

State of California
Regional Water Quality Control Board
San Diego Region

REVISED

EXECUTIVE OFFICER SUMMARY REPORT
June 8, 2011

ITEM: 8

SUBJECT: NPDES Permit Reissuance: SeaWorld Parks & Entertainment, Inc., Sea World -San Diego (Tentative Order No. R9-2011-0032, NPDES Permit No. CA0107336) (*Michelle Mata*)

PURPOSE: To adopt an Order reissuing the NPDES Permit (Tentative Order) for the discharge of up to 9.36 million gallons per day (MGD) of wastewater from exhibit pools and aquaria, intermittent flows during pool draining and cleaning operations, runoff from landscape irrigation, and facility wash down water from SeaWorld San Diego to Mission Bay.

PUBLIC NOTICE: A public notice of the Tentative Order was published in the San Diego Union Tribune on March 21, 2011. Copies of the Tentative Order were electronically mailed on March 21, 2011 to SeaWorld San Diego and to all known interested parties and agencies. Copies were also made available for public review at the San Diego Water Board office and posted on the Board's web site on March 21, 2011.

DISCUSSION: During the May 11, 2011 meeting, the San Diego Water Board heard testimony from the California Association of Sanitation Agencies (CASA). CASA raised objections regarding the chronic toxicity requirements and inclusion of the United States Environmental Protection Agency's (USEPA) Test of Significant Toxicity (TST) method in the Tentative Order. CASA also raised concerns over the legality of adoption of the Tentative Order prior to the State Water Resources Control Board (State Water Board) adoption of the Policy for Toxicity Assessment and Control (Policy). In response to the CASA comments, the Discharger requested additional time to evaluate the toxicity requirements of the Tentative Order. The San Diego Water Board continued the matter to its June 8, 2011 meeting, directing staff to further evaluate the comments submitted by CASA.

Upon evaluation of the CASA comments and consultation with the State Water Board, the San Diego Water Board has made

changes to the Tentative Order. The State Water Board is currently considering adoption of the TST method as a statewide protocol in their draft Policy, **but a final decision is not expected until early 2012.** ~~The State Water Board requested that the San Diego Water Board refrain from mandating the use of the TST in the Tentative Order at this time until the State Water Board draft Policy is adopted. In response to the State Water Board concerns~~†The Tentative Order has been revised to allow the Discharger flexibility to select a specific statistical method (including the TST method), to analyze chronic toxicity data. The method chosen must be submitted to the San Diego Water Board for review and acceptance prior to use. In addition, the Tentative Order has also been revised to remove the Pass/Fail chronic toxicity effluent limitation and replace it with a narrative effluent limitation which states “These shall be no chronic toxicity in the effluent discharge.”

The San Diego Water Board staff is ~~currently in the process of preparing a~~ **has prepared a** Supplemental Errata Sheet **(Supporting Document No. 7),** which ~~will be included in the Supplemental Agenda Packet,~~ detailing the changes above.

SIGNIFICANT
CHANGES:

The following areas in the Tentative Order differ from the current Order No. R9-2005-0091:

1. Influent monitoring requirements for copper have been added.
2. Effluent monitoring for copper has been increased from semiannual to quarterly.
3. The Tentative Order establishes a narrative chronic toxicity effluent limit which replaces the acute and chronic toxicity numerical effluent limits which were derived from the Ocean Plan. Accordingly, the monitoring requirements and effluent limitations for acute toxicity have been removed from the Tentative Order.
4. The requirements for firework event discharges have been deleted. The Discharger will be automatically enrolled under the General Fireworks Permit, Order No. R9-2011-0022, which was adopted at the May 11, 2011 Board Meeting.

COMPLIANCE:

During the term of Order No. R9-2005-0091 exceedences were

observed at Outfall No. 1 (between November 2005 - December 2007) for enterococcus and total coliform, and at Outfall No. 2 (between June 2005-November 2008) for ammonia, copper, and total coliform. The Discharger took corrective actions and has demonstrated consistent compliance with the effluent limitations of Order No. R9-2005-0091.

LEGAL ISSUES: None

SUPPORTING DOCS: Supporting Documents 1-6 **have** were previously included in the May 11, 2011 Board Meeting agenda package **been provided to the San Diego Water Board Members and are not included in this packet. Supporting Document No. 7 is new material.**

1. Site Map
2. Transmittal Letter for Tentative Order No. R9-2011-0032
3. Tentative Order No. R9-2011-0032 (*Version 3/21/2011*)
4. Comment Letter from SeaWorld San Diego (April 13, 2011)
5. San Diego Water Board Responses to Comments
6. Errata Sheet for Tentative Order No. R9-2011-0032
- 7. Supplemental Errata Sheet for Tentative Order No. R9-2011-0032**

RECOMMENDATION: Adoption of Tentative Order No. R9-2011-0032 with Errata Sheet **and Supplemental Errata Sheet** is recommended.