

State of California
Regional Water Quality Control Board
San Diego Region

SUPPLEMENTAL
EXECUTIVE OFFICER SUMMARY REPORT
July 10, 2013

- ITEM: 6
- SUBJECT: New Waste Discharge Requirements: Dredging of San Diego Bay for San Diego Shipyard Sediment Remediation Project (Tentative Order No. R9-2013-0093). (*Jody Ebsen*)
- PURPOSE: To consider adopting Tentative Order No. R9-2013-0093, *Waste Discharge Requirements for National Steel and Shipbuilding Company, BAE Systems San Diego Ship Repair Inc., San Diego Unified Port District, United States Navy, San Diego Bay Environmental Restoration Fund - North, San Diego Bay Environmental Restoration Fund-South, San Diego Shipyard Sediment Remediation Project, San Diego Bay, San Diego, California.*
- RECOMMENDATION: Adoption of revised Tentative Order No. R9-2013-0093 is recommended.
- DISCUSSION: Timely submitted comment letters on the Tentative Order from Al Masry, the San Diego Shipyard Sediment Site Group, San Diego Coastkeeper and the San Diego Unified Port District were previously provided to the San Diego Water Board Members as Supporting Document Nos. 6 through 9. San Diego Water Board staff has completed review of all of the various technical and legal issues raised in the comment letters on the Tentative Order and provided written responses to all of these comments in the Final Response to Comments document (**Supporting Document No. 12**).
- Updated Revisions to the Tentative Order**
Based on the comments received, San Diego Water Board staff is proposing additional revisions to the Tentative Order for the San Diego Water Board's consideration. These updated revisions are shown in redline/strikeout text in the Revised Tentative Order (**Supporting Document No. 13**). These revisions respond to the majority of comments submitted and to many of the significant changes requested. Some requested revisions were not made on issues such as a) naming additional

parties as Dischargers under the Tentative Order, b) the use of a cover on stockpiled sediment, 3) the addition of more chemical constituents to the monitoring program, and 4) establishing rigid criteria to halt dredging in the event of receiving water limitation exceedances. The Response to Comments document (**Supporting Document No. 12**) addresses all of these comments and includes the detailed supporting rationale for not revising the Tentative Order. The substantive revisions to the Tentative Order include:

1. The revision of Finding F and other sections of the Tentative Order to not include the San Diego Unified Port District or the U.S. Navy as a “Discharger” in the Tentative Order. The San Diego Water Board may exercise its discretion during these proceedings to name the Port District and the U.S. Navy as Dischargers which are secondarily liable for permit obligations under the Tentative Order;
2. The revision of Finding K to allow sediment to be sampled in situ prior to dredging in the Sediment Remediation Areas;
3. The revision of Finding K to specifically waive the application of California Code of Regulations (CCR) Title 27, Division 2 regulations to the Project pursuant to the provisions of State Water Board Resolution No. 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*;
4. The revision of Finding N.1 to provide for an additional 15,000 cubic yards to be dredged adjacent to the North Sediment Management Area to support barge unloading close enough to shore;
5. The revision of Finding N.2 to provide for 52,600 cubic yards to be dredged from the South Sediment Remediation Area based on dredging to bay point formation at an estimated depth of 7 feet throughout the dredge area;
6. The revision of Finding S to include the conclusions of the CEQA Addendum for the Project changes pertaining to the increase in dredge volume and the identification

of a different Sediment Management Area;

7. The addition of a requirement in section V.T.8 requiring the Dischargers to consult with the California Department of Toxic Substances Control (DTSC) and implement any additional controls required by DTSC to manage dredged material characterized as hazardous waste. The requirement has also been revised to prohibit the mixing of hazardous waste with non-hazardous waste;
8. The addition of Reporting Requirements VIII.D and VII.E to require that the Discharger(s) provide the San Diego Water Board with a copy of the final plans and reports required pursuant to the Remedial Action Plan and the Mitigation Monitoring and Reporting Program in advance of the initiation of dredging operations; and
9. Various corrections of typographical errors, additional text to provide clarity and incorporation of suggested text by stakeholders.

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

1. Shipyard Sediment Site Location Map
2. Cleanup and Abatement Order No. R9-2012-0024
3. CEQA Addendum Document
4. Tentative Order No. R9-2013-0093
5. Remedial Action Plan
6. Al Masry Comment Letter dated June 7, 2013
7. San Diego Shipyard Sediment Site Group Comment Letter dated June 20, 2013
8. San Diego Coastkeeper Comment Letter dated June 24, 2013
9. San Diego Unified Port District Comment Letter dated June 24, 2013
10. San Diego Water Board Response to Comments document
11. Revised Tentative Order No. R9-2013-0093 with Changes in Redline/Strikeout
12. San Diego Water Board Final Response to Comments document
13. Final Revised Tentative Order No. R9-2013-0093 with Changes in Redline/Strikeout

Please note, Supporting Document Nos. 1 - 4 and 6 -11 were previously provided. Document No. 5 has been replaced with the finalized version of the Remedial Action Plan.