

**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](http://www.waterboards.ca.gov/sandiego)

**TENTATIVE  
 ORDER NO. R9-2013-0005**

**AN ORDER CONDITIONALLY WAIVING  
 WASTE DISCHARGE REQUIREMENTS FOR  
 SAN DIEGO STATE UNIVERSITY RESEARCH FOUNDATION  
 COASTAL WATERS LABORATORY  
 SAN DIEGO COUNTY**

The following Discharger is subject to waiver conditions as set forth in this Order:

**Table 1. Discharger Information**

<b>Discharger</b>	San Diego State University Research Foundation
<b>Name of Facility</b>	Coastal Waters Laboratory
<b>Facility Address</b>	4165 Spruance Road, San Diego, Ca. 92101
<b>Facility Contact, Title, and Phone</b>	Eric Elson, Associate Director of Facilities, (619) 594-0276

Discharges by the San Diego State University Research Foundation from the discharge point identified below are subject to the waiver conditions as set forth in this Order:

**Table 2. Discharge Location**

<b>Discharge Point</b>	<b>Effluent Description</b>	<b>Discharge Point Latitude</b>	<b>Discharge Point Longitude</b>	<b>Receiving Water</b>
001	Waste Aquaria Seawater	32°, 43", 55.97" N	117°, 12", 42.85" W	San Diego Bay (NTC Boat Channel)

**Table 3. Administrative Information**

This Order was adopted by the California Regional Water Quality Control Board, San Diego Region on:	<b>February 13, 2013</b>
This Order shall become effective on:	<b>February 13, 2013</b>
This Order shall expire on:	<b>February 13, 2018</b>
The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, as application for renewal of this Order no later than:	<u>180 days prior to the Order expiration date</u>

San Diego State University Research Foundation  
Coastal Waters Laboratory

Tentative Order No. R9-2013-0005

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 February 13, 2013.

TENTATIVE

David W. Gibson, Executive Officer

## Table of Contents

I. Findings.....	4
II. General Conditions.....	7
III. Receiving Water Limitations .....	8
IV. Standard Provisions .....	11
V. Monitoring and Reporting Program.....	13
A. General Monitoring Provisions .....	13
B. Monitoring Locations .....	16
C. Influent Monitoring Requirements .....	16
D. Effluent Monitoring Requirements .....	17
E. Receiving Water Monitoring Requirements - Surface Water .....	17
F. Feeding and Aquatic Animal Production .....	18
G. Chemical and Drug Usage Monitoring Requirements .....	18
H. Reporting Requirements - Self Monitoring Reports .....	19
VI. Notifications .....	21

## I. FINDINGS

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

- A. Facility Description.** The Discharger owns and operates the San Diego State University Research Foundation Coastal Waters Laboratory (Facility) located in the Lindbergh Hydrologic Subarea (908.21) of the San Diego Mesa Hydrologic Area (908.2), of the Pueblo San Diego Hydrologic Unit (908). The Facility is a non-commercial aquatic research Facility which focuses on the environmental and ecological problems caused by urbanization in the coastal environment at the land-water interface. The Facility houses multiple tanks that enable researchers to replicate the seawater environment, allowing the study of marine plants and cold water aquatic animals in their natural environment. The total cold water animal population maintained at any given time in the Facility is not expected to exceed 100 kilograms (approximately 221 pounds).
- B. Discharge Description.** The Facility withdraws up to 0.288 million gallons per day (MGD) of seawater from an extension of San Diego Bay commonly known as the Navy Training Center (NTC) Boat Channel. The intake point for seawater is in the middle of the NTC Boat Channel, approximately 180 feet from the east bank of the channel. The Facility has two seawater supply systems to the aquariums that continuously supply fresh seawater to the flow-through aquariums. The first supply system conveys raw seawater to aquariums while the second supply system conveys seawater that has been treated at the Facility. The withdrawn seawater is treated using a rotary filter, protein skimmers, and sand filters. Seawater is used to backwash the rotary filter and sand filters and the backwash water is sent to the sewer. Unused excess treated water and flow-through water in the tanks are discharged to the 12-inch outfall into the NTC Channel (San Diego Bay) at Discharge Point 001 (NTC Channel (San Diego Bay); 32°, 43', 55.97" N latitude; 117°, 12, 42.85" W longitude). No chemicals, medicine, or antibiotics are used in the tanks.
- C. Regulatory Background.** The discharge from the Facility is currently regulated under state waste discharge requirements (Order No. R9-2007-0006) serving as a federal NPDES permit since February 14, 2007. The permit expired on March 1, 2012. The terms and conditions of Order No. R9-2007-0006 have been automatically continued and remain in effect. On February 12, 2012, the Discharger submitted a letter requesting a rescission of the NPDES permit.
- D. Concentrated Aquatic Animal Production Facility Criteria.** The Facility is a concentrated Aquatic Animal Production (CAAP) Facility and is currently regulated under 40 CFR 122.24 as a point source discharge subject to the NPDES Permit Program. The Discharger is no longer required to obtain NPDES permit coverage for the Facility discharge. On June 30, 2004, USEPA promulgated regulations under the Clean Water Act at Title 40 Code of Federal Regulations (CFR) Part 451 (40 CFR 451) establishing Effluent Limitations

Guidelines (ELGs) and New Source Performance Standards for the CAAP Point Source Category. The regulations contain requirements for wastewater discharges that must be met by new and existing CAAP facilities discharging above specified aquatic animal production and feeding thresholds directly to waters of the U.S. The total animal population at the Facility described in Finding A. above falls below both the aquatic animal production and feeding thresholds specified in 40 CFR 122.24 and 40 CFR 451. The San Diego Water Board has also determined that the Facility is not a significant contributor of pollution to waters of the U.S. and does not warrant a case-by-case designation as a CAAP point source discharge pursuant to 40 CFR 122.24(c). Accordingly, the Facility discharge does not require coverage under an NPDES Permit.

**E. Threat to Water Quality.** Since adoption of Order No. R9-2007-0006, the Discharger has conducted quarterly monitoring of the influent and effluent for total suspended solids, total nitrogen, total phosphorus, turbidity, and total copper. The monitoring results demonstrate that overall, the average concentration for each of these constituents in the effluent is lower than the constituent's average influent concentration. After making modifications to the filtration system used to treat the intake water in early 2009, the discharge from the Facility has, with a few exceptions, complied with the effluent limitations prescribed in Order No. R9-2007-0006.<sup>1</sup> Based upon monitoring data submitted to date, the discharge does not pose a significant threat to water quality. Ongoing monitoring of the influent and effluent is warranted, however, to evaluate compliance with the waiver conditions prescribed in this Order.

**F. Legal Authorities.** This Order is issued pursuant to Water Code sections 13267 and 13269. It shall serve as a conditional waiver of waste discharge requirements for waste discharges from the Facility to surface waters which do not require coverage under an NPDES Permit.

**G. Water Quality Control Plan.** The San Diego Water Board adopted a Water Quality Control Plan for the San Diego Region (hereinafter Basin Plan) on September 8, 1994 that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for San Diego Bay and other receiving waters addressed through the Plan. Subsequent revisions to the Basin Plan have also been adopted by the San Diego Water Board and approved by the State Water Resources Control Board (State Water Board). Beneficial uses applicable to the San Diego Bay specified in the Basin Plan are as follows:

---

<sup>1</sup> The concentration of total phosphorus was 0.22 mg/L on October 22, 2010 and 0.19 mg/L on September 9, 2011. Both samples exceeded the maximum daily effluent limitation of 0.12 mg/L; The concentrations of total phosphorus in the influent were 0.19 mg/L and 0.35 mg/L respectfully.

**Table 5. Basin Plan Beneficial Uses of the San Diego Bay**

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	San Diego Bay	Industrial service supply; navigation; contact water recreation; non-contact water recreation; commercial and sport fishing; preservation of biological habitats of special significance; wildlife habitat; rare, threatened, or endangered species; marine habitat; aquaculture; migration of aquatic organisms; spawning, reproduction, and/or early development; and shellfish harvesting.

**H. Waivers of WDRs.** This Order is issued in accordance with Water Code section 13269. The waiver of the requirement to obtain waste discharge requirements for the Facility under Water Code section 13269 is consistent with the Basin Plan because the discharge is not expected to adversely affect the quality or beneficial uses of the waters of the state. The waiver is also in the public interest because it will lessen the permitting and resource burden of regulating the Facility discharge for both the Discharger and the San Diego Water Board. This will free up San Diego Water Board permitting resources to address other discharges that pose a greater threat to public health and the environment. The waiver includes appropriate conditions for the discharge and semiannual influent and effluent monitoring (see Sections V. and VI.) to track flow volumes and pollutant levels. The costs associated with providing the monitoring information required under this Order are reasonable and necessary to verify the adequacy and effectiveness of the waiver conditions of this Order.

**I. Antidegradation Policy.** A discharge in compliance with this Order will result in the best practicable treatment or control of the discharge necessary to assure that (a) pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained. Accordingly, this Order is in conformance with the State Water Resources Control Board Resolution No. 68-16, *Statement Of Policy With Respect To Maintaining High Quality Of Waters In California* (also known as the State Antidegradation Policy).

**J. California Environmental Quality Act.** This facility is currently regulated by an NPDES Permit which is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Water Code section 13389. The Discharger is no longer required to obtain NPDES permit coverage for the Facility discharge and the ongoing discharge will be regulated by this waiver of waste discharge requirements. In issuing a waiver of waste discharge requirements the San Diego Water Board is required to comply with CEQA. The City of San Diego conducted an Initial Study which determined that the Facility, which was a proposed project at the time, could have a significant environmental effect to water quality, mainly from storm water run-off. On November 18, 2003, the City of San Diego adopted a Mitigated Negative Declaration (PTS 6143) for the Facility which made revisions in the project proposal that avoided or mitigated

the potential significant environmental effects previously identified. The San Diego Water Board has reviewed and considered the environmental effects of the proposed project identified in the Mitigated Negative Declaration. The revisions incorporated into the proposed project avoid or reduce the effects on water quality to less than significant.

- K. Executive Officer Delegation of Authority.** The San Diego Water Board by prior resolution has delegated all matters that may legally be delegated to its Executive Officer to act on its behalf pursuant to Water Code section 13223. Therefore, the Executive Officer is authorized to act on the San Diego Water Board's behalf on any matter within this Order unless such delegation is unlawful under Water Code section 13223 or this Order explicitly states otherwise.
- L. Public Notice.** The San Diego Water Board has notified the Discharger and interested agencies and persons of its intent to conditionally waive waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.
- M. Public Hearing.** The San Diego Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

**IT IS HEREBY ORDERED**, that Order No.R9-2007-0006 is rescinded upon the effective date of this Order except for enforcement purposes and that waste discharge requirements for the discharge are waived subject to the conditions of this Order. In order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, San Diego State University Research Foundation (hereinafter Discharger) shall comply with the requirements in this Order.

## **II. GENERAL CONDITIONS**

- A. The discharge of waste, in a manner or location other than as described in the Report of Waste Discharge or findings of this Order, and for which a valid waiver of waste discharge requirements is not in force is prohibited.
- B. The discharge to San Diego Bay from the Coastal Waters Laboratory (Facility) shall consist of only unused excess treated water and flow-through water in the tanks where no chemicals, medicine, or antibiotics are used as described in the Findings of this Order.
- C. The combined discharge to San Diego Bay from the Facility in excess of 0.288 MGD on any calendar day or 24-hour period representing a calendar day is prohibited unless the Discharger obtains revised waste discharge waiver conditions authorizing an increased flowrate.
- D. The Facility shall produce less than 9,090 harvest weight kilograms (approximately 20,000 pounds) of cold water aquatic animals per year or less

than 45,454 harvest weight kilograms (approximately 100,000 pounds) of warm water aquatic animals per year.

- E. The Discharger shall use efficient feed and feeding strategies to limit feed input to the minimum amount reasonably necessary to achieve cold water aquatic animal production goals and sustain targeted rates of aquatic animal growth. Feed input shall be limited to less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding.
- F. The Discharger shall:
  - 1. Routinely inspect production systems and wastewater treatment systems to identify and promptly repair damage;
  - 2. Regularly conduct maintenance of production systems and wastewater treatment systems to ensure their proper function;
  - 3. Train all relevant personnel in spill prevention and how to respond in the event of a spill to ensure proper clean-up and disposal of spilled materials; and
  - 4. Train personnel on proper operation and cleaning of production and wastewater treatment systems, including feeding procedures and proper use of equipment.
- G. The discharge of waste seawater from the Facility from aquaria used to maintain warm blooded species is prohibited.
- H. The discharge shall not create a condition of nuisance or pollution as defined in Water Code section 13050.
- I. The discharge of any substance in concentrations toxic to animal or plant life is prohibited.
- J. The discharge must comply with Discharge Prohibitions contained in Chapter 4 of the San Diego Water Board's *Water Quality Control Plan for the San Diego Basin* (Basin Plan), incorporated into this Order as if fully set forth herein.

### III. RECEIVING WATER LIMITATIONS

The receiving water limitations set forth below for San Diego Bay waters are based on applicable water quality standards contained in water quality control plans and policies and federal regulations and are a required part of this Order. The discharge of waste shall not cause or contribute to violation of these receiving water limitations in San Diego Bay.

- A. The discharge of waste shall not create or threaten to create a condition of pollution or nuisance in San Diego Bay.

**B. Physical Characteristics**

1. Waters shall not contain oils, greases, waxes, or other materials in concentrations which result in a visible film or coating on the surface of the water or on objects in the water, or which cause nuisance or which otherwise adversely affect beneficial uses.
2. The discharge of waste shall not cause aesthetically undesirable discoloration of the bay surface.
3. Natural light shall not be significantly reduced as the result of the discharge of waste.
4. The rate of deposition of inert solids and the characteristics of inert solids in bay sediments shall not be changed such that benthic communities are degraded.
5. Waters shall not contain floating material, including solids, liquids, foams, and scum in concentrations which cause nuisance or adversely affect beneficial uses.
6. The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.
7. Waters shall not contain suspended and settleable solids in concentrations of solids that cause nuisance or adversely affect beneficial uses.
8. Waters shall not contain odor producing substances at concentrations which cause a nuisance or adversely affect beneficial uses.
9. Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. In addition, within San Diego Bay, the transparency of bay waters, insofar as it may be influenced by any controllable factor, either directly or through induced conditions, shall not be less than 8 feet in more than 20 percent of the readings in any zone, as measured by a standard Secchi disk. Wherever the water is less than 10 feet deep, the Secchi disk reading shall not be less than 80 percent of the depth in more than 20 percent of the readings in any zone.

### C. Chemical Characteristics

1. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally. The pH shall not be depressed below 7.0 nor raised above 9.0.
2. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.
3. The concentration of substances set forth in priority pollutant criteria applicable to San Diego Bay, promulgated by the U.S. Environmental Protection Agency (U.S. EPA) through the a) *National Toxics Rule* (NTR) (40 CFR 131.36 promulgated on December 22, 1992 and amended on May 4, 1995) and b) *California Toxics Rule* (CTR) (40 CFR 131.38, (65 Fed. Register 31682-31719), adding Section 131.38 to Title 40 of the Code of Federal Regulations, on May 18, 2000), shall not be exceeded.
4. Water quality objectives applicable to San Diego Bay established in Chapter 3 of the San Diego Water Board's Water Quality Control Plan for the San Diego Basin (Basin Plan) shall not be exceeded.
5. The concentration of substances set forth in Receiving Water Limitation C.3. and C.4. in marine sediments shall not be increased to levels which would degrade indigenous biota.
6. The concentration of organic materials in marine sediments shall not be increased to levels which would degrade marine life.
7. Nutrient materials shall not cause objectionable aquatic growth or degrade indigenous biota.
8. San Diego Bay waters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growths cause nuisance or adversely affect beneficial uses.
9. The discharge of waste shall not cause concentrations of un-ionized ammonia (NH<sub>3</sub>) to exceed 0.025 mg/l (as N) in San Diego Bay.
10. No individual pesticide or combination of pesticides shall be present in the water column, sediments or biota at concentration(s) that adversely affect beneficial uses. Pesticides shall not be present at levels which will bioaccumulate in aquatic organisms to levels which are harmful to human health, wildlife or aquatic organisms.

#### **D. Biological Characteristics**

1. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.
2. The natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption shall not be altered.
3. The concentration of organic materials in fish, shellfish or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

#### **E. Radioactivity**

1. Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life.

#### **F. Toxicity**

1. All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration, or other appropriate methods as specified by the San Diego Water Board.
2. Pollutants in sediments shall not be present in quantities that, alone or in combination, are toxic to benthic communities.
3. Pollutants shall not be present in sediments at levels that will bioaccumulate in aquatic life to levels that are harmful to human health.

### **IV. STANDARD PROVISIONS**

- A. The Discharger shall allow the San Diego Water Board and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to:
  1. Enter upon the Discharger's premises where a regulated Facility or activity is located or conducted, or where records are kept under the conditions of this Order;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
  3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
  4. Sample or monitor, at reasonable times, as otherwise authorized by the Clean Water Act or the Water Code, any substances or parameters at any location.
- B. This Order may be amended, rescinded, or updated by the San Diego Water Board for cause including, but not limited to, the following:
1. Violation of any terms or conditions of this Order;
  2. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or
  3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the Discharger for amending, rescinding, or updating this Order or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

- C. The Discharger shall give advance notice to the San Diego Water Board of any planned changes in the permitted Facility or activity that may endanger health or the environment.
- D. This Order has a fixed term of five years and expires on February 13, 2018, after which it may be renewed by the San Diego Water Board. The Discharger shall submit a report of waste discharge pursuant to Water Code section 13260 along with the required filing fee no later than 180 days prior to the Order expiration date in application for the renewal of the waiver. The report of waste discharge shall contain the following information:
1. State Water Board Form 200, Application for Facility Permit/Waste Discharge, filled out in accordance with the instructions;
  2. The latitude and longitude of the entrance to the Facility production area;
  3. A topographic scale map of the area where the Facility is located, with the location of the production area and any other pertinent features clearly marked;

4. The outfall number and flow for each outfall from the Facility. The discharge flow rate(s) shall be expressed in terms of the average daily flow, the peak daily flow, and any seasonal or other variation in the expected discharge flow volumes;
5. The name of the receiving water for the Facility discharge;
6. The total number and size of ponds, raceways, tanks, other rearing units, and similar structures at the Facility;
7. The source of water used in the Facility;
8. A description of the methods of wastewater treatment including a treatment train schematic showing unit operations and processes. The report shall identify the design capacities and unit sizes of the processes and any chemicals proposed to be used. The report shall also describe the treatment, storage, and disposition of any wastes removed from wastewater by the treatment Facility;
9. The species (cold water and warm water) of fish or aquatic animals held at the Facility. For each species, provide the total weight produced by the Facility per year in pounds of harvestable weight; and
10. The total pounds of food fed during the calendar month of maximum feeding.

## **V. MONITORING AND REPORTING PROGRAM**

### **A. General Monitoring Provisions**

1. The following monitoring and reporting requirements are authorized by Water Code sections 13267 and 13269 and are established to verify the adequacy and effectiveness of the waiver conditions of this Order.
2. Samples and measurements collected as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring locations specified below and, unless otherwise specified, before the monitored flow joins or is diluted by any other waste stream, body of water, or substance. Monitoring locations shall not be changed without notification to and the approval of the San Diego Water Board. Samples shall be collected at times representative of "worst case" conditions with respect to compliance with the requirements of this Order.
3. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the

accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurement is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than  $\pm 5$  percent from true discharge rates throughout the range of expected discharge volumes.

4. Monitoring must be conducted according to USEPA test procedures approved at 40 CFR 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act* as amended, unless other test procedures are specified in this Order or separately by the San Diego Water Board.
5. All reports, or information submitted to the San Diego Water Board shall be signed and certified as follows:
  - a. For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.
  - b. By a duly authorized representative of the person designated above. A person is a duly authorized representative only if:
    - i. The authorization is made in writing by a person described in paragraph 5.i above;
    - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated Facility or activity; and
    - iii. The written authorization is submitted to the San Diego Water Board.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Facility, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

6. Any person signing a document under this section shall make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and

imprisonment."

7. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete any future NPDES/WDR application for this Facility. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended by request of this San Diego Water Board.
8. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
9. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or by a laboratory approved by this San Diego Water Board.
10. All monitoring instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices.
11. Monitoring results shall be reported at intervals and in a manner specified in this Order and on discharge monitoring report forms accepted by the San Diego Water Board.
12. A composite sample is defined as a combination of at least eight sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a Facility over a 24-hour period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or

automatically.

13. A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.
14. These General Monitoring provisions may be modified by the San Diego Water Board as appropriate.

### B. Monitoring Locations

The Discharger shall establish the following monitoring locations to comply with this Order:

**Table 6. Monitoring Station Locations**

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
	INF-001	At a location where representative undiluted and unaltered samples of intake seawater from the NTC Boat Channel can be collected and prior to coming into contact with intake pump units
001	EFF-001	At a location where representative undiluted and unaltered samples of the discharge from the Facility can be collected prior to being discharged into the NTC Boat Channel

### C. Influent Monitoring Requirements

The Discharger shall monitor the influent (receiving water of the NTC Channel) at monitoring location INF-001 as follows:

**Table 7. Influent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency*
Flowrate	MGD	Continuous	Daily
pH	NTU	Grab	Semiannually
Temperature	°C	Grab	Semiannually
Settleable Solids	ml/L	Grab	Semiannually
Total Suspended Solids	mg/L	24-hr composite	Semiannually
Ammonia, un-ionized	mg/L	24-hr composite	Semiannually
Total Nitrogen (as N)	mg/L	24-hr composite	Semiannually
Total Phosphorus	mg/L	24-hr composite	Semiannually
Total Recoverable Copper	µg/L	24-hr composite	Semiannually
Total Recoverable Zinc	µg/L	24-hr composite	Semiannually
Turbidity	NTU	24-hr composite	Semiannually
CTR Priority Pollutants (inorganics) Except Copper	mg/L	24-hr composite	Once in five years

Parameter	Units	Sample Type	Minimum Sampling Frequency*
CTR Priority Pollutants (organics)	mg/L	Grab	Once in five years

\*Influent monitoring shall be conducted on the same day and during the same time period as the effluent monitoring for the same parameters. If the effluent monitoring frequency for the parameters listed in Table 3 is increased, the influent monitoring in Table 2 shall also be increased to the same frequency.

#### D. Effluent Monitoring Requirements

The Discharger shall monitor the discharge from the Facility at EFF-001 as follows:

**Table 8. Effluent Monitoring**

Parameter	Units	Sample Type	Minimum Sampling Frequency
Flowrate	MGD	Continuous	Daily
pH	standard units	Grab	Semiannually
Biochemical Oxygen Demand 5-day @ 20°C	mg/l	24-hr composite	Semiannually
Temperature	°C	Grab	Semiannually
Settleable Solids	ml/L	Grab	Semiannually
Total Suspended Solids	mg/L	24-hr composite	Semiannually
Ammonia, un-ionized	mg/L	24-hr composite	Semiannually
Total Nitrogen (as N)	mg/L	24-hr composite	Semiannually
Total Phosphorus	mg/L	24-hr composite	Semiannually
Total Recoverable Copper	µg/L	24-hr composite	Semiannually
Total Recoverable Zinc	µg/L	24-hr composite	Semiannually
Turbidity	NTU	24-hr composite	Semiannually
CTR Priority Pollutants (inorganics) Except Copper	mg/L	24-hr composite	Once in five years
CTR Priority Pollutants (organics)	mg/L	Grab	Once in five years

#### E. Receiving Water Monitoring Requirements - Surface Water

The influent monitoring program under this Order section IV.C also constitutes the receiving water monitoring program. The Order does not require any separate receiving water monitoring.

## **F. Feeding and Aquatic Animal Production**

The Discharger shall maintain feeding records and compile an annual report which summarizes:

1. The total pounds of food fed during the calendar month of maximum feeding; and
2. The species of cold and warm water fish or aquatic animals held at the Facility. For each species the total annual pounds of aquatic animal weight produced by the Facility shall be reported as well as the maximum weight present during each calendar month. For each species the Discharge feeding data and animal production in terms of feed usage and in terms of numbers and weights of aquatic animals.

## **G. Chemical and Drug Usage Monitoring Requirements**

1. With each monitoring report, the discharger shall submit the following information regarding contagious diseases, or the use of drugs, disinfectants, and other chemicals that may be present in discharges to surface waters:
  - a. Aquaria failure or significant mortalities at the Facility caused by contagious diseases that could be discharged and infect aquatic life in the NTC Channel (San Diego Bay). Chemical names of all drugs, disinfectants, and other chemicals, used at the Facility, during the reporting period, that could be discharged into the NTC Channel (San Diego Bay), include the amounts and dates of application of drugs, disinfectants, and other chemicals. For drugs, disinfectants, and other chemicals used on a routine basis, the frequency of application may be reported instead of each date of application; and
  - b. Flow (in cfs) during chemical usage at the point of discharge to the receiving waters.
2. The following information shall be available upon request by the San Diego Water Board:
  - a. Chemical names, active ingredients, label instructions and restrictions;
  - b. Material Safety Data Sheets; and
  - c. Amounts of all drugs, disinfectants, and other chemicals used or available for use at the Facility.

**H. Reporting Requirements - Self Monitoring Reports**

1. At any time during the term of this Order, the State Water Resources Control Board or San Diego Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). Until such notification is given, the Discharger shall submit hard copy SMRs. The Facility's Place ID of 647328 should be included on the cover page of all SMRs. When electronic submittal of SMRs is required, the CIWQS Web site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.
2. The Discharger shall report in the SMR the results for all monitoring specified in this Order under sections IV through VII. The Discharger shall submit semi-annual SMRs including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. If the Discharger monitors any pollutant more frequently than required by this Order, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR.
3. The Discharger shall continue influent and effluent monitoring as required within Monitoring and Reporting Program (MRP) No. 2007-0006 and shall submit the 2012 Annual Monitoring Report, according to the requirements in MRP No. 2007-0006, by February 1, 2013.
4. Monitoring periods and reporting for all required monitoring pursuant to this Order shall be completed according to the following schedule, with the first report due March 1, 2014:

**Table 9 - Reporting Schedule**

Reporting Frequency	Report Period	Report Due
Annual	January – June July – December	March 1 <sup>st</sup> March 1 <sup>st</sup>

5. Reporting Protocols. The Discharger shall report with each sample result the applicable Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in part 136 of 40 CFR. The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:
  - a. Sample results greater than or equal to the RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).

- b. Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported.
  - c. For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words "Estimated Concentration" (may be shortened to "Est. Conc"). The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy ( $\pm$  a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.
  - d. Sample results less than the laboratory's MDL shall be reported as "Not Detected." or ND.
  - e. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.
6. The Discharger shall submit SMRs in accordance with the following requirements:
- a. The Discharger shall arrange all reported data in a tabular format. The Discharger is not required to duplicate the submittal of data that is entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, the Discharger shall electronically submit the data in a tabular format as an attachment.
  - b. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify any monitoring violations of this Order and all instances of noncompliance that may endanger public health or the environment. The cover letter shall discuss corrective actions taken or planned and the proposed time schedule for corrective actions. For instances of noncompliance that may endanger public health or the environment, the cover letter shall also contain a description of the incident and its cause, the period on noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue. Identified violations must include a description of the monitoring requirement that was violated.

- c. SMRs must be submitted to the San Diego Water Board, signed and certified as required by Sections V.A.5. and V.A.6. of this Order. The San Diego Water Board's current address is:

Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

## **VI. NOTIFICATIONS**

- A. The waiver of waste discharge requirements under this Order is conditional and may be terminated at any time by the San Diego Water Board.
- B. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law.
- C. There are currently no annual fees specified for this waiver. The San Diego Water Board may include, as condition of a waiver, the payment of an annual fee established by the State Water Resources Control Board in accordance with subdivision (f) of Water Code section 13260. The State Water Resources Control Board may establish a fee for a waiver associated with confined aquatic animal facilities in the future.