

State of California
California Regional Water Quality Control Board
Santa Ana Region

March 22, 2013

STAFF REPORT

ITEM: 8

SUBJECT: Amendment of Order No. R8-2009-0021, NPDES No. CA8000409, Waste Discharge and Producer/User Reclamation Requirements for Inland Empire Utilities Agency, Regional Water Recycling Facilities, San Bernardino County – Order No. R8-2013-0005

DISCUSSION:

On July 20, 2009, the Regional Board adopted Order No. R8-2009-0021, NPDES No. CA8000409, prescribing waste discharge and water reclamation requirements for the Inland Empire Utilities Agency (IEUA) Regional Water Recycling Facilities.

Order R8-2009-0021, in part, states, "Discharge of wastewater at a location or in a manner different from those described in this Order is prohibited." The Order further specifies that discharges may occur at only four specific discharge points. IEUA has requested the Regional Board to amend Order No. R8-2009-0021 by revising this prohibition to allow discharges from other locations.

IEUA notes that discharges may occur from other areas within their recycled water system due to maintenance activities. IEUA is seeking this amendment to allow a much larger number of discharge locations within the agency's recycled water system, in order to maximize flexibility of recycled water management. The tertiary-treated recycled water will be discharged as a result of performing maintenance activities, and will be dechlorinated at the point of discharge.

These discharges pose an insignificant threat to water quality and can be regulated under the Order No. R8-2009-0003, the Regional Board's General Waste Discharge Requirements for Discharges that Pose an Insignificant Threat to Water Quality, if the prohibition in Order No. R8-2009-0021 is revised to allow such discharges.

Order No. R8-2013-0005 will amend to Discharge Prohibition III. B. of Order No. R8-2009-0021 as follows: Additions are **bold and highlighted**.

"Discharge of wastewater at a location or in a manner different from those described in the Order is prohibited, **unless otherwise authorized by a separate action by the Regional Water Board or its Executive Officer.**"

RECOMMENDATION:

Adopt Order No. R8-2013-0005, as presented.

Comments were solicited from the following agencies and persons:

U.S. Environmental Protection Agency (WTR-5) – Peter Kozelka, Ph.D
U.S. Army District, Los Angeles, Corps of Engineers - Regulatory Branch
U.S. Fish and Wildlife Service, Carlsbad
State Water Resources Control Board, Office of the Chief Counsel – David Rice
State Department of Fish and Game, Ontario
California Department of Public Health, San Bernardino – Sean McCarthy
San Bernardino County Environmental Health Services – Terri Williams
San Bernardino County Department of Public Works, Flood Control – Gia Kim
Santa Ana Watershed Project Authority – Celeste Cantu
Santa Ana River Dischargers Association
Inland Empire Waterkeeper – Meagan Brousseau (meagan@iewaterkeeper.org)
Orange County Water District - Nira Yamachika, Marsha Westropp
Orange County Coastkeeper - Garry Brown (garry@coastkeeper.org)
Lawyers for Clean Water – Daniel Cooper (daniel@lawyersforcleanwater.com)

State of California
California Regional Water Quality Control Board
Santa Ana Region

Order No. R8-2013-0005
Amending Order No. R8-2009-0021, NPDES No. CA8000409
Waste Discharge and Producer/User Reclamation Requirements
For
Inland Empire Utilities Agency
Regional Water Recycling Facilities
San Bernardino County

Tentative

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter, Regional Board), finds that:

1. On July 20, 2009, the Regional Board adopted Order No. R8-2009-0021, NPDES No. CA8000409, prescribing Waste Discharge Requirements and Producer/User Reclamation Requirements for Inland Empire Utilities Agency (hereinafter Discharger) for surface water discharges and recycled water use from its Regional Water Recycling Facilities.
2. Discharge Prohibition III.B. of Order No. R8-2009-0021 states, "Discharge of wastewater at a location or in a manner different from those described in this Order is prohibited." Order No. R8-2009-0021 identifies only four specific discharge points where discharges may occur.
3. The Discharger has requested that Order No. R8-2009-0021 be amended to allow additional discharges of tertiary-treated recycled water from other areas throughout the Discharger's recycled water system due to required maintenance activities.
4. On March 27, 2009, the Regional Board adopted Order No. R8-2009-0003, NPDES No. CAG998001, General Waste Discharge Requirements for Discharges that Pose an Insignificant Threat to Water Quality. The discharges cited in Finding 3, above, pose an insignificant threat to water quality and can be regulated under Order No. R8-2009-0003.
5. It is appropriate to amend Order No. R8-2009-0021 to modify Discharge Prohibition III. B. to allow discharges of recycled water from the Discharger's recycled water system, provided those discharges are authorized by a separate action by the Regional Board.
6. In accordance with Water Code Section 13389, amending the waste discharge requirements for this discharge is exempt from those provisions of the California

Environmental Quality Act (CEQA) contained in Chapter 3 (commencing with Section 21100), Division 13 of the Public Resources Code.

7. The Regional Board has notified the discharger and other interested agencies and persons of its intent to amend waste discharge requirements for the discharge and has provided them with an opportunity to submit their written views and recommendations.
8. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that Order No. R8-2009-0021 be amended as follows:

1. Discharge Prohibition III. B. of Order No. R8-2009-0021 be replaced with the following:

“Discharge of wastewater at a location or in a manner different from those described in the Order is prohibited, unless otherwise authorized by a separate action by the Regional Water Board or its Executive Officer.”
2. This amendment shall become effective upon the adoption of this Order.
3. All other conditions and requirements of Order No. R8-2009-0021, including attachments, shall remain unchanged.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that the forgoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on March 22, 2013.

Kurt V. Berchtold
Executive Officer