

From: <Stuber.Robyn@epamail.epa.gov>
To: "Vicente Rodriguez" <VRodriguez@waterboards.ca.gov>
CC: <Eberhardt.Doug@epamail.epa.gov>, <Denton.Debra@epamail.epa.gov>
Date: 6/19/2008 12:58 PM
Subject: comments on draft Maritime permit
Attachments: Table 3-1 from EPA R9 and 10 TTT (Nov 2007).doc

Hi Vicente. Here are our comments on the Maritime permit language. We will be requesting these minor changes before the Board on June 25.

We strongly support the proposed acute toxicity permit language used in the draft Maritime permit. It is wholly consistent with the Basin Plan narrative objective for toxicity and we view it as model acute toxicity language for other RB9 issued permits which discharge to inland waters and estuaries.

Page 13 -- Acute toxicity effluent limit (Paragraph IV. A) fully consistent with Basin Plan narrative objective. We support this approach.

Page 23 -- Compliance determination language (Paragraph VII.A.1) is fully consistent with acute toxicity effluent limit and Basin Plan narrative objective. We support this approach.

Page 21 -- Recommend revising the last sentence to "... applicable to acute or chronic toxicity." This is more fully protective of basin plan water quality objectives, where new policies/requirements for both acute and chronic toxicity may developed by the State Board during the 5-year term of this permit.

Page E-9 -- Recommend adding the following sentence, as the second sentence, to the first paragraph under Section B: "In a 96-hour static renewal test, the renewal shall be made at 48-hours using the original effluent sample." This is recommended because the required test duration is 96-hours and sampled storm events may not last long enough to collect a new effluent sample for the renewal at 48 hours.

Page E-9 -- In Table E-3, recommend revising units for acute toxicity from "% survival" to "Pass-Fail", consistent with the expression of the proposed acute toxicity effluent limit.

Page E-9 -- In Table E-3, recommend that the minimum frequency for acute toxicity monitoring be revised from 1 storm per year to 2 storms per year, consistent with that for other monitored parameters. We are making this recommendation because the likelihood of detecting at least one acutely toxic event remains quite low with only 5 samples, but increases with more samples. See also, p. E-3, last sentence in Paragraph V.A.

(See attached file: Table 3-1 from EPA R9 and 10 TTT (Nov 2007).doc)

Page E-4 -- Under Section B, first bullet, replace "(i.e., 96-hour LC50, etc.)" with "(i.e., 96-hour Pass-Fail test)", consistent with acute toxicity permit limit.

Page E-4 -- Recommend striking second and third bullets under Section B.

The test species in these paragraphs are East Coast species and are not a priority for testing the acute toxicity of discharges to west coast marine waters; rather we support that topmelt, a west coast species, be the sole fish tested for acute toxicity.

Page E-4 -- Recommend adding the phrase ", only if *Holmesimysis costata* is not available.", to the fifth bullet under Section B.

If you have questions, please call me (415/972-3524).

Robyn

"Vicente
Rodriguez"
<VRodriguez@waterboards.ca.gov> To
robyn.stuber@waterboards.ca.gov
cc
06/12/2008 07:59 AM "Brian Kelley"
<BKelley@waterboards.ca.gov>,
Eugene Bromley@waterboards.ca.gov,
Debra Denton@waterboards.ca.gov,
Doug Eberhardt@waterboards.ca.gov,
Cindy Lin@waterboards.ca.gov
Subject
Re: Navy stormwater permits

Hello Robyn Stuber,

You may find them here:

http://www.waterboards.ca.gov/sandiego/public_notices/hearings/notice051908.shtml

FYI- five of the six tentative permits have been postponed. Currently only Continental Maritime is still scheduled for the June 25, 2008 Regional Board meeting.

Vicente

Vicente Rodriguez
(858) 627-3940

California Environmental Protection Agency
California Regional Water Quality Control Board – San Diego Region
Provide feed back. File an environmental complaint.

>>> Brian Kelley 6/12/2008 7:51 AM >>>
Vicente,

Would you please let Robyn know where to find copies of the shipyard and Navy permits and let her know that only one is still on for June 25th. Also cc the others listed on her email. It would be good if we have full backing from usepa.

Thanks,
Brian

>>> <Stuber.Robyn@epamail.epa.gov> 6/11/2008 8:08 AM >>>
Hi Brian. Can you send me pdf files for the Navy stormwater permits that are up for adoption this month? I think Cindy Lin will testify for EPA on the permits, as your office had previously discussed with John Kemmerer. Debra Denton and myself need to see the permits in order to prepare her comments. Thanks! Robyn

Table 3-1 Likelihood of Detecting at Least One Toxic Event

<i>Number of Tests (N)</i>	<i>True Probability of Occurrence^A</i>		
	<i>10%</i>	<i>20%</i>	<i>30%</i>
1	0.10	0.20	0.30
2	0.19	0.36	0.51
3	0.27	0.49	0.66
4	0.34	0.59	0.76
5	0.41	0.67	0.83
6	0.47	0.75	0.88
8	0.57	0.83	0.94
10	0.65	0.89	0.97
12	0.72	0.93	0.99
16	0.81	0.97	0.99
20	0.88	0.99	0.99

a Assumes negligible serial correlation among observations, and true rate of occurrence over time. Probability of occurrence is stated as a percentage of the possible independent sampling events.