

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

2375 Northside Drive, Suite 100, San Diego, CA 92108

Phone (619) 516-1990 · Fax (619) 516-1994

www.waterboards.ca.gov/sandiego

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

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

Background

1. The U.S. Department of the Navy (Discharger) is the owner and operator of the Naval Base San Diego Complex (NBSD), a U.S. naval base complex discharging in accordance with Order No. R9-2013-0064, National Pollutant Discharge Elimination System (NPDES) No. CA0109169, adopted by the San Diego Water Board on August 14, 2013. The Naval Base San Diego Complex is comprised of four installations. These four installations are described in Attachment F, section II of Order No. R9-2013-0064.
2. The San Diego Water Board adopted Order No. R9-2010-0003, NPDES No. CAG679001, *General Waste Discharge Requirements for Discharges of Hydrostatic Test Water and Potable Water to Surface Waters and Storm Drains or Other Conveyance Systems Within the San Diego Region* on September 8, 2010. The U.S. Navy Public Works Center is enrolled in Order No. R9-2010-0003 for discharges of hydrostatic test water and potable water from NBSD, the Naval Base Point Loma Complex (NBPL), and the Naval Base Coronado Complex (NBC).
3. The State Water Resources Control Board (State Water Board) adopted Order No. 2014-0194-DWQ, NPDES No. CAG140001, *Statewide National Pollutant Discharge Elimination System (NPDES) Permit for Drinking Water System Discharges to Waters of the United States* on November 18, 2014. Naval Air Station North Island and Naval Amphibious Base Coronado, which are installations of NBC, are enrolled in Order WQ 2014-0194-DWQ for discharges of drinking water to surface water. The other NBC installations are covered by Order R9-2015-0117, an individual NPDES Permit covering NBC discharges. NBSD and NBPL have drinking water systems which are consecutive systems with the City of San Diego's drinking water system and are not eligible for separate enrollment in Order 2014-0194-DWQ. Discharges of hydrostatic test water and potable water from NBSD and NBPL are covered under the City of San Diego's enrollment.

Purpose of this Order

4. By email dated March 30, 2016, the Discharger requested that the San Diego Water Board add language to Order No. R9-2013-0064 to clarify how Storm Water Action Levels are calculated. The San Diego Water Board is amending section IV.E.1. of Order No. R9-2013-0064 in response to this request.
5. By email dated March 30, 2016, the Discharger requested that the San Diego Water Board correct the definition of Qualifying Storm Event in Order No. R9-2013-0064. The San Diego Water Board is amending Attachment A of Order No. R9-2013-0064 in response to this request.
6. By email dated March 30, 2016, the Discharger requested that the San Diego Water Board address an inconsistency regarding chronic toxicity testing requirements at NBSD (Order No. R9-2013-0064) as compared to the testing requirements at, NBC (Order No. R9-2015-0117), and NBPL (Order No. R9-2014-0037). The current chronic toxicity testing requirements are as follows:
 - a. Order No. R9-2013-0064 for NBSD requires a static non-renewal toxicity test with the purple sea urchin, *Strongylocentrotus purpuratus*, (Embryo-larval Development Test Method);
 - b. Order No. R9-2015-0117 for NBC requires a static non-renewal toxicity test with the purple sea urchin, *Strongylocentrotus purpuratus*, or the sand dollar, *Dendraster excentricus* (Fertilization Test Method 1008.0 or Embryo-larval Development Test Method); *and*
 - c. Order No. R9-2014-0037 for NBPL requires a static non-renewal chronic toxicity test with the purple sea urchin, *Strongylocentrotus purpuratus*, or the sand dollar, *Dendraster excentricus* (Fertilization Test Method 1008.0).

The San Diego Water Board is addressing the inconsistency by amending Attachment E section V of Order No. R9-2013-0064 for NBSD to add the option to use the sand dollar, *Dendraster excentricus* (Fertilization Test Method 1008.0 or Embryo-larval Development Test Method).

7. By letter dated December 15, 2016, the Discharger submitted a Numeric Action Level (NAL) Level 2 Exceedance Progress Report (Progress Report) and a request to discontinue monitoring for magnesium and nitrate-nitrite-N in storm water at NBSD. The Progress Report documented that the source of magnesium is seawater and nitrate-nitrite-N may have several sources, some or all of which may be unrelated to the activities taking place at NBSD. The San Diego Water Board is amending Attachment E section IX.A.3.f, Table E-10 and Table E-11 of Order No. R9-2013-0064 to remove magnesium monitoring for storm water from high-risk industrial areas and to allow the San Diego Water Board Executive Officer to approve discontinuation of monitoring for parameters with sources determined to be natural background or non-industrial.
8. Section IV.G.1.i of Order No. R9-2013-0064 authorizes the following category of non-storm water discharge unless the Discharger or the San Diego Water Board identifies the discharge as a significant source of pollutants to Waters of the U.S.:

“Discharges from potable water sources not subject to NPDES Permit No. CAG679001 (General Waste Discharge Requirements for Discharges of Hydrostatic Test Water and Potable Water to Surface Waters and Storm Drains or Other Conveyance Systems).”

The San Diego Water Board is amending section IV.G.1.i of Order No. R9-2013-0064 to incorporate a reference to the State Water Board's Order 2014-0194-DWQ (NPDES No. CAG140001) regarding drinking water discharges.

9. The San Diego Water Board is amending the following sections of Order No. R9-2013-0064 to correct errors related to toxicity percent effect: section IV.C, section VII.H.1, section VII.I.1, Attachment E section V, and Attachment F section IV.C.5.a.
10. The San Diego Water Board is amending the following sections of Order No. R9-2013-0064 to add the required analytical methods and minimum levels from the State Water Board's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*: Table of Contents, Attachment E section I.L, and Attachment N.

Legal Authorities

11. Section 13263(e) of the Water Code provides that the San Diego Water Board may, upon application by any affected person, or on its own motion, review and revise waste discharge requirements. Reopening and modification of an NPDES permit based upon new information is authorized pursuant to title 40 Code of Federal Regulations (40 CFR) section 122.62(a)(2), to correct technical mistakes pursuant to 40 CFR section 122.62(a)(15), and to correct typographical errors pursuant to section 40 CFR section 122.63(a).
12. Order No. R9-2013-0064 is not being reopened for any other purpose than the revisions contained herein. Except as contradicted or superseded by the findings and directives set forth in this Order, all of the previous findings and directives of Order No. R9-2013-0064 shall remain in full force and effect.
13. The San Diego Water Board is amending the following sections of Order No. R9-2013-0064 to be consistent with section V.F of the State Board's Sediment Quality Plan, Attachment E, section VIII.A.3.b.ii.b.2 of Order No. R9-2013-0064.
14. The San Diego Water Board is amending Attachment E section IV.C.2 of Order No. R9-2014-0037 to identify the preferred toxicity test method if local species are available.

California Environmental Quality Act

15. This action is exempt from the requirement of preparation of environmental documents under the California Environmental Quality Act (Public Resources Code, division 13, chapter 3, section 21000 et seq.) in accordance with Water Code section 13389.

Public Participation

16. The San Diego Water Board has notified all known interested parties of its intent to adopt Order No. R9-2017-0009.

17. The San Diego Water Board in a public meeting on December 13, 2017, heard and considered all comments pertaining to the adoption of Order No. R9-2017-0009.
18. Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 *et seq.* The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the adoption date of Order No. R9-2017-0009. Copies of the law and regulations applicable to filing petitions may be found at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

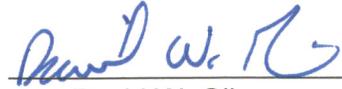
IT IS HEREBY ORDERED:

1. This Order amends Order No. R9-2013-0064, NPDES No. CA0109169, as described in the revised version included as Attachment 1 to this Order. Added text to Order No. R9-2013-0064 is displayed in red-underline text and deleted text is displayed as ~~red-strikeout~~ text. Modifications to Order No. R9-2013-0064 were made to the following sections as shown below:

<u>Page No.</u>	<u>Section No.</u>
9	Table of Contents, List of Attachments
28	IV.C
29	Section IV.E.1.
37	Section IV.G.1.i
51	Section VII.H.1
52	Section VII.I.1
A-7	Attachment A - Definitions
D-5	Attachment D, Section III.B
E-4	Attachment E, Section I.L
E-14	Attachment E, Section V.A.3
E-15	Attachment E, Section V.A.4
E-15	Attachment E, Section V.A.5
E-16	Attachment E, Section V.B.2
E-17	Attachment E, Section V.B.3
E-18	Attachment E, Section V.B.4
E-18	Attachment E, Section V.B.5
E-19	Attachment E, Section V.D
E-20	Attachment E, Section V.E
E-24	Attachment E, section VIII.A.3.b.ii.b.2
E-29, E-30, E-31	Attachment E, Section IX.A.3.f, Tables E-10 and E-11
F-67, F-68, F-69	Attachment F, Section IV.C.5.a
N-1 through N-4	Attachment N

2. The amended version of Order No. R9-2013-0064 included as Attachment 1 to this Order shall become effective on December 13, 2017.
3. San Diego Water Board staff is directed to prepare and post a conformed copy of Order No. R9-2013-0064 incorporating the revisions made by this Order.

I, David W. Gibson, Executive Officer, do hereby certify that this Order is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on **December 13, 2017**.



David W. Gibson
Executive Officer