

EXECUTIVE OFFICER SUMMARY REPORT  
June 24, 2015

- ITEM: 9
- SUBJECT: Public Hearing: NPDES Permit Reissuance: BAE Systems San Diego Ship Repair Inc., Discharge to San Diego Bay (Tentative Order No. R9-2015-0034, NPDES No. CA0109151) (*Kristin Schwall*)
- PURPOSE: To receive public testimony and consider adoption of Tentative Order No. R9-2015-0034 (Tentative Order).
- RECOMMENDATION: Adoption of the Tentative Order (**Supporting Document No. 1**) is recommended.
- KEY ISSUES:
1. The Tentative Order requires monitoring of “high risk” industrial storm water discharges for comparison with Numeric Action Levels (NALs), consistent with the *General Permit for Storm Water Discharges Associated with Industrial Activities* (General Industrial Storm Water Permit), Order No. 2014-0057-DWQ, and the U.S. Environmental Protection Agency (U.S.EPA) *Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP)*.
  2. The Tentative Order establishes chronic toxicity effluent limitations for “high risk” industrial storm water discharges.
  3. The Tentative Order requires use of the Test of Significant Toxicity (TST) approach to determine whether or not a discharge is toxic.
  4. The Tentative Order requires the development and implementation of a sediment and receiving water monitoring program, consistent with the State Water Board’s *Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1 Sediment Quality* (Sediment Quality Plan).
  5. The Tentative Order requires the use of best management practices (BMPs) to 1) prevent the discharge of fire protection water leaks, potable water, and steam

condensate, and 2) prevent the discharge of pollutants in dry dock ballast water and dry dock flood water into San Diego Bay.

**PRACTICAL VISION:** Consistent with the mission of the *Strategy for Healthy Waters* chapter of the Practical Vision strategy document, the Tentative Order integrates all applicable technology-based requirements; water quality based effluent limitations and receiving water quality standards in order to optimize protection of water quality and beneficial uses in San Diego Bay. Additionally, the Tentative Order has provisions allowing future modification of monitoring requirements to allow BAE Systems San Diego Ship Repair (BAE Systems) to participate in regional monitoring and assessment programs in keeping with San Diego Water Board Resolution No. R9-2012-0069, *Resolution in Support of a Regional Monitoring Framework*.

**DISCUSSION:** BAE Systems is a full-service ship repair and modernization facility located on 16 acres of land and 24 acres of water on the eastern waterfront of central San Diego Bay. The property is leased from the San Diego Unified Port District.  
**(Supporting Document No. 2, Location Map).**

BAE Systems captures at least the first inch of rainfall in a storm water diversion system and routes the water to the City of San Diego's sewage collection system for conveyance to a publicly-owned treatment works (POTW). Storm water exceeding the capacity of the storm water diversion system is discharged to San Diego Bay and this discharge must comply with effluent limitations and discharge specifications in the Tentative Order. All other industrial process wastewaters, including dry dock ballast water, dry dock flood water, fire protection water, potable water, and steam condensate are managed through BMPs which must be implemented in accordance with the requirements of the Tentative Order.

The Tentative Order was noticed and released for formal public review and comment on April 17, 2015. No comments were received on the Tentative Order.

Although no comments were received, the following minor changes to the Tentative Order have been made:

- On page E-3, an editorial correction has been made to correct a minor wording error; and

- On page E-9, language was added to clarify what toxicity test results must be included in toxicity monitoring reports.

A revised Tentative Order containing these changes was provided to BAE Systems and posted on the San Diego Water Board's website on June 10, 2015.

LEGAL CONCERNS: None

SUPPORTING DOCUMENTS: 

1. Tentative Order No. R9-2015-0034 (as revised to correct editorial mistakes)
2. Location Map
3. Noncompliance Record for BAE Systems

COMPLIANCE RECORD: According to BAE Systems' self-monitoring reports, there were 78 noncompliance incidents during the term of the previous Order, Order No. R9-2009-0080, between June 2010 and April 2015. These noncompliance incidents are generally classified as follows:

- 9 effluent limitation violations;
- 31 monitoring and/or reporting violations; and
- 38 releases of unauthorized materials, such as paint chips, petroleum products and other miscellaneous substances.

A detailed listing of the noncompliance incidents is provided in **Supporting Document No. 3**.

The discharges associated with the noncompliance incidents ranged in volume from less than an ounce to 16,830 gallons, with the majority (at least 71 percent) being 100 gallons or less. Some of the discharge incidents involved the failure to sample an authorized discharge and are considered monitoring and reporting violations. Other noncompliance incidents involved the late submittal of required reports.

San Diego Water Board enforcement actions to date regarding the incidents have included six staff enforcement letters and one mandatory minimum penalty in the amount of \$6,000. Additional enforcement actions are being considered for the effluent limitation exceedances that occurred in August 2014 and April 2015. BAE Systems is continuing to take steps to reduce, eliminate and prevent recurrence of the noncompliance incidents.

PUBLIC NOTICE: The Tentative Order was noticed and released for formal

public review and comment on April 17, 2015. A public notice was published in the San Diego Union Tribune on April 17, 2015. Notice was also provided in the Meeting Notice and Agenda for the June 24, 2015 Board meeting, which is posted on the San Diego Water Board's website.