold a public hearing on the tentative WDRs during its regular board meeting on the following date and time and at the following location:

Date: <DATE>
Time: 9:00 AM
Location: Regional Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Interested persons are invited to attend. At the public hearing, the San Diego Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. The San Diego Water Board Web address is <http://www.StateWaterBoard.ca.gov/rwqcb9> where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the San Diego Water Board regarding the final WDRs. The petition must be submitted within 30 days of the San Diego Water Board's action to the following address:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

E. Information and Copying

The Report of Waste Discharge (RWD), related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the San Diego Water Board by calling (858) 467-2952.

F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the San Diego Water Board, reference this facility, and provide a name, address, and phone number.

G. Additional Information

Requests for additional information or questions regarding this General Permit should be directed to **Kristin Schwall** at **858-467-2345** or **kschwall@waterboards.ca.gov**.

ATTACHMENT G – DISCHARGE PROHIBITIONS CONTAINED IN THE BASIN PLAN

I. Basin Plan Discharge Prohibitions

- A.** The discharge of waste to waters of the State in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance as defined in Water Code section 13050, is prohibited.
- B.** The discharge of waste to land, except as authorized by WDRs of the terms described in Water Code section 13264 is prohibited.
- C.** The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in Water Code section 13376) is prohibited.
- D.** Discharges of recycled water to lakes or reservoirs used for municipal water supply or to inland surface water tributaries thereto are prohibited, unless this San Diego Water Board issues an NPDES permit authorizing such a discharge; the proposed discharge has been approved by the State of California Department of Public Health and the operating agency of the impacted reservoir; and the Discharger has an approved fail-safe long-term disposal alternative.
- E.** The discharge of waste to inland surface waters, except in cases where the quality of the discharge complies with applicable receiving water quality objectives, is prohibited. Allowances for dilution may be made at the discretion of the San Diego Water Board. Consideration would include stream flow data, the degree of treatment provided and safety measures to ensure reliability of facility performance. As an example, discharge of secondary effluent would probably be permitted if stream flow provided 100:1 dilution capability.
- F.** The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned or under the control of the Discharger is prohibited, unless the discharge is authorized by the San Diego Water Board.
- G.** The dumping, deposition, or discharge of waste directly into waters of the State, or adjacent to such waters in any manner which may permit it being transported into the waters, is prohibited unless authorized by the San Diego Water Board.
- H.** Any discharge to a storm water conveyance system that is not composed entirely of storm water is prohibited unless authorized by the San Diego Water Board. [The federal regulations, 40 CFR 122.26(b)(13), define storm water as storm water runoff, snow melt runoff, and surface runoff and drainage. 40 CFR 122.26(b)(2) defines an illicit discharge as any discharge to a storm water conveyance system that is not composed entirely of storm water except discharges pursuant to an NPDES permit and discharges resulting from firefighting activities.] [Section 122.26 amended at 56 FR 56553, November 5, 1991; 57 FR 11412, April 2, 1992].

- I. The unauthorized discharge of treated or untreated sewage to waters of the State or to a storm water conveyance system is prohibited.
- J. The discharge of industrial wastes to conventional septic tank/ subsurface disposal systems, except as authorized by the terms described in Water Code section 13264, is prohibited.
- K. The discharge of radioactive wastes amenable to alternative methods of disposal into the waters of the State is prohibited.
- L. The discharge of any radiological, chemical, or biological warfare agent into waters of the State is prohibited.
- M. The discharge of waste into a natural or excavated site below historic water levels is prohibited unless the discharge is authorized by the San Diego Water Board.
- N. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the State or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.
- O. The discharge of treated or untreated sewage from vessels to Mission Bay, Oceanside Harbor, Dana Point Harbor, or other small boat harbors is prohibited.
- P. The discharge of untreated sewage from vessels to San Diego Bay is prohibited.
- Q. The discharge of treated sewage from vessels to portions of San Diego Bay that are less than 30 feet deep at MLLW is prohibited.
- R. The discharge of treated sewage from vessels, which do not have a properly functioning USCG certified Type 1 or Type II marine sanitation device, to portions of San Diego Bay that are greater than 30 feet deep at MLLW is prohibited.

ATTACHMENT H – STORM WATER POLLUTION PREVENTION PLAN

- A.** A Storm Water Pollution Prevention Plan (SWPPP) shall be developed, implemented, and maintained by the Discharger and incorporated into the Discharger's Best Management Practices (BMP) Plan. The SWPPP shall be designed to comply with Best Available Technology (Best Conventional Technology Currently Achievable (BAT/SCT)) and be certified in accordance with Attachment D, Standard Provisions, Section V.B. The SWPPP shall be retained at the Discharger's facility and must be submitted to the San Diego Water Board Officer by 90 days from the effective date of this Order or issuance of a Notice of Enrollment.
- B.** The San Diego Water Board may notify a Discharger of any deficiencies found in the review of the SWPPP. Within 30 days of receipt of the San Diego Water Board's notification, the Discharger shall submit a time schedule to correct the deficiencies in the SWPPP. After making the required changes, the Discharger shall provide written certification that the changes have been made.
- C.** The Discharger shall amend the SWPPP whenever there is a change in operation or maintenance, which may affect the discharge of significant quantities of pollutants to surface waters. The SWPPP should also be amended if it is in violation of conditions of this General Permit or has not achieved the general objectives of preventing or reducing pollutants in its storm water discharge(s).
- D.** The SWPPP shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in industrial process water discharges to surface waters. The SWPPP shall include, at a minimum, the following items:
- 1.** A map extending approximately one-quarter mile beyond the property boundaries of the Discharger showing:
 - a.** General topography,
 - b.** Surface water bodies, and
 - c.** The discharge points where the storm water discharges to surface waters.

The requirements of this paragraph may be included in the site map required in the following paragraph if appropriate.
 - 2.** A site map showing:
 - a.** Storm water conveyance, retention, and/or discharge structures;
 - b.** An outline of the storm water drainage areas for each storm water discharge point and designation of the storm water discharge point where monitoring will be performed;

- c. Paved areas, parking areas, and buildings;
 - d. Areas of pollutant contact, existing or potential;
 - e. Location of existing storm water structural control measures (i.e., berms, coverings, etc.);
 - f. Maintenance and repair areas; and
 - g. Enclosed hazardous materials storage areas.
3. A narrative description of the following:
- a. Significant materials that have been treated, stored, disposed, spilled, or leaked in significant quantities in storm water discharges within the last three years;
 - b. Materials, equipment, and management practices employed to minimize contact of significant materials with storm water discharges;
 - c. Material loading, unloading, and access areas;
 - d. Existing structural and non-structural control measures (if any) to reduce pollutants in storm water discharges;
 - e. Methods of on-site storage and disposal of significant materials; and
 - f. Outdoor storage, manufacturing, and processing activities including activities that generate significant quantities of dust or particulates.
4. A list of pollutants that are likely to be present in storm water discharges in significant quantities and an estimate of the annual quantities of these pollutants in the storm water discharges.
5. An estimate of the size of the facility's maintenance and repair areas (in square feet), and the percent of impervious surface. The volume of storm water discharge can be estimated by multiplying the inches of rainfall (converted to feet by dividing by 12) by the square feet of surface area of the maintenance and repair areas, then multiplying the product by the impervious factor. The volume calculated, now in cubic feet, can be converted to gallons by multiplying by 7.5 (there are 7.5 gallons per cubic foot). For example,

$$(1 \text{ inch}) / (12 \text{ inches per foot}) = 0.083 \text{ feet}$$

$$(0.083 \text{ feet}) \times (500 \text{ square feet}) = 41.7 \text{ cubic feet}$$

If the area under consideration is approximately 90% covered by asphalt, then the impervious factor is 90% or 0.90. Therefore,

$(41.7 \text{ cubic feet}) \times (0.90) = 37.5 \text{ cubic feet, and}$

$(37.5 \text{ cubic feet}) \times (7.5 \text{ gallons per cubic foot}) = 281 \text{ gallons}$

6. A list of significant spills or leaks of toxic or hazardous pollutants that have occurred within the last three years. This shall include:
 - a. Toxic chemicals (listed in 40 CFR Part 372) that have been discharged to storm water as reported on USEPA Form R; and
 - b. Oil or hazardous substances in excess of reportable quantities (see 40 CFR Part 110,117, or 302).
7. A summary of existing sampling data (if any) describing pollutants in storm water discharges.
8. The SWPPP shall describe the Discharger's storm water pollution prevention and control management measures as follows:
 - a. **Storm Water Pollution Prevention Personnel.** Identify the specific individuals (and job titles) that are responsible for developing, implementing, and revising the SWPPP.
 - b. **Preventive Maintenance.** Preventive maintenance involves inspection and maintenance of storm water conveyance system devices (clarifiers, oil water separators, catch basins, containment tanks, pumps/sumps, etc.), and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants in resulting storm water discharges.
 - c. **Good Housekeeping.** Good housekeeping requires the maintenance of clean and orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter surface waters.
 - d. **Spill Prevention and Response.** Identification of areas where significant materials may spill into or otherwise enter storm water discharge points. Specific material handling procedures, storage requirements, and cleanup equipment and procedures shall be identified, as appropriate. Internal reporting procedures for spills of significant materials shall be established.
 - e. **Storm Water Pollution Prevention Practices.** Storm water pollution prevention practices, other than those which control the source of pollutants, include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants to storm water discharges in significant quantities, additional storm water pollution prevention practices to remove pollutants from storm water discharges may need to be implemented.

9. Pollution prevention measure or BMPs to be considered for implementation in the SWPPP shall include, but not be limited to the following:

Table H-1. Potential BMPs for Consideration

Category	Practices
Hydrowashing	<ul style="list-style-type: none"> • Collect and contain the discharges from the pressure washing area so they are no co-mingles with storm water discharges. • Use no detergents or additives • Implement diagonal trenches or berms and sumps to collect wash water
Surface Preparation, Sanding, and Paint Removal	<ul style="list-style-type: none"> • Enclose, cover, or contain blasting and sanding activities • Using the least hazardous blasting media economically available • Cover drains, trenches, and drainage channels; prohibit uncontained blasting or sanding activities over open water • Clean storm water conveyances of deposits of blasting debris and paint chips • Prohibit blasting or sanding activities during windy conditions • Inspect and clean sediment traps • Collect spent abrasives and store under a cover to await proper disposal
Painting and Coating	<ul style="list-style-type: none"> • Enclose, cover, or contain painting activities • If painting and blasting are performed outside use plastic barriers or tarpaulin curtains to surround the activity to contain debris, overspray, and spillage • Prohibit uncontained spray painting over open water • Prohibit spray painting during windy conditions • Mix paints and solvents in designated areas away from drains, ditches, piers, and surface waters, preferable indoors, under a shed • Have absorbent and other cleanup items readily available for immediate cleanup of spills; allow empty paint cans to dry before disposal; keep paint and paint thinner away from traffic areas • Train employees on proper painting and spraying techniques

<p>Hull Cleaning</p>	<ul style="list-style-type: none"> • All waste associated with hull maintenance and cleaning shall be collected and disposed of in accordance with all applicable laws and regulations.
<p>Engine Maintenance and Repairs</p>	<ul style="list-style-type: none"> • Maintain an organized inventory of materials used in the maintenance shop • Dispose of greasy rags, oil filters, air filters, batteries, spent coolant, and degreasers properly • Minimize contamination of precipitation and surface runoff • Perform operations indoors • Label and track the recycling of waste material • Drain oil filters before disposal or recycling • Store cracked batteries in non-leaking secondary containers • Promptly transfer used fluids to proper containers • Do not leave full drip pans or other open containers around the shop • Empty and clean drip pans and containers • Do not pour liquid waste down floor drains, sinks, or outdoor storm drain inlets • Plug floor drains that are connected to the storm or sanitary sewer • Inspect maintenance area regularly • Train employees on proper waste control and disposal procedures • Prohibit hosing down the shop floor
<p>Containerized Material Storage</p>	<ul style="list-style-type: none"> • Store reactive, ignitable, or flammable liquids in compliance with the local fire code • Label all containerized materials • Identify potentially hazardous materials, their characteristics, and use • Control excessive purchasing, storage, and handling of potentially hazardous materials • Keep records to identify quantity, receipt date, service life, users, and disposal routes • Secure and carefully monitor hazardous materials to

	<p>prevent theft, vandalism, and misuse of materials</p> <ul style="list-style-type: none"> • Use temporary containment where required by portable drip pans; use spill troughs for drums with taps • Mix paints and solvents in designated areas with secondary containment and away from drains, ditches, piers, and surface waters • Locate designated materials storage areas indoors or under a shed or otherwise minimize the contamination of precipitation and surface runoff
<p>Work Areas for Boat Repair</p>	<ul style="list-style-type: none"> • Clearly mark all work areas and perform work inside when possible • Clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

- 10. Employee Training.** Employee training programs shall be held with all personnel responsible for implementing the SWPPP. Training shall address pollution prevention, spill response, good housekeeping, and material management practices. Periodic dates for training shall be identified in the SWPPP and shall occur at least annually. Employee training is recommended to occur just prior to the wet season.
- 11. Inspections.** All inspections, visual observations, and sampling as required in the MRP (Attachment E), shall be done by trained personnel. A tracking or follow-up procedure shall be implemented to address any deficiencies found during the inspections, etc.
- 12.** The SWPPP may incorporate, by reference, the appropriate elements of other program requirements (e.g. Spill Prevention Control and Countermeasure [SPCC] plans under Section 311 of the CWA).
- 13.** The SWPPP is considered a report that shall be available to the public under Section 308 (b) of the CWA.
- 14.** The SWPPP shall include the signature and title of the person responsible for preparation of the SWPPP and include the date of initial preparation and each amendment thereto.