

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

TENTATIVE ORDER NO. R9-2013-0095

**TIME SCHEDULE ORDER
REQUIRING
THE UNITED STATES DEPARTMENT OF THE NAVY,
NAVAL BASE SAN DIEGO COMPLEX
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NO. R9-2013-0064
NPDES NO. CA0109169**

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board) finds that:

- 1. NPDES Permit Reissuance.** On August 14, 2013, the San Diego Water Board adopted Waste Discharge Requirements Order No. R9-2013-0064, NPDES No. CA0109169, for the United States Department of Navy (hereinafter Discharger), for the discharge of wastewater and storm water from numerous discharge locations within Naval Base San Diego Complex. The discharges include graving dock saltwater supply system water; graving dock flood dewatering; graving dock caisson gate ballast water; industrial storm water; steam condensate; pier boom, fender, and mooring cleaning; utility vault and manhole dewatering; and storm water from a Small Municipal Separate Storm Sewer System (MS4).
- 2. Steam Condensate.** Section IV.A.1. of Order No. R9-2013-0064 prescribes the following final effluent limitations for copper for the discharge of steam condensate to San Diego Bay from Discharge Point Nos. SC-001 through SC-175:

**Table 1. Copper Effluent Limitations for Steam Condensate –
Discharge Point Nos. SC-001 through SC-175**

Parameter	Units	Effluent Limitations	
		Average Monthly	Maximum Daily
Copper, Total Recoverable	µg/L	2.9	5.8

- 3. Graving Dock Caisson Ballast Dewatering.** Section IV.A.3 of Order No. R9-2013-0064 prescribes the following final effluent limitations for cadmium, copper, nickel, silver and zinc for the discharge of graving dock caisson ballast dewatering to San Diego Bay from Discharge Point No. NGD-003:

Table 2. Cadmium, Copper, Nickel, Silver, and Zinc Effluent Limitations for Caisson Ballast Dewatering - Discharge Point No. NGD-003

Parameter	Units	Effluent Limitations		
		Average Annual	Average Monthly	Maximum Daily
Cadmium, Total Recoverable	µg/L	--	7.7	15.4
Copper, Total Recoverable	µg/L	--	--	13.8
Nickel, Total Recoverable	µg/L	--	6.8	13.6
Silver, Total Recoverable	µg/L	--	1.1	2.2
Zinc, Total Recoverable	µg/L	--	47.4	95.1

- 4. Graving Dock Emergency Fire Suppression System and Salt Water Supply Water.** Section IV.A.4 of Order No. R9-2013-0064 prescribes the following final effluent limitations for total suspended solids and copper for the discharge of graving dock emergency fire suppression system and salt water supply water from Discharge Point No. NGD-004.

Table 3. Total Suspended Solids and Copper Effluent Limitations for Emergency Fire Suppression System and Salt Water Supply Water – Discharge Point No. NGD-004

Parameter	Units	Effluent Limitations		
		Annual Average	Average Monthly	Maximum Daily
Total Suspended Solids (TSS)	mg/L	-	60	-
Copper, Total Recoverable	µg/L	-	-	13.8

- 5. Graving Dock Deflooding Water and Salt Water Rinse Water.** Section IV.A.2 of Order No. R9-2013-0064 prescribes the following final effluent limitation for total recoverable copper for the discharge of graving dock deflooding water and salt water rinse water to San Diego Bay from Discharge Point Nos. NGD-001 and NGD-002:

Table 4. Copper Effluent Limitations for Graving Dock Deflooding Water and Salt Water Rinse Water – Discharge Point Nos. NGD-001 and NGD-002

Parameter	Units	Effluent Limitations		
		Annual Average	Average Monthly	Maximum Daily
Copper, Total Recoverable	µg/L	-	-	13.8

6. Reasonable Potential Analysis for Water Quality Based Effluent Limitations.

The water quality based effluent limitations for the parameters listed in Finding Nos. 2 through 5 above were established based on the National Toxics Rule (NTR) and California Toxics Rule (CTR), and the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). These effluent limitations are new limitations in Order No. R9-2013-0064, established based on a reasonable potential analysis, and were not prescribed in previous Order Nos. R9-2002-0169 for Naval Base San Diego or R9-2003-0265 for the Naval Graving Dock.

7. Effluent Limitation Noncompliance. Effluent monitoring reports submitted by the Discharger demonstrate that the Discharger is not able to consistently comply with the effluent limitations described in Findings 2, 3, 4, and 5 above.

8. Compliance Schedule. Pursuant to Water Code section 13300, the San Diego Water Board requested, and the Discharger submitted, a proposed plan and schedule for achieving compliance with the final effluent limitations for the discharge of steam condensate described in Finding 2, the graving dock caisson ballast water discharge described in Finding 3, and the graving dock emergency fire suppression system and salt water supply water discharge described in Finding 4. This Time Schedule Order (TSO) prescribes a detailed time schedule of specific actions the Discharger is required to take in order to correct or prevent violation of these effluent limitations set forth in NPDES Order No. R9-2013-0064 for the Naval Base San Diego Complex. The proposed plan and schedule contain the following elements:

- a. Steam Condensate.** By letters dated April 11, 2011 and May 22, 2013, the Discharger described plans to decentralize steam production at the Naval Base San Diego and discontinue discharges of steam condensate to the receiving water by October 1, 2018. The Discharger reported that the schedule of actions to be undertaken provides for the appropriate time required to apply for and obtain Congressional funding, as well as to contract, and expend funds to complete the project..
- b. Graving Dock Caisson Ballast Dewatering.** By letters dated April 11, 2011 and May 22, 2013 , the Discharger described plans to conduct an engineering feasibility study to identify alternatives and methods for achieving compliance that will include evaluating changes in procedures, changes in the facility infrastructure, diversion to the sanitary sewer, and discharge treatment systems. The Discharger's schedule for completing the feasibility study and implementing its recommendations indicates compliance will be achieved by September 30, 2014. .
- c. Graving Dock Emergency Fire Suppression System and Salt Water Supply Water.** By letter dated May 22 2013, the Discharger described plans to conduct an engineering study to identify alternatives and methods for achieving compliance that will include evaluating changes in internal components, changes

in the facility infrastructure, diversion to the sanitary sewer, and discharge treatment systems. The Discharger's schedule for completing the feasibility study and implementing its recommendations indicates compliance will be achieved by September 30, 2016.

9. Request for Compliance Schedule. The Discharger has not submitted a specific plan or a schedule for achieving compliance with the copper effluent limitation for Graving Dock Deflooding Water and Salt Water Rinse Water described in Finding 5. Discharges are taking place or threatening to take place in violation of these effluent limitations. This TSO directs, pursuant to Water Code section 13300, that the Discharger submit a schedule of specific actions that will be taken to correct or prevent violations of the effluent limitations.

10. Effluent Limitation Noncompliance. Pursuant to Water Code section 13385(j)(2)(B)(i), the Discharger is not able to consistently comply with the effluent limitations discussed in Findings Nos. 2, 3, 4, and 5 above, for the following reasons:

- a. The effluent limitations are based on new requirements that became applicable to Order Nos. R9-2002-0169 and R9-2003-0265 after the effective date of the waste discharge requirements, and after 1 July 2000;
- b. New or modified control measures are necessary in order to comply with the limitations, and
- c. The new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

11. Compliance Schedule Duration. This TSO establishes a time schedule for bringing the waste discharges into compliance with the effluent limitations that reflects a realistic assessment of the shortest practicable time required to perform each task taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitations. The compliance schedules contain a final compliance date based on the shortest practicable time required to achieve compliance.

12. TSO Reporting Requirements. The San Diego Water Board may, pursuant to Water Code sections 13267(b) and 13383, require the Discharger to investigate, monitor, and report information on violations or threatened violations of the effluent limitations set forth in NPDES Order No. R9-2013-0064 for the Naval Base San Diego Complex and described in the findings of this TSO. This TSO requires the Discharger to furnish, under penalty of perjury, monitoring reports and other technical reports necessary to determine compliance with Order No. 2013-0064 and with this TSO.

- 13. Pollution Prevention Plan.** Water Code section 13385(j)(3)(D) requires the Discharger to prepare and implement a Pollution Prevention Plan pursuant to Water Code section 13263.3. Order No. R9-2013-0064 establishes requirements for preparation, submittal, and implementation of a Pollution Prevention Plan for the parameters described in Finding Nos. 2, 3, 4, and 5 of this TSO. This TSO requires the Discharger to implement the Pollution Prevention Plan required under Order No. R9-2013-0064 for the parameters described in Finding Nos. 2, 3, 4, and 5.
- 14. California Environmental Quality Act (CEQA).** This enforcement action is being taken for the protection of the environment and is exempt from the provisions of CEQA (Public Resources Code section 21000 et seq.) in accordance with section 15308, chapter 3, title 14 of the California Code of Regulations. The issuance of this Order is also an enforcement action taken by a regulatory agency and is exempt from the provisions of CEQA pursuant to section 15321(a)(2), chapter 3, title 14 of the California Code of Regulations. Finally, issuance of this TSO is exempt from the provisions of CEQA because the TSO does not constitute approval of a project.
- 15. Right to Petition.** Any person adversely affected by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action. The petition must be received by the State Water Board within 30 days of the date on which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED THAT pursuant to Water Code sections 13300 and 13267 the United States Department of the Navy shall comply with the following time schedules set forth below to ensure compliance with the effluent limitations specified in Order No. R9-2013-0064, NPDES No. CA0109169. Except as modified or superseded by the TSO requirements and provisions set forth below, all of the findings, prohibitions, provisions, and other requirements of Order No. R9-2013-0064, NPDES No. CA0109169 remain in full force and effect.

I. COMPLIANCE SCHEDULES

The Discharger shall comply with the compliance schedules set forth in Tables 5, 6, and 7 below:

Table 5. Copper Effluent Limitation Compliance Schedule for the Discharge of Steam Condensate through Discharge Point Nos. SC-001 through SC-175

Task	Compliance Date
1. Submit documentation demonstrating that funding has been requested to decentralize steam production at the Naval Base San Diego Complex and eliminate steam condensate discharges.	September 1, 2013
2. Submit results of an interim source control study to determine if steam service can be shut down at some piers prior to achieving full compliance with copper effluent limitations.	November 1, 2013
3. Prepare and submit a schedule to shut down steam service to piers identified in Task 2.	January 31, 2014
4. Complete design to decentralize steam system.	June 1, 2018
5. Complete construction of decentralized steam system.	October 1, 2018
6. Remove and terminate steam condensate discharges from remaining piers and achieve full compliance with copper effluent limitation described in Finding No. 2, and as prescribed in Order No. 2013-0064.	October 1, 2018

Table 6. Cadmium, Copper, Nickel, Silver and Zinc Effluent Limitation Compliance Schedule for Graving Dock Caisson Ballast Water Discharges through Discharge Point No. NGD-003

Task	Compliance Date
1. Initiate overhaul of the caisson ballast tanks, including removal of the remaining zinc anode, coating / preservation of ballast tanks, and refurbishment / replacement of pumps and seals.	December 1, 2013
2. Complete caisson overhaul in Task 1.	February 1, 2014
3. Test (post caisson overhaul) caisson ballast tank discharge at three month mark. If monitoring demonstrates that compliance with the final effluent limitations has been achieved, then the remaining tasks in Table 6 are not required.	May 1, 2014
4. Submit plan and alternatives for ensuring compliance with effluent limitations described in Finding No. 3, and as prescribed in Order No. R9-2013-0064. The proposed plan shall include a schedule for completion that reflects a realistic assessment of the shortest practicable time required to perform each task.	November 1, 2014
5. Implement near-term cost-effective control measures.	May 1, 2015
6. Achieve full compliance with effluent limitations for cadmium, copper, nickel, silver and zinc described in Finding No. 3, and as prescribed in Order No. R9-2013-0064.	May 1, 2017

Table 7. TSS and Copper Effluent Limitation Compliance Schedule for Graving Dock Emergency Fire Suppression System and Salt Water Supply Water through Discharge Point No. NGD-004

Task	Compliance Date
1. Award engineering study for compliance with final effluent limitations for graving dock emergency fire suppression system and salt water supply water described in Finding No. 4, and as prescribed in Order R9-2013-0064	December 30, 2013
2. Complete engineering study described in Task 1.	December 30, 2014
3. Implement near term cost effective control measures from engineering study.	October 15, 2015
4. Test discharge to determine if measures have achieved compliance with final effluent limitation prescribed in Order No. R9-2013-0064. .	December 30, 2015
5. If measures are ineffective, take saltwater supply system out of service and implement additional measures (i.e. replace components, treatment, diversion, etc.) from engineering study.	January 30, 2016
6. Achieve full compliance with graving dock emergency fire suppression system and salt water supply water effluent limitations prescribed in Order No. R9-2013-0064.	September 30, 2016

II. COMPLIANCE PLANS

Naval Graving Dock Deflooding and Salt Water Rinse Water– Discharge Point No. NGD-001 and NGD-002. The Discharger shall, no later than September 28, 2013, submit a Compliance Plan and schedule of actions to be undertaken to comply with the Graving Dock Deflooding Water and Salt Water Rinse Water total recoverable copper effluent limitation set forth in section IV.A.2 of Order No. R9-2013-0064, NPDES No. CA0109169 for the Naval Base San Diego Complex. The compliance schedule shall include a schedule for completion that reflects a realistic assessment of the shortest practicable time required to perform each task. The compliance schedule shall include a final compliance date based on the shortest practicable time to achieve compliance. The Compliance Plan shall also include a description of 1) any efforts that have been made to quantify copper levels in the discharge, the sources of the copper, and the results of those efforts; 2) documentation of source control or pollution minimization efforts currently underway or completed; and 3) a proposed schedule for additional or future source control measures, pollutant minimization actions, or waste treatment that could be undertaken. (Pollutant minimization means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of Naval Base San Diego Complex personnel).

III. COMPLIANCE SCHEDULE REPORTING REQUIREMENTS

- A. Compliance Date Reports.** The Discharger shall prepare and submit to the San Diego Water Board on or before each date specified in the Compliance Schedules in Section I of this TSO, the requested document or, if appropriate, a written submission detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the written submission shall contain a description of the noncompliance and its cause, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Discharger shall also notify the San Diego Water Board by letter when it returns to compliance with the time schedule.
- B. Progress Reports.** The Discharger shall prepare and provide written semiannual progress reports which: (1) describe the actions that have been taken toward achieving compliance with this TSO during the previous six months; (2) describe all activities including, data collection and other field activities which are scheduled for the next year and provide other information relating to the progress of work, (3) identify any modifications to the Compliance Plans that the Discharger proposed to the San Diego Water Board or that have been approved by San Diego Water Board during the previous six months; and (4) include information regarding all delays encountered or anticipated that may affect the future schedule for completion of the actions required, and a description of all efforts made to mitigate those delays or anticipated delays. These progress reports shall be submitted to the San Diego Water Board by the fifteenth (15th) day of June and December of each year following the adoption of this TSO. Submission of these progress reports shall continue until compliance is achieved.

IV. INTERIM EFFLUENT LIMITATIONS AND REQUIREMENTS

The Discharger shall maintain compliance with the interim effluent limitations set forth below with compliance measured at Monitoring Locations as described in the Monitoring and Reporting Program (MRP), Attachment E of Order No. R9-2013-0064 for the Naval Base San Diego Complex.

- A. Steam Condensate.** The following interim copper effluent limitation¹ for steam condensate at Discharge Point Nos. SC-001 through SC-175, as described in Order No. R9-2013-0064, shall be effective until October 1, 2018 or until the Discharger achieves compliance, whichever is earlier:

¹ The Interim effluent limitations are based on effluent performance data from August 2003 through December 2009 for the Discharger.

Table 7. Steam Condensate Interim Effluent Limitations for Copper at Discharge Point Nos. SC-001 through SC-175

Parameter	Unit	Maximum Daily Effluent Limitation
Copper, Total Recoverable	µg/L	130

B. Graving Dock Caisson Ballast Dewatering. The following interim cadmium, copper, nickel, silver and zinc effluent limitations¹ for graving dock caisson ballast dewatering at Discharge Point No. NGD-003, as described in Order No. R9-2013-0064, shall be effective until May 1, 2017 or until the Discharger achieves compliance, whichever is earlier:

Table 8. Caisson Ballast Water Interim Effluent Limitations for Cadmium, Copper, Nickel, Silver, and Zinc at Discharge Point No. NGD-003

Parameter	Unit	Maximum Daily Effluent Limitation
Cadmium, Total Recoverable	µg/L	30
Copper, Total Recoverable	µg/L	40
Nickel, Total Recoverable	µg/L	50
Silver, Total Recoverable	µg/L	10
Zinc, Total Recoverable	µg/L	165

C. Graving Dock Emergency Fire Suppression System and Salt Water Supply Water . The following interim effluent limitation for total suspended solids and copper for the discharge of graving dock emergency fire suppression system and salt water supply water at Discharge Point No. NGD-004, as described in Order No. R9-013-0064, shall be effective until September 30, 2016 or until the Discharger achieves compliance, whichever is earlier:

Table 9. Graving Dock Emergency Fire Suppression and Salt Water Supply Water Interim Effluent Limitations for Total Suspended Solids and Copper at Discharge Point No. NGD-004

Parameter	Unit	Maximum Daily Effluent Limitation
Total Suspended Solids	mg/L	187
Copper, Total Recoverable	µg/L	41.5

D. Pollution Prevention Plan. The Discharger shall implement a Pollution Prevention Plan for copper in steam condensate at Discharge Point Nos. SC-001 through SC-175, and for cadmium, copper, nickel, silver, and zinc in graving dock caisson ballast dewatering at Discharge Point No. NGD-003, and for total suspended solids and copper in graving dock emergency fire suppression system and salt water supply water at Discharge Point No. NGD-004, consistent with the requirements of CWC section 13263.3, as required by section VI.C.3 of Order No. R9-2013-0064.

V. PROVISIONS

- A. Failure to Comply.** If the Discharger fails to comply with the provisions of this TSO, the San Diego Water Board may apply to the Attorney General for judicial enforcement. If compliance with the effluent limitations for a discharge is not achieved by the final compliance date specified in the Compliance Schedule of this TSO, the discharge will not be exempt from violation of the effluent limitations.
- B. Enforcement Discretion.** The San Diego Water Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this TSO.
- C. Request to Provide Information.** The Dischargers may present characterization data, preliminary interpretations and conclusions as they become available, rather than waiting until a final report is prepared. This type of on-going reporting can facilitate a consensus being reached between the Discharger and the San Diego Water Board and may result in overall reduction of the time necessary for regulatory approval.
- D. Duty to Use Registered Professionals.** The Discharger shall provide documentation that plans and reports required under this Order are prepared under the direction of appropriately qualified professionals. California Business and Professions Code Sections 6735, 7835, and 7835.1, require that engineering and geologic evaluations and judgments be performed by, or under the direction of registered professionals. A statement of qualifications and registration numbers, if applicable, of the responsible lead professionals shall be included in all plans and reports submitted by the Discharger.
- E. TSO Amendment.** This TSO in no way limits the authority of this San Diego Water Board to institute additional enforcement actions or to require additional investigation and actions to comply consistent with the Water Code. This TSO may be revised by the San Diego Water Board as additional information becomes available.
- F. Time Extensions.** If, for any reason, the Discharger is unable to perform any activity or submit any documentation in compliance with requirements in this TSO, the Discharger may request, in writing, an extension of time. The written extension request shall include justification for the delay and shall be received by the San Diego Water Board reasonably (but not less than 15 calendar days) in advance of the deadline sought to be extended. An extension may be granted for good cause, in which case this TSO will be accordingly amended.

G. Certification Statement. Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

I, David W. Gibson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on August 14, 2013.

Tentative

DAVID W. GIBSON
Executive Officer