

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF MAY 28, 2020

Prepared on March 30, 2020

ITEM NUMBER: 7

SUBJECT: Revision of Waste Discharge Requirements, Reissuance of National Pollutant Discharge Elimination System Permit No. CA0047856 for California Department of Corrections and Rehabilitation California Men's Colony, San Luis Obispo County, Consideration of Order No. R3-2020-0005

STAFF CONTACTS: Katie DiSimone, (805) 542-4638,
katie.disimone@waterboards.ca.gov

KEY INFORMATION

Location: Highway 1 behind Cuesta College, San Luis Obispo County
Type of Discharge: Treated domestic wastewater
Design Capacity: 1.2 million gallons per day (MGD)
Treatment: Tertiary extended aeration, sand filtration, and ultraviolet disinfection
Disposal: Inland surface water discharge to Chorro Creek
Reclamation: Irrigation of Dairy Creek Golf Course
Existing Orders: Waste Discharge Requirements Order No. R3-2012-0027

ACTION: Adopt Proposed Order No. R3-2020-0005

SUMMARY

This staff report provides a brief overview of the proposed renewal to existing Waste Discharge Requirements Order No. R3-2012-0027 for the California Men's Colony Wastewater Treatment Plant (Facility). The Facility is operated by the California Department of Corrections and Rehabilitation (Discharger). Proposed Order No. R3-2020-0005 has minor effluent limitation changes based on the results of a reasonable potential analysis¹. Two sets of comments received during the public review process

¹ A reasonable potential analysis is used to determine whether a discharge, alone or in combination with other sources of pollutants to a waterbody and under a set of conditions arrived at by making a series of

resulted in minor changes to various sections of the proposed order. A detailed discussion of all changes is provided in the discussion below. Staff recommends adoption of the proposed order.

DISCUSSION

The Discharger is currently discharging treated wastewater pursuant to Order No. R3-2012-0027, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0047856. The Discharger submitted a Report of Waste Discharge (i.e., permit renewal application), dated July 27, 2017, to continue discharging up to 1.2 MGD of treated wastewater from the Facility.

The Discharger owns and operates a trunk sewer line and a domestic wastewater treatment plant (WWTP). The wastewater treatment plant is located on the grounds of Camp San Luis Obispo, a California Army National Guard training site. In addition to conveying and treating domestic wastewater from the California Men's Colony (East and West Facilities), a correctional institution, the trunk sewer and wastewater treatment plant provide wastewater conveyance and treatment for Camp San Luis Obispo, Cuesta College, and several County facilities (including the Education Center, El Chorro Regional Park and Dairy Creek Golf Course, and the Operational Services Center). These additional facilities have discrete satellite wastewater collection and transport systems that discharge to the Department of Corrections' trunk sewer system. These wastewater collection and transport systems are regulated by the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2006-0003.

The Facility includes an influent pump station, aerated grit removal, two oxidation ditches, secondary clarification, tertiary filtration, and ultraviolet disinfection. The treatment facility has an average dry weather design flow of 1.2 MGD, with a peak dry weather flow of 2.4 MGD, and a peak wet weather flow of 5.2 MGD. Wastewater solids are dewatered by centrifuge and hauled from the site for disposal offsite.

A portion of the treated wastewater is recycled for use by the County of San Luis Obispo to irrigate the Dairy Creek Golf Course. Effluent is discharged to Chorro Creek at a minimum continuous flow rate of 0.75 cubic feet per second.

Compliance History

The Discharger has had numerous numeric effluent limitations during the term of Order No. R3-2012-0027. The enforcement program resolved mandatory minimum penalties for 87 effluent violations that occurred from April 7, 2015 through July 18, 2019, totaling \$261,000 through the expedited payment program. The Discharger has taken several corrective actions to address the compliance issues, including facility upgrades and adjustments to facility processes and procedures. During the term of the previous order,

reasonable assumptions, could lead to an excursion above an applicable water quality standard. The regulation also specifies that the reasonable potential determination must apply not only to numeric criteria, but also to narrative criteria.

the Discharger upgraded to UV disinfection and discontinued the use of chlorine, addressing compliance issues related to chlorination and dechlorination processes.

The Discharger has also had several spills of untreated and partially treated effluent or sanitary sewer overflows, predominantly from the sewer collections system that is regulated pursuant to a statewide order. Central Coast Water Board program and enforcement staff are in the process of resolving the sewer overflow violations and addressing the deficiencies that led to the violations. However, those enforcement actions are separate from the proposed action item addressed by this staff report.

CHANGES FROM THE EXISTING ORDER

The proposed order is structured in accordance with the statewide NPDES permit template. The proposed order is consistent with the previous order with the exception of the following changes and modifications, which are also discussed in detail in the proposed order fact sheet:

1. The effluent limitation for nitrite has been removed because effluent data indicates the Discharger's effluent does not have the reasonable potential to exceed the water quality criteria (pages 5 and F-26).
2. The effluent limitation for total chlorine residual has been removed because the Facility has converted to ultraviolet disinfection, replacing chlorination used previously. Effluent monitoring for total chlorine residual has also been changed from "daily" to "daily only when using sodium bisulfite or other dechlorination agents" (page 5).
3. An effluent limitation for phthalate esters was established due to the reasonable potential analysis results (pages 5 and F-20). Effluent monitoring frequency for phthalate esters was increased in the proposed order from once per year to once per quarter due to the reasonable potential analysis results (page E-5).
4. Annual influent monitoring for salts and other minerals has been added (Table E-2, page E-4). This additional testing will help support assessing background contributions from facilities within the area, should the need arise. The mineral balances can help forensically identify sources of groundwater pollution where multiple contributors are possible.

CHANGES FROM THE PUBLIC DRAFT

The proposed order was published for public comment on February 5, 2020, and comments were due by March 6, 2020. Two sets of comments were received: one from Morro Bay National Estuary Program (MBNEP) and one from California Department of Corrections and Rehabilitation (CDCR).

In an email dated February 24, 2020, MBNEP asked for clarification on the origin of the existing "monthly maximum" portion of the receiving water limitation pertaining to temperature changes (limitation #13 in the receiving water limitations section of the proposed order). Central Coast Water Board staff reviewed the related Central Coast Water Board's Basin Plan objective and concurs the objective does not contain a

“monthly maximum” qualification. As such, the proposed order has been amended to be consistent with the Basin Plan objective, as discussed below.

CDCR submitted comments via email on March 6, 2020. Some minor changes were made to the proposed order in response to their comments. A thorough response to comments is discussed in the proposed order in the Fact Sheet (pages F-38 through F-41). The comment letter is available download at:

https://ftp.waterboards.ca.gov/?u=public&p=download&path=/CDCR_comment_letter.pdf

Based on these comments the following changes were made to the previously circulated public draft of the proposed order.

1. The receiving water limitation (limitation #13 on page 9 of attached proposed order) has been updated to match the Central Coast Water Board Basin Plan’s water quality objective. Specifically, the phrase “measured as a monthly maximum determined from monitoring stations not more than 200 feet upstream and downstream of the discharge” has been removed, as it was not consistent with the Basin Plan. Receiving water monitoring locations are appropriately identified within the proposed order’s Monitoring and Reporting Program.
2. Various minor corrections to Attachment F background information have been made based on the CDCR comment letter dated March 6, 2020. In particular, clarifications were added regarding satellite collection system ownerships, facility contact information, brine pond discharges, and water softeners at the Facility.

Finally, Central Coast Water Board staff noticed that wastewater treatment plant spill notification language from the existing order’s Attachment E Monitoring and Reporting Program had been inadvertently omitted from the public draft version. Staff has added the language back to the proposed order (Attachment E, pages E-19 and E-20) consistent with the existing order.

CLIMATE CHANGE

The State Water Board’s Resolution No. 2017-0012, *Comprehensive Response to Climate Change*, requires a proactive response to climate change in all California Water Board actions, with the intent to embed climate change consideration into all programs and activities. Aligning with Resolution No. 2017-0012, the proposed order allows beneficial reuse of the Facility’s treated effluent to offset potable water supplies for irrigation and dedicated in-stream flows to creek habitat. This permit increases water supply reliability as a climate adaptation strategy, in addition to maintaining minimum instream discharges to provide water quality benefits and enhanced aquatic habitats.

HUMAN RIGHT TO WATER

On January 26, 2017, the Central Coast Water Board adopted Resolution No. R3-2017-0004, *Adopting the Human Right to Water as a Core Value and Directing Its Implementation in Central Coast Water Board Programs and Activities*, which adopts the human right to water as a core value and affirms the realization of the human right

to water and protecting human health as the Central Coast Water Board's top priorities. The proposed order incorporates requirements for the Facility to beneficially reuse treated effluent to diversify the State's water supply portfolio to prepare for uncertainties in water resources due to the changing climate. The proposed order establishes effluent discharge limitations to protect the municipal and domestic supply (MUN) drinking water beneficial use and improve drinking water quality for those that depend on groundwater and surface waters as their drinking water source.

DISADVANTAGED COMMUNITIES

The Central Coast Water Board prioritizes the implementation of regulatory programs in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including disadvantaged communities. Staff has evaluated the disadvantaged community status for the Discharger. The State of California's Department of Corrections and Rehabilitation is the Discharger for this permit and is not considered a disadvantaged community. The discharge location (an unincorporated area of San Luis Obispo County) and downstream receiving water areas (San Luis Obispo County and the City of Morro Bay) are also not disadvantaged communities.

CONCLUSIONS

Proposed Order No. R3-2020-0005 has been drafted and prepared in compliance with state and federal guidance and regulations. The proposed order is protective of water quality and requires a monitoring and reporting program sufficient to demonstrate compliance with the proposed order's limitations given the results of the reasonable potential analysis. The Discharger has a history of compliance issues that are being addressed appropriately through ongoing enforcement actions. The adoption of this proposed order is a separate consideration from those ongoing enforcement actions.

RECOMMENDATION

Adopt Proposed Order No. R3-2020-0005

ATTACHMENTS

1. Proposed Order No. R3-2020-0005

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