

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

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**ORDER NO. R9-2014-0098
AMENDING**

**ORDER NO. R9-2012-0013, NPDES NO. CA0107611
WASTE DISCHARGE REQUIREMENTS
FOR THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY,
DISCHARGE TO THE PACIFIC OCEAN THROUGH THE ALISO CREEK OCEAN OUTFALL**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), finds that:

1. On April 11, 2012, the San Diego Water Board adopted Order No. R9-2012-0013, National Pollutant Discharge Elimination System (NPDES) No. CA0107611, establishing waste discharge requirements for the South Orange County Wastewater Authority (SOCWA) to discharge up to 34.37 million gallons per day (MGD) of treated municipal wastewater, treated groundwater, and waste brine into the Pacific Ocean through the Aliso Creek Ocean Outfall (ACOO), located off the coast of south Orange County.
2. Several different public agencies, including SOCWA, currently conduct routine, ongoing beach water quality monitoring in south Orange County in accordance with several different sets of requirements. The monitoring programs implemented to meet those requirements overlap temporally and spatially. Currently, these monitoring programs are partially but not fully integrated.
3. In November 2010, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2010-0053¹, which directed regional water boards to work with dischargers to modify beach water quality monitoring programs required by regional board-issued permits so as to eliminate redundancies and incorporate beach water quality monitoring required by beach water quality statutes, where appropriate.
4. Attachment E of Order No. R9-2012-0013 includes requirements to conduct beach water quality monitoring in south Orange County, in the vicinity of the discharge from the ACOO, twice per week.

¹ State Board Resources Control Board, Resolution No. 2010-0053, *Commit up to \$984,000 of Clean Beaches Initiative (CBI) Proposition 13 or 50 Grant Program Funds to Continue the Beach Safety Program (Program)*, adopted November 2, 2010.

5. On April 11, 2012, during the public hearing for Order No. R9-2012-0013, the San Diego Water Board announced its intent to review beach water quality monitoring conducted in south Orange County. The San Diego Water Board convened a workgroup that included representatives of the three public agencies that currently conduct almost all of the routine, ongoing beach water quality monitoring in south Orange County, i.e., SOCWA, Orange County Public Works, and Orange County Health Care Agency (OCHCA). The workgroup also included other interested parties, including representatives of the Sierra Club and Surfrider Foundation.
6. On December 12, 2012, the San Diego Water Board adopted Resolution No. R9-2012-0069², which endorsed the San Diego Water Board staff report entitled "A Framework for Monitoring and Assessment in the San Diego Region," dated November 2012. This report outlines an approach for development and implementation of improved monitoring and assessment programs.
7. The workgroup developed and recommends implementation of a unified regional beach water quality monitoring and assessment program in south Orange County. That unified program is outlined in the San Diego Water Board report entitled "Workgroup Recommendation for a Unified Beach Water Quality Monitoring and Assessment Program in South Orange County," dated October 2014. The San Diego Water Board participated in the workgroup and concurs with the workgroup's recommendation.
8. The unified program is consistent with and will meet or go beyond meeting the requirements for beach water quality monitoring and related public notification and reporting established by state law, including the California Ocean Plan.
9. The unified program is consistent with State Water Board Resolution No. 2010-0053.
10. The unified program is consistent with and will help implement "A Framework for Monitoring and Assessment in the San Diego Region," which emphasizes the need for question-driven, beneficial use-oriented monitoring and assessment. The primary purpose of the unified program will be to answer the question "Does beach water quality meet standards for the beneficial use of water contact recreation?"
11. The unified program is intended to be protective; it will help protect the health of swimmers, surfers, and others who use south Orange County beach waters for water contact recreational activities.
12. The unified program is intended to be reasonable; it will eliminate duplicative monitoring and will include triggers for public notification and additional sampling at all sampling stations year-round.
13. The unified program is intended to be equitable; responsibility for implementation of the unified program will be shared and the responsible agencies will jointly make arrangements to implement the program and will have the flexibility to jointly make short-and/or long-term changes in those arrangements.

² California Regional Water Quality Control Board, San Diego Region, Resolution No. R9-2012-0069, *Resolution in Support of a Regional Monitoring Framework*, adopted December 12, 2012.

14. Pursuant to Water Code section 13383, the San Diego Water Board Executive Officer has issued a written directive to SOCWA and the south Orange County MS4 copermittees requiring implementation of the unified program, in cooperation with OCHCA. The Executive Officer may make future revisions to the unified program, provided that the unified program, as revised, continues to be consistent with and meet the requirements of state law, including the California Ocean Plan, for beach water quality monitoring and related public notification and reporting. Following a thirty day public comment period, and subject to a request for a hearing before the San Diego Water Board, any such revision shall take effect as specified in a written directive issued by the Executive Officer pursuant to Water Code section 13383. The unified program and any Executive Officer-issued revisions to the unified program are subject to review pursuant to Water Code section 13320.
15. The unified program will supersede the existing routine, ongoing, beach water quality monitoring programs in south Orange County that are conducted in accordance with section VIII.A of Attachment E of Order No. R9-2012-0013, effective April 1, 2015.
16. The requirement to participate in “regional monitoring” of beach water quality replaces requirements to conduct “core monitoring” of beach water quality, as provided for in Appendix III of the 2012 California Ocean Plan.
17. This Order amends Order No. R9-2012-0013 to require SOCWA to implement the “Workgroup Recommendation for a Unified Beach Water Quality Monitoring and Assessment Program in South Orange County,” dated October 2014, made effective in the written directive issued pursuant to Water Code section 13383 and subject to future revisions by the Executive Officer after appropriate public input.
18. Section 13263(e) of the Water Code, provides that the San Diego Water Board may, upon application by any affected person, or on its own motion, review and revise waste discharge requirements. Section 122.62(a) of title 40 of the Code of Federal Regulations authorizes the reopening and modification of an NPDES permit based upon new information.
19. Order No. R9-2012-0013 is not being reopened for any other purpose than the revisions contained herein. Except as contradicted or superseded by the findings and directives set forth in this Order, all of the previous findings and directives of Order No. R9-2012-0013 shall remain in full force and effect.
20. This action is exempt from the requirement of preparation of environmental documents under the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with Section 13389 of the Water Code.
21. The San Diego Water Board has notified all known interested parties of its intent to adopt Order No. R9-2014-0098.
22. The San Diego Water Board in a public meeting on December 11, 2014, heard and considered all comments pertaining to the adoption of this Order.

23. Any person aggrieved by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 et seq. The State Water Board must receive the petition by 5:00 p.m., 30 days after the adoption date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.


IT IS HEREBY ORDERED:

1. This Order amends Order No. R9-2012-0013, NPDES No. CA0107611, as described in the revised version included as Attachment 1 to this Order. Added text to Order No. R9-2012-0013 is displayed in red-underline text and deleted text is displayed as ~~red-strikeout~~ text. Modifications to Order No. R9-2012-0013 were made to the following sections:

<u>Page No.</u>	<u>Section No.</u>
5	Section I, Table 4
E-4	Attachment E, Section II, Table E-1
E-12	Attachment E, Section VIII.A
E-16	Attachment E, Section IX.D
F-3	Attachment F, Section I, Table F-1

2. The amended version of Order No. R9-2012-0013 included as Attachment 1 to this Order shall become effective on April 1, 2015.
3. San Diego Water Board staff is directed to prepare and post a conformed copy of Order No. R9-2012-0013 incorporating the revisions made by this Order.

I, David W. Gibson, Executive Officer, do hereby certify that this Order is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on **December 11, 2014**.


for David W. Gibson
Executive Officer