

EXECUTIVE OFFICER SUMMARY REPORT
August 13, 2008

- ITEM: 08
- SUBJECT: NPDES Permit Reissuance: Waste Discharge Requirements for Continental Maritime of San Diego, Inc., San Diego County. This is a shipyard adjacent to San Diego Bay. (Tentative Order No. R9-2008-0049, NPDES Permit No. CA0109142) (*Vicente Rodriguez*)
- PURPOSE: To hold a public hearing and receive comments from interested parties regarding the adoption of tentative NPDES permit for waste discharge requirements for Continental Maritime of San Diego Inc. (CMSD).
- PUBLIC NOTICE: A newspaper notice was published in the San Diego Union Tribune on May 19, 2008 and July 3, 2008. Copies of the notice for a public hearing and availability of the tentative Order were mailed out on May 20, 2008 and July 14, 2008 to all known interested parties and agencies for review and comments. Copies of the tentative Order have been made available for public review at the San Diego Regional Water Quality Control Board office and were posted on the San Diego Regional Board's web site as of May 20, 2008 and updated July 3, 2008. These procedures served as the 30-day official public notification for this action, as required by 40 CFR (Code of Federal Regulations) 124.10.
- DISCUSSION: Continental Maritime of San Diego, Inc. (CMSD) (hereinafter Discharger) is currently discharging pursuant to Order No. R9-2002-0282 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0109142. The Discharger submitted a Report of Waste Discharge, dated May 2, 2007, and applied for a NPDES permit renewal to discharge industrial storm water from numerous discharge locations in CMSD, hereinafter Facility. Contact storm water is discharged to San Diego Bay from the Facility only in the event that all storm water retention capacity at the Facility at high risk and industrial areas have been exhausted.
- CMSD is a full service ship repair facility located on 14 acres of land and 17.8 acres of water. The Facility includes

350,625 square feet of office, warehouse and manufacturing building area, 679 parking spaces, and six piers ranging from 175 feet to 700 feet in length. The shipyard provides a variety of services associated with ship repair, including: structural repair, sheet metal fabrication, surface preparation (mechanical cleaning and abrasive blasting) and painting, electrical component repair and replacement, machinery overhaul and repair, piping systems, boiler repair, bilge/ballast water treatment, acid flushing, lagging and insulation removal and installation, and the overhaul and rigging of shipboard components. Some industrial processes at the Facility are exposed to storm water.

General industrial processes associated with shipbuilding, conversion, repair, and maintenance include: metal fabrication, welding and brazing, abrasive blasting, hydrowashing, fiberglass work, paint and coating application, mechanical work, electrical work, wood work (including sanding), chemical cleaning of piping, line heating, and hazardous waste storage. Several shipbuilding and repair activities take place over water or near shore locations, while others may be performed in workshops or at work site located inland on the shipyard property.

Storm water generated on the site is collected via a storm water diversion system (SWDS), which can capture up to 2.3 inches of rainfall within a 24-hour period in various catchment basins around the Facility. This includes the first flush of storm water associated with each storm event. The industrial areas are divided into 11 distinct industrial storm water control areas that are segregated by berms and associated pumping mechanisms to control and divert storm water to a series of above ground tanks for storage. The Industrial User Discharge Permit (No. 11-0417-01A) issued by San Diego Metropolitan Pretreatment Program to the facility, authorized the Facility to release an annual average of 10,420 gallons per day (gpd) of dilute wastewaters (including storm water) in addition to an annual average of 5,125 gpd of industrial wastewater discharges to the sanitary sewer system. Stored storm water is analyzed to determine if it meets the pretreatment discharge limits specified in the Industrial User Discharge Permit and is eventually released into the San Diego Metropolitan Sanitary Sewer System (SDMSSS). No storm water has been discharged to San Diego Bay from the Facility since 2005.

In the event of a major storm that exceeds 2.3 inches in a 24-hour period, CMSD has the capability of releasing excess storm water to San Diego Bay via eight discharge points. Excess storm water that collects in the vicinity of seven designated industrial process areas within the Facility (Areas 1, 2, 3, 5, 7, 8, and 10) is routed to these outfalls during a major storm. Overflow storm water from areas 4, 6, 9, and 11 is not routed directly to outfalls, but allowed to drain into and commingle with stormwater in Area 10, prior to release to Discharge Point No. 005.

A description of each storm water collection area and discharge location is provided in section II.A of Attachment F (Fact Sheet) to the Tentative Order. Attachment B provides a map of the area around the facility. Attachment C provides a flow schematic of the facility.

The Regional Board received four comment letters (See Supporting Documents 7, 8, 11, and 12) and four requests for postponement (See Supporting Documents 5, 6, 9, and 10).

The Regional Board staff "Response to Comments" (See Supporting Document 13) responds to the comments and requests received. Staff will respond in the supplemental mailing to any additional comments not yet received.

The underline/strikeout copy of the tentative Order (See Supporting Document 2) incorporates the modifications identified in the "Response to Comments".

COMPLIANCE
RECORD:

The Discharger exceeded the chronic toxicity limitation of 1 TUc on three separate monitoring events between 2002 through 2004 for fire protection water (>1.0 TUc for each sample). The discharge of fire protection water into the San Diego Bay has been eliminated by the Discharger.

LEGAL CONCERNS:

None

SUPPORTING DOCS:

1. Location Map
2. Underline/ Strikeout of Revised Tentative Order No. R9-2008-0049
3. Copy of tentative Order transmittal letter to discharger and interested parties, dated May 20, 2008.
4. Copy of tentative Order transmittal letter to discharger and interested parties, dated July 14, 2008.

5. Continental Maritime Letter Request for Postponement, dated June 5, 2008.
6. BAE System Email Request for Postponement, dated June 09, 2008.
7. Cory Briggs Comment Email dated June 10, 2008.
8. Continental Maritime Comment Letter dated June 11, 2008.
9. John Robertus Email to Vicente Rodriguez which contains a copy of John Robertus response to Brian Gordon Email Request for Postponement dated June 11, 2008.
10. Industrial Environmental Association Letter Request for Postponement, dated June 13, 2008.
11. San Diego Coastkeeper Comment Letter dated June 18, 2008.
12. US Environmental Protection Agency Comment Email dated June 19, 2008.
13. Regional Board staff "Response to Comments".

SIGNIFICANT CHANGES

FROM CURRENT ORDER: Tentative Order No. R9-2008-0049 contains two significant changes from Order No. R9-2002-0282.

1. The only authorized point source discharges to San Diego Bay from CMSD were from the fire protection system at Pier Nos. 4 and 6 through Outfall Nos. 001 and 002. The Discharger re-designed the fire protection system to recirculate water without discharging water to the San Diego Bay. The elimination of the discharges occurred on February 26, 2004. Thus, the discharge of fire protection system water is not authorized under this tentative Order No. R9-2008-0049.
2. The Industrial Storm Water Acute toxicity effluent limit was changed:
 - a. From Order No. R9-2002-0282:
In a 96-hour static or continuous flow bioassay test, the discharge shall not produce less than 90% survival, 50% of the time, and not less than 70% survival, 10% of the time, using a standard test species and protocol approved by the Regional Water Board.
 - b. To Tentative Order No. R9-2008-0049:
Discharges of storm water shall achieve a rating of "Pass" for acute toxicity with the

determination of Pass or Fail from a single-effluent-concentration (paired) acute toxicity test is determined using a one-tailed hypothesis test called a t-test. The objective of a Pass or Fail test is to determine if survival in the single treatment (100% effluent) is significantly different from survival in the control (0% effluent). Following Section 11.3 in the acute test methods manual (EPA/821/R-02/012, 2002), the t statistic for the single-effluent concentration acute toxicity test shall be calculated and compared with the critical t set at the 5% level of significance. If the calculated t does not exceed the critical t, then the mean responses for the single treatment and control are declared "not statistically different" and the permittee shall report "Pass" on the DMR form. If the calculated t does exceed the critical t, then the mean responses for the single treatment and control are declared "statistically different" and the permittee shall report "Fail" on the DMR form. This Order requires additional toxicity testing if the acute WET permit limit is reported as "Fail" as specified in the Monitoring and Reporting Program.

RECOMMENDATION: Staff recommends the adoption of the Revised Tentative Order No. R9-2008-0049.