April 10, 2013
Item No. 5
Supporting Document No. 2

SeaWorld.

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

Via Certified Mail

2013 FEB 5 PM 12 25

February 4, 2013

Mr. David Gibson
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Subject: CRU: 90000000083:M.MATA: CIWQS Place ID: 256121
SeaWorld NPDES Permit NO. CA0107336 ("Permit")
Request for Permit Amendment, Waste Discharge Requirements for SeaWorld Parks and Entertainment, Inc. A Delaware Corporation, SeaWorld LLC DBA SeaWorld San Diego, San Diego, CA

Dear Mr. Gibson

We appreciate the time your staff took to meet with us on December 12, 2012 to discuss total and fecal coliform monitoring and reporting requirements of the above-referenced Permit. We appreciate your staff's pro-active and cooperative manner in identifying and addressing issues related to the Permit. SeaWorld works diligently to comply with all aspects of the Permit and your staff's expertise, advice and assistance are major elements of that effort.

The recent December meeting included a discussion of the fact that the language in two sections of the Permit sometimes results in inordinately punitive results. Basically, this results from language requiring that sample results be evaluated on any continuous 30-day period, instead of a calendar month.

Consistent with that discussion, SeaWorld respectfully requests modification of the Permit so that the period of evaluation of effluent limitations for both fecal and total coliform is modified from a continuous 30-day evaluation period to a calendar monthly evaluation period. A monthly evaluation period is also more consistent with SeaWorld's sampling and reporting schedule.

In the Permit, evaluation of effluent limitations for both fecal and total coliform currently included the following language:

500 SeaWorld Dr.
San Diego, CA. 92109

- *The fecal coliform concentration based on a minimum of not less than five samples for* ***any 30-day period****, shall not exceed a log mean of 200/100mL, nor shall more than 10 percent of total samples during* ***any 30 day period*** *exceed 400/100mL.*
- *The median total coliform concentration throughout the water column for* ***any 30-day period*** *shall not exceed 70/100mL nor shall more than 10 percent of the samples collected during* ***any 30-day period*** *exceed 230/100 mL for a five-tube decimal dilution test or 330/100 mL when a three tube dilution test is used.*

SeaWorld believes these requirements are unnecessarily punitive in nature because, the continual 30-day period language allows the possibility of being penalized multiple times for only one exceedance despite meeting effluent limitations during interim periods.

For example: SeaWorld was scheduled to sample 6 times in the month of February 2012 for total coliforms. The result from the February 21 water collection exceeded our NPDES permit limit of "...nor shall more than 10 percent of the samples collected during any 30-day period exceed 230/100mL for a five tube decimal dilution test..." Even though all samples taken pre- and post-February 21 came back as non-detectable, under current permit language, it is our understanding from staff, that SeaWorld could be penalized a total of 9 times for the one exceedance.

To more accurately and fairly evaluate the number and level of exceedances of the effluent limitations, as well as align permit requirements with required sampling practices, SeaWorld requests amendments to the Permit that replaces the any 30-day criteria with monthly criteria as presented below:

- *The fecal coliform concentration based on a minimum of not less than five samples for* ***any one monthly calendar period****, shall not exceed a log mean of 200/100mL, nor shall more than 10 percent of total samples during* ***any calendar month*** *exceed 400/100mL.*
- *The median total coliform concentration throughout the water column for* ***any one monthly calendar period*** *shall not exceed 70/100mL nor shall more than 10 percent of the samples collected during* ***any calendar month*** *exceed 230/100 mL for a five-tube decimal dilution test or 330/100 mL when a three tube dilution test is used.*

SeaWorld believes this change will allow for more efficient and accurate reporting of the sampling results and will provide equal protection of Mission Bay. And, with this change, SeaWorld will not be penalized multiple times for one exceedance.

For example: Under the proposed amendments, if one sample is taken on any day in February and total coliforms were to exceed 230/100mL in that one sample and eight more non-detectable samples were taken in February, then one of nine, or 11% of the samples taken in the calendar month of February were exceedances, and SWSD would be assessed one violation for the month. On March 1, a new sampling period would begin.

I want to stress that SeaWorld takes any non-compliance with respect to our NPDES permits very seriously. SeaWorld has and will continue to expend tremendous amounts of effort and resources to our commitment to environmental stewardship and it is our policy to ensure that our park remains compliant with all applicable environmental laws and all permits issued to Sea World.

If you have any questions regarding this letter, please contact Buddy Burton, Director of EHS at (619) 226-3966.

Sincerely,

SEAWORLD SAN DIEGO

John T. Reilly
Park President

Certification

Certification Statement:

"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."

Signed under Penalty of Perjury

2/4/13
Date

John T. Reilly
Print Name