

City Manager



February 24, 2017

Via Email: [Kozelka.Peter@epa.gov](mailto:Kozelka.Peter@epa.gov) and [Joann.Lim@waterboards.ca.gov](mailto:Joann.Lim@waterboards.ca.gov)

Peter Kozelka  
United States Environmental Protection Agency  
Region IX, WTR 2-3  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Joann Lim  
California Regional Water Quality Control Board  
San Diego Region  
2375 Northside Drive, Suite 100  
San Diego, CA 92108-2700

**Subject: Comment – Tentative Order No. R9-2017-0007 (“Tentative Order”)  
REQUEST FOR CONTINUANCE OF THE PUBLIC HEARING  
Draft Revised NPDES Permit No. CA0107409 (“Permit”)  
Revised Compliance Schedule Point Loma Wastewater Treatment Plant**

Dear Mr. Kozelka and Ms. Lim:

The City of El Cajon (City) appreciates the opportunity to comment on the revised compliance schedule for the Point Loma Wastewater Treatment Plant Modified Permit Renewal. As you recall, in our letter dated December 20, 2016, (attached) the City **strongly urged the Regional Board to approve the Modified NPDES Permit as it was originally proposed**. The City was not informed of the proposed changes to the Permit prior to issuance of the draft, and as such has not had a chance to review and approve the revised Compliance Schedule. Until the City of El Cajon City Council and staff have that opportunity, the City has no choice but to oppose the proposed schedule revisions based on the concerns stated in this letter.

The City hereby formally requests a continuance of the public hearing on the Tentative Order, which is currently scheduled for the RWQCB’s April 12, 2017 meeting. A continuance would allow the Metro JPA, its Participating Agencies, and the City of San Diego adequate time to discuss and

work through the concerns expressed in this letter, and the information from those discussions would better inform the RWQCB for making a decision on the City of San Diego's Permit.

Our opposition to the revisions does not reflect a change in the City's commitment to environmental and ocean water quality protection and our otherwise firm support for renewing the City of San Diego's variance from Secondary Treatment requirements in Section 301(b)(1)(B) of the Clean Water Act. Rather, consistent with our prior comments to the City of San Diego and San Diego Regional Water Board, at this point, the City does not support the modified schedule because it would impede the City's efforts to cooperatively develop an equitable and affordable approach to achieving long term Clean Water Act compliance, and it would result in significantly less flexibility to address potential cost issues or other complexities that may arise and that would adversely impact the City's wastewater ratepayers.

The City of El Cajon is a member of the Metro JPA. The Metro JPA is comprised of twelve public agencies that additionally comprise the Metro Commission to the City of San Diego ("Metro Commission"). Metro JPA/Metro Commission member agencies are the cities of Chula Vista, Coronado, Del Mar, El Cajon, Imperial Beach, La Mesa, National City and Poway; the Lemon Grove Sanitation District; Padre Dam Municipal Water District; Otay Water District; and the San Diego County Sanitation District ("Participating Agencies").<sup>1</sup> The Participating Agencies make up about one-third of the Metro Wastewater System (including the Point Loma Wastewater Treatment Plant) flows and finances. The Participating Agencies have a long and productive history of working together with the City of San Diego since the Clean Water Program of the early 1990s to address regional issues of wastewater treatment, disposal and reuse. The Participating Agencies have consistently supported and partnered with the City of San Diego to develop a successful strategy that will lead to long term Clean Water Act compliance for the Metro system in the most affordable manner to the rate payers. The Metro JPA/Metro Commission has been a partner with the City of San Diego in the development and implementation of the Pure Water Program and in October 2014 adopted a Resolution supporting the City of San Diego's Point Loma Wastewater Treatment Plant NPDES Modified Permit application. The original application included the near term goal of producing 15 mgd of potable reuse water by 2023.

From the perspective of ratepayer affordability, long term Clean Water Act compliance for the Metro Wastewater System rests on efficient implementation of the Pure Water Program and the cost savings that would be realized if Secondary Equivalency for the Metro System is achieved and the Point Loma Wastewater Treatment Plant remains at Advanced Primary treatment. For the wastewater ratepayers, this balance between wastewater treatment and disposal and water supply enhancement requires that we have identified the least cost path to long term Clean Water Act compliance. The original schedule and scope of Phase 1 recognized that time was needed to determine the feasibility of Secondary Equivalency as a compliance strategy. As Secondary Equivalency is pursued, the cost to wastewater ratepayers would be minimized to ensure that funds are only expended on activities that lead to long term Clean Water Act

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<sup>1</sup> Please note that Metro JPA members were misidentified on page 36, footnote 2 of the Revised Tentative Order, and that the City of San Diego is not a member of the Metro JPA.

compliance. Phase 1 of the Pure Water Program, as originally conceived, would utilize the existing 30 MGD investment in primary, secondary, and tertiary treatment paid for by the wastewater users at the North City Water Reclamation Plant. It was anticipated that there would be little cost to Phase 1 wastewater rate payers because that cost had been borne previously.

The significant and long term reduction being experienced in wastewater flows from water conservation requires us to revisit the current planning for Pure Water implementation. Including the accelerated schedule in the Modified Permit ignores the time that the City and the Metro JPA/Metro Commission need to assess the feasibility of Secondary Equivalency and thoughtfully arrive at the best and most affordable compliance strategy given current conditions. If Secondary equivalency is not achievable, then it is our obligation to the ratepayers we represent to determine if there is a lower cost alternative for long term Clean Water Act compliance than the currently contemplated Pure Water program. Wastewater ratepayers cannot be expected to make an aggressive upfront investment that magnifies rate impacts when long term Clean Water Act compliance may require upgrading the Point Loma Wastewater Treatment Plant to Secondary standards.

We recognize that Pure Water will also deliver a new, highly reliable water supply for the San Diego County region. That is a goal we all support but it is not the cost responsibility of wastewater ratepayers. It is our responsibility to determine if there is a less costly path to Clean Water Act compliance. The original schedule would have provided the time necessary to make that determination.

We urge the Regional Board to revert to the original schedule contained in the Modified Permit Application, as we had previously commented, which will provide the City and the Metro JPA/Metro Commission Participating Agencies the time we need to work with the City of San Diego and other stakeholders on achieving approval of Secondary Equivalence as a compliance approach and working diligently with the City of San Diego to achieve ratepayer equity for our constituents.

The City has not been able to review and approve the revised Compliance Schedule, and therefore, if the RWQCB does not revert to the original schedule within the initial permit application, the City has no choice but to strongly oppose the modified permit application with the revised schedule for the reasons stated above. The revised compliance schedule additionally appears to be inconsistent with the terms of the agreement between the City of San Diego and the environmental community entities.

The Pure Water Program tasks identified in the revised schedule will involve decisions and approvals impacting the timing, cost, and scope of the overall project, including approvals related to the California Environmental Quality Act, and public financing for the project. The City of San Diego will not be able to implement the Pure Water Program without these approvals, and the Metro JPA/Metro Commission will play an integral role in such decisions, particularly with respect to developing a cost allocation framework, financing plan, and regulations for implementing the Pure Water Program.

We believe it is important for the Participating Agencies and the City of San Diego, all of which are users of the Metro System, to work together on solutions for the region. Therefore, we urge that the RWQCB only approve the prior, originally proposed Compliance Schedule and strongly oppose the revised Compliance Schedule.

Again, the City respectfully requests that the RWQCB continue the public hearing currently scheduled for April 12, 2017, so that the City, the Metro JPA and the City of San Diego can work through the above-noted concerns and provide additional comments to help the RWQCB with its decision at the hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas Williford", is written over a horizontal line.

Douglas Williford  
City Manager





December 20, 2016

City Manager

San Diego Regional Water Board  
2375 Northside Drive, Suite 100  
San Diego, CA 92108-2700

Re: Comment – Tentative Order No. R9-2017-0007  
Support of Point Loma Wastewater Treatment Plant NPDES Modified Permit  
Renewal

I am writing this letter to you in support of the City of San Diego's request to renew its variance from the secondary treatment requirements contained in section 301(b)(1)(B) of the Clean Water Act for the E. W. Blom Point Loma Metropolitan Wastewater Treatment Plant and Ocean Outfall. Additionally, I am writing to support the approval of the Permit as submitted.

During the public hearing on December 14, 2016, there was brief discussion on the Pure Water Program and how it relates to the Permit. The proposed permit includes milestones related to the Pure Water Program. The City of San Diego is currently on track to achieve all of the Pure Water milestones outlined in the Permit. During the public hearing there was some discussion of changing the Pure Water milestones within the Permit. The City of El Cajon does not support changing any of the milestones at this time and feels that the Permit as submitted is already a substantial commitment to protect the environment.

Once again, the City of El Cajon supports the approval of the NPDES Modified Permit as submitted. The Permit already contains milestones related to the Pure Water program and therefore does not need any additional changes.

Sincerely,

Douglas Williford  
City Manager

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