



**SAN ELIJO  
JOINT POWERS AUTHORITY**

August 25, 2010

Item No. 16  
September 8, 2010  
Supporting Document 5

**BOARD OF DIRECTORS**

Teresa Barth  
Thomas M. Campbell  
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**ADMINISTRATION**

Michael T. Thornton  
General Manager

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

RE: WDID: 9 000000125:jcofrancesco  
Subject: Tentative Order No. R9-2010-0087, NPDES Permit No. CA0107999

Dear Mr. Gibson:

The San Elijo Joint Powers Authority (SEJPA) has received the subject Tentative Order dated August 2, 2010. The SEJPA has used the last two weeks to carefully review the Tentative Order and we agree and support the majority of the language. However, we have identified some new requirements that will require a detailed analysis to determine means, schedule, and cost for compliance. At this time, it is unclear to the SEJPA the full impact of Provision VII.B.6 of the Tentative Order, which could have significant cost associated with the design and construction of new treatment facilities. Additionally, we have identified a list of errata, discrepancies, questions, and other issues in Tentative Order No. R9-2010-0087 that will require revision or clarification prior to adoption.

The Regional Board has requested that all written comments be submitted by 5:00 p.m. on August 25, 2010 and so we have compiled the attached list of questions and comments in accordance with that request. This is a draft list of comments and questions, and we would like the opportunity to meet with Regional Board staff to discuss. Due to the limited time that we have had to review the permit, this list may not include all of the items that need to be addressed and we reserve the right to add additional items in the future.

Your consideration of our request is appreciated. If you have any questions, please contact me at 760-753-6203 ext. 72.

Sincerely,  
SAN ELIJO JOINT POWERS AUTHORITY

Michael T. Thornton, P.E.,  
General Manager

cc: James Smith, Assistant Executive Officer, RWQCB  
Lori Vereker, Director of Utilities, City of Escondido  
Christopher Trees, Director of Operations, SEJPA

File  
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## SEJPA - 2010 Draft NPDES Permit Comments

Comment #	Page #	Section	Comment or Question
1	1	Table 3	"This Order shall expire on: November 30, 2010" should be amended to the year 2015.
2	8	Paragraph III.C	Paragraph III.C. is not clear - could be read as if any discharge greater than 5.25 MGD at Discharge Point No. 1 is prohibited, when only greater than 5.25 MGD from the SEWRF is prohibited. Consider revising sentence for clarity.
3	9	Table 7	End Note 1, which explains scientific "E" notation, should have superscript "powers" (e.g. "6.1 x 10 <sup>2</sup> " should be 6.1 x 10 <sup>2</sup> ).
4	9	Table 7	SEJPA is assessing the possibility that the maximum cyanide concentration reported by SEJPA during 2005-2010 is incorrect due to a laboratory reporting error. If this is the case, the RPA analysis (Table F-12 on page F-22) may require revision and it may be appropriate for cyanide to be regulated by performance goal instead of a WQBEL. SEJPA is also reassessing prior monitoring data submitted to the Regional Board during 2005-2010 to ensure that concentration units were properly reported. Revised monitoring reports will be submitted to the Regional Board if necessary if SEJPA discovers any reporting discrepancies in the 2005-2010 data.
5	10	Table 8	Objectives for protection of human health - noncarcinogens have 30-Day Average performance goal limitations that significantly differ from SEJPA calculations (and the previous permit) using the methodology prescribed in Attachment F. The listed performance goal concentrations appear to be low by a factor of approximately 2.7. The performance goal mass emissions listed in Table 8 appear to be low by a factor of approximately 2.9.
6	11	Table 8	Objectives for protection of human health - noncarcinogens have 30-Day Average performance goal limitations that significantly differ from SEJPA calculations (and the previous permit) using the methodology prescribed in Attachment F. The listed performance goal concentrations appear to be low by a factor of approximately 2.7. The performance goal mass emissions listed in Table 8 appear to be low by a factor of approximately 2.9.
7	12	Table 8	The parameter noted as "Chlorodibromethane" should be noted as Chlorodibromomethane.
8	13	Table 8	End Note 1, which explains scientific "E" notation, should have superscript "powers" (e.g. "6.1 x 10 <sup>2</sup> " should be 6.1 x 10 <sup>2</sup> ).
9	13	Table 8	End Note 3, specifies that y = the water quality objective "(in ug/l)". The units should be revised to read "in ug/l".
10	13	Table 8	End Note 3, refers to Ocean Plan (2001). The SEJPA believes that this should refer to the 2005 Ocean Plan.
11	13	Table 8	End Note 3, identifies that the effluent limitations were derived using a flow rate of "18 MGD." This flow rate should be revised to 5.25 MGD.
12	14	Paragraph V	This paragraph ties SEJPA "jointly" to all dischargers and calls a violation of surface water limitations to SEJPA whether it is due to our discharge or not. Storm water quality issues could cause a violation of this permit. Please provide an explanation of why the SEJPA permit is being indiscriminately tied to all other discharges.
13	16	Paragraph V.A.3.d	Add "(2005)" before Ocean Plan.
14	16	Paragraph V.A.3.g	This paragraph specifies that the numerical water quality objectives in "Chapter II, Table B of the California Ocean Plan (2001)..." The SEJPA believes this should read "Chapter II, Table B of the (2005) Ocean Plan".
15	16	Paragraph V.A.3.g	This paragraph refers to "Hale Avenue Resource Recovery Facility". The SEJPA believes that the appropriate reference should be to the "San Elijo Water Reclamation Facility".
16	18	Paragraph VI.A.2.i	"This Order shall expire on: November 30, 2010" should be amended to the year 2015.
17	20	Paragraph VI.C.2.a.ii	This paragraph references the ELO (Escondido Land Outfall). This paragraph should be revised, as the ELO is not applicable to SEJPA.
18	21	Paragraph VI.C.2.b.i	24 hour spill reporting is now required for a spill greater than 1,000 gallons "and/or" reaches "drainage channel, surface waters, or storm drainpipe". In the previous permit, the requirement used to be "and" and "surface waters", respectively. In the Definitions section (page A-10) a Category 1 SSO discharge is defined as (1) equal or exceed 1,000 gallons "OR" (2) result in a discharge to a drainage channel and/or surface water; OR (3).... These two paragraphs should be revised to be consistent. Use "and/or" for both or "or" for both and use consistent receiving structures/waters.

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Comment #	Page #	Section	Comment or Question
19	21	Paragraph VI.C.2.b.i.(b)	Attachment D (page D-7) implies reporting in written form is mandatory, not at the request of the board, as this paragraph states. The two paragraphs should be revised for consistency.
20	22	Paragraph VI.C.2.c	Please define "consistently exceeds" so that SEJPA understands the trigger for more sampling. Is retesting allowed?
21	23	Paragraph VI.C.2.d	Requirement VI.C.2.d should be revised to reflect the fact that SEJPA has already developed and submitted a TRE workplan.
22	24	Paragraph VI.C.5.b	Attachment F (page F-36) does not state that the treatment plant capacity report is a conditional report, as this paragraph states. The two paragraphs should be revised for consistency.
23	25	Paragraph VI.C.5.c.iii	Does this really apply to SEJPA? Need more information to comply.
24	26	Paragraph VI.C.5.e	This section implies that the SEJPA owns the collection system (by stating "Discharger's collection system"). The SEJPA believes that this section should be deleted from the permit, as the sanitary sewer system is owned by the Cities who also manage the permits required by this paragraph.
25	26-27	Paragraph VI.C.6	The arbitrary 3-year time schedule proposed by this tentative order is inappropriate and irrational; the tentative order provides no justification that such a time schedule is achievable. While the City of San Diego was able to develop a plan to achieve bacteriological compliance in a reasonably short period of time, the SEJPA discharge (which discharges directly into State waters) is not like the San Diego Point Loma discharge (which discharges outside the 3-mile zone.) Unlike San Diego, significant SEJPA facilities and operational modifications will be required if surf zone bacteriological standards are applied to all receiving water depths at the edge of the SEJPA zone of initial dilution. Requiring SEJPA to complete and submit a plan and alternatives analysis within six months is untenable. This first task will require SEJPA to (1) develop a proposed work scope for the proposed alternatives analysis, (2) qualify, select, and complete contractual arrangements to bring an outside specialist on board, (3) identify and complete any required laboratory bench-scale testing, monitoring, water quality assessments, or facilities assessments, (4) identify and assess potential compliance options, (5) develop a recommended alternative (or alternatives), and (6) receive SEJPA Board approval for the selected alternative(s). Completing financial arrangements (Task 2 of the tentative order) with three additional months is also not achievable. Attaining the financing for such a system will require a budget for the system, which will require a system design to be nearly completed (for the engineer's estimate). System design could reasonably take a year or more. Funding may also be contingent on completing CEQA analysis and obtaining required permits/approvals for the proposed compliance alternative. Obtaining financing is a lengthy process regardless of financing alternative, particularly in the current economic climate. For example, SEJPA has been working on obtaining SRF funding for a current project for over a year and still does not have approval. Design, construction, testing, and start-up will add to the overall implementation schedule. Coordination between SEJPA and Regional Board staff is recommended to develop a proposed schedule that is realistic and achievable.
26	27	Paragraph VII.B	"...parameter, and alleged..." should be "...parameter, an alleged..."
27	A-2	AWEL	Missing "T" at the beginning of the paragraph.
28	A-2	Best Uses	Should "Best" Uses be "Beneficial" Uses, as was on the last permit?
29	A-3	Best Uses	Begin definition under word to be defined, as is the convention for a majority of the definitions.
30	A-5	Discharge	Begin definition under word to be defined, as is the convention for a majority of the definitions.
31	A-6	DMR	Begin definition under word to be defined, as is the convention for a majority of the definitions.
32	A-6	Estuaries and Coastal Lagoons	Begin definition under word to be defined, as is the convention for a majority of the definitions.
33	A-8	Natural Light	The natural light definition is not a definition. Recommend defining Natural Light first, then identify other important elements of natural light.

## SEJPA - 2010 Draft NPDES Permit Comments

Comment #	Page #	Section	Comment or Question
34	A-10	SSO Categories	24 hour spill reporting is now required for a spill greater than 1,000 gallons "and/or" reaches "drainage channel, surface waters, or storm drainpipe". In the previous permit, the requirement used to be "and" and "surface waters", respectively. In the Definitions section (page A-10) a Category 1 SSO discharge is defined as (1) equal or exceed 1,000 gallons "OR" (2) result in a discharge to a drainage channel and/or surface water; OR (3)... These two paragraphs should be revised to be consistent. Use "and/or" for both or "or" for both and use consistent receiving structures/waters.
35	A-10	SSO Reporting System	Since SEJPA does not operate a collection system so we are not subject to online reporting requirements and do not have access to the online reporting database. Consider removing this section.
36	A-10	Shellfish	Shellfish definition is not alphabetic. Please move to appropriate location.
37	A-11	SWQPAs	How will this be affected by the MLPA?
38	A-12	Water Quality Control Plan	Capitalize the first word of the Water Quality Control Plan definition.
39	A-12	Water Quality Objectives	Begin definition under word to be defined, as is the convention for a majority of the definitions.
40	B-1	Attachment B	The Map does not include narrative denoting where the SEWRF is on the map. The map also cuts off the southern-most monitoring points (e.g. A-14-S) and monitoring location S-8.
41	D-7	Paragraph VI.E.1	On page 21, the permit states that reporting in written form is "upon the request of the board". This paragraph implies that reporting is mandatory (by using the word shall). The two paragraph should be revised for consistency.
42	D-9	Paragraph VII.A.3	This paragraph does not apply to the preceding clause "All POTWs shall provide adequate notice of the following..." Suggest revising to an independent clause, not a part of the list.
43	E-3	Paragraph I.H	SEJPA no longer performs acute toxicity testing. Suggest removing the reference from this paragraph.
44	E-4	Table E-1	Because SEJPA has a sandy bottom around our outfall, our biological consultant recommended trawls as gaining better data than transects. Consider allowing the SEJPA to perform trawls in place of transects.
45	E-4	Table E-3	We currently don't monitor our effluent at station EFF-001. We currently subtract our RW from the Influent to get our Effluent Flows, which has historically been acceptable to the San Diego Water Board. Is this still acceptable?
46	E-5	Table E-3	SEJPA is assessing the possibility that the maximum cyanide concentration reported by SEJPA during 2005-2010 is incorrect due to a laboratory reporting error. If this is the case, the RPA analysis (Table F-12 on page F-22) may require revision and it may be appropriate for cyanide to be regulated by performance goal instead of a WQBEL. In this event, semiannual monitoring of cyanide may be appropriate.
47	E-5	Table E-3	Radioactivity was grab sample in previous permit. Please clarify why this sample type was changed to composite.
48	E-8	Paragraph V	Last paragraph needs to be revised to clarify "exceeded" and be consistent with Paragraph VI.C.2.c in the Order.
49	E-10	Paragraph VIII.A.1-4	There are new requirements for monitoring at the surf zone if there is a bacterial hit. Surf zone quality is typically a function of storm water and other non-point sources. Please explain the rationale for requiring SEJPA to repeat surf zone monitoring for bacterial characteristics when the problem can be proven to not be as a result of the facility discharge through nearshore monitoring. Additionally, water pollution typically moves parallel to the shore, and we have the mouth of the San Elijo Lagoon, a 303(d) listed, impaired water body in our monitoring area. This is why monitoring S-6 is now historical. S-5 may also be in the 303(d) listed area.
50	E-10	Paragraph VIII.A.1	typo - receiving
51	E-10	Paragraph VIII.A.1	Define "Sanitary Survey" so that SEJPA knows how to comply with this requirement.
52	E-10	Paragraph VIII.A.4	How is it possible to know if discharges from the SEWRF are responsible for surf zone issues?
53	E-10	Paragraph VIII.B.1	Reference to "section V.B" may be a typo since that section of the Order is NA. Should it be V.A?

## SEJPA - 2010 Draft NPDES Permit Comments

Comment #	Page #	Section	Comment or Question
54	E-11	Paragraph VIII.B.2	Reference to "section V.B" may be a typo since that section of the Order is NA. Should it be V.A?
55	E-11	Paragraph VIII.C.1	Reference to "section V.B" may be a typo since that section of the Order is NA. Should it be V.A?
56	E-11	Paragraph VIII.C.1	Please explain the rationale for requiring reduced monitoring at the near shore at the surface and mid-depth. Previous permit reduced monitoring was at the surface only.
57	E-11	Paragraph VIII.C.2	Reference to "section V.B" may be a typo since that section of the Order is NA. Should it be V.A?
58	E-13	Paragraph VIII.E	Because SEJPA has a sandy bottom around the outfall, our biological consultant recommended trawls as gaining better data than transects. Consider allowing the SEJPA to perform trawls in place of transects.
59	E-15	Paragraph X.A.2.f	Report now requires detailed statistical analysis? What is rationale for new requirement? Clarification will be needed to comply.
60	E-15	Paragraph X.A.4	Annual reports should be due March 1 not February 1. March 1 was the requirement in the previous permit.
61	E-16	Table E-13	SMR due dates should be March 1 for annual and semi annual reports not February 1. March 1 was the requirement in the previous permit.
62	E-16	Paragraph X.B.4	Refer to 2005 Ocean Plan. What if 2010 Ocean Plan is adopted during this permit cycle? Do we automatically switch to the new Ocean Plan?
63	E-17	Paragraph X.B.4.b	Is "reporting level" the same as MDL? RL is not defined or referred to in any other area.
64	F-4	Paragraph I.C	Supplemental information was not requested. May be referring to Escondido request?
65	F-4	Paragraph II	Change Cardiff Sanitation District to City of Encinitas.
66	F-4	Paragraph II.A	Change "Discharger's Service Area" to "SDWD, SFID, and City of Del Mar"
67	F-4	Paragraph II.A	Remove Ag-Tech name and address since we may change based on low bidder.
68	F-5	Table F-2	Table F-2 notes that the SEJPA reported an effluent pH between 7.1 & 9.0. We cannot find record that our effluent was historically as high as 9.0. Please verify and amend rationale as appropriate.
69	F-8	Paragraph II.D.1	Paragraph D.1. - Please verify if the SEJPA had a pH spike above 9.0. The pH violation is not noted in the list below this paragraph.
70	F-9	Paragraph III.A	Change "surface waters" to "Pacific Ocean".
71	F-10	Table F-3	REC-1 and REC-2 were specifically listed in prior permit.
72	F-10	Paragraph III.C.2	What happens when the 2010 Ocean Plan is adopted? The revised plan is currently out for review.
73	F-10	Table F-4	Fish Migration appears to remain as a beneficial use within the Ocean Plan but has been eliminated from this Table.
74	F-11	Paragraph III.D	Some of our shore sample points may be within the 303d listed area. This paragraph of the permit should be revised.
75	F-13	Paragraph IV.A.3	Does the permit reopen if the Ocean Plan changes?
76	F-17	Paragraph IV.C.3	The Dilution factor may become more important with the new bacteria standards and so more detail should be included in the permit. Include the ZID (41 feet) if appropriate for clarification.
77	F-18	Table F-7	Most Stringent Criteria for Phenolic Compounds and Chlorinated Phenolics do not have superscript endnotes denoting where this data came from.
78	F-18	Table F-7	SEJPA is assessing the possibility that the maximum cyanide concentration reported by SEJPA during 2005-2010 is incorrect due to a laboratory reporting error. If this is the case, the RPA analysis (Table F-12 on page F-22) may require revision and it may be appropriate for cyanide to be regulated by performance goal instead of a WQBEL. In this event, semiannual monitoring of cyanide may be appropriate.
79	F-18	Table F-7	The MSC for chronic toxicity listed in Table F-7 needs to be modified to reflect the fact that the chronic toxicity Ocean Plan limit applies after completion of initial dilution.
80	F-22	Table F-12	SEJPA is assessing the possibility that the maximum cyanide concentration reported by SEJPA during 2005-2010 is incorrect due to a laboratory reporting error. If this is the case, the RPA analysis (Table F-12 on page F-22) may require revision and it may be appropriate for cyanide to be regulated by performance goal instead of a WQBEL. In this event, semiannual monitoring of cyanide may be appropriate.
81	F-23	Table F-12	End Note 1, which explains scientific "E" notation, should have superscript "powers" (e.g. "6.1 x 10 <sup>2</sup> " should be 6.1 x 10 <sup>2</sup> ).

## SEJPA - 2010 Draft NPDES Permit Comments

Comment #	Page #	Section	Comment or Question
82	F-26	Table F-13	Objectives for protection of human health - noncarcinogens have 30-Day Average performance goal limitations that significantly differ from SEJPA calculations (and the previous permit) using a dilution factor of 237, the limitations specified in the 2005 Ocean Plan, and the methodology prescribed in Attachment F. All of the new numbers seem low by a factor of 2.7 or a dilution factor of 88 was used in the calculation.
83	F-27	Table F-13	Objectives for protection of human health - noncarcinogens have 30-Day Average performance goal limitations that significantly differ from SEJPA calculations (and the previous permit) using a dilution factor of 237, the limitations specified in the 2005 Ocean Plan, and the methodology prescribed in Attachment F. All of the new numbers seem low by a factor of 2.7 or a dilution factor of 88 was used in the calculation.
84	F-28	Table F-13	Chlorodibromomethane should be Chlorodibromomethane.
85	F-29	Table F-13	End Note 1, which explains scientific "E" notation, should have superscript "powers" (e.g. "6.1 x 10 <sup>2</sup> " should be 6.1 x 10 <sup>2</sup> ).
86	F-29	Table F-13	End Note 3, specifies that y = the water quality objective "(in ug/l)". Should be revised to read (in ug/l).
87	F-29	Table F-13	End Note 3, identifies that the effluent limitations were derived using a flow rate of "18 MGD." This flow rate should be revised to 5.25 MGD.
88	F-30	Paragraph V	SEJPA recommends that this paragraph be rewritten to note that the California Ocean Plan applies body contact bacteriological standards to (1) areas within 1000 feet of the shore, (2) areas within the 30-foot depth contour, (3) designated kelp beds, or (4) other waters designated by the Regional Board as REC-1. Unlike the pre-1994 version of the Basin Plan, the current version of the Basin Plan applies the REC-1 designation to the Pacific Ocean without distinguishing a difference between coastal waters and deep offshore waters. As a result, Ocean Plan body contact standards are applied to all depths of ocean waters within the three-mile limit.
89	F-32	Paragraph VI.D.1	Paragraph D.1. - This paragraph states that "surf zone monitoring station 5-8...has been created for this Order." Surf zone 5-8 was created for Order No. R9-2005-0100, which was the last order. Update this paragraph as appropriate.
90	F-32	Paragraph VI.D.1	Paragraph D.1. - This paragraph references Monitoring & Reporting Program (MRP) R9-2005-0101, which is the City of Escondido's Order No. Order No. R9-2005-0100 should be used instead.
91	F-33	Paragraph VI.D.2.b&c	Do these retain the requirements of the last permit? If so, state that requirement to be consistent with other sections.
92	F-33	Paragraph VI.E.3	typo-monitor
93	F-34	Paragraph VII.B.1	Year-by-year reopener provision? This should be revised to be more reasonable.
94	F-35	Paragraph VII.B.5.a	Change 5.4 MGD to 5.35 MGD
95	F-36	Paragraph VII.B.5.b	This paragraph implies that the SEJPA is required to perform a treatment plant capacity study. Page 24 states that the treatment plant capacity report is a conditional report. The two paragraphs should be revised for consistency.
96	F-36	Paragraph VII.B.5.e	This section implies (by stating "Discharger's collection system") that the collection system is owned by the SEJPA. The collection system is owned by the respective cities and is managed under their SSMP.
97	F-37	Paragraph VIII.A	Please include a space between "Tribune" and "on" in this paragraph.
98	F-37	Paragraph VII.6	Change compliance schedule to be more reasonable. SEJPA requests 5-8 years for full compliance.
99	G-1	Attachment G	This section used to be the dilution model information. Should the information on the dilution model be added back into the permit?
100	G-1	Paragraph I.B	Will the areas designated in the Marine Life Protection Act be considered as "Areas of Special Biological Significance"?