

State of California
Regional Water Quality Control Board
San Diego Region

REVISED
EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2009

ITEM: 8 a. and b.

SUBJECT: a. NPDES Permit Reissuance: Waste Discharge Requirements for General Dynamics National Steel and Shipbuilding Company (NASSCO), Discharge to San Diego Bay (Tentative Order No. R9-2009-0099, NPDES Permit No. CA0109134) (Kristin Schwall) and

b. Time Schedule Order: An Order Requiring General Dynamics National Steel and Shipbuilding Company (NASSCO) Discharge to San Diego Bay, to Comply with Requirements Prescribed in Order No. R9-2009-0099 (Tentative Order No. R9-2009-0117) (Kristin Schwall)

PURPOSE: To hold a public hearing and receive comments from interested parties and interested persons regarding a) the tentative NPDES permit reissuance and waste discharge requirements, and b) the tentative time schedule order for General Dynamics National Steel and Shipbuilding Company (Discharger).

PUBLIC NOTICE: Notices for this hearing and availability of the tentative NPDES Order and tentative Time Schedule Order were sent by mail and e-mail on July 13, 2009 to all known interested parties and interested persons for review and comments. A newspaper notice was published in the San Diego Union-Tribune on June 28, 2009. Copies of the tentative NPDES Order and tentative Time Schedule 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 on July 14, 2009. These procedures served as the 30-day official public notification for this action, as required by 40 CFR (Code of Federal Regulations) 124.10.

This tentative NPDES Order (R9-2009-0099) is a revised version of a previous draft that was initially noticed and made publicly available in May 2008 (R9-2008-0050). The changes from the May 2008 version are shown in underline/strikeout format.

This tentative Time Schedule Order (R9-2009-0117) is a first publicly available draft and was not part of the May 2008 document release.

DISCUSSION: The Discharger is currently discharging pursuant to Order No. R9-2003-0005 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0109134. Tentative Order No. R9-2009-0099 would, if adopted, supersede and replace Order No. R9-2003-0005. The Discharger submitted a Report of Waste Discharge (ROWD) on August 9, 2007, and applied for a NPDES permit renewal to discharge floating drydock ballast water, fire protection water, hydrostatic relief water, flood dewatering, and pipe and tank hydrostatic water from numerous discharge locations at General Dynamics National Steel and Shipbuilding Company (hereinafter Facility). After the submittal of the ROWD, the Facility has eliminated the discharge of fire protection water. Under normal operating conditions, contact storm water is treated on-site and then discharged to a municipal treatment plant for disposal. Discharges of storm water may occur infrequently at the Facility to the San Diego Bay when the on-site holding capacity is exceeded (greater than a 100-year storm event) or the storm water collection and treatment system is not operating properly.

Discharges from the ship repair Facility to the San Diego Bay include drydock ballast water, hydrostatic relief water, flood dewatering, pipe and tank hydrostatic water, and storm water. The intake water for the drydock ballast water, flood water, and pipe and tank hydrostatic test water is from San Diego Bay. The intake water for the hydrostatic relief discharges is part San Diego Bay water and part ground water.

A description of each discharge 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.

Effluent limitations were added to Order No. R9-2009-0099 for copper, cadmium, zinc, and nickel based on the California Toxics Rule (CTR) and the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP). Order No. R9-2009-0099 contains a compliance schedule to bring the discharges into compliance by May 18, 2010 as required in the SIP. NASSCO has reported that they need additional time to achieve compliance for the discharge of flood waters from the graving dock. Time Schedule Order No. R9-2009-0117 requires the discharge of flood waters from the graving dock to achieve compliance with the final effluent limitations by August 12, 2014.

~~To date, t~~The Regional Board has received ~~no~~ comments on these tentative Orders from NASSCO (Supporting Document 5 and 6). ~~Copies of all comments received, responses to comments, and any errata to the tentative Order(s) will be provided to the Regional Board in the second agenda mailing.~~

The Regional Board staff "Response to Comments" (Supporting Document 7) responds to most of the comments. The Regional Board staff will respond to the remaining comments at the Regional Board meeting.

Errata sheets have been prepared to modify the underling/strikeout tentative Order (Supporting Document 8) and the tentative Time Schedule Order (Supporting Document 9).

COMPLIANCE

RECORD: No effluent limitation exceedances were identified during the current permit term, which began February 5, 2003.

LEGAL CONCERNS: None

SUPPORTING DOCS:

1. Location Map
2. Underline/Strikeout Tentative Order No. R9-2009-0099
3. Tentative Time Schedule Order No. R9-2009-0117
4. Copy of tentative Order transmittal letter to discharger and interested parties, dated July 13, 2009
5. NASSCO Comment letter dated July 30, 2009, regarding toxicity issues
6. NASSCO Comment letter dated July 30, 2009, regarding general issues
7. Regional Board "Response to Comments"
8. Errata Sheet for Tentative Order No. R9-2009-0099
9. Errata Sheet for Tentative Time Schedule Order No. R9-2009-0117
10. EPA Comment Letter regarding toxicity issues dated June 3, 2009

SIGNIFICANT CHANGES FROM CURRENT ORDER:

1. New effluent limitations have been established in Order No. R9-2009-0099 for copper, cadmium, zinc, and nickel based on the CTR and the SIP. Final effluent limitations for cadmium, zinc, and nickel are based on criteria in the CTR and calculation found in the SIP. Final effluent limitations for copper are based on intake water credits as described in the SIP. These final effluent

limitations for metals are new effluent limitations which NASSCO is not immediately able to meet. This Order contains a compliance schedule to bring the discharges into compliance by May 18, 2010 as required in the SIP. NASSCO has reported that they need additional time to achieve compliance for the discharge of flood waters from the graving dock. Time Schedule Order No. R9-2009-0117 requires the discharge of flood waters from the graving dock to achieve compliance with the final effluent limitations by August 12, 2014. NASSCO is pursuing several options for achieving compliance and may achieve compliance in advance of August 12, 2014. NASSCO has planned graving dock discharges in September 2009, March 2010, August 2010, and September 2013 during which they are testing compliance alternatives.

2. The Acute toxicity effluent limit was changed as [follows:shown below. These changes are consistent with USEPAs June 3, 2009, letter \(supporting document 10\).](#)
 - a. Order No. R9-2003-0005:

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. Acute toxicity is sampled at least one storm a year for storm water discharges and once a year for non-storm discharges.

This requirement was based on language from the 1974 Enclosed Bays and Estuaries Policy.
 - b. Tentative Order No. R9-2009-0099:

Discharges 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 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). The survival rate in the effluent toxicity must not be less than 5% of survival rate in the control sample, using standard statistical methods. Acute toxicity will be sampled during two storms a year for storm water and once a year for non-storm water discharges.

The acute toxicity effluent limitation was based on language from the 1974 Enclosed Bays and Estuaries Policy, the Basin Plan, EPA guidance document "Understanding and Accounting for Method Variability in Whole Effluent Toxicity

Applications Under the National Pollutant Discharge Elimination System Program (EPA/833/R-00/003, 2000), EPA document Methods for Measuring Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (5th Edition); (EPA-821-R-02-012, 2002), and the results and comments from the Navy study "Storm Water Toxicity Evaluation Conducted at: Naval Station San Diego, Naval Submarine Base San Diego, Naval Amphibious Base Coronado, and Naval Air Station North Island, dated May 2006."

3. The fire protection water discharge has been eliminated.

RECOMMENDATION: Staff recommends the adoption of tentative Order No. R9-2009-0099 with errata and tentative Time Schedule Order No. R9-2009-0117 with errata. One hearing should be held for these orders together and one vote should be held for each order individually.