

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

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**ORDER NO. R9-2018-0028
AMENDING**

**ORDER NO. R9-2015-0002 AS AMENDED BY ORDER NO. R9-2016-0099,
NPDES NO. CA0107492**

**WASTE DISCHARGE REQUIREMENTS
FOR PADRE DAM MUNICIPAL WATER DISTRICT
RAY STOYER WATER RECYCLING FACILITY,
DISCHARGE TO SYCAMORE CREEK,
SAN DIEGO COUNTY**

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

Background

1. On May 13, 2015, the San Diego Water Board adopted Order No. R9-2015-0022 National Pollutant Discharge Elimination System (NPDES) No. CA0107492, establishing waste discharge requirements for Padre Dam Municipal Water District (District or Discharger) to discharge up to 2 million gallons per day of tertiary-treated effluent from the Ray Stoyer Water Recycling Facility (Facility) to Sycamore Creek.
2. On June 22, 2016, the San Diego Water Board adopted Order No. R9-2016-0099, modifying the triggers for accelerated monitoring and development and implementation of a Downstream Bacteria Evaluation and Action Plan in Order No. R9-2015-0002 and correcting errors in the calculation of performance goals established in Tables 6 and F-15 of Order No. R9-2015-0002.
3. Attachment E, Section IV. D of Order No. R9-2015-0002, as amended by Order No. R9-2016-0099, requires the Discharger to survey macroinvertebrate and algal communities in Sycamore Creek semi-annually. The purpose of the macroinvertebrate surveys is to evaluate the impact of the Facility's discharge on the benthic community within Sycamore Creek and assess the biological condition of Sycamore Creek. In addition, algal monitoring evaluates whether the discharge has any potential to cause downstream biostimulatory effects.
4. Benthic monitoring surveys macroinvertebrate communities using the California Stream Bioassessment Procedure (CSBP) and scores macroinvertebrate community condition using the Index of Biotic Integrity (IBI). Periphyton monitoring surveys the algal communities using the *U.S. Environmental Protection Agency Rapid Bioassessment Protocols for Use in Streams and Wadeable Rivers: Periphyton, Benthic Macroinvertebrates, and Fish, Second*

Edition (EPA Rapid Bioassessment Protocols) and scores algal community condition using the IBI.

Purpose of this Order

5. The San Diego Water Board is amending Order No. R9-2015-0002, as amended by Order No. R9-2016-0999, to address the following protocol deficiencies in Attachment E, Section IV.D of Order No. R9-2015-0002:
 - a. The CSBP and EPA Rapid Bioassessment Protocols are incompatible with several recently developed IBI indices (i.e., California Stream Condition Index, Diatom Index, Soft Algae Index, and Hybrid Index) that more accurately characterize stream community conditions.
 - b. The CSBP targets the most productive steam habitat (i.e., riffles), which may not accurately depict stream communities as a whole.
 - c. Data collected using the CSBP and EPA Rapid Bioassessment Protocols are not comparable to the data collected for the San Diego River Watershed Monitoring and Assessment Program. The San Diego River Watershed Monitoring and Assessment Program is a monitoring coordination program created by representatives from federal, State, and local agencies; water districts; non-profit organizations; universities; research institutes; and a facilitator. The program was developed to improve the coordination and usefulness of various monitoring and assessment efforts in the San Diego River watershed. It provides structure for periodic and comprehensive assessments of watershed conditions, expands monitoring of ambient conditions related to key beneficial uses, and improves coordination and cost-effectiveness of disparate regulatory and non-regulatory monitoring efforts already taking place in the watershed.
6. The Discharger by letter dated January 10, 2018 requested approval from the San Diego Water Board to perform stream bioassessments in October 2018, 2019, and 2020 at an alternative site selected randomly by the Stormwater Monitoring Coalition (SMC) for the San Diego River Watershed Monitoring and Assessment Program in lieu of conducting benthic macroinvertebrate and periphyton surveys in Sycamore Creek.
7. Based on Findings 1 through 6 of this Order, the San Diego Water Board is amending Order No. R9-2015-0002, as amended by Order No. R9-2016-0999.

Legal Authorities

8. Section 13263(e) of the California Water Code (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 (40 CFR) authorizes the reopening and modification of a national Pollutant Discharge Elimination System (NPDES) permit based upon new information.
9. Order No. R9-2015-0002 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. R9-2015-0002, as amended by Order No. R9-2016-0099, shall remain in full force and effect.

California Environmental Quality Act

10. 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.

Public Participation

11. The San Diego Water Board has notified the Discharger and all known interested persons of its intent to issue this Order and provided them with an opportunity to submit their written comments and recommendations pursuant to Water Code section 13167.5.
12. 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.

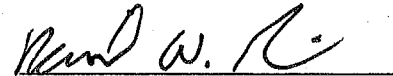
IT IS HEREBY ORDERED:

1. This Order amends Order No. R9-2015-0002, NPDES No. CA0107492, as described in the revised version included as Attachment 1 to this Order. Added text to Order No. R9-2015-0002 is displayed in red-underline text and deleted text is displayed as ~~red-strikeout~~ text. Modifications to Order No. R9-2015-002 were made to the following sections:

<u>Page No.</u>	<u>Section No.</u>
E-17 and E-18	Attachment E, Section IV.D
F-46	Attachment F, Section B.3

2. The amended version of Order No. R9-2015-0002, included as Attachment 1 to this Order, shall become effective on May 9, 2018.
3. San Diego Water Board staff is directed to prepare and post a conformed copy of Order No. R9-2015-0002, as amended by Order No. R9-2016-0099, 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 issued by the San Diego Water Board.



David W. Gibson
Executive Officer