



SeaWorld.

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Item No. 7 *m. mata*
Supporting Document No. 4

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

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Via Hand Delivery

April 14, 2011

California Regional Water Quality Control Board
ATTN: Industrial Compliance Unit
Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Re: Reg Measure ID 373525: MMATA
Place: 256121

Dear Ms. Mata:

Attached are SeaWorld San Diego's comments and requests for clarification with respect to Tentative Order No. R9-2011-0032: NPDES Permit NO CA0107336.

If you have any questions, please do not hesitate to contact Shari Sehlhorst at 619-226-3637.

Sincerely,



John T. Reilly
Park President

500 SeaWorld Dr.
San Diego, CA. 92109

April 13, 2011

In reply refer to:
Reg Measure ID 373525: MMATA
Place: 256121

Dear Michelle,

Below find SeaWorld's comments and requests for clarifications with respect to the draft NPDES tentative Order No. R9-2011-0032; NPDES Permit No. CA0107336, dated March 21, 2011. Please feel free to contact Shari Sehlhorst at 619-226-3637 if you have any questions or require additional information.

1. Starting on page 31, 2. Special Studies, technical report...e i-vii. New reporting requirements now include submission of annually reports describing all aquaculture drugs, or chemicals used at the facility, for fish systems. Details are in section IX.D of the MRP, Attachment E.
Rather than submit the records annually, SeaWorld shall maintain the records and logs and make them available to the board upon request.
2. Pg F-3 under attachment F, Table F1, "Facility Contact Information" should now reflect Buddy Burton , Environmental, Health and Safety Director, 619-226-3966
3. Under our current NPDES permit SeaWorld does not sample for Total Cu at the intake sites, and we sample the effluent semi-annually for Total Cu. However, in Table E, page E-5 in attachment E the new draft permit wants SeaWorld to sample for Total Cu *quarterly* at the intake sites and *quarterly* at the effluent sites.

SeaWorld concurs with the Total Cu quarterly sampling requirement at the effluent sites, however, we disagree with the requirement to conduct composite sampling at the influent. Copper is toxic to marine life and the ambient concentrations for copper in the marine environment is clearly established and stated in the Ocean Plan. As such, no additional value will be gained by collecting data on an analyte that is not present in significant quantities in the SWSD discharge. At most, if copper influent sampling must be performed the sampling should be limited to a quarterly grab sample of ambient water at the intakes.

4. SeaWorld noticed a correction that needs to be made with respect to the Total Cu sampling on pg. F-45 A. **Intake Monitoring:** half way through the paragraph on pg. F-46 the permit reads "This Order established effluent limitations and *monthly* monitoring of the effluents for total recoverable copper". The permit should read "quarterly monitoring" like it states on the same page under B. Effluent Monitoring. Here it does state the effluent limitations and quarterly monitoring of the effluents for total recoverable copper as does Table F-17 on the same page. SeaWorld would like to confirm that the sampling is indeed quarterly, not monthly.

Additionally, SeaWorld disagrees with the requirement to conduct total Cu composite sampling at the influent quarterly. At most, if the copper influent sampling must be performed the sampling should be limited to grab sample only. SeaWorld would like Table F-16. Monitoring of East and West Intakes to reflect that change for Total Cu.

5. In the Feb. 21, draft NPDES permit the sampling for Acute Toxicity was "annually" and Chronic was "Once in five years". However, in the new March 21 draft NPDES permit, pg E-6 under **V. Whole Effluent Toxicity Testing Requirements, Table E-4**, the frequency has now been changed to **annually** for Chronic Toxicity testing and Acute Toxicity testing has been eliminated from Table E-4. *However*, the last line of section A.1 reads "...the permittee must continue to conduct routine annual toxicity testing using the single most sensitive species.

To require the chronic toxicity testing to be performed on an annual basis is onerous. There has never been a failure in an acute or chronic toxicity testing sequence to indicate that there would be an issue with acute or chronic toxicity. If there were a past issue with acute toxicity values SeaWorld could understand a need to conduct more frequent chronic toxicity testing, but there simply is no history of such an issue with acute toxicity. SeaWorld would like to continue sampling for Acute Toxicity *annually* and Chronic Toxicity "*once in five years*".

6. Additionally, under section A. 1., pg. E-6, the permit reads that "the permittee must split a 24 hour composite effluent sample and concurrently conduct ..." and, in the next paragraph it also reads "During year three(3) of the permit, a split of each sample must be analyzed for all other monitored parameters at the minimum frequency of analysis specified by the effluent monitoring program".

SeaWorld feels there is simply no need to conduct split sampling from the same aliquot. The certified laboratory that performs the lab analysis performs appropriate QA/QC functions to verify accuracy and verify results.

7. On page E-3, section G. General Monitoring Provisions, it states "The Discharger shall have and implement, an acceptable written quality assurance (QA) plan for laboratory analyses...." And, with respect to duplicate analyses, please clarify for SeaWorld if are we out of compliance twice or just one for each duplicate sample taken?

SeaWorld does not perform laboratory analyses of our water samples and therefore should not be required to have a QA plan. SeaWorld hires a certified lab to perform all our water sampling analysis and is the entity that possesses the QA/QC program

8. On page E-11, B. 2. Storm Water Monitoring, SeaWorld would like to suggest that the permit language be changed to "The Discharger shall conduct visual observations of all storm water discharges to Mission Bay from the storm water by-pass discharge locations during storm events occurring during normal business hours."
9. Please correct the typo on page F-47 d. third line down "...are also from Mission Bay, not Mission Ban".
10. Pg. E-14. Table E-9 **Monitoring and Reporting Schedule**. Currently, the table for *weekly sampling* Monitoring Period reads "Sunday through Saturday," unless there is a strong reason to have the monitoring period reflect this, SeaWorld would like to change that to read "Monday through Sunday".
11. Depending on the answer to question #5 above, SeaWorld requests that sampling constituents & frequency for Chronic Toxicity and Acute Toxicity be added to Table E-3 & Table F-17 on page F-46.
12. Pg 17, 3. Performance Goals at Discharge Point Nos. 001 and 002. The permit reads "Performance Goal Constituents shall be monitored at EFF-001 & Eff-002, but the results will be used for informational purposes only, not compliance determination". However, nowhere in the permit do we see "*how often*" SeaWorld is required to sample for the performance constituents.

Unless otherwise requested, SeaWorld will assume the sampling for Performance Goal Constituents will take place "one every five years", and will maintain results on the premises and provide them to the Water Board upon request.
13. On pg. 32, b., **Storm Water Pollution Prevention Plan (SWPPP)** "Order R9-2205-0091 required the Discharger to develop and implement a SWPPP. The Discharger shall continue to implement its existing SWPPP..." SeaWorld requests the RWQCB include the exact language of SeaWorld's

current SWPPP in this our new NPDES permit so that it is explicitly clear what the board requires of our SWPPP and its testing frequency.

14. Pg E-2, I. **General Monitoring Provisions section A.** states “Samples shall be collected at times representative of the “worst case” conditions with respect to compliance with the requirement of this Order”.

Collecting water samples during “worst case” conditions is contrary to how sampling should be accomplished – which is to collect representative samples on a random basis. Our current sampling program is designed to randomly sample the system during periods that are representative of the typical operating capacity of the facilities. SeaWorld requests that the statement “worst case” be removed from the permit language and that it be replaced with “Samples shall be collected at random intervals that are representative of the typical operating capacity of our facility”.

15. Pg. E-5 Table E-3 Effluent Monitoring, the parameter for Copper needs to reflect a minimum sampling frequency of Quarterly, not monthly.
16. Pg. E-10 **Receiving Water monitoring Requirement**, requires SW to conduct visual observations in the vicinity of the Discharge points on a monthly basis and document the presence of various materials. It also requires SW to summarize and submit receiving water conditions in our monthly monitoring reports. I would like to suggest that this requirement be removed from the draft permit language. SeaWorld will already be conducting monthly visual observations as part of our SWPPP conditions. Why the new requirement?