

EXECUTIVE OFFICER SUMMARY REPORT
December 13, 2017

- ITEM: 12
- SUBJECT: NPDES Permit Amendment: An Order to amend Order No. R9-2014-0037, NPDES No. CA0109363, Waste Discharge Requirements for the United States Department of the Navy, Naval Base Point Loma Complex, San Diego County (Tentative Order No. R9-2017-0010). (*Vicente Rodriguez*)
- PURPOSE: To receive public testimony and consider adoption of Tentative Order No. R9-2017-0010 Amending Order No. R9-2014-0037 (Tentative Order).
- RECOMMENDATION: Adoption of the Tentative Order (**Supporting Document 1**) is recommended.
- KEY ISSUES: The Tentative Order addresses several issues identified by the Department of the Navy (Discharger) and the San Diego Water Board which can be addressed through modification of Order No. R9-2014-0037, the National Pollutant Discharge Elimination System (NPDES) permit for Naval Base Point Loma (NBPL). If adopted, the Tentative Order will amend Order No. R9-2014-0037 to consistently express values for “percent effect” that are used as evaluation thresholds in toxicity testing of discharges and to modify the total residual chlorine effluent limitation as maximum daily. The Tentative Order will also amend the monitoring and reporting program for NBPL to better define required analytical methods and minimum levels and to allow for discontinued monitoring of industrial storm water for parameters with sources that are not attributable to industrial activities.
- PRACTICAL VISION: Consistent with the mission of the *Strategy for Healthy Waters and the Monitoring and Assessment* chapters of the Practical Vision, the Tentative Order’s proposed modifications of Order No. R9-2014-0037 will more clearly express the effluent limitation for total chlorine residual and thresholds for evaluating compliance with toxicity requirements. The proposed industrial storm water monitoring program modifications will focus required monitoring on the measurement of parameters relevant to industrial sources of pollutants and the effects of industrial storm water discharges on

the receiving water. The revisions also provide additional detail on laboratory analysis requirements to ensure that appropriate analytical methods and limits of detection are used in laboratory analysis of discharge monitoring samples. Taken as a whole the proposed modifications of Order No. R9-2014-0037 better protects the water quality and beneficial uses in San Diego Bay and the Pacific Ocean.

DISCUSSION:

NBPL is a consolidated Navy installation encompassing nine military facilities in the Point Loma area of San Diego. All nine facilities are subject to NPDES permit requirements under Order No. R9-2014-0037 (**Supporting Document 2**).

The Tentative Order proposes the following changes to Order No. R9-2014-0037:

- Incorporate a reference to the State Water Resource Control Board's (State Water Board) Order No. 2014-0194-DWQ, General Order No. CAG140001, *Statewide National Pollutant Discharge Elimination System (NPDES) Permit for Drinking Water System Discharges to Waters of the United States*. This change identifies Order No. 2014-0194-DWQ as another separate NPDES permit to regulate the discharge of potable water.
- Modify toxicity monitoring requirements to allow the use of the Embryo-larval Development test method. This change addresses an inconsistency regarding chronic toxicity testing requirements at NBPL (Order No. R9-2014-0037) as compared to the testing requirements at Naval Base San Diego (Order No. R9-2013-0064) and Naval Base Coronado (Order No. R9-2015-0117).
- Correct the toxicity percent effect language to express values for "percent effect" as a percentage value. This clarification of the percent effect value will provide permit consistency in expressing the percent effect value. This modification will also better ensure that significantly toxic wastewater and storm water samples are identified for compliance purposes and that requirements to conduct accelerated monitoring and toxicity reduction evaluations are appropriately triggered.
- Add the required analytical methods and minimum level to ensure that the test methods used are sufficiently sensitive to determine compliance.

- Remove the requirement to monitor for magnesium in storm water from high risk industrial areas as the source was determined to be from seawater and not from industrial activities.
- Allow the San Diego Water Board Executive Officer to approve discontinuation of storm water monitoring for parameters with sources determined to be natural background or non-industrial. This modification is consistent with a similar provision in the statewide industrial storm water permit and will focus monitoring on the measurement of parameters relevant to providing feedback on industrial sources of pollutants.
- Modify the effluent limitation for total chlorine residual from instantaneous maximum to maximum daily to address an inconsistency in Order No. R9-2014-0037.

All of these proposed modifications of Order No. R9-2014-0037 will bring the Order into line with other NPDES permits in the San Diego Region as well as the statewide industrial storm water permit. The modifications are also consistent with applicable U.S. Environmental Protection Agency (USEPA) regulations at title 40 of the Code of Federal Regulations (40 CFR) section 122.62 describing allowable causes for NPDES permit modifications during the permit term.

The Tentative Order was noticed and released for formal public review and comment on October 6, 2017. Written comments were due by November 6, 2017. Comments were received from the Discharger (**Supporting Document 3**). In general, the Discharger approved of the proposed changes and requested additional changes to Order No. R9-2014-0037 that were outside of the scope of the proposed permit modifications. To the extent that the requested additional changes addressed errors in Order No. R9-2014-0037 or were otherwise unsubstantial, the Tentative Order has been revised to incorporate the requested changes. To the extent that Order No. R9-2014-0037 already addresses a comment, the Responses to Comments Report indicates that no change is necessary. All other changes requested by the Discharger should be considered as part of a future amendment to or reissuance of Order No. R9-2014-0037. The San Diego Water Board's Response to Comments Report is provided as **Supporting Document No. 4**.

LEGAL CONCERNS: None

**SUPPORTING
DOCUMENTS:**

1. Revised Tentative Order
2. Site Map
3. Comment Letter from the Discharger dated November 6, 2017
4. Responses to Comments Report

PUBLIC NOTICE:

The Tentative Order was noticed and released for formal public review on October 6, 2017. On October 6, 2017 a public notice was published in the San Diego Union Tribune newspaper. Notice was also provided in the meeting notice and agenda for the December 13, 2017 Board meeting, which is posted on the San Diego Water Board's website. The release for public review and comment was also included in an October 6, 2017 email sent to all known interested parties and posted on the San Diego Water Board's website.