



California Regional Water Quality Control Board

San Francisco Bay Region

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Alan C. Lloyd, Ph.D.
Agency Secretary

Arnold Schwarzenegger
Governor

ORDER NO. R2-2005-**xxxx**

NPDES NO. CA0030121

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

Discharger	Bay Ship & Yacht Company
Name of Facility	Bay Ship & Yacht Company
Facility Address	2900 Main Street
	Alameda, California 94501
	Alameda County

The Discharger is authorized to discharge from the following discharge points as set forth below:

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Surface runoff from Drydock 1 during submergence	38 °, 54 ', 23 " N	122 °, 32 ', 51 " W	Lower San Francisco Bay
002	Surface runoff from Drydock 2 during submergence	38 °, 54 ', 23 " N	122 °, 32 ', 51 " W	Lower San Francisco Bay
003	Integral ballast water from from Drydock No. 1	38 °, 54 ', 23 " N	122 °, 32 ', 51 " W	Lower San Francisco Bay
004	Integral ballast water from from Drydock No. 2	38 °, 54 ', 23 " N	122 °, 32 ', 51 " W	Lower San Francisco Bay

This Order was adopted by the Regional Water Board on:	September 21, 2005
This Order shall become effective on:	November 1, 2005
This Order shall expire on:	October 31, 2010
The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Water Board have classified this discharge as a minor discharge.	
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, <u>not later than 180 days in advance of the Order expiration date</u> as application for issuance of new waste discharge requirements.	

IT IS HEREBY ORDERED that Order No. 98-079 is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

I, Bruce Wolfe, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on September 21, 2005

Bruce H. Wolfe, Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

REGION 2, SAN FRANCISCO BAY REGION

ORDER NO. R2-2005-xxxx
NPDES NO. CA0030121

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I. FACILITY INFORMATION

The following Discharger is authorized to discharge in accordance with the conditions set forth in this Order:

Discharger	Bay Ship & Yacht Company
Name of Facility	Bay Ship & Yacht Company
Facility Address	2900 Main Street Alameda, California 94501
Facility Contact, Title, and Phone	Benjamin Perry-Thistle; Environmental, Safety and Health Manager 510-337-9122
Mailing Address	Bay Ship & Yacht Company 2900 Main Street Alameda, CA 94501
Type of Facility	Ship Building and Repair
Facility Design Flow	Not applicable

II. FINDINGS

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Regional Water Board), finds:

- A. Background.** The Bay Ship & Yacht Company (hereinafter the Discharger) is currently discharging under Order No. 98-079, and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0030121. The Discharger submitted a Report of Waste Discharge, dated June 17, 2003, and applied for an NPDES permit renewal to discharge to the Oakland Inner Harbor, part of Lower San Francisco Bay, from its drydock facility located at 2900 Main Street in Alameda.
- B. Facility Description.** The Discharger builds, repairs, and performs maintenance on various seagoing vessels at 2900 Main Street in Alameda. Facilities include two double wall floating drydocks, a machine shop, pipe shop, a metal fabrication shop, and storage sheds. This Order addresses the discharge of two types of wastewaters.

Drydocks are lowered by filling integral ballast compartments with Bay water and are raised by discharging from the compartments into the Bay. Discharges of integral ballast water from Drydock Nos. 1 and 2 occur from Discharge Points 001 and 002, respectively. Repair work is performed on steel platforms of the floating drydocks. Wastewater discharges occur when drydocks are submerged and Bay water flows over the drydock surfaces, carrying particulate and other residual material from drydock surfaces. Discharges of surface washwater from Drydock Nos. 1 and 2 occur from Discharge Points 003 and 004, respectively.

Drydock No.1 is leased to the Discharger by the U.S. National Park Service, which is responsible for compliance with this Order to the extent described/authorized by the CWC, Division 7. Drydock No. 2 is owned by the Discharger.

Attachment B provides a topographic map of the area around the facility. Attachment C provides a flow schematic of the facility.

- C. Legal Authorities.** This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA) and CWC Chapter 5.5, Division 7. It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to CWC Article 4, Chapter 4 for discharges that are not subject to regulation under CWA Section 402.
- D. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and through special studies. Attachments A through G contain background information and detailed rationale for Order requirements and are hereby incorporated into this Order and, thus, constitute part of the Findings for this Order.
- E. California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with CWC Section 13389.
- F. Technology-Based Effluent Limitations.** The Code of Federal Regulations (CFR) at 40 CFR 122.44 (a) requires that permits include technology-based limitations and standards, when such limitations and standards are applicable. Because there are no technology-based effluent limitations or new source performance standards established for the shipyard industry, the Regional Water Board may use best professional judgment (BPJ) to establish technology-based effluent limitations, pursuant to authority established by CWA Section 402 (a) (1) (B), and in accordance with requirements established at 40 CFR 125.3. Discussion of technology-based effluent limitations is included in the Fact Sheet (Attachment F).
- G. Water Quality-Based Effluent Limitations.** 40 CFR 122.44 (d) requires that permits, when necessary, 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. Where numeric water quality objectives have not been established, 40 CFR 122.44 (d) specifies that WQBELs may be established using U.S. EPA criteria guidance under CWA Section 304 (a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.
- H. Best Management Practices.** Best Management Practices (BMPs) are defined by NPDES regulations at 40 CFR 122.2 as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. The inclusion of BMPs as requirements in discharge permits is authorized by CWA Section 304 (e); and in accordance with NPDES regulations at 40 CFR 122.44 (k), BMPs can be used to control or abate the discharge of pollutants in several circumstances, including, when numeric effluent limitations are infeasible.

I. Water Quality Control Plans. The Regional Water Board adopted a *Water Quality Control Plan for the San Francisco Bay Region* (the Basin Plan, 1995) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Beneficial uses applicable to the Lower San Francisco Bay within the South Bay Watershed, and based on known uses of the receiving waters, are as follows.

- Ocean, Commercial and Sport Fishing
- Estuarine Habitat
- Industrial Service Supply
- Fish Migration
- Navigation
- Preservation of Rare and Endangered Species
- Water Contact Recreation
- Non Contact Water Recreation
- Shellfish Harvesting
- Wildlife Habitat

Requirements of this Order specifically implement the applicable water quality control plans.

J. National Toxics Rule (NTR) and California Toxics Rule (CTR). U.S. EPA adopted the NTR on December 22, 1992 and amended it on May 4, 1995 and November 9, 1999. The CTR was adopted on May 18, 2000 and amended on February 13, 2001. These rules include water quality criteria for priority pollutants and are applicable to this discharge.

K. State Implementation Policy. On March 2, 2000, the State Water Resources Control Board (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 was effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the U.S. EPA through the NTR and to the priority pollutant objectives established by the Regional Water Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the U.S. EPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP became effective on May 18, 2000. The SIP includes procedures for determining the need for and calculating WQBELs and requires dischargers to submit data sufficient to do so.

L. Compliance Schedules and Interim Requirements. Section 2.1 of the SIP provides that, based on a discharger's request and demonstration that it is infeasible for an existing discharger to achieve immediate compliance with an effluent limitation derived from a CTR criterion, compliance schedules may be allowed in an NPDES permit. Unless an exception has been granted under Section 5.3 of the SIP, a compliance schedule may not exceed 5 years from the date that the permit is issued or reissued nor may it extend beyond 10 years from the effective date of the SIP (or May 18, 2010) to establish and comply with CTR criterion-based effluent limitations. Where a compliance schedule for a final effluent

limitation exceeds one year, the permit must include interim numeric limitations for that constituent. Where permitted by the Basin Plan, compliance schedules and interim effluent limitations or discharge specifications may also be granted to allow time to implement a new or revised water quality objective. Because this Order does not include numeric effluent limitations but requires primarily implementation of BMPs to control the discharge of pollutants, compliance schedules and interim effluent limitations are not applicable, and therefore, are not included in this Order.

- M. Antidegradation Policy.** 40 CFR 131.12 requires that State water quality standards include an anti-degradation policy consistent with the federal policy. The State Water Board established California's anti-degradation policy in State Water Board Resolution 68-16, which incorporates the requirements of the federal anti-degradation policy. Resolution 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The permitted discharge is consistent with the anti-degradation provision of 40 CFR 131.12 and State Water Board Resolution 68-16.
- N. Anti-Backsliding Requirements.** CWA Sections 402 (o) (2) and 303 (d) (4) and federal regulations at 40 CFR 122.44 (l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All conditions of this Order are at least as stringent as the conditions in the previous Order and are therefore consistent with the anti-backsliding requirements of the CWA and federal regulations.
- O. Monitoring and Reporting.** 40 CFR 122.48 requires all NPDES permits to specify requirements for recording and reporting monitoring results. CWA Sections 13267 and 13383 authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program accompanying this Order (Attachment E) establishes monitoring and reporting requirements to implement federal and State requirements.
- P. Standard and Special Provisions.** Standard Provisions, which in accordance with 40 CFR 122.41 and 40 CFR 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. Rationale for the special provisions contained in this Order is provided in the attached Fact Sheet (Attachment F).
- Q. Notification of Interested Parties.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge 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 Order.
- R. Consideration of Public Comment.** The Regional 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 Order.

III. DISCHARGE PROHIBITIONS

- A.** Discharge of wastewater to waters of the State at a location or in a manner different from that described in this Order is prohibited.
- B.** Discharge of sanitary wastewater to waters of the State is prohibited.
- C.** Discharge of solid materials and solid wastes, spent abrasive and paint residues, and marine fouling organisms to waters of the State is prohibited.
- D.** Discharge of floating oil or other floating material from any activity that may cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
- E.** Discharge of ship ballast water, from vessels while they are in drydock, is prohibited.
- F.** Discharge of any pressure washing water, boiler drainage, or any process water that is used or accumulated in the drydock area to waters of the State is prohibited.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations—Discharge Points 001 and 002

- 1. The discharge of pollutants from Outfall Nos. 001 and 002 shall be prevented or minimized through implementation of a Best Management Practices Program, as described by Provision VI. C. 1, below.
- 2. Prior to submergence of any portion of either of the floating drydocks, the Discharger shall remove spent abrasives, paint residues, and other debris, particulate material, and waste from those portions of the drydock floors, which are reasonably accessible, to a degree achievable by scraping, broom cleaning, and pressure washing. After a vessel has been removed from a drydock, the remaining area of the floor which was previously inaccessible, shall be cleaned by scraping, broom cleaning, and pressure washing as soon as practical and prior to the introduction of another vessel. This provision shall not apply in cases wherein a vessel must be introduced into the drydock on an emergency basis, such as to prevent sinking or leakage of oil or other materials. The Executive Officer shall be notified of such circumstances.

B. Final Effluent Limitations—Discharge Points 003 and 004

- 1. The discharge of pollutants from Outfall Nos. 003 and 004 shall be prevented or minimized through implementation of a Best Management Practices Program, as described by Provision VI. C. 1, below.

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

Receiving water limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this Order. The discharge shall not cause the following conditions in the Lower San Francisco Bay.

1. The discharge of waste shall not cause the following conditions to occur in receiving waters.
 - a. Floating, suspended, or deposited macroscopic particulate matter or foam.
 - b. Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses.
 - c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels.
 - d. Visible, floating, suspended, or deposited oil or other products of petroleum origin.
 - e. Toxic or other deleterious substances to be present in concentrations or quantities that will cause deleterious effects on wildlife, waterfowl, or other aquatic biota, or which render such organisms unfit for human consumption, either at levels created in the receiving waters or as a result of biological concentration.
2. The discharge of waste shall not cause the following limitations to be exceeded in waters of the State at any one place within 1 foot of the water surface.

a. Dissolved Oxygen	5.0 mg/L, minimum. The median dissolved oxygen concentration for any three consecutive months shall not be less than 80 percent of the dissolved oxygen content at saturation. When natural factors cause concentrations less than that specified above, then the discharge shall not cause further reduction in ambient dissolved oxygen concentrations.
b. Dissolved Sulfide	0.1 mg/L, maximum
c. pH	The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH levels by more than 0.5 units.
d. Un-ionized Ammonia	0.025 mg/L as N, annual median, 0.4 mg/L as N, maximum
e. Nutrients	Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.

3. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the CWA and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to CWA

Section 303, or amendments thereto, the Regional Water Board will revise and modify this Order in accordance with such more stringent standards.

VI. PROVISIONS

A. Standard Provisions

1. The Discharger shall comply with all U.S. EPA Standard Provisions for NPDES permits included in Attachment D of this Order.
2. Neither the treatment nor the discharge of pollutants shall create pollution, contamination, or nuisance as defined by CWC Section 13050.
3. The discharge of any radiological, chemical, or biological warfare agent is prohibited.
4. Wastewater collection, treatment, storage, and disposal systems shall be operated in a manner that precludes public contact with wastewater. Where exclusion of the public is not appropriate, warning signs shall be posted.
5. The Discharger shall submit, maintain, and implement a Best Management Practices (BMP) Program in accordance with VI. C. 1, below. The BMP Program shall be consistent with the requirements of U.S. EPA regulation 40 CFR 125, Subpart K and the general guidance contained in the NPDES Best Management Guidance Document, U.S. EPA Report No. 600/9-79-045, December 1979 (revised June 1981).
6. Permit Compliance and Rescission of Previous Waste Discharge Requirements. The Discharger shall comply with all sections of this Order beginning on November 1, 2005. Requirements prescribed by this Order supersede the requirements prescribed by Order No. 98-079. Order No. 98-079 is hereby rescinded upon the effective date of this Order.
7. Contingency Plan, Review and Status Reports
 - a. The Discharger shall maintain a Contingency Plan as required by Regional Water Board Resolution 74-10 (available at <http://www.waterboards.ca.gov/sanfrancisco/Download.htm>). Resolution 74-10 requires that measures be taken under such circumstances as power outage, employee strikes, earthquakes, fires, and vandalism to assure that wastes are not unnecessarily discharged, or discharged untreated or inadequately treated. The discharge of pollutants in violation of this Order where the Discharger has failed to develop and/or adequately implement a contingency plan will be the basis for considering such discharge a willful and negligent violation of this Order pursuant to CWC Section 13387.

As Resolution 74-10 is directed primarily towards dischargers, which collect and treat wastewaters before discharging (e.g., municipal wastewater treatment plants), the Discharger shall develop and maintain a Contingency Plan only to assure implementation of best management practices under such circumstances as

contemplated by the Resolution. The Contingency Plan must address all applicable requirements of Resolution 74-10, including the potential circumstances of electric power failure. Safeguards shall be described to assure that, in the event of electric power reduction, loss, or failure, the Discharger will comply with the terms and conditions of this Order.

- b. The Discharger shall regularly review, and update as necessary, the Contingency Plan so that it remains useful and relevant to current equipment and operation practices. Reviews of the plan shall be conducted annually, and updates shall be completed as necessary.
- c. As part of the Annual Report (as described in the MRP, VI. Reporting Requirements), the Discharger shall describe the current status of its Contingency Plan review and update. The description should include a list revisions, or a statement that no changes are needed.

8. New WQOs

As new or revised WQOs come into effect for the Bay and contiguous waterbodies (whether statewide, regional, or site specific), effluent limitations in this Order will be modified as necessary to reflect updated WQOs. Adoption of effluent limitations contained in this Order is not intended to restrict in any way future modifications based on legally adopted WQOs.

9. Change in Control or Ownership

In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Regional Water Board. To assume responsibility for and operations under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. Failure to submit the request shall be considered a discharge without waste discharge requirements, a violation of the California Water Code.

10. Permit Reopener

The Regional Water Board may modify or reopen this Order and Permit prior to its expiration date in any of the following circumstances:

- a. If present or future investigations demonstrate that the discharge(s) governed by this Order and permit have a reasonable potential to cause or contribute to adverse impacts on water quality and/or beneficial uses of the receiving waters;
- b. If new or revised WQOs come into effect for the Lower San Francisco Bay and contiguous waterbodies (whether statewide, regional, or site specific). In such cases, effluent limitations in this Permit will be modified as necessary to reflect updated WQOs. Adoption of effluent limitations contained in this Order and

Permit is not intended to restrict in any way future modifications based on legally adopted WQOs or as otherwise permitted under federal regulations governing NPDES permit modifications;

- c. If translator or other water quality studies provide a basis for determining that a permit condition(s) should be modified.

The Discharger may request permit modification based on (b) and (c) above. The Discharger shall include in any such request an antidegradation and antibacksliding analysis.

11. NPDES Permit

This Order shall serve as an NPDES permit pursuant to CWA Section 402 or amendments thereto, and shall become effective on November 1, 2005, provided the U.S. EPA Regional Administrator has no objection. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.

12. Order Expiration and Reapplication

- a. This Order expires October 31, 2010.
- b. In accordance with Title 23, Chapter 3, Subchapter 9 of the California Administrative Code, the Discharger must file a Report of Waste Discharge no later than 180 days before the expiration date of this Order as application for reissuance of this permit and waste discharge requirements.

B. Monitoring and Reporting Program Requirements

The Discharger shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment E of this Order. The Monitoring and Reporting Program may be amended by the Executive Officer pursuant to U.S. EPA regulation 40 CFR 122.62, 122.63, and 124.5.

C. Special Provisions

1. Best Management Practices Program

The Discharger shall implement a Best Management Practices Program to identify and evaluate sources of wastes and pollutants associated with activities at the Bay Ship & Yacht Company facility and to identify and implement site-specific best management practices (BMPs) to reduce or prevent the discharge of wastes and pollutants to waters of the State and of the United States. The BMP Program shall include the development, annual updating, and implementation of a BMP Plan. The BMP Plan shall be consistent with the general guidance contained in U.S. EPA's *Guidance Manual for Developing Best Management Practices* (EPA 833-B-93-004) and shall be submitted to the Regional Water Board for approval by the Executive

Officer within 6 months following adoption of this Order. The BMP Plan shall include the following elements.

a. Characterization of Discharges

The BMP Plan shall include a narrative assessment of all industrial activities conducted at the site; potential pollutant sources associated with each activity; and the nature of the pollutants that could be discharged.

b. Identification of Best Management Practices

The BMP Plan shall include a narrative description of the BMPs to be implemented at the site to control the discharge of pollutants. BMPs shall be identified and described, including the anticipated effectiveness of each BMP, for each potential source of pollutant.

The Discharger shall consider:

- Preventative BMPs - measures to reduce or eliminate the generation of pollutants and waste,
- Control BMPs - measures to control or manage pollutants and waste after they are generated and before they come into contact with water, including measures to prevent leaks and spills and measures to contain dust and particulate material,
- Treatment BMPs - measures to remove pollutants and waste from water released to the Lower San Francisco Bay, and
- Response BMPs - measures to respond to leaks, spills, and other releases with containment, control, and cleanup measures to prevent or minimize the potential for the discharge of pollutants and to minimize the adverse effects of such discharges.

The BMP Plan shall address the following shipyard activities, if applicable, at the Bay Ship & Yacht facility.

- Control of large solid materials
- Abrasive blasting
- Oil, grease, and fuel transfers
- Paint and solvent use
- Dust and overspray
- Over water activities
- Storm drain inlet protection
- Hose, piping, and fitting use and maintenance
- Segregation of water from debris
- Hydroblasting

- Material and waste storage
 - Sewage disposal
 - Gray water disposal
 - Oily bilge and ballast water disposal
 - Floating drydock, graving dock, and shipbuilding way cleanup
 - Sally port protection
 - Discharges resulting from wind, tidal action, and site runoff
 - Leaks and spills
 - Waste disposal
 - Recovery of ship launch grease/wax
 - Other activities with potential to result in discharges of wastes or pollutants to the San Francisco Bay
- c. Site Map. The BMP Plan shall include a site map that includes:
- i. Site boundaries and structures,
 - ii. The location of site runoff collection and conveyance systems and points of discharge,
 - iii. Areas of industrial activity where discharges originate. The Site Map shall include the locations of material handling and processing areas; waste treatment, storage, and disposal areas; dust or particulate generating areas; cleaning and rinsing areas; and other areas of industrial activity which are potential pollutant sources.
- d. Annual Comprehensive Site Compliance Evaluation

The Discharger shall conduct at least one comprehensive site compliance evaluation per year to determine the effectiveness of the BMP Program. Evaluations shall be conducted not less than 8 or more than 16 months apart. The BMP Plan shall be revised, as appropriate, and retained on-site. The Discharger shall submit a description of the revisions to the Executive Officer, and implement the revisions within 90 days of the evaluation. Evaluations shall include the following.

- i. A review of all visual observation records, inspection records, and sampling and analysis results.
- ii. A visual inspection of all potential pollutant sources for evidence of, or the potential for, the discharge of pollutants.
- iii. A review and evaluation of all BMPs to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed.

- iv. An evaluation report that includes, (i) identification of personnel performing the evaluation, (ii) the date of the evaluation, (iii) necessary Program revisions, (iv) incidents of non-compliance and the corrective actions taken, and (vi) a certification that the Discharger is in compliance with this Order. If the above certification cannot be provided, the evaluation report shall include an explanation as to why the Discharger is not in compliance with this Order. The evaluation report shall be submitted as part of the annual report (see Monitoring and Reporting Program), be retained for at least five years, and be signed and certified in accordance with the requirements of this Order.

At least thirty days prior to conducting its Comprehensive Site Compliance Evaluation, the Discharger shall notify the Regional Water Board of its intent to conduct the evaluation, so that a representative of the Regional Water Board may accompany the Discharger during its inspection of the facility and its review of best management practices.

ATTACHMENTS

Attachment A—Definitions A-1

Attachment B—Topographic Map B-1

Attachment C—Flow Schematic C-1

Attachment D—Federal Standard Provisions D-1

Attachment E—Monitoring and Reporting Program (MRP)..... E-1

Attachment F—Fact Sheet F-1

ATTACHMENT A—DEFINITIONS

1. Bypass means the intentional diversion of waste streams from any portion of treatment facility.
2. Daily Discharge means:
 - a. For flow rate measurements, the average flow rate measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.
 - b. For pollutant measurements, the concentration or mass emission rate measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.
3. Duly Authorized Representative is one whose:
 - a. Authorization is made in writing by a principal executive officer or ranking elected official;
 - b. Authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as general manager in a partnership, 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.); and
 - c. Written authorization is submitted to the U.S. EPA Region 9. If an authorization becomes no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements above must be submitted to the Board and U.S. EPA Region 9 prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Hazardous Substance means any substance designated as such at 40 CFR 116 pursuant to Section 311 of the Clean Water Act.
5. Inadequately Treated Waste is wastewater receiving partial treatment but failing to meet discharge requirements.
6. Indirect Discharger means a non-domestic discharger introducing pollutants into a publicly owned treatment and disposal system.
7. Initial Dilution is the process which results in the rapid and irreversible turbulent mixing of wastewater with receiving water around the point of discharge.
8. Mass Emission Rate is obtained from the following calculation for any calendar day:

$$\text{Mass emission rate (lb/day)} = \frac{8.345}{N} \left(\sum_{i=1}^N Q_i C_i \right)$$

$$\text{Mass emission rate (kg/day)} = \frac{3.785}{N} \left(\sum_{i=1}^N Q_i C_i \right)$$

In which N is the number of samples analyzed in any calendar day. Q_i and C_i are the flow rate (mgd) and the constituent concentration (mg/L), respectively, which are associated with each of the N grab samples which may be taken in any calendar day. If a composite sample is taken, C_i is the concentration measured in the composite sample and Q_i is the average flow rate occurring during the period over which samples are composited. The daily concentration measured over any calendar day of all constituents shall be determined from the flow-weighted average of the same constituents in the combined waste streams as follows:

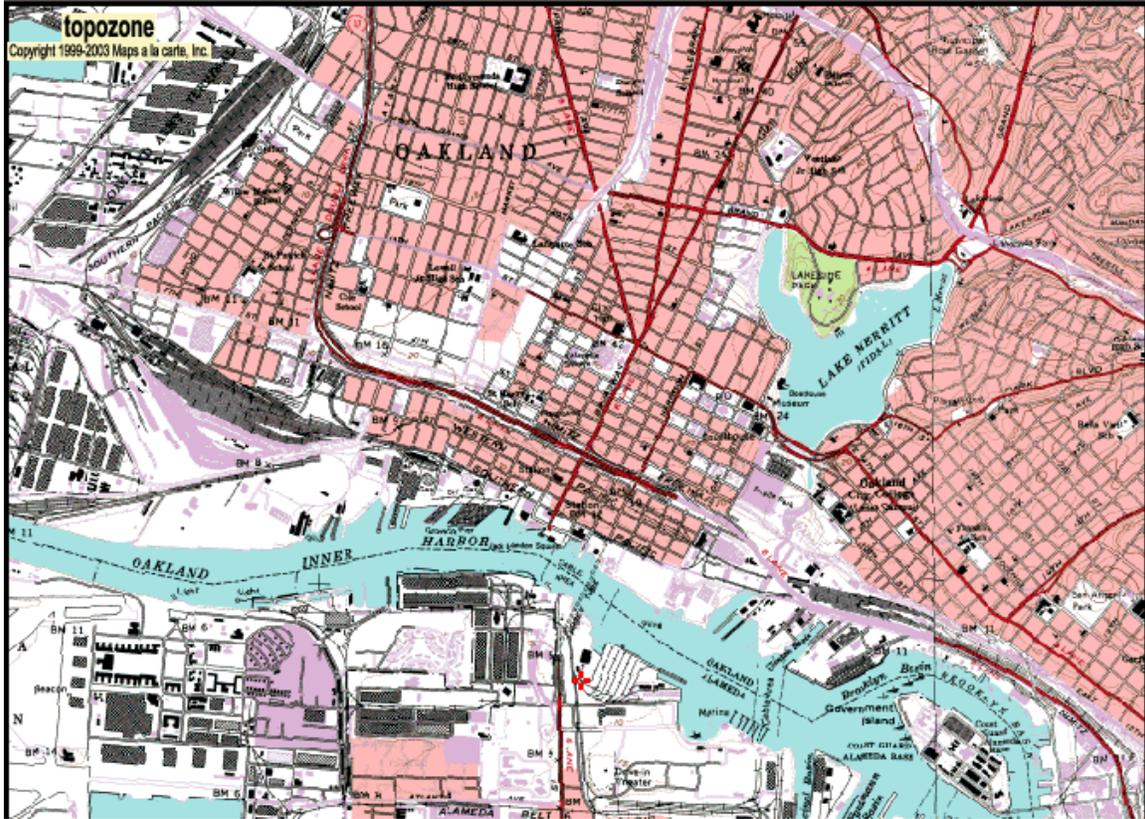
$$C_d = \text{average daily concentration} = \frac{1}{Q_t} \left(\sum_{i=1}^N Q_i C_i \right)$$

In which N is the number of component waste streams. Q and C are the flow rate (mgd) and the constituent concentration (mg/L), respectively, which are associated with each of the N waste streams. Q_t is the total flow rate of the combined waste streams.

9. Priority Pollutants are those constituents referred to at 40 CFR 122, Appendix D, and listed in the U.S. EPA NPDES Application Form 2C, (dated 6/80) Items V-3 through V -9.
10. Stormwater means storm water runoff, snow melt runoff, and surface runoff and drainage. It excludes infiltration and runoff from agricultural land.
11. Toxic Pollutant means any pollutant listed as toxic under CWA Section 307 (a) (1) or at 40 CFR 401.15.
12. Total Identifiable Chlorinated Hydrocarbons (TICH) shall be measured by summing the individual concentrations of DDT, DDD, DDE, aldrin, BHC, chlordane, endrin, heptachlor, lindane, dieldrin, PCBs and other identifiable chlorinated hydrocarbons.
13. 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 which can reasonably be expected to occur in the absence of a bypass or overflow. It does not mean economic loss caused by delays in production.
14. Untreated Waste is defined as raw wastewater.
15. Upset means an exceptional incident in which there is unintentional temporary noncompliance with effluent technology based permit limitations in the order and permit because of factors beyond the reasonable control of the discharger. It 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.

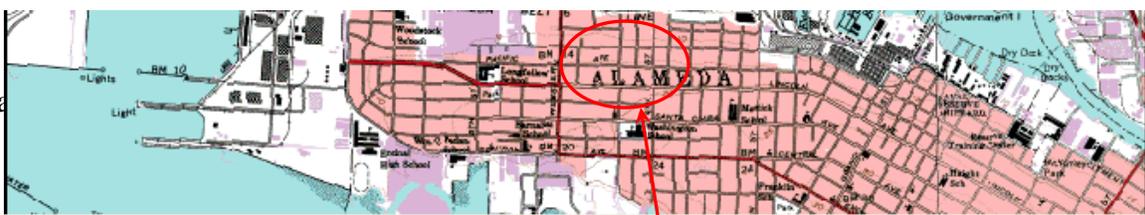
16. Waste, Waste Discharge, Discharge of Waste, and Discharge are used interchangeably in this Order and permit. The requirements of this Order and permit are applicable to the entire volume of water, and the material therein, which is disposed of to surface and ground waters of the State of California.



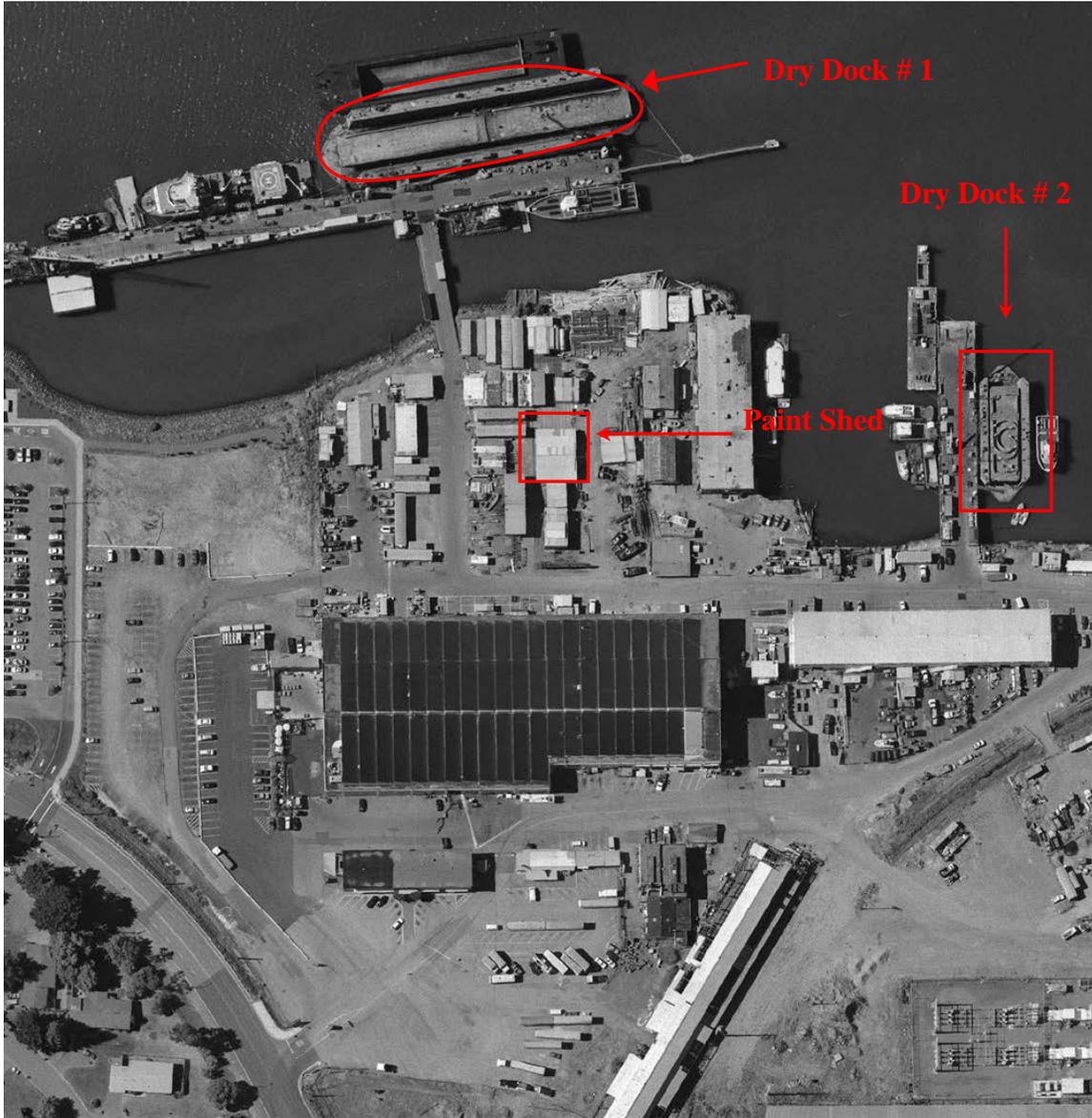
ATTACHMENT B—TOPOGRAPHIC MAP

Bay Ship and Yacht Company

Att



ATTACHMENT C—FLOW SCHEMATIC



ATTACHMENT D—FEDERAL STANDARD PROVISIONS

I. Standard Provisions—Permit Compliance

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (CWC) and is grounds for enforcement action, for permit termination, revocation and reissuance, or denial of a permit renewal application [40 CFR §122.41 (a)].
2. The Discharger shall comply with effluent standards or prohibitions established under CWA Section 307(a) for toxic pollutants and with standards for sewage sludge use or disposal established under CWA Section 405 (d) within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not 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 Order [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 Order 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 Order. 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 Order [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 Order 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 Regional Water Board, State Water Resources Control Board (SWRCB), the U.S. EPA, 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)] [CWC 13383 (c)]:

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 Order [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 Order [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 Order [40 CFR §122.41 (i) (3)];
4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, 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 and I.G.5 below [40 CFR §122.41 (m) (2)].
3. Prohibition of bypass—Bypass is prohibited, and the Regional 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) (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) (B)]; and
 - c. The Discharger submitted notice to the Regional Water Board as required under Standard Provision—Permit Compliance I.G.5 below [40 CFR §122.41 (m) (4) (C)].
 4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional 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 [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 permittee. 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 paragraph H.2 of this section 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) (i)];
 - c. The Discharger submitted notice of the upset as required in Standard Provisions—Reporting V.E.2.b [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 Order after the expiration date of this Order, 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 Regional Water Board. The Regional 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 CWC [40 CFR §122.41 (l) (3)] [40 CFR §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 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503 unless other test procedures have been specified in this Order [40 CFR §122.41 (j) (4)] [40 CFR §122.44 (i) (1) (iv)].

IV. STANDARD PROVISIONS—RECORDS

- A.** Except for records of monitoring information required by this Order 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 40 CFR 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 Order, and records of all data used to complete the application for this Order, 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 Regional 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 Regional Water Board, SWRCB, or U.S. EPA within a reasonable time, any information which the Regional Water Board, SWRCB, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, SWRCB, or U.S. EPA copies of records required to be kept by this Order [40 CFR §122.41 (h)] [CWC 13267].

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, SWRCB, and/or U.S. EPA shall be signed and certified in accordance with paragraph (2.) and (3.) of this provision [40 CFR §122.41 (k)].
2. All permit applications shall be signed as follows:
 - a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer 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 [40 CFR §122.22 (a) (1)];
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively [40 CFR §122.22 (a) (2)]; or
 - c. For a municipality, State, federal, or other public agency: 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 U.S. EPA) [40 CFR §122.22 (a) (3)].
3. All reports required by this Order and other information requested by the Regional Water Board, SWRCB, or U.S. EPA shall be signed by a person described in paragraph (b) of this provision, 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 paragraph (2.) of this provision [40 CFR §122.22 (b) (1)];
 - b. The authorization specified 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 Regional Water Board, SWRCB, or USEPA [40 CFR §122.22 (b) (3)].
4. If an authorization under paragraph (3.) of this provision 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 paragraph (3.) of this provision must be submitted to the Regional Water Board, SWRCB or U.S. EPA 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 paragraph (2) or (3) of this provision 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 in this Order [40 CFR §122.41 (1) (4)].
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or SWRCB for reporting results of monitoring of sludge use or disposal practices [40 CFR §122.41 (1) (4) (i)].
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in this Order, 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 Regional Water Board [40 CFR §122.41 (1) (4) (ii)].
4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order [40 CFR §122.41 (1) (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 Order, 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 Order [40 CFR §122.41 (l) (6) (ii) (A)].
 - b. Any upset that exceeds any effluent limitation in this Order [40 CFR §122.41 (l) (6) (ii) (B)].
 - c. Violation of a maximum daily discharge limitation for any of the pollutants listed in this Order to be reported within 24 hours [40 CFR §122.41 (l) (6) (ii) (C)].
3. The Regional 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 Regional 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 40 CFR §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 which are subject neither to effluent limitations in this Order nor to notification requirements

under 40 CFR Part 122.42 (a) (1) (see Additional Provisions—Notification Levels VII.A.1) [40 CFR §122.41 (1) (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 (1) (1) (iii)].

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or SWRCB of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements [40 CFR §122.41 (1) (2)].

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions—Reporting E.3, E.4, and E.5 at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision—Reporting V.E [40 CFR §122.41 (1) (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 Regional Water Board, SWRCB, or U.S. EPA, the Discharger shall promptly submit such facts or information [40 CFR §122.41 (1) (8)].

VI. STANDARD PROVISIONS—ENFORCEMENT

- A. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402 (a) (3) or 402 (b) (8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402 (a) (3) or 402 (b) (8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the

- case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309 (c) (3) (B) (iii) of the Clean Water Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions [40 CFR §122.41 (a) (2)] [CWC 13385 and 13387].
- B.** Any person may be assessed an administrative penalty by the Regional Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000 [40 CFR §122.41 (a) (3)].
- C.** The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both [40 CFR §122.41 (j) (5)].
- D.** The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both [40 CFR §122.41 (k) (2)].

VII. ADDITIONAL PROVISIONS—NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural dischargers shall notify the Regional 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 Order, 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 Regional Water Board in accordance with 40 CFR §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 Order, 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 Regional Water Board in accordance with 40 CFR §122.44 (f) [40 CFR §122.42 (a) (2) (iv)].

B. Publicly Owned Treatment Works (POTWs)

All POTWs shall provide adequate notice to the Regional Water Board of the following [40 CFR §122.42 (b)]:

1. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants [40 CFR §122.42 (b) (1)]; and

2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of the Order [40 CFR §122.42 (b) (2)].

Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW [40 CFR §122.42 (b) (3)].

ATTACHMENT E—MONITORING AND REPORTING PROGRAM

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ATTACHMENT E—MONITORING AND REPORTING PROGRAM (MRP)

40 CFR 122.48 requires that all NPDES permits specify monitoring and reporting requirements. CWC Sections 13267 and 13383 also authorize the Regional Water Board to require technical and monitoring reports. This Monitoring and Reporting Program establishes monitoring and reporting requirements to implement the federal and California 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 monitored 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 Regional Water Board.
- B. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:
1. *A Guide to Methods and Standards for the Measurement of Water Flow*, U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 96 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD Catalog No. C13.10:421.)
 2. *Water Measurement Manual*, U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U.S. Government Printing Office, Washington D.C. 20402. Order by Catalog No. 172.19/2:W29/2, Stock No. S/N 24003-0027.)
 3. *Flow Measurement in Open Channels and Closed Conduits*, U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Services (NTIS) Springfield, VA 22151. Order by NTIS No. PB-273 535/5ST.)
 4. *NPDES Compliance Sampling Manual*, U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-51, 1977, 140 pp. (Available from the General Services Administration (8FFS), Centralized Mailing Lists Services, Building 41, Denver Federal Center, CO 80225.)

- C. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services.
- D. 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.
- E. Monitoring results, including noncompliance, shall be reported at intervals and in a manner specified in this Monitoring and Reporting Program.

II. MONITORING LOCATIONS

The Discharger shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order:

Discharge Point Name	Monitoring Location Name	Monitoring Location Description (include Latitude and Longitude when available)
001	M-001	Floor area of Dry Dock No. 1, which is submerged during vessel release
002	M-002	Floor area of Dry Dock No. 2, which is submerged during vessel release
Receiving Water	R-001	Bay water at a sufficient distance from the Bay Ship & Yacht facility to be representative of background water quality conditions

III. EFFLUENT MONITORING REQUIREMENTS

A. Monitoring Location M-001 and M-002

1. Prior to submergence of any portion of a dry dock, the Discharger shall observe the cleanliness of dry dock surfaces. Observations shall be recorded with the date and time of dry dock use and other observations relevant to the discharge of wastes to the Bay.
2. One time per year, the Discharger shall collect washwater samples from the surface of either drydock, as the dry dock is being submerged. Samples shall be analyzed for settleable and total suspended solids and for the 13 metals identified as Compound Nos. 1–13 by the California Toxics Rule (CTR) at 40 CFR 131.38 (b)—antimony, arsenic, beryllium, cadmium, chromium(3), chromium (6), copper, lead, mercury, nickel, selenium, silver, thallium, and zinc. Samples shall be representative of Bay water that initially washes over the drydock surface. Data generated to meet the requirements of Provision VI. C. 1 of the Order may be used to meet an annual requirement, described here, for analysis of the 13 CTR metals.

IV. SEDIMENT MONITORING

1. One time per year the Discharger shall collect sediment samples at Drydock Nos. 1 and 2 and at a control/background location and analyze the sediment samples for the thirteen metals identified as Compound Nos. 1–13 by the California Toxics Rule at 40

CFR 131.38 (b)—antimony, arsenic, beryllium, cadmium, chromium(3), chromium (6), copper, lead, mercury, nickel, selenium, silver, thallium, and zinc.

2. Sediment samples from the drydock areas shall be composited from at least 4 surface grab samples collected at each end of the drydocks; i.e., at each drydock, at least 2 grab samples shall be collected at each end of the drydocks, resulting in 4 samples per drydock that shall be composited. One composited sediment sample from each drydock area shall be submitted for analysis.
3. Sediment sampling methods shall result in undisturbed samples from the top 2–3 centimeters of sediment. The control/background location shall be selected to be representative of background conditions within the Bay and in an area where sediment is not affected by activity at the Discharger’s facility – i.e., in a location which can be presumed to be free from the effects of the Discharger’s activities and other potential impacts. The control/background location shall be reported with analytical results.

V. RECEIVING WATER MONITORING REQUIREMENTS

A. Monitoring Location R-001

1. One time during the term of this Order, the Discharger shall collect a receiving water sample at Monitoring Location R-001, simultaneously with collection of an effluent sample, as required by III. A. 2, above. The location of the Monitoring Location R-001 shall be recorded and reported with sample results. Receiving water samples shall be analyzed for settleable and total suspended solids and for the 13 metals identified as Compound Nos. 1- 13 by the California Toxics Rule at 40 CFR 131.38 (b).

VI. 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.

B. Self Monitoring Reports

1. The Discharger shall submit annual Self Monitoring Reports signed and certified as required by Standard Provisions (Attachment D), which include the results of all required monitoring described above, as well as the report of the annual Comprehensive Site Compliance Evaluation pursuant to Part VI. C. 1. d of the Order. Annual reports shall be due on February 1 following each calendar year.
2. Monitoring periods for all required monitoring shall commence upon the effective date of this Order, with the first annual report due on February 1, 2006.

3. The Discharger shall report with each sample result the applicable Minimum Level (ML) and the laboratory current Method Detection Limit (MDL) as determined by procedures in 40 CFR Part 136.
4. The Discharger shall arrange all reported data in tabular form so that the specified information is readily discernible. The data shall be summarized in such a manner as to clearly illustrate whether the facility is operating in compliance with waste discharge requirements.
5. Water quality and sediment data shall be reported in the first Self Monitoring Report to be submitted following receipt of the analytical data. The Discharger shall discuss the water quality and sediment data as it reflects the effectiveness of the facility's BMP Program.
6. Annual sediment monitoring data for five year period preceding the expiration date of this Order shall be summarized and included with the Discharger's application for renewal of Waste Discharge Requirements. The data shall be analyzed to determine impacts, if any, on sediment quality resulting from discharges from the Bay Ship and Yacht Company facilities.
7. The Discharger shall attach a cover letter to its Self Monitoring Report. The information contained in the cover letter shall clearly identify violations of the WDRs, discuss corrective actions taken or planned and the proposed time schedule of corrective actions. Identified violations should include a description of the requirement that was violated and a description of the violation.
8. Monitoring results must be reported on forms approved by this Regional Water Board. Duplicate copies of the monitoring reports, signed and certified as required by the standard provisions (Attachment D) must be submitted to the address listed below.

Submit monitoring reports to:
State Water Resources Control Board Discharge Monitoring Report Processing Center Post Office Box 671 Sacramento, CA 95812

ATTACHMENT F—FACT SHEET

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ATTACHMENT F—FACT SHEET

As described in Section II of the Order, this Fact Sheet includes the specific legal requirements and detailed technical rationale that serve as the basis for the requirements of the Order.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

WDID	2 019334001
File #	2199.9334
Discharger	Bay Ship & Yacht Company
Name of Facility	Bay Ship & Yacht Company
Facility Address	2900 Main Street Alameda, CA 94501 Alameda County
Facility Contact, Title and Phone	Benjamin Perry-Thistle; Environmental, Safety and Health Manager 510-337-9122
Authorized Person to Sign and Submit Reports	Benjamin Perry-Thistle; Environmental, Safety and Health Manager 510-337-9122
Mailing Address	2900 Main Street, Alameda, CA 94501
Billing Address	2900 Main Street, Alameda, CA 94501
Type of Facility	Drydock
Classification	Minor
Threat to Water Quality	
Complexity	
Fee Code	
Construction Requirements	N
Industry Class	
Ownership Type	PUB
Funded	N
Pretreatment Program	N
Reclamation Requirements	N/A
Baseline Flow	
Design Flow	
Waste Type 1	
Waste Type 2	
Watershed	South Bay Watershed
Waterbody	Lower San Francisco Bay
Receiving Water Type	
Hydrologic Unit	

Bay Ship & Yacht Company is located at 2900 Main Street in Alameda. Facilities include two double wall floating drydocks, a machine shop, pipe shop, a metal fabrication shop, and storage sheds. Drydock No.1 is leased to the Discharger by the U.S. National Park Service, which will be

responsible for compliance with this Order to the extent described/authorized by CWC Division 7. Drydock No. 2 is owned by the Discharger.

This Order regulates the discharge of wastewaters to the Lower San Francisco Bay, waters of the United States, from the Bay Ship & Yacht facility. This Order also rescinds the requirements of Regional Water Board Order No. 98-079, which was adopted on August 19, 1998 and previously regulated these discharges to the Bay.

The Discharger filed a Report of Waste Discharge and submitted an application for renewal of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit on June 17, 2003.

II. FACILITY DESCRIPTION

A. Treatment Process Description and Discharge Points

The United States Environmental Protection Agency (U.S. EPA) and the Regional Water Quality Control Board, San Francisco Bay Region (the Board) have classified this facility as a minor discharger.

This Order addresses two wastewaters that originate at the facility. Drydocks are lowered by filling integral ballast compartments with Bay water and are raised by emptying the compartments into the Bay. Repair work is performed on steel platforms of the floating drydocks. Wastewater discharges occur when water is emptied from integral ballast compartments to raise the drydocks, and when drydocks are submerged, and Bay water flows over the drydock surfaces, carrying particulate and other residual material remaining on drydock surfaces. The volume of wastewater resulting from submersion of the drydocks is difficult to estimate.

All process wastewaters generated during ship repair, such as hydro-blasting water and drydock wash water, are collected in sumps at the lower end of the docks and then pumped to a filter treatment system. Storm water runoff from the surface of the drydocks is also collected and drained to the sumps. Non-contact cooling water for onboard ship cooling systems is collected either in the drydock sumps or is pumped directly to the sanitary sewer system. Treated wastewater from the filter system is discharged to the East Bay Municipal Utility District's sanitary sewer system. The Discharger has been issued a pretreatment permit by the East Bay Municipal Utility District.

As described by the following table, this Order and NPDES permit regulates the discharge of Bay water flowing off the surfaces of Drydock Nos. 1 and 2, and Bay water discharged from the integral ballast tanks of the drydocks as they are raised. Discharges from the facility enter Oakland Inner Harbor, part of Lower San Francisco Bay, at latitude 38° 54' 23" N and longitude 122° 32' 51" W. This Order also rescinds the requirements of Board Order No. 98-079, which was adopted on August 19, 1998 and previously regulated these discharges to the Bay.

Outfall No.	Description
001	Surface runoff from Drydock No. 1 during submergence
002	Surface runoff from Drydock No. 2 during submergence
003	Integral ballast water from Drydock No. 1
004	Integral ballast water from Drydock No. 2

Attachment B to the Order is a topographic map, which shows the regional location of the Bay Ship & Yacht Company drydock facility. Attachment C to the Order is a wastewater flow schematic of the facility.

B. Discharge Points and Receiving Waters

The beneficial uses of the Lower San Francisco Bay within the South Bay Watershed, as identified in the *Water Quality Control Plan, San Francisco Bay Basin* (the Basin Plan, 1995), and based on known uses of the receiving waters, are:

- Ocean, Commercial and Sport Fishing
- Estuarine Habitat
- Industrial Service Supply
- Fish Migration
- Navigation
- Preservation of Rare and Endangered Species
- Water Contact Recreation
- Non Contact Water Recreation
- Shellfish Harvesting
- Wildlife Habitat

The San Francisco Bay, south of the Bay Bridge, is marine water with salinity concentrations consistently greater than 10 ppt.

C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

1. Requirements of Order No. 98-079

Order No. 98-079 established discharge prohibitions and a narrative effluent limitation for particulate material discharged from Outfall Nos. 001 and 002, which limited particulate matter in the discharge to a residual amount remaining after thorough cleaning of drydock surfaces. Order No. 98-079 also required the Discharger to conduct a sediment quality study. Self monitoring requirements included only observation of drydock surfaces before submergence and sediment monitoring.

2. Effluent Characterization, Outfall Nos. E-001 and E-002

Order No. 98-079 required visual observation of the drydocks prior to their submergence; however, no other effluent monitoring was required. A single sample

from Outfall No. 001 was collected on June 23, 2003 and was characterized as follows.

Pollutant	Concentration
pH	7.9 s.u.
Ammonia	0.17 mg/L N
Biochemical Oxygen Demand	< 5 mg/L
Chemical Oxygen Demand	540 mg/L
Total Organic Carbon	1.1 mg/L
Total Suspended Solids	94 mg/L

3. Effluent Characterization, Outfall Nos. E-003 and E-004

Order No. 98-079 did not require monitoring of discharges from the drydock integral ballast tanks, and therefore, these discharges have not been sampled and analyzed.

4. Sediment Characterization

Order No. 98-079 required quarterly monitoring of sediment in the vicinity of Drydock No.1; however, no such monitoring was performed.

5. Priority Pollutant Monitoring

Pursuant to CWC Section 13267, by letter dated August 6, 2001, the Board required the Discharger to collect samples of the discharge from Outfall No. 001 or 002 and of receiving water for analysis of the priority pollutants. These samples were not collected and analyzed.

II. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in the proposed Order are based on the requirements and authorities described in this section.

A. Legal Authorities

This Order is issued pursuant to CWA Section 402 and implementing regulations adopted by the U.S. EPA and CWC Chapter 5.5, Division 7. It shall serve as an NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements pursuant to CWC Article 4, Chapter 4 for discharges that are not subject to regulation under CWA Section 402.

B. California Environmental Quality Act (CEQA)

This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with CWC Section 13389.

C. State and Federal Regulations, Policies, and Plans

1. **Basin Plan.** In 1995, the Board adopted the Basin Plan that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Beneficial uses applicable to the Lower San Francisco Bay within the South Bay Watershed, and based on known uses of the receiving waters, are as follows.
 - Ocean, Commercial and Sport Fishing
 - Estuarine Habitat
 - Industrial Service Supply
 - Fish Migration
 - Navigation
 - Preservation of Rare and Endangered Species
 - Water Contact Recreation
 - Non Contact Water Recreation
 - Shellfish Harvesting
 - Wildlife Habitat

Requirements of this Order specifically implement the applicable water quality control plans.

2. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** U.S. EPA adopted the NTR on December 22, 1992 and amended it on May 4, 1995 and November 9, 1999. The CTR was adopted on May 18, 2000 and amended on February 13, 2001. These rules include water quality criteria for priority pollutants and are applicable to this discharge.
3. **State Implementation Policy.** On March 2, 2000, State 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 was effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the U.S. EPA through the NTR and to the priority pollutant objectives established by the Regional Water Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the U.S. EPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP became effective on May 18, 2000. The SIP requires that dischargers submit data sufficient to determine which priority pollutants require water quality-based effluent limitations (WQBELs) and to calculate the effluent limitations. The SIP includes procedures for determining the need for and calculating WQBELs and requires dischargers to submit data sufficient to do so. Consistent with these SIP requirements, the Board sent a letter to the Discharger on August 6, 2001 requiring collection and analysis of effluent and background water samples for analysis of the priority pollutants. To date, the Discharger has not fulfilled the Board's requirements in the letter of August 6, 2001.

4. **Anti-Degradation Policy.** 40 CFR 131.12 requires that State water quality standards include an anti-degradation policy consistent with the federal policy. The State Board established California's anti-degradation policy in State Board Resolution 68-16, which incorporates the requirements of the federal anti-degradation policy. Resolution 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The permitted discharge is consistent with the anti-degradation provision of 40 CFR 131.12 and State Board Resolution 68-16.
5. **Anti-Backsliding Requirements.** CWA Sections 402 (o) (2) and 303 (d) (4) and federal regulations at 40 CFR 122.44 (l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed.
6. **Monitoring and Reporting Requirements.** 40 CFR 122.48 requires all NPDES permits to specify requirements for recording and reporting monitoring results. CWA Sections 13267 and 13383 authorize the boards to require technical and monitoring reports. The Monitoring and Reporting Program (Attachment E to the Order) establishes monitoring and reporting requirements to implement federal and State requirements.

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

On June 6, 2003, the U.S. EPA approved a revised list of impaired water bodies prepared by the State [hereinafter referred to as the 2002, 303 (d) list], pursuant to Section 303 (d) of the CWA, which requires identification of specific water bodies that are not expected to meet water quality standards after implementation of technology-based effluent limitations on point sources. The pollutants impairing Lower San Francisco Bay include chlordane, DDT, diazinon, dieldrin, dioxin compounds, exotic species, furan compounds, mercury, and dioxin-like and non dioxin-like PCBs.

The SIP requires final effluent limitations for all 303 (d)-listed pollutants to be based on total maximum daily loads (TMDLs) and associated wasteload allocations (WLAs). The SIP and U.S. EPA regulations also require that final concentration-based WQBELs be included for all pollutants having reasonable potential to cause or contribute to an exceedence of applicable water quality standards (having reasonable potential or RP). The SIP requires that where the discharger has demonstrated infeasibility to meet the final WQBELs, interim performance-based limitations (IPBLs) or previous Order limitations (whichever are more stringent) be established in the new Order, together with a compliance schedule that shall remain in effect until final effluent limitations are effective. The SIP also requires the inclusion of appropriate provisions for waste minimization and source control where interim limitations are established. The Order does not establish effluent limitations for any 303 (d) listed pollutants.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source discharges to control the amount of conventional, nonconventional, and toxic pollutants that are discharged into the waters of the United States. The control of the discharge of pollutants is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations. 40 CFR 122.44 (a) requires that permits include technology-based limitations and standards, if applicable. 40 CFR 122.44 (d) requires that permits include WQBELs to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR 122.44 (d) specifies that WQBELs may be established using U.S. EPA criteria guidance under CWA Section 304 (a); proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information; or an indicator parameter.

Water quality objectives, criteria, effluent limitations, and calculations contained in the Order are based on several resources, which include the following.

- Sections 301 through 305, and 307 of the *Federal Water Pollution Control Act*, and amendments thereto, as applicable;
- The Board's June 21, 1995 *Water Quality Control Plan San Francisco Bay Basin (Region 2)* (the Basin Plan);
- The State Water Board's March 2, 2000 *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (the State Implementation Plan or SIP), and as subsequently approved by the Office of Administrative Law and the U.S. EPA;
- The U.S. EPA's May 18, 2000 *Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California* (the California Toxics Rule—the CTR, codified at 40 CFR 131.38);
- The U.S. EPA's National Toxics Rule, codified at 40 CFR 131.36,
- The U.S. EPA's *Quality Criteria for Water* [EPA 440/5-86-001, 1986], and subsequent amendments, (the U.S. EPA Gold Book);
- Applicable U.S. EPA regulations pertaining to NPDES permits and water quality standards [40 CFR Parts 122 and 131];
- U.S. EPA's December 27, 2002 *Revision of National Recommended Water Quality Criteria* compilation [Federal Register Vol. 67, No. 249, pp. 79091-79095]; and
- The Board staff's Best Professional Judgment (BPJ), as authorized by CWA Section 402 (a) (1) (B), or as authorized in the Basin Plan, Chapter 4.

A. Discharge Prohibitions

Following are the specific bases for the discharge prohibitions established by this Order.

1. Prohibition A.1 (no discharges other than as described in the permit): As described by State Board Order WQO 2002-0012, such a prohibition is appropriate, as the CWA requires enforcement of all water quality standards, including those not expressed as effluent limitations.
2. Prohibitions A.2 (no discharge of sanitary wastewater): This prohibition is retained from Order No. 98-079, and is in accordance with the Basin Plan's Prohibition 15 (Table 4-1).
3. Prohibition A.3 (no discharge of solids and particulates): This prohibition is retained from Order No. 98-079, and is in accordance with the Basin Plan's Prohibitions 6 and 9 (Table 4-1).
4. Prohibition A.5 (no discharge of floating materials): This prohibition is retained from Order No. 98-079, and is in accordance with the Basin Plan's Prohibitions 8 and 13 (Table 4-1).
5. Prohibition A.6 (no discharge of ship ballast water, from vessels while they are in drydock): This prohibition is retained from Order No. 98-079, and is appropriate as the Discharger has not applied to discharge this waste. Because this discharge is prohibited there are no provisions in the permit to ensure protection of water quality from such discharges.
6. Prohibition A.7 (no discharge of process wastewater): This prohibition is retained from Order No. 98-079, and is appropriate as such wastes have potential to have pollutants at levels exceeding water quality standards, and so they should be discharged untreated.

B. Technology-Based Effluent Limitations

1. Scope and Authority

The CWA requires that technology-based effluent limitations be established based on several levels of controls:

- Best practicable treatment control technology (BPT) is based on the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and nonconventional pollutants.
- 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 nonconventional pollutants.

- Best conventional pollutant control technology (BCT) is a standard for 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.
- New source performance standards (NSPS) that 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 EPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BCT, BAT, and NSPS. Section 402 (a) (1) of the CWA and 40 CFR 125.3 of the NPDES regulations authorize the use of best professional judgment (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.

2. Applicable Technology-Based Effluent Limitations

There are no applicable technology-based ELGs established for the shipyard industry, and the Board has not used BPJ to establish such limitations for this Order.

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

As specified by the NPDES regulations at 40 CFR 122.44 (d) (1) (i), permits must 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 (the reasonable potential analysis or RPA) and calculating WQBELs, when necessary, is intended to protect the designated uses of the receiving water as specified in the Basin Plan, and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or water quality criteria contained in the CTR and NTR.

2. Reasonable Potential Analysis (RPA)

- a. Water Quality Criteria (WQC) and Objectives (WQOs). The RPA uses Basin Plan WQOs, including narrative toxicity objectives in the Basin Plan, and applicable WQC in the CTR/NTR, or site-specific objectives (SSOs) if available, after adjusting for site-specific hardness and translators, if applicable.

- b. **Methodology.** The RPA uses the methods and procedures prescribed in Section 1.3 of the SIP. Board staff has analyzed available information, including the nature of facility operations and the shipyard industry in general, to determine if the discharges show reasonable potential with respect to the governing WQOs or WQC.
- c. **Effluent and Background Data.** The Discharger has not collected data which characterizes effluent and background water quality; however, the Board staff has considered such data generated by a similar discharger to the Lower San Francisco Bay.
- d. **RPA Determination.** Based on its understanding of industry practices and similar facilities, the Board has determined that there is reasonable potential for particulate material to be washed into the Bay, when drydocks are submerged. The Board has also determined that such particulate material may contain metals, common to the shipyard industry, at concentrations that could cause or contribute to exceedances of applicable WQOs or criteria for metals from the NTR, CTR, and/or the Basin Plan.

The Board has based its determination of reasonable potential, in large part, on monitoring performed at San Francisco Drydock, located on the western waterfront of San Francisco Bay at the foot of 20th Street in San Francisco. Monitoring of washwater at this facility showed elevated levels of metals being discharged to the Bay, particularly arsenic, copper, lead, nickel, and zinc at concentrations greater than applicable WQOs/WQC from the Basin Plan, the NTR, and/or the CTR. Data collected by San Francisco Drydock, Inc., representative of discharges that occur when drydocks are submerged, is presented in Attachment G to this Order.

The Board has also based its determination of reasonable potential on descriptions, by the Oregon Department of Environmental Quality and the U.S. EPA Office of Enforcement and Assurance, of the generation of numerous pollutants during vessel maintenance and overhaul work—pollutants that can remain in residual amounts on drydock surfaces after cleanup. (*Best Management Practices for Oregon Shipyards*, Oregon Department of Environmental Quality, 2000 and *EPA Office of Compliance Sector Notebook Project: Profile of the Shipbuilding and Repair Industry*, U.S. EPA Office of Enforcement and Compliance Assurance, 1997)

3. Final Water Quality Based Effluent Limitations

- a. Outfall Nos. 001 and 002

The Board has determined that the establishment and enforcement of numeric effluent limitations for Outfall Nos. 001 and 002 are infeasible, due to the difficulties of collecting representative effluent samples and of determining concentration and mass emissions. The Board has further determined that such

discharges are most appropriately controlled by Best Management Practices (BMPs) instead of numeric effluent limitations. The inclusion of BMPs as requirements in discharge permits is authorized by CWA Section 304 (e); and in accordance with NPDES regulations at 40 CFR 122.44 (k), BMPs can be used to control or abate the discharge of pollutants, when numeric effluent limitations are infeasible. The Monitoring and Reporting Program, which accompanies this Order as Attachment E, requires periodic monitoring for metals and suspended solids in washwater samples to assess the effectiveness of the required BMP program. The Board will also review the monitoring data to assess performance. If the data shows that BMPs do not adequately control discharges of particulate and metals, the Order can be reopened to include numeric effluent limitations and/or other conditions, as necessary. Monitoring data will also be considered at the time of permit reissuance.

b. Outfall Nos. 003 and 004

Because there is minimal opportunity for the introduction of pollutants to water discharged from the integral ballast tanks of the drydocks, the Board has determined that there is currently no reasonable potential for these discharges to contribute to exceedances of applicable water quality criteria. Numeric effluent limitations are not being established for these discharges by the Order; however, the facility's BMP plan must address these discharges, in particular, the possibility of discharging corrosion product from the drydock ballast tanks.

VI. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Surface Water

1. Receiving water limitations C.1 and C.2 (conditions to be avoided): These limitations are based on the previous Order and the narrative/numerical objectives contained in Chapter 3 of the Basin Plan, pages 3-2 through 3-5.
2. Receiving water limitation C.3 (compliance with State Law): This requirement is in the previous Order, requires compliance with Federal and State law, and is self-explanatory.

VII. MONITORING AND REPORTING REQUIREMENTS

40 CFR 122.48 requires all NPDES permits to specify recording and reporting of monitoring results. CWC Sections 13267 and 13383 authorize the boards to require technical and monitoring reports. The Monitoring and Reporting Program, Attachment E of this Order, 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 Monitoring and Reporting Program for this facility.

A. Influent Monitoring

Influent monitoring is not required for this facility.

B. Effluent Monitoring

Effluent monitoring is not required for Outfall Nos. 003 and 004, as water discharged from these outfalls is Bay water that is held temporarily within the integral ballast tanks of the drydocks with no opportunity for contact with potential pollutants. The permit requires monitoring of water that washes over drydock surfaces (Outfall Nos. 001 and 002) on an annual basis to monitoring the effectiveness of the BMP Plan. Washwater must be analyzed for settleable and total suspended solids and for thirteen metals - antimony, arsenic, beryllium, cadmium, chromium (3), chromium (6), copper, lead, mercury, nickel, selenium, silver, thallium, and zinc. When updating its BMP Plan, the Discharger must consider effluent data to assess the effectiveness of the facility's BMP Program.

C. Sediment Monitoring

In order to further monitor the effectiveness of the BMP Program, the Discharger must collect annual surface sediment samples from the areas of the drydocks and from a control/background location. Sediment samples must be analyzed for thirteen metals - antimony, arsenic, beryllium, cadmium, chromium (3), chromium (6), copper, lead, mercury, nickel, selenium, silver, thallium, and zinc. When updating its BMP Plan, the Discharger must consider sediment data to assess the effectiveness of the facility's BMP Program.

D. Receiving Water Monitoring

One time during the term of the permit, receiving water must be monitored to establish background water quality conditions for comparison with effluent data to ensure compliance with the limitations and standards as authorized by CWC 13383.

VIII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which in accordance with 40 CFR 122.41 and 40 CFR 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D to the Order. The Order also includes several provisions, which are standard to NPDES permits issued by the Board.

B. Special Provisions

1. Re-Opener Provisions

The Order may be modified in accordance with the requirements set forth at 40 CFR 122 and 124, to include appropriate conditions or limits based on newly available information, or to implement any, new State water quality objectives that are approved by the U.S. EPA. If a need for additional effluent limitations or permit conditions becomes apparent during the term of the Order, the Order will be reopened to incorporate such limitations and/or conditions.

2. Special Studies and Additional Monitoring Requirements

The Order, including the Monitoring and Reporting Plan, does not include requirements for special studies or monitoring.

3. Best Management Practices and Pollution Prevention

Because the establishment and enforcement of numeric effluent limitations for Outfall Nos. 001 and 002 is infeasible, the Board has determined that such discharges are most appropriately controlled by Best Management Practices. The inclusion of BMPs as requirements in discharge permits is authorized by CWA Section 304 (e); and in accordance with NPDES regulations at 40 CFR 122.44 (k), BMPs can be used to control or abate the discharge of pollutants, when numeric effluent limitations are infeasible.

IX. PUBLIC PARTICIPATION

The Board is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for San Francisco Drydock, Inc. As a step in the WDR adoption process, the Board staff has developed tentative WDRs. The Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Board has notified the permittee and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided by a public notice advertised in a local newspaper.

B. Written Comments

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

To be fully responded to by staff and considered by the Board, written comments should be received at the Board offices by 5:00 p.m. on **July 28, 2005**

C. Public Hearing

The Board will hold a public hearing on the tentative orders during its regular Board meeting on the following date and time and at the following location:

Date: **September 21, 2005**
Time: **9:00 a.m.**
Location: **Auditorium**
Elihu Harris State Building

1515 Clay Street, Oakland, California

Interested persons are invited to attend. At the public hearing, the 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. Our web address is ... <http://www.waterboards.ca.gov/sanfranciscobay/> ... 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 Board regarding the final WDRs. The petition must be submitted within 30 days of the 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 noon; and 1:00 p.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Board by calling 510-622-2300.

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 Board, reference this facility, and provide a name, address, and phone number.

G. Additional Information

Requests for additional information or questions regarding this order should be directed to Gina Kathuria at 510-622-2378.

ATTACHMENT G—SAN FRANCISCO DRYDOCK MONITORING DATA

At the San Francisco Drydock facility whole effluent toxicity monitoring on washwater samples collected during submergence of the drydocks was performed on a sample collected on May 16, 2002. The washwater sample exceeded the acute toxicity standard of the Basin Plan, which requires: acute toxicity shall not be less than a median of 90 percent survival, or less than 70 percent survival, 10 percent of the time.

Date Sampled	Acute Toxicity Result
May 16, 2002	80 percent survival in 96 hour tests using three spine stickle back

One washwater sample, collected on September 19, 2002, during submergence of a drydock at the San Francisco Drydock facility was analyzed for the inorganic priority pollutants with the following results. For perspective, the most stringent applicable water quality standard for each metal, from either the Basin Plan or the California Toxics Rule, is presented adjacent to the measured concentrations of pollutants in washwater.

Pollutant	Concentration (µg/L)	Most Stringent Water Quality Criteria and Source of the Criteria	
		Concentration (µg/L)	Source
Antimony	< 25	4,300	NTR, human health criterion
Arsenic	78	36	BP Table 3-3, marine aquatic life, chronic criterion
Beryllium	< 20	No criteria	-
Cadmium	< 2.5	9.4	BP Table 3-3, marine aquatic life, chronic criterion
Total Chromium	< 100	No criteria	-
Chromium (6)	< 5	50	BP Table 3-3, marine aquatic life, chronic criterion
Copper	280	3.7	CTR, marine aquatic life, chronic criterion
Lead	24	8.5	BP Table 3-3, marine aquatic life, chronic criterion
Mercury	0.00464	0.025	BP Table 3-3, marine aquatic life, chronic criterion
Nickel	56	8.3	BP Table 3-3, marine aquatic life, chronic criterion
Selenium	190	71	NTR, chronic aquatic life criterion for SF Bay
Silver	< 5	2.2	BP Table 3-3, marine aquatic life, acute criterion
Thallium	< 5	6.3	CTR, human health criterion
Zinc	980	86	BP Table 3-3, marine aquatic life, chronic criterion
Cyanide	< 5	1	NTR, marine aquatic life, acute and chronic criteria