

ITEM 7, SUPPORTING DOCUMENT NO. 6
SAN DIEGO WATER BOARD RESPONSES TO COMMENTS
TENTATIVE ORDER NO R9-2012-0012, SAN JUAN CREEK OCEAN OUTFALL

A. Comments from SOCWA by letter dated March 12, 2012

1. SOCWA requested the toxicity testing requirements (Section VI.C.2.c) be modified to only require one repeat toxicity test when the performance goal is exceeded, followed by six additional tests if the repeat test result also exceeds the performance goal.

RESPONSE TO A.1. No change to the Tentative Order is warranted. The requirement for six additional toxicity tests when the performance goal is exceeded is similar to the requirement in the current Order (Order No. R9-2006-0054, Section VI.C.2.e.3). This requirement is also consistent with the toxicity testing requirement in other ocean discharge permits. The purpose of the six additional samples is to obtain sufficient information to conclude whether or not the effluent is exceeding the toxicity performance goal consistently prior to directing the Discharger to initiate the costly Toxicity Reduction Evaluation/Toxicity Identification Evaluation (TRE/TIE) process.

2. SOCWA requested a reduction in the sampling frequency for the shoreline monitoring locations (Attachment E, Section VIII.A)

RESPONSE TO A.2. No changes to individual shoreline water monitoring programs are recommended until such time as SOCWA coordinates its shoreline monitoring with other interested parties that have responsibilities for participating in surf zone monitoring in the vicinity of the Ocean Outfall (Order No. R9-2006-0054, Attachment E, Section VII.B.1). In addition, consideration for any reduction in current monitoring should be deferred until a regional monitoring program for Orange County or the San Diego Region has been developed that would 1) address alternative techniques and options to accurately monitor and track the Ocean Outfall discharge plume; 2) verify that the discharge plume is not entering the surf zones; and 3) identify alternatives for identifying the bacterial source(s) in the vicinity of the mouth of San Juan Creek. It is important to coordinate all the monitoring being conducted to effectively answer key questions about the health of these resources.

The San Diego Water Board is currently developing a regional framework for monitoring and assessment in the San Diego Region, which will outline a new approach to monitoring and assessment with the intent of using monitoring resources more strategically and more effectively. A key component of our strategy will be that monitoring and assessment programs be developed and implemented collaboratively with regulated entities and other interested parties. This strategy is consistent with the recommendations of the Southern California Coastal Water Research Project (SCCRP) in their report, titled Model Monitoring for Small Publicly-owned Treatment Works in the San Diego Region. Upon completion of the regional framework, the San Diego

Water Board will initiate discussions with SOCWA and other small POTW agencies in developing a regional monitoring program for coastal waters.

3. SOCWA requested a change to the repeat sampling requirement for the shoreline monitoring locations (Attachment E, Section VIII.A.1).

RESPONSE TO A.3. No change to the Tentative Order is warranted. The repeat sampling requirement is consistent with the California Ocean Plan. (Ocean Plan Section III.D.1.b)

4. SOCWA requested that Footnote 2 of Table 13 be modified as follows: "Effluent limitations for total suspended solids, oil and grease, turbidity, settleable solids, and pH in this table apply to the combined discharge at Monitoring Location M-001."

RESPONSE TO A.4. No change to the Tentative Order is warranted. The technology-based effluent limits (TBELs) apply to the discharge from the South Coast Water District Groundwater Recovery Facility (GRF) under the Tentative Order, not the combined discharge. Compliance monitoring for the TBELs for the GRF discharge, however, will be conducted at Monitoring Location M-001, which is where representative samples of commingled effluent from all contributors to the SJCOO can be obtained.

5. SOCWA requested that the following footnote be added to Table 13: "The discharger may collect and analyze two or more grab samples of the outfall discharge for suspended solids and use the analytical results to produce an average twenty-four hour composite result for total suspended solids."

RESPONSE TO A.5. No change to the Tentative Order is warranted. The definition for composite sample contained in Attachment A already allows for two or more grab samples to make up a composite sample.

6. SOCWA requested that the San Diego Water Board reconsider the application of Water Contact Recreation (REC-1) further than 1000 feet from the shoreline or the 30-foot contour and that the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) be amended to specifically exclude the application of REC-1 standards further than 1000 feet from the shoreline or to the 30 foot contour, except in specific areas (e.g. kelp beds) deemed by the San Diego Water Board to represent body contact recreation zones. If the San Diego Water Board is intent on applying more stringent bacteriological standards to areas of the ocean with minimal water contact uses, and absent any real public health driver, the San Diego Water Board should consider a more appropriate standard, perhaps setting a second tier standard, one more reflective of the actual health risks in ocean waters with minimal potential for human contact.

RESPONSE TO A.6. No change to the Tentative Order is warranted. As indicated by the comment, the suggested change requires an amendment to the Basin Plan because the Basin Plan currently designates REC-1 as an existing beneficial use for coastal waters named the Pacific Ocean extending out three nautical miles. Effective February 14, 2006, the revised Ocean Plan specifies that the water contact standards apply to areas used for water contact sports as determined by the San Diego Water Board (i.e., waters designated as REC-1). These designations would need to be specified in the San Diego Water Board Basin Plan. Because the San Diego Water Board has not completed a process to designate specific areas where the water-contact standards apply, Ocean Plan Bacterial Standards apply throughout all ocean waters in the San Diego Region. This interpretation has been confirmed by the United States Environmental Protection Agency (USEPA).

B. Comments from State Water Resources Control Board by letter dated March 8, 2012.

If the San Diego Regional Water Quality Control Board determines that it is appropriate to temporarily move the compliance point for the technology-based effluent limitations for the GRF to a location where it has commingled with other wastewater discharges, it should also ensure that (1) a reopener is included so that the permit can be modified as necessary to reflect the final terms of the Ocean Plan once the amendment is completed, (2) performance data is collected from the GRF for the purpose of determining the current treatment capabilities, (3) a feasibility study is completed to assess the costs of providing additional treatment to meet the technology-based effluent limitations at the point that it discharges into the joint outfall, and (4) the joint outfall permittee, the South Orange County Wastewater Authority, is responsible for any penalties or liabilities for exceedances of the technology-based effluent limitations (TBELs), subject to any internal agreements between the joint dischargers.

RESPONSE.

- 1) The Tentative Order has been modified to include a reopener to reflect the final terms of the Ocean Plan once the amendment is complete.
- 2) No change to the Tentative Order is warranted in regard to the collection of performance data on the GRF discharge. The Tentative Order already includes effluent monitoring at the GRF prior to commingling with other discharges (Monitoring Location M-001F).
- 3) The Tentative Order has been modified to require a feasibility study of providing additional treatment before the GRF discharge.
- 4) No change to the Tentative Order is warranted in regards to establishing that SOCWA is responsible for any penalties or liability for TBEL exceedances. SOCWA is the only party listed as the Discharger in the Tentative Order and will be responsible for any penalties or liabilities for exceedances of the TBELs.