

## Response to Comments

### United States Navy, Naval Auxiliary Landing Field San Clemente Island Wastewater Treatment Plant Tentative NPDES Permit

This table describes all comments received from interested persons with regard to the above-mentioned tentative permit. Each comment has a corresponding response and action taken.

Commenter	#	Comment	Response	Action Taken
United States Navy (US Navy)	1	Section II.C (page 6) states that discharges in excess of 0.025 million gallons per day (mgd) are not authorized. The discharge limit is a monthly average daily limit not a daily maximum limit. The language in the permit should be restated to read, "The daily average discharge for each month is not authorized in excess of 0.025 mgd."	Section II.C (page 6) of the permit was revised to read the following:  Consistent with ASBS exclusion area, this Order authorizes the Navy to discharge a monthly average of 0.025 mgd of treated wastewater to the Pacific Ocean. <del>Discharges in excess of 0.025 mgd are not authorized.</del> <u>The daily average discharge for each month is not authorized in excess of 0.025 mgd.</u>	A revision was made to the permit.
US Navy	2	Sanitary Sewer Overflow General Permit (SSO WDR) (page 10/section II.S.)– The US Navy sent a letter to the State Water Board dated March 29, 2007, regarding the waiver of sovereign immunity under the Clean Air Act stating that Order No. 2006-003-DWQ does not apply to the US Navy.	Reference to the SSO WDR Order No. 2006-003-DWQ has been removed. Regional Water Board staff has incorporated NPDES requirements specific to the federally owned treatment works (FOTW) into Attachment K. Further edits have been incorporated where needed throughout the permit.	Attachment K has been added and revisions have been made to the permit.
US Navy	3	Given the relatively small volume discharge for SCI sewer treatment plant, 136:1 initial dilution, and the proposed chronic toxicity effluent limit, it is unnecessary to have an acute toxicity limit and monitoring requirements (page 17/Table 8). We request this expensive and unnecessary test be deleted.	An acute toxicity effluent limit is listed in Order 00-090. However, per the Anti-backsliding exception found in the Clean Water Act (CWA) section 402(o)(2)(A), a removal of this limit from Order No. 00-090 is acceptable since material and substantial alterations have occurred at this facility. Further, removing this limit will not result in lowering water quality since the outfall has been moved and the treatment has been	Revisions were made to the permit.

Commenter	#	Comment	Response	Action Taken
			upgraded from secondary to tertiary. Revisions have been made to page 17/table 8, page E-11/table 3, page E-14/section V.A., page F-18/table 12 and footnote 6, page F-25/table 13 and footnote 17.	
US Navy	4	There are no sources of Tributyltin (TBT) discharging to the wastewater treatment plant and the Ocean Plan appendix VI, figure VI provides an option for selection of end point 3, which is the most appropriate given that all results have been non-detect (ND). The US Navy understands the need for additional monitoring, but an effluent limit seems inconsistent with the Ocean Plan and the lack of a source for this pollutant. We request the effluent limit be removed from the permit (page 18/Table 8).	The TBT effluent limit has been removed. The US Navy is still required to monitoring for TBT. A reopener provision will allow for revisiting this parameter. Note that Ocean Plan minimum levels (MLs) must be adhered to when applicable.	Revisions were made to the permit.
US Navy	5	Regarding Effluent limits for pollutants with footnote 22 starting on page 18/table 8 of the Tentative Order:  The Ocean Plan appendix VI, figure VI provides a Reasonable Potential Analysis (RPA) process flow chart. The Regional Water Board staff have chosen to apply effluent limits in cases where the ND results were found but the method detection limit (MDL) was above the minimum level in the Ocean Plan. Considering it is not expected that these pollutants would be found in the discharge, it seems more appropriate to apply end point 3 from the process flow chart. Request the effluent limit be removed for all pollutants where the justification is only based on ND values with detection limits above Ocean Plan minimum levels.	The effluent limits for TBT, Aldrin, Benzidine, Chlordane, 3,3-dichlorobenzidine, Dieldrin, Heptachlor, Heptachlor epoxide, Hexachlorobenzene, PCBs, and Toxaphene have been removed. The US Navy is still required to monitor for these constituents. A reopener provision will allow for revisiting this parameter. Note that Ocean Plan minimum levels (MLs) must be adhered to when applicable.	Revisions were made to the permit.
US Navy	6	Regarding the effluent limits for PAHs, PCBs, and TCDD equivalents on page 18/table 8 of the Tentative Order:  The PAH, PCB, and TCDD limitations in Table 8 appear to be listed because the ND results had detection limits higher than the Ocean Plan minimum levels. This is not uncommon for these pollutants that can have objectives that are below MDLs. There is no reason to expect that these pollutants would be present in discharges to the wastewater treatment plant, and they are not included in	The effluent limits for PAHs and PCBs have been removed. The US Navy is still required to monitoring for these constituents. A reopener provision will allow for revisiting this parameter. Note that Ocean Plan minimum levels (MLs) must be adhered to when applicable.  TCDD equivalents – The results from RPCalc analysis of the past 5 years of TCDD data showed that TCDD has the reasonable potential to exceed water quality objectives (endpoint 1). An effluent limit is required.	Revisions were made to the permit.

Commenter	#	Comment	Response	Action Taken
		the current permit. Figure VI in the Ocean Plan has a process flow chart for conducting an RPA and in the case where insufficient data is available the chart leads to end point 3. This end point requires monitoring without an effluent limitation. We request the staff apply end point 3 to these pollutants.		
US Navy	7	The waters surrounding San Clemente Island are not available to the public for water contact recreation so a REC-1 standard does not apply (page 22/section V.A.1.).	The Basin Plan recognizes REC-1 as a beneficial use assigned to San Clemente Island. However, taking into account site-specific conditions, we have adjusted bacteria monitoring from weekly to monthly.	None necessary.
US Navy	8	Completing and submitting a written notification within 5 days could be difficult to achieve during weekends and holidays at the island. We request this requirement be changed to 5 working days (page 28/section VI.A.v.).	The requirement for reporting within 5 days already accounts for weekends and holidays. No changes have been made to the permit.	None necessary.
US Navy	9	The requirement to submit a report is referring to "construction related to expansion" and considering the discharge limitation is an average of 0.025 mgd the US Navy would have to apply for a permit amendment for any significant expansion. The requirement should be deleted or the language should be modified as follows – "...any proposed WWTP changes or construction related to expansion on the island that could increase the daily flow rate to equal or exceed the design capacity". This makes more sense when you consider the content of the report under subsections i, ii, iii. (page 31/section VI.C.2.f.)	Section VI.C.2.f of the permit has been changed to read the following:  Generally, the Discharger shall submit a written report to the Executive Officer of the Regional Water Board within 90 days after the "30-day (monthly) average" daily dry-weather flow equals or exceeds 75 percent of the design capacity of waste treatment and/or disposal facilities. However, for the SCI WWTP, the authorized 0.025 mgd already exceeds the 75 percent capacity of the 0.03 mgd tertiary treatment plant. In the case of the SCI WWTP, the written report shall be prepared prior to any proposed WWTP changes or construction related to expansion on the island <u>that could increase the daily flow rate to equal or exceed the design capacity</u> . The Discharger's senior administrative officer shall sign a letter, which transmits that report and certifies that the discharger's policy-making body is adequately informed of the report's contents.	A revision was made to the permit.
US Navy	10	Page 32/section VI.C.3.b requires conceptual monitoring protocol for spills greater than 10,000 gallons to a beach. There are no beach areas at this location so this requirement should be deleted. This section also requires coordination with the local health department. There are no public beaches/areas at San Clemente Island that would require local health department involvement. We	As requested, the language regarding beach spills and local health department coordination in section VI.C.3.b has been removed. Section VI.C.6 of the revised tentative permit and Attachment K contain general spill reporting requirements.	A revision was made to the permit.

Commenter	#	Comment	Response	Action Taken
		request the requirement to coordinate with the local health department be deleted.		
US Navy	11	Conducting outfall inspections requires divers and can be an expensive undertaking. Considering the relatively small discharge volume for the wastewater treatment plant and relatively new outfall pipe, less frequent inspections could be conducted while protecting beneficial uses. We request the inspections be required twice during the permit cycle rather than annually (page E-29/section IX.C.).	A revision has been made to section IX.C of the permit to require outfall inspections twice during the permit cycle.	A revision was made to the permit.
US Navy	12	Monthly bacteria monitoring at the shoreline locations would be adequate to protect beneficial uses. The initial dilution of 136:1 along with a tertiary treatment plant minimizes the risk of elevated bacteria concentrations. We request that monitoring be reduced from weekly to monthly. This is also consistent with the effluent monitoring requirements (page E-5/section II, table 1).	San Clemente Island is listed for the REC-1 beneficial use but is not listed for the SHELL beneficial use. Current site conditions provide no public access. Per the State Water Board memo approving the 136:1 dilution ratio, weekly monitoring is needed if both REC-1 and SHELL beneficial uses are assigned. Since only REC-1 is assigned in the Basin Plan, Regional Water Board staff has revised section II, table 1 of the permit to require monthly bacteria monitoring at the shoreline locations.	A revision was made to the permit.
US Navy	13	<p>The trigger of 1 TUC to conduct a toxicity reduction evaluation (TRE) is overly conservative and ignores the initial dilution (136:1) that occurs at the outfall (page E-15/section V.B.2.). Initial dilution is allowed in the permit in accordance with the Ocean Plan is an important factor when determining compliance with effluent limitations. Applying a trigger that ignores the initial dilution implies that it is not a factor in determining impacts to water quality. TREs/accelerated monitoring are very expensive and it has no bearing on impacts to the receiving water when the initial dilution is not considered. The trigger should be set at the effluent limit which has been set at a level that is protective of beneficial uses and does not impact water quality.</p> <p>In addition, applying any chronic toxicity threshold should consider the percent minimum significance difference (PMSD) and/or other statistical methods to account for variability.</p>	A revision has been made to section V.B.2 of the permit to include consideration of dilution.	A revision was made to the permit.

## Response to Comments

### United States Navy, Naval Auxiliary Landing Field San Clemente Island Wastewater Treatment Plant Tentative NPDES Permit

This table describes all comments received from interested persons with regard to the above-mentioned tentative permit. Each comment has a corresponding response and action taken.

Commenter	#	Comment	Response	Action Taken
United States Navy (US Navy)	1	Section II.C (page 6) states that discharges in excess of 0.025 million gallons per day (mgd) are not authorized. The discharge limit is a monthly average daily limit not a daily maximum limit. The language in the permit should be restated to read, "The daily average discharge for each month is not authorized in excess of 0.025 mgd."	Section II.C (page 6) of the permit was revised to read the following:  Consistent with ASBS exclusion area, this Order authorizes the Navy to discharge a monthly average of 0.025 mgd of treated wastewater to the Pacific Ocean. <del>Discharges in excess of 0.025 mgd are not authorized.</del> <u>The daily average discharge for each month is not authorized in excess of 0.025 mgd.</u>	A revision was made to the permit.
US Navy	2	Sanitary Sewer Overflow General Permit (SSO WDR) (page 10/section II.S.)– The US Navy sent a letter to the State Water Board dated March 29, 2007, regarding the waiver of sovereign immunity under the Clean Air Act stating that Order No. 2006-003-DWQ does not apply to the US Navy.	Reference to the SSO WDR Order No. 2006-003-DWQ has been removed. Regional Water Board staff has incorporated NPDES requirements specific to the federally owned treatment works (FOTW) into Attachment K. Further edits have been incorporated where needed throughout the permit.	Attachment K has been added and revisions have been made to the permit.
US Navy	3	Given the relatively small volume discharge for SCI sewer treatment plant, 136:1 initial dilution, and the proposed chronic toxicity effluent limit, it is unnecessary to have an acute toxicity limit and monitoring requirements (page 17/Table 8). We request this expensive and unnecessary test be deleted.	An acute toxicity effluent limit is listed in Order 00-090. However, per the Anti-backsliding exception found in the Clean Water Act (CWA) section 402(o)(2)(A), a removal of this limit from Order No. 00-090 is acceptable since material and substantial alterations have occurred at this facility. Further, removing this limit will not result in lowering water quality since the outfall has been moved and the treatment has been	Revisions were made to the permit.

Commenter	#	Comment	Response	Action Taken
			upgraded from secondary to tertiary. Revisions have been made to page 17/table 8, page E-11/table 3, page E-14/section V.A., page F-18/table 12 and footnote 6, page F-25/table 13 and footnote 17.	
US Navy	4	There are no sources of Tributyltin (TBT) discharging to the wastewater treatment plant and the Ocean Plan appendix VI, figure VI provides an option for selection of end point 3, which is the most appropriate given that all results have been non-detect (ND). The US Navy understands the need for additional monitoring, but an effluent limit seems inconsistent with the Ocean Plan and the lack of a source for this pollutant. We request the effluent limit be removed from the permit (page 18/Table 8).	The TBT effluent limit has been removed. The US Navy is still required to monitoring for TBT. A reopener provision will allow for revisiting this parameter. Note that Ocean Plan minimum levels (MLs) must be adhered to when applicable.	Revisions were made to the permit.
US Navy	5	Regarding Effluent limits for pollutants with footnote 22 starting on page 18/table 8 of the Tentative Order:  The Ocean Plan appendix VI, figure VI provides a Reasonable Potential Analysis (RPA) process flow chart. The Regional Water Board staff have chosen to apply effluent limits in cases where the ND results were found but the method detection limit (MDL) was above the minimum level in the Ocean Plan. Considering it is not expected that these pollutants would be found in the discharge, it seems more appropriate to apply end point 3 from the process flow chart. Request the effluent limit be removed for all pollutants where the justification is only based on ND values with detection limits above Ocean Plan minimum levels.	The effluent limits for TBT, Aldrin, Benzidine, Chlordane, 3,3-dichlorobenzidine, Dieldrin, Heptachlor, Heptachlor epoxide, Hexachlorobenzene, PCBs, and Toxaphene have been removed. The US Navy is still required to monitor for these constituents. A reopener provision will allow for revisiting this parameter. Note that Ocean Plan minimum levels (MLs) must be adhered to when applicable.	Revisions were made to the permit.
US Navy	6	Regarding the effluent limits for PAHs, PCBs, and TCDD equivalents on page 18/table 8 of the Tentative Order:  The PAH, PCB, and TCDD limitations in Table 8 appear to be listed because the ND results had detection limits higher than the Ocean Plan minimum levels. This is not uncommon for these pollutants that can have objectives that are below MDLs. There is no reason to expect that these pollutants would be present in discharges to the wastewater treatment plant, and they are not included in	The effluent limits for PAHs and PCBs have been removed. The US Navy is still required to monitoring for these constituents. A reopener provision will allow for revisiting this parameter. Note that Ocean Plan minimum levels (MLs) must be adhered to when applicable.  TCDD equivalents – The results from RPCalc analysis of the past 5 years of TCDD data showed that TCDD has the reasonable potential to exceed water quality objectives (endpoint 1). An effluent limit is required.	Revisions were made to the permit.

Commenter	#	Comment	Response	Action Taken
		the current permit. Figure VI in the Ocean Plan has a process flow chart for conducting an RPA and in the case where insufficient data is available the chart leads to end point 3. This end point requires monitoring without an effluent limitation. We request the staff apply end point 3 to these pollutants.		
US Navy	7	The waters surrounding San Clemente Island are not available to the public for water contact recreation so a REC-1 standard does not apply (page 22/section V.A.1.).	The Basin Plan recognizes REC-1 as a beneficial use assigned to San Clemente Island. However, taking into account site-specific conditions, we have adjusted bacteria monitoring from weekly to monthly.	None necessary.
US Navy	8	Completing and submitting a written notification within 5 days could be difficult to achieve during weekends and holidays at the island. We request this requirement be changed to 5 working days (page 28/section VI.A.v.).	The requirement for reporting within 5 days already accounts for weekends and holidays. No changes have been made to the permit.	None necessary.
US Navy	9	The requirement to submit a report is referring to "construction related to expansion" and considering the discharge limitation is an average of 0.025 mgd the US Navy would have to apply for a permit amendment for any significant expansion. The requirement should be deleted or the language should be modified as follows – "...any proposed WWTP changes or construction related to expansion on the island that could increase the daily flow rate to equal or exceed the design capacity". This makes more sense when you consider the content of the report under subsections i, ii, iii. (page 31/section VI.C.2.f.)	Section VI.C.2.f of the permit has been changed to read the following:  Generally, the Discharger shall submit a written report to the Executive Officer of the Regional Water Board within 90 days after the "30-day (monthly) average" daily dry-weather flow equals or exceeds 75 percent of the design capacity of waste treatment and/or disposal facilities. However, for the SCI WWTP, the authorized 0.025 mgd already exceeds the 75 percent capacity of the 0.03 mgd tertiary treatment plant. In the case of the SCI WWTP, the written report shall be prepared prior to any proposed WWTP changes or construction related to expansion on the island <u>that could increase the daily flow rate to equal or exceed the design capacity</u> . The Discharger's senior administrative officer shall sign a letter, which transmits that report and certifies that the discharger's policy-making body is adequately informed of the report's contents.	A revision was made to the permit.
US Navy	10	Page 32/section VI.C.3.b requires conceptual monitoring protocol for spills greater than 10,000 gallons to a beach. There are no beach areas at this location so this requirement should be deleted. This section also requires coordination with the local health department. There are no public beaches/areas at San Clemente Island that would require local health department involvement. We	As requested, the language regarding beach spills and local health department coordination in section VI.C.3.b has been removed. Section VI.C.6 of the revised tentative permit and Attachment K contain general spill reporting requirements.	A revision was made to the permit.

Commenter	#	Comment	Response	Action Taken
		request the requirement to coordinate with the local health department be deleted.		
US Navy	11	Conducting outfall inspections requires divers and can be an expensive undertaking. Considering the relatively small discharge volume for the wastewater treatment plant and relatively new outfall pipe, less frequent inspections could be conducted while protecting beneficial uses. We request the inspections be required twice during the permit cycle rather than annually (page E-29/section IX.C.).	A revision has been made to section IX.C of the permit to require outfall inspections twice during the permit cycle.	A revision was made to the permit.
US Navy	12	Monthly bacteria monitoring at the shoreline locations would be adequate to protect beneficial uses. The initial dilution of 136:1 along with a tertiary treatment plant minimizes the risk of elevated bacteria concentrations. We request that monitoring be reduced from weekly to monthly. This is also consistent with the effluent monitoring requirements (page E-5/section II, table 1).	San Clemente Island is listed for the REC-1 beneficial use but is not listed for the SHELL beneficial use. Current site conditions provide no public access. Per the State Water Board memo approving the 136:1 dilution ratio, weekly monitoring is needed if both REC-1 and SHELL beneficial uses are assigned. Since only REC-1 is assigned in the Basin Plan, Regional Water Board staff has revised section II, table 1 of the permit to require monthly bacteria monitoring at the shoreline locations.	A revision was made to the permit.
US Navy	13	<p>The trigger of 1 TUC to conduct a toxicity reduction evaluation (TRE) is overly conservative and ignores the initial dilution (136:1) that occurs at the outfall (page E-15/section V.B.2.). Initial dilution is allowed in the permit in accordance with the Ocean Plan is an important factor when determining compliance with effluent limitations. Applying a trigger that ignores the initial dilution implies that it is not a factor in determining impacts to water quality. TREs/accelerated monitoring are very expensive and it has no bearing on impacts to the receiving water when the initial dilution is not considered. The trigger should be set at the effluent limit which has been set at a level that is protective of beneficial uses and does not impact water quality.</p> <p>In addition, applying any chronic toxicity threshold should consider the percent minimum significance difference (PMSD) and/or other statistical methods to account for variability.</p>	A revision has been made to section V.B.2 of the permit to include consideration of dilution.	A revision was made to the permit.