



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

OFFICE OF THE
REGIONAL ADMINISTRATOR

City of San Diego's
E.W. Blom Point Loma Metropolitan
Wastewater Treatment Plant and Ocean Outfall
Application for a Modified NPDES Permit
Under Sections 301(h) and (j)(5) of the Clean Water Act

Tentative Decision of the
Regional Administrator
Pursuant to
40 CFR Part 125, Subpart G

I have reviewed the attached evaluation analyzing the merits of the application of the City of San Diego's request for the E.W. Blom Point Loma Metropolitan Wastewater Treatment Plant and Ocean Outfall variance from secondary treatment requirements of the Clean Water Act (the Act), pursuant to section 301(h). It is my tentative decision that the Point Loma Wastewater Treatment Plant and Ocean Outfall be granted a variance in accordance with the terms, conditions, and limitations of the attached evaluation, based on sections 301(h) and (j)(5) of the Act.

My decision is based on available information specific to this particular discharge. It is not intended to assess the need for secondary treatment in general, nor does it reflect on the necessity for secondary treatment by other publicly owned treatment works discharging to the marine environment. This decision and the National Pollutant Discharge Elimination System (NPDES) permit implementing this decision are subject to revision on the basis of subsequently acquired information relating to the impact of the less-than-secondary discharge on the marine environment.

Under the procedures of the Permit Regulations, 40 CFR Part 124, public notice and comment regarding this tentative decision and accompanying draft NPDES permit will be made available to interested persons. Following the public comment period on this tentative decision and draft permit, a final decision and permit will be issued under the procedures in 40 CFR Part 124.

This tentative decision is issued without prejudice to the rights of any party to address the legal issue of the applicability of 33 U.S.C. section 1311(j)(5) to the City's future NPDES permits.

Dated: 2 DEC 2008


Wayne Natri
Regional Administrator