

**From:** Cory Briggs <cory@briggslawcorp.com>  
**To:** "VRodriguez@waterboards.ca.gov" <VRodriguez@waterboards.ca.gov>  
**Date:** 6/2/2009 4:09 PM  
**Subject:** BAE Systems: Tentative Order No. R9-2009-0080, NPDES Permit No.CA0109151 (June 10, 2009)  
**Attachments:** Permit\_Comments\_R9-2008-0049.pdf

Vicente:

I wanted to let you know that I have the same concerns about Tentative Order no. R9-2009-0080, which the Regional Board will consider next week, and ask that you take appropriate steps to address my concerns.

As you know, last year I submitted a couple of comments on proposed permit no. R9-2008-0049. You responded by indicating that my comments would be incorporated into that proposed permit. Attached to this message is a copy of the document in which you acknowledged that my comments would be incorporated into that permit. (My comments and your response appear on pages 3 and 4 of the attachment.)

I have the same concerns with regard to Tentative Order no. R9-2009-0080. Accordingly, I ask that Tentative Order no. R9-2009-0080 be modified to address my concerns, as was done for proposed permit no. R9-2008-0049. I also ask that you include this e-mail and the attachment in the administrative record for Tentative Order no. R9-2009-0080 because I will be unable to attend next week's meeting and submit these materials myself.

Thank you for your assistance in this matter.

Cory Briggs

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**SAN DIEGO REGIONAL BOARD RESPONSES TO COMMENTS  
TENTATIVE TO ORDER NO. R9-2008-0049**

**C. Comments submitted by Cory J. Briggs, Briggs Law Corporation on June 10, 2008**

<b>COMMENTS</b>	<b>REGIONAL BOARD RESPONSES</b>
<p>Recital No. 1</p> <p>In reviewing the six permits linked below, I noticed that they do not contain an express prohibition against discharges that cause or contribution to violations of California water-quality standards. Did I miss this prohibition? If so, where is it located? If not, why is the prohibition not in these permits? The permits must contain this prohibition.</p>	<p>The Regional Board staff agrees with the comment, the text will be revised in to include the following:</p> <p>Discharge Prohibitions, Section III.K.</p> <p><b><u>“The discharge of wastes that cause or contribute to the violation of water quality standards (designated beneficial uses and water quality objectives developed to protect beneficial uses) is prohibited.”</u></b></p>
<p>Recital No. 2</p> <p>What is the legal basis for the claim in the fact sheet that the CTR does not apply to stormwater discharges? That proposition is false. The State Implementation Plan includes a footnote suggesting that it, the SIP itself, does not apply to stormwater, but there is no legal authority indicating that the CTR itself does not apply to stormwater. I'd like to know what legal authority the fact sheet's claim is based on.</p>	<p>The Regional Board staff agrees with the comment, the text is incorrectly worded and the text will be revised to state:</p> <p>Attachment F-Fact Sheet, Section IV.C.3.</p> <p><b><u>“The SIP procedures for the implementation of CTR and NTR criteria are not applicable to storm water discharges. However, the toxicity objectives contained in the Basin Plan and the Bays and Estuary Plan are applicable to the discharge of storm water from the Facility to the San Diego Bay.”</u></b></p> <p>Findings, Section II.I.</p> <p><b><u>“These rules include water quality criteria for priority pollutants and are applicable to this discharge.”</u></b></p>

**SAN DIEGO REGIONAL BOARD RESPONSES TO COMMENTS  
TENTATIVE TO ORDER NO. R9-2008-0049**

<b>COMMENTS</b>	<b>REGIONAL BOARD RESPONSES</b>
	<p>Findings, Section II.J.</p> <p><b><u>“The SIP is not applicable to the storm water discharges authorized by this Order.”</u></b></p> <p>Receiving Water Limitations, Section V.A.</p> <p><b><u>“Unless specifically excepted by this Order, the discharge, by itself or jointly with any other discharge(s), shall not cause violation of the CTR Saltwater criteria nor the CTR Human Health - Organisms Only criteria.”</u></b></p> <p>Attachment F-Fact Sheet, Section IV.D.1</p> <p>Annual monitoring of the CTR priority pollutants has been added to <b><u>determine compliance with receiving water limitations and to</u></b> help determine background levels in the receiving water for future permitting efforts (i.e., if the Discharger wanted to add an additional industrial discharge in future permits) and provide data to help determine long-term trends in receiving water quality.</p>