

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
April 12, 2006

ITEMS: 8(a), 8(b) and 8(c)

SUBJECT: NPDES PERMIT REISSUANCES: STORMWATER
DISCHARGES FROM THE FOLLOWING THREE
BOAT REPAIR FACILITIES: (Tony Felix)

- a. Dana Point Shipyard, Dana Point Harbor, Orange County (tentative Order No. R9-2006-0019, NPDES Permit No. CA0109312);
- b. Driscoll Mission Bay, Mission Bay, City of San Diego (tentative Order No. R9-2006-0020, NPDES Permit No. CA0109291); and,
- c. Oceanside Marine Centre, Oceanside Harbor, City of Oceanside (tentative Order No. R9-2006-0021, NPDES Permit No. CA0109304)

PURPOSE: To adopt tentative Orders that update and reissue the National Pollutant Discharge Elimination System (NPDES) Permits and Waste Discharge Requirements for the above listed boat repair facilities discharging storm water associated with industrial activities to Dana Point Harbor, Mission Bay, and Oceanside Harbor respectively.

PUBLIC NOTICE: The NPDES permit hearing notice was published in the Orange County Register, the Union-Tribune and the North County Times on March 7, 2006 for the Regional Water Board meeting scheduled for April 12, 2006. Copies of the tentative Orders were mailed on March 3, 2006 to the dischargers, all known interested parties and agencies. The tentative Orders were posted on the Regional Water Board's website and copies were made available for public review at the Regional Water Board's office.

These actions served as the 30-day official public notification for this action, as required by Title 40, Section 124.10 of the Code of Federal Regulations.

DISCUSSION:

These boat repair facilities conduct various boat maintenance and repair activities. These industrial activities include, but are not limited to, hull cleaning, painting, sanding, engine repair, and general mechanical/fixture repair.

These industrial activities consist of material handling of raw materials, by-products, and/or waste products that generate pollutants that could potentially discharge as industrial process water when exposed to storm water. In the context of point source discharges, process water is defined as any water, which, during manufacturing or processing, comes into direct contact with any raw material, intermediate product, by product, or waste product.

To reduce or eliminate storm water discharges of pollutants, these boat repair facilities capture and divert the first flush (no less than runoff volume associated than 0.1 inch of rainfall) to the municipal sanitary sewer system. The boatyards are capturing and diverting more than the minimum 0.1 inch of a rain event. Additionally, these sites are bermed and graded to facilitate the discharge of industrial process water and storm water away from the receiving water.

The tentative Orders have been updated with new standard language and a new permit format.

As of March 27, 2006, the Regional Water Board has not received any comments from the dischargers, local agencies nor other interested parties.

KEY ISSUES:

None.

LEGAL CONCERNS:

None.

SUPPORTING DOCUMENTS:**8(a)-Dana Point Shipyard**

1. Location Map
2. Transmittal Letter
3. Published Public Notice
4. Tentative Order No. R9-2006-0019

8(b)-Driscoll Mission Bay

1. Location Map
2. Transmittal Letter

3. Published Public Notice
4. Tentative Order No. R9-2006-0020

8(c)-Oceanside Marine Centre

1. Location Map
2. Transmittal Letter
3. Published Public Notice
4. Tentative Order No. R9-2006-0021

COMPLIANCE RECORD: Within the past five years the following facilities showed non-compliance with the permit requirements:

1. Dana Point Shipyard

On February 14, 2001 and February 11, 2003, the concentrations of copper (0.23 mg/L and 0.26 mg/L) and zinc (9.25 mg/L and 4.3 mg/L) exceeded the parameter benchmark values of 0.0636 mg/L and 0.117 mg/L respectively.

On January 11, 2002, the acute toxicity test of the storm water discharge showed a thirty-five percent survival. The discharge exceeded the *Discharge Specification* of Order No. 2000-216 which requires the acute toxicity shall not be less than seventy percent survival as determined by a 96-hour bioassay.

On August 21, 2003, a Staff Enforcement Letter (Violation # 239173/Enforcement # 242824) was issued to the Discharger to take corrective actions to comply with the acute toxicity in the *Discharge Specification* of Order No. 2000-219.

2. Driscoll Mission Bay

In response to a compliance inspection conducted on January 22, 2004, a Notice of Violation (Violation ID: 242918) was issued for failure to maintain records as required by Order No. 2000-214.

3. Oceanside Marine Centre

Monitoring data submitted from January 2001 through February 2004 showed exceedances of the benchmark values:

Constituent	Units	Discharge Point C-001	Discharge Point C-002
Copper	mg/L	10-840	10-730
Zinc	mg/L	80-500	66-440
Acute Toxicity	% Survival	65-100	60-95

The concentrations of copper and zinc exceeded the parameter benchmark values of 0.0636 mg/L and 0.117 mg/L, respectively.

Additionally, the acute toxicity tests of storm water discharge showed sixty-five and sixty percent survival at Discharge Point C-001 and Discharge Point C-002, respectively. The discharges exceeded the *Discharge Specification* of Order No. 2000-215. Order No. 2000-215 requires that the acute toxicity shall not be less than seventy percent survival as determined by a 96-hour bioassay.

The USEPA benchmark values are not numeric limitations; they are used to alert the Dischargers to take actions to identify and reduce the sources of pollutants in storm water discharge.

On April 4, 2002, a Staff Enforcement Letter (Violation ID: 41839) was issued to the Discharger to take corrective action to comply with the acute toxicity in the *Discharge Specification* of the Order.

**SIGNIFICANT
CHANGES:**

1. The boat repair facilities are required to conduct a comparison of analytical results from storm water dischargers to the Regional Water Board's benchmark values as specified in the *Storm Water Discharge Requirements*, Section III, Provisions, of the tentative Orders.
2. As a result of the infrequent discharge from the facilities, the requirement to conduct a Toxicity Reduction Evaluation if tests results show violation of the *Discharge Specifications* of these Orders has been removed. Requirements, however, have been added to evaluate and revise Best Management Practice (BMP) conditions when test results show violation of the *Discharge Specifications*

RECOMMENDATIONS: Adoption of the tentative Orders is recommended.