

**California Regional Water Quality Control Board
San Diego Region**

Response to Comments Report

**Tentative Order No. R9-2017-0010
Amending**

***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***

December 13, 2017

Response to Comments Report
Tentative Order No. R9-2017-0010

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

2375 Northside Drive, Suite 100, San Diego, California 92108
Phone • (619) 516-1990 • Fax (619) 516-1994
<http://www.waterboards.ca.gov/sandiego>

Documents are available at: <http://www.waterboards.ca.gov/sandiego>

**California Regional Water Quality Control Board
San Diego Region
(San Diego Water Board)**

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This report was prepared under the direction of

David T. Barker, P.E., *Supervising Water Resource Control Engineer*
Brandi Outwin-Beals, P.E., *Senior Water Resource Control Engineer*

by

Vicente Rodriguez, *Water Resource Control Engineer*

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Introduction

The San Diego Water Board has prepared this Response to Comments Report on *Tentative Order No. R9-2017-0010 Amending 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). The Tentative Order was made available for public review and comment on October 6, 2017 for 31 days, with the comment period ending on November 6, 2017.

The San Diego Water Board revised the Tentative Order based on the comments received.

Comments received by November 6, 2017 from:

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U.S. Department of the Navy

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Comments and Responses

The written comments and staff responses are set forth in the table that follows. The table includes the San Diego Water Board responses to comments, and any actions taken to revise the Tentative Order in response to the comments.

No.	Comment	Response	Action Taken
L. D. Sinfield, U.S. Department of the Navy (Discharger), dated November 6, 2017			
1	Update the facility contact to Mr. Rob A. Chichester. Keep the same title and phone number as Donald MacKelvey.	The San Diego Water Board has modified the Tentative Order as requested.	Table 1 and Attachment F, Table F-1 of Order No. R9-2014-0037 has been modified to read that Mr. Rob A. Chichester is the current facility contact.
2	<p>Authorized non-storm water discharges should apply to industrial areas, and not just municipal separate storm sewer system (MS4) areas. The industrial areas have emergency eye wash/shower stations, building fire suppression systems, and fire hydrants that require flushing for health and safety concerns.</p> <p>Revise non-storm water discharge references in Order No. R9-2014-0037 to clarify that they are applicable throughout the facility not just small MS4 areas.</p>	Discharges through the MS4 of material other than storm water to Waters of the U.S. are prohibited, except as allowed under section IV. F of Order No. R9-2014-037 or as otherwise authorized by a separate NPDES permit. The Discharger's comment is outside of the scope of the amendments proposed in the Tentative Order as it was publicly noticed on October 6, 2017, and the San Diego Water Board is not addressing the comment or the proposed amendment as part of this action. This is consistent with applicable U.S. Environmental Protection Agency (USEPA) regulations at title 40 of the Code of Federal Regulations (40 CFR) section 122.62 which specially states when a permit is modified, only the conditions subject to modification are reopened. The San Diego Water Board may consider the proposed amendment as part of a future amendment or during the next permit reissuance.	No changes are appropriate at this time but should be considered as part of a future amendment or during reissuance.
3	In Attachment E, Table E-2 of Order No. R9-2014-0037, add wide range litmus pH paper or other equivalent pH test kits to the required analytical test method for pH monitoring of topside dechlorinator discharges, as allowed in Order 2014-0057-DWQ (Industrial General Permit) for storm water where there have is	The San Diego Water Board has modified the Tentative Order as requested.	<p>Attachment E, Footnote 5, Table E-2 of Order No. R9-2014-0037 has been revised as follows:</p> <p><i>Field test with pre and post calibrated portable instrument, or lab sample in accordance with 40 CFR 136. Wide range litmus pH paper or</i></p>

No.	Comment	Response	Action Taken
	<p>there have been no past exceedances. The Industrial General Permit reads:</p> <p><i>This General Permit requires Dischargers subject to Subchapter N ELGs for pH to analyze for pH using approved test methods in accordance with 40 Code of Federal Regulations part 136. These federal regulations specify that analysis of pH must take place within 15 minutes of sample collection. All other Dischargers may screen for pH using wide range litmus pH paper or other equivalent pH test kits within 15 minutes of sample collection. If in any reporting year a Discharger has two or more pH results outside of the range of 6.0 – 9.0 pH units, that Discharger is required to comply with the approved test methods in 40 Code of Federal Regulations part 136 in subsequent reporting years.</i></p>		<p><i>other equivalent pH test kits to the required analytical test method for pH monitoring of topside dechlorinator discharges, as allowed in Order 2014-0057-DWQ (Industrial General Permit) for storm water where there have been no past exceedances.</i></p>
4	<p>Add text to clarify in the new language added to Attachment E, section I.L of Order No. R9-2014-0037 and to Attachment No of Order No. R9-2014-0037 that if no authorized minimum level (ML) value is below the effluent limitation and the ML is no greater than the lowest ML value indicated in Attachment N of this Order (or if not listed in Attachment N of this Order, be the lowest ML provided in 40 CFR part 136), analytical results of non-detect (ND) or detected but not quantified (DNQ) are not exceedances of effluent limitations listed in this Order and not a violation of this Order.</p> <p>Add text to clarify that the MLs included in Table N-1 and N-2 as per the <i>Toxics Standards for Inland Surface Waters, Enclosed Bays, and</i></p>	<p>Section VII.A of Order Order No. R9-2014-0037, <i>Compliance Determination</i>, already addresses the Discharger’s comment regarding NDs and DNQs.</p> <p>The definition of “Reporting Level” under Attachment A, <i>Abbreviations and Glossary, Part 2 – Glossary of Common Terms</i> of Order No. R9-2014-0037 already addresses the comment regarding matrix interference.</p>	None necessary

No.	Comment	Response	Action Taken
	<p><i>Estuaries of California</i> (SIP) (page 24) are based on having no matrix interference. Matrix interference may result in the laboratory reporting a higher ML but should still be considered compliant.</p>		
5	<p>Add text to indicate that if an analyte is detected above an ML and the ML is also above the effluent limitation, then the value of the ML with regard to effluent limitation should have no bearing. The value of the ML (excluding matrix interference) should only be required to be less than or equal to the effluent limitation only when necessary to show that the concentration of an analyte is less than the effluent limit.</p>	<p>The San Diego Water Board does not agree with the Discharger's comment with respect to effluent limitation compliance determinations. The Discharger's comment only applies with respect to data analysis in a permit application. USEPA Rule, <i>79 Fed.Reg. 49001- 49013 (Aug. 19, 2014). Final Rule, National Pollutant Discharge Elimination System (NPDES): Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting</i>, states that a method is sufficiently sensitive for determining compliance with an effluent limitation where a) the method minimum level is at or below the level of the applicable water quality criterion or permit limitation for the measured pollutant or pollutant parameter; or b) in the case of permit applications, the method minimum level is above the applicable water quality criterion, but the amount of the pollutant or pollutant parameter in a facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or c) the method has the lowest minimum level of the USEPA-approved analytical methods.</p>	None necessary

No.	Comment	Response	Action Taken
6	<p>Attachment E section V.C.2 of Order No. R9-2014-0037 describes chronic toxicity testing. The section should be revised to indicate that "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms, First Edition (EPA-600-R-95-136)" are the preferred methods given that purple urchin embryo development test is being used to asses chronic toxicity. It is a general understanding that the species used for National Pollutant Discharge Elimination System Permits (NPDES) permits should best represent local critters if possible, thus the West Coast Manual generally supersedes 821-R-02-014 if appropriate species are available.</p>	<p>The San Diego Water Board agrees with the change and has modified the Tentative Order as requested.</p>	<p>Attachment E section V.C.2 of Order No. R9-2014-0037 has been revised to read:</p> <p><i>Additional methods for chronic toxicity monitoring are outlined in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms, First Edition (EPA-600-R-95-136) <u>and are the preferred methods if local species are available.</u></i></p>
7	<p>Replace the current language under Attachment E, section VI.D.2.ii.b.2 of Order No. R9-2014-0037 with the language from the NPDES permit for Naval Base Coronado that states the following:</p> <p><i>Short term survival tests and sublethal tests shall be performed as specified in section V.F of the State Board's Sediment Quality Plan. The results shall be recorded as "Percent of control response".</i></p> <p>The current language only requires a 10-day amphipod test which is inconsistent with the two-species sediment quality objective (SQO) analysis approach.</p>	<p>The San Diego Water Board agrees with the change and has modified the Tentative Order as requested.</p>	<p>Attachment E, section VI.D.2.ii.b.2 of Order No. R9-2014-0037 has been revised to read:</p> <p><i>Short term survival tests and sublethal tests shall be performed as specified in section V.F of the State Board's Sediment Quality Plan. The results shall be recorded as "Percent of control response".</i></p>

No.	Comment	Response	Action Taken
8	<p>In Attachment F, section II.B.4.g., second sentence reword to read:</p> <p><i>At SSC Pacific PLC, boats are rinsed off with potable water at the Pier 160 boat ramp.</i></p>	<p>The San Diego Water Board has modified the Tentative Order as requested.</p>	<p>Attachment F, section II.B.4.g. of Order No. R9-2014-0037 has been revised to read:</p> <p><i>At SSC Pacific PLC, boats are rinsed off with potable water at the Pier 160 boat ramp.</i></p>
9	<p>Remove the Magnesium total from Table G-1 of Order No. R9-2014-0037 since Magnesium is being removed as a Numeric Action Levels (NALs) parameter.</p>	<p>The San Diego Water Board has modified the Tentative Order as requested.</p>	<p>Magnesium has been removed from Attachment G, Table G-1 of Order No. R9-2014-0037.</p>
10	<p>Update the Storm Water Risk level Designation Table with the information provided in the most recent Naval Base Point Loma (NBPL) Annual Report, Table E-2, as there are changes regarding discharge points and Navy identification numbers listed.</p>	<p>As stated in section IV.B.2 and IV.B.3 of Order No. R9-2014-0037, Table E-2 is updated with information provided in annual reports.</p>	<p>None necessary.</p>
11	<p>In Attachment N of Order No. R9-2014-0037, second paragraph, first sentence: change "give" to "given".</p>	<p>The San Diego Water Board agrees with the change and has modified the Tentative Order as requested.</p>	<p>The proposed revision in Attachment N of Order No. R9-2014-0037 has been revised to read "given".</p>
12	<p>Comment for Table N-1 of Order No. R9-2014-0037:</p> <ul style="list-style-type: none"> The table is not using the current International Union of Pure and Applied Chemistry (IUPAC) names for all compounds (1,2-Trans-Dichloroethylene, Tetrachloroethylene) 	<p>The table uses compound names listed in applicable federal regulations at 40 CFR part 136, <i>Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act</i>, as amended.</p>	<p>None necessary</p>

No.	Comment	Response	Action Taken
13	<p>Comments for Table N-1 of Order No. R9-2014-0037:</p> <ul style="list-style-type: none"> • CTR No. 2: Arsenic - The USEPA method listed, 206.3, has been withdrawn by the USEPA as an acceptable method for arsenic analysis in drinking water. Remove method from the table. • CTR No. 8: Mercury - for the analytical method, instead of listing "1631 (note)" list "1631(4)". • CTR No. 9: Nickel - The USEPA method listed, 249.2, has been withdrawn by the USEPA as an acceptable method for nickel analysis in drinking water. Remove method from the table. • CTR No. 11: Silver - The USEPA method listed, 272.2, has been withdrawn by the USEPA as an acceptable method for silver analysis in drinking water. Remove method from the table. 	<p>The San Diego Water Board agrees with the change and has modified the Tentative Order as requested.</p>	<p>The proposed revision in Attachment N, Table N-1 of Order No. R9-2014-0037 has been revised to remove the following: Analytical Methods 206.3, 249.2, and 272.2 for Arsenic, Nickel, and Silver respectively; and the text "(note)" for Mercury.</p>