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BAE SYSTEMS

SAN DIEGO REGIONAL
 WATER QUALITY
 CONTROL BOARD

Item No. 07
Doc. No. 05

May 26, 2009

2009 MAY 28 P 12: 46

Mr. John Robertus
 Regional Water Quality Control Board
 San Diego Region
 9174 Sky Park Court, Suite 100
 San Diego, CA 92123

RE: NPDES Tentative Order No. R9-2009-0080

Dear Mr. Robertus:

BAE Systems San Diego Ship Repair Inc. ("SDSR") has reviewed the above referenced Tentative Order and provides the following comments.

SDSR respectfully submits the below comments that we request you consider in the adoption of the final Order.

Administrative comments, in order as presented in each respective document.

DOCUMENT	PAGE	PARA/TABLE	DEFECT	CORRECTION
WDR	6	II.B	Water Weight Test Bags	Delete reference to these discharges.
WDR	23	VI.B.3	DMR forms	Please clarify that DMR forms apply to effluent discharges other than storm water. It is presumed that storm water monitoring will continue to use the monitoring format discussed in IX.D.6 (page E-22)
ATT E/MRP	E-8	Table E-5	Delete footnote 4 on Flow	This applies to WW Test Bags which have been deleted.
ATT E/MRP	E-9	V.A.1	Acute Toxicity. This section should describe the analytical requirement itself, but it appears to address the storm water requirements.	Clarify this section to define the test requirements for Acute Toxicity. Move the storm water specific discussion to Section D. As written, it is unclear that the Acute Toxicity

				Testing requirement applies to other than storm water.
ATT E/MRP	E-10	V.A.1, Last Paragraph	Add language re: contained storm water	“For storm water sampling, sampling shall occur during storm events, <u>or if collected, prior to release to receiving water.</u> ”
ATT E/MRP	E-14	V.B	Delete reference to Chronic Toxicity.	
ATT E/MRP	E-21	Table E-8	*footnote re: Minimum Frequency	“Sampling shall occur during storm events, <u>or if collected, prior to release to receiving water.</u> ”
ATT E/MRP	E-35	X.D,1 Table E-14	Annual BMP Site Evaluation due February 28. Conflicts with the requirement to submit the report as part of the Storm Water Annual Report due September 1.	It is not clear if this is the same as the report required under IX.D.6.d. Since BMPs are required for more than just storm water, recommend that the annual BMP Site Evaluation report be submitted as part of the annual report. If a separate Stormwater BMP Evaluation report is desired as part of the Annual SW report than that should be made clear.
Fact Sheet	F-8	I.B. Table F-2	SW-002 should be non-industrial storm water	Change effluent description to ‘Non-Industrial Stormwater’
Fact Sheet	III.C.8	F-15	The Vessel General permit does not apply to “Vessels tied to a pier...”	Delete the words “...tied to a pier or... in the fourth sentence.
Fact Sheet	VII.B.3.a	F-43	The second paragraph, second sentence, reads to be inclusive of all vessels at the facility, but should a reference to those vessels where the VGP in not applicable only.	In the second sentence of the second paragraph change to read “While a vessel is <u>in drydock</u> at the Facility,...”

BMP Plans	V.III.C	G-7	Edits to BMP 16. Delete BMP 21.	16. Delete "...graving dock, shipbuilding ways, and marine railway..." Delete BMP 21 in its entirety.

Steam Condensate

The tentative draft order provides an effluent limitation for temperature applicable to steam condensate discharges. Immediately below Table 6 on page 15 the order states *"At no time shall any discharge be greater than 20°F over the natural temperature of the receiving water"*. This limitation is overly conservative and unnecessary to protect San Diego Bay beneficial uses. Steam condensate discharges at BAE Systems are *"existing discharges"* as defined in the "California Thermal Plan"¹, are exceptionally low in volume and have negligible effect on the ambient receiving water temperature.

The California Thermal Plan defines *existing discharges* as *"Any discharge (a) which is presently taking place, or (b) for which waste discharge requirements have been established and construction commenced prior to adoption of this plan, or (c) any material change in an existing discharge for which construction has commenced prior to the adoption of this plan."* Steam condensate discharges at BAE Systems are "existing discharges" that have occurred since prior to 1971, the year the California Thermal Plan was originally adopted, and are currently included as an authorized discharge in Order No.R9-2002-0161 (issued on November 13, 2002). The California Thermal Plan requires existing discharges into enclosed bays "... comply with limitations necessary to assure protection of beneficial uses." Steam condensate discharges from piping systems have been eliminated. The discharges authorized in the permit are for those minimal drips and leaks that may occur from hoses providing steam to vessels and are exceptionally low volume and dispersed over a wide area they will not adversely affect beneficial uses.

Receiving Water Limitations

The tentative draft order includes a receiving water limitation that should be revised to specify how compliance with the limitation is determined. Section V. Receiving Water Limitations, A. Surface Water Limitation includes the following statement *"The discharge of waste shall not cause or contribute to an exceedance of any applicable water quality objective or standard contained in applicable statewide water quality control plans, the California Toxics Rule, or the San Diego Basin Plan."* Although the Fact Sheet (pages F-39, attachment F) explains that monitoring in the receiving water will be used to determine compliance with receiving water limitations, BAE Systems request a similar statement be added to the receiving water limitation (page 35 of the order) to ensure it is clear to the reader how compliance is determined.

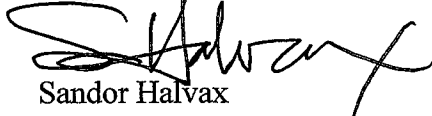
To eliminate any questions on the compliance requirements for the receiving water limitations, the BAE Systems requests the tentative order be revised to clearly state that compliance with the receiving water limitations will be determined in the receiving water. BAE Systems recommends the following sentence be added to the end of V.A. Surface Water Limitation – "Compliance with this limitation will be

¹ Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California

determined through monitoring of the receiving water (San Diego Bay and the Pacific Ocean) using appropriate methods as specified by the Regional Water Board.”

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations”.

Respectfully submitted,



Sandor Halvax
Director Environmental Services
BAE Systems San Diego Ship Repair Inc.