

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

Response to Comments Report

**Tentative Order No. R9-2017-0009
Amending**

***Order No. R9-2013-0064, NPDES No. CA0109169
Waste Discharge Requirements
for the United States Department of the Navy
Naval Base San Diego Complex
San Diego County***

December 13, 2017

Response to Comments Report
Tentative Order No. R9-2017-0009

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

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

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Introduction

The San Diego Water Board has prepared this Response to Comments Report on *Tentative Order No. R9-2017-0009 Amending Order No. R9-2013-0064, NPDES No. CA0109169 Waste Discharge Requirements for the United States Department of the Navy, Naval Base San Diego 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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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	<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 Finding 8 of the Tentative Order to read: <i>Section IV.G.1.i of Order No. R9-2013-0064 authorizes the following category of non-storm water discharges unless the Discharger or the San Diego Water Board identifies the discharge as a significant source of pollutants to Waters of the U.S.</i></p> <p>Revise section IV.G.1.i of Order No. R9-2013-0064 to read: <i>1. Non-Storm Water Discharges. The following categories of non-storm water discharges are authorized under this Order unless the Discharger or the San Diego Water Board identifies the discharge category as a significant source of pollutants to waters of the US as provided in section IV.G.3 below.</i></p> <p>Revise section IV.G.1.i.c. of Order No. R9-2013-0064 to remove “to MS4s”.</p>	<p>Certain categories of non-storm water discharges from Small MS4s are authorized under Order No. R9-2013-0064 unless the Discharger or the San Diego Water Board identifies the discharge category as a significant source of pollutants to Waters of the U.S. as provided in section IV.G.3 of Order No. R9-2013-0064. 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.</p>	<p>No changes are appropriate at this time but should be considered as part of a future amendment or during reissuance.</p>

No.	Comment	Response	Action Taken
2	<p>Add the following bullet and amend sections to Order No. R9-2013-0064 as needed to allow for Nickel Intake Water Credits:</p> <p><i>11. By letter dated March 27, 2017, the Discharger submitted a Request for Nickel Intake Water Credits for the following discharges: 1) graving dock deflooding and salt water rinse water (Discharge Points Nos. NGD-001 & NGD-002), 2) caisson ballast dewatering (Discharge Point No. NGD-003), and 3) emergency fire suppression water and salt water supply water (Discharge Point No. NGD-004).</i></p>	<p>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 USEPA regulations at 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.</p>	<p>No changes are appropriate at this time but should be considered as part of a future amendment or during reissuance.</p>
3	<p>Revise to section IV.G.1.i.j. of Order No. R9-2013-0064 to read:</p> <p><i>Residential and emergency service vehicle car washing</i></p>	<p>This comment is already addressed by section IV.G.5. of Order No. R9-2013-0064 under non-firefighting maintenance activities.</p>	<p>None necessary</p>
4	<p>Water Effects Ratios (WERS) were approved by the San Diego Water Board. Incorporate the WERS into the Storm Water Action Levels (SALs) table 12 of Order No. R9-2013-0064.</p>	<p>Footnote "a" in Table 12 of Order No. R9-2013-0064 allows the application of new WERS to the SALs without amending Order No. R9-2013-0064. The WERS will become effective following adoption by the Office of Administrative Law. The State Water Resources Control Board has schedule this item for consideration in early 2018.</p>	<p>None necessary</p>

No.	Comment	Response	Action Taken
5	<p>Add text to clarify in the new language added to Attachment E, section I.L of Order No. R9-2013-0064 and in Attachment N of Order No. R9-2013-0064 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 title 40 of 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 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>	<p>Section VII.A of Order R9-2013-0064, <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. R9-2013-0064 already addresses the comment regarding matrix interference.</p>	None necessary
6	<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, 79 Fed.Reg. 49001- 49013 (Aug. 19, 2014). <i>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</p>	None necessary

No.	Comment	Response	Action Taken
		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.	
7	Attachment E section V.B.2 of Order No. R9-2013-0064 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 assess 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.	The San Diego Water Board agrees with the change and has modified the Tentative Order as requested.	Attachment E section V.B.2 of Order No. R9-2013-0064 has been revised to read: <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) and are the preferred methods if local species are available.</i>
8	Replace the current language under Attachment E, section VIII.A.3.b.ii.b.2 of Order No. R9-2013-0064 with the language from the NPDES permit for Naval Base Coronado that states the following:	The San Diego Water Board agrees with the change and has modified the Tentative Order as requested.	Attachment E, section VIII.A.3.b.ii.b.2 of Order No. R9-2013-0064 has been revised to read: <i>2) 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</i>

No.	Comment	Response	Action Taken
	<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><i>results shall be recorded as "Percent of control response".</i></p>
9	<p>Correct notations in Attachment E, Tables E-10 and E-11 of Order No. R9-2013-0064 as they currently all refer to footnote 2, which is specific to pH only.</p>	<p>Footnote 2 also contains the text "or lab sample in accordance with 40 CFR 136" which is applicable to the other parameters with the reference to footnote 2.</p>	<p>None necessary</p>
10	<p>In Attachment N of Order No. R9-2013-0064, 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. R9-2013-0064 has been revised to read "given".</p>
11	<p>Comment for Table N-1:</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>
12	<p>Comments for Table N-1:</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 	<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. R9-2013-0064 has been revised to remove the following: Analytical Methods 206.3, 249.2, and 272.2 for Arsenic,</p>

No.	Comment	Response	Action Taken
	<p>analysis in drinking water. Remove method from the table.</p> <ul style="list-style-type: none"> • 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>Nickel, and Silver respectively; and the text "(note)" for Mercury.</p>