CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

9174 Sky Park Court, Suite 100, San Diego, CA 92123-4353
Phone (858) 467-2952 · Fax (858) 571-6972
www.waterboards.ca.gov/sandiego

TENTATIVE ORDER NO. R9-2013-0034

AN ORDER MODIFYING ORDER NO. R9-2011-0032 NPDES NO. CA0107336 WASTE DISCHARGE REQUIREMENTS FOR SEAWORLD PARKS & ENTERTAINMENT, INC. A DELAWARE CORPORATION, SEAWORLD LLC DBA SEAWORLD SAN DIEGO

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

1. Order No. R9-2011-0032, National Pollutant Discharge Elimination System (NPDES) No. CA0107336, prescribes waste discharge requirements for SeaWorld San Diego (Discharger) to discharge up to 9.36 million gallons per day (MGD) of treated wastewater from exhibit pools and aquaria, intermittent flows during pool draining and cleaning operations, run-off from landscape irrigation, and facility wash down water. The treated wastewater is discharged to Mission Bay through two outfalls.

2. By letter dated February 4, 2013, the Discharger requested a modification to Order No. R9-2011-0032. The modification requested that the compliance evaluation period for the fecal and total coliform effluent limitations contained in Tables 6 and 7 of Order No. R9-2011-0032 be revised from any 30-day period to a monthly calendar period to be more consistent with other effluent limitations in Order No. R9-2011-0032 which are expressed as calendar monthly averages. In addition, the revision would eliminate the possibility of being penalized multiple times for one fecal or total coliform effluent limitation exceedance in the event of an enforcement action.

3. The modification of the compliance evaluation period for fecal and total coliform from any 30-day period to a calendar monthly average is not expected to cause or contribute to an exceedance of the Water Quality Control Plan for the San Diego Basin bacterial objectives in the receiving waters. In addition the Discharger must continue to maintain compliance with the bacterial objectives in the receiving water.

4. The modification of the compliance evaluation period for fecal and total coliform is consistent with the requirements in title 40 of the Code of Federal Regulation (40 CFR) at Section 122.62 (a)(15) which specifies a permit may be modified to correct technical mistakes or mistaken interpretations of the law made in determining permit conditions.

5. The San Diego Water Board has notified SeaWorld San Diego and all known interested parties of the intent to modify Order No. R9-2011-0032, NPDES No. CA0107336.

6. The San Diego Water Board in a public meeting has heard and considered all comments pertaining to the proposed modifications to the NPDES Order.

IT IS HEREBY ORDERED, that:

Except as modified or superseded by the permit modifications set forth below, all of the findings, prohibitions, provisions, and other requirements of Order No. R9-2011-0032, NPDES No. CA0107336 remain in full force and effect. The following modifications of Order No. R9-2011-0032 are shown in **bold and underline**~~/strikeout~~ format to indicate added and removed language, respectively, and are hereby incorporated and immediately effective:

1. Footnotes 3 and 4 to Tables 6 and 7 on pages 16 and 17 of the Order will be modified as follows:

   [3] The fecal coliform concentration based on a minimum of not less than five samples ~~for any 30-day~~ **over a calendar month** ~~period~~, shall not exceed a log mean of 200/100mL, nor shall more than 10 percent of total samples during any **calendar month** ~~30-day period~~ exceed 400/100mL.

   [4] The median total coliform concentration throughout the water column for any ~~30-day~~ **calendar month** period shall not exceed 70/100mL nor shall more than 10 percent of the samples collected during any **calendar month** ~~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.

2. Footnotes 4 and 5 to Table F-13 of the Fact Sheet will be modified as follows:

   [4] The fecal coliform concentration based on a minimum of not less than five samples ~~for any 30-day~~ **over a calendar month** ~~period~~, shall not exceed a log mean of 200/100mL, nor shall more than 10 percent of total samples during any **calendar month** ~~30-day period~~ exceed 400/100mL.

[5] The median total coliform concentration throughout the water column for any ~~30-day~~ **calendar month** period shall not exceed 70/100mL nor shall more than 10 percent of the samples collected during any **calendar month** ~~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.

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 April 10, 2013.

TENTATIVE

David W. Gibson, Executive Officer