

- ITEM: 16
- SUBJECT: NPDES Permit Reissuance: Waste Discharge Requirements for the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility Discharge to the Pacific Ocean via the San Elijo Ocean Outfall (Tentative Order No. R9-2010-0087, NPDES Permit No. CA0107999) (Joann Cofrancesco)
- PURPOSE: To adopt Tentative Order No. R9-2010-0087, reissuing the NPDES permit to the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility, to discharge treated effluent through the San Elijo Ocean Outfall.
- PUBLIC NOTICE: A public notice of the Tentative Order was posted in the San Diego Union Tribune on August 2, 2010. Copies of the Tentative Order were mailed, via email and certified mail on August 2, 2010, to the San Elijo Joint Powers Authority and to all known interested parties and agencies. On August 3, 2010, a copy of the Tentative Order was posted on the Regional Board's website.
- DISCUSSION: The San Elijo Joint Powers Authority (Discharger) is currently discharging secondary treated wastewater to the Pacific Ocean through the San Elijo Ocean Outfall pursuant to Order No, R9-2005-0100 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0107999. The effluent limitations are based in part on secondary treatment standards, which are the required levels of performance the Discharger's San Elijo Water Reclamation Facility (Facility) must meet under Clean Water Act Section 301.
- The wastewater treatment system at the Facility consists of screening and aerated grit removal, primary sedimentation, flow equalization, and activated sludge treatment followed by secondary clarification. Effluent from the Facility is discharged to the San Elijo Ocean Outfall where it commingles with discharges from the City of Escondido Land Outfall and enters the Pacific Ocean approximately 1.3 miles off-shore at a depth of approximately 148 feet.

Current Order No. R9-2005-0100 expired on June 8, 2010, but has been administratively extended. The Discharger filed a timely report of waste discharge and submitted an application for the reissuance of its NPDES Permit on December 10, 2009 and supplemental information requested by the San Diego Water Board on March 4, 2010 and received on March 15, 2010. The San Diego Water Board has deemed the application complete.

The Tentative Order continues implementation of technology based effluent limitations (TBELs) based on secondary treatment requirements for the discharge established in current Order No. R9-2005-0100. The need for water quality-based effluent limitations (WQBELs) in the Tentative Order for toxic pollutants listed under Table B of the Ocean Plan was evaluated using the reasonable potential analysis (RPA) procedures of the Ocean Plan. The RPA procedures use a statistical approach to determine if the discharge has the potential to cause an exceedance of the water quality objectives for the Pacific Ocean for the toxic pollutants listed under Table B of the Ocean Plan, based on historical effluent data and the dilution factor for the San Elijo Ocean Outfall.

The RPA results for this discharge indicated that the effluent only has reasonable potential to cause exceedances of water quality objectives for total cyanide; therefore, WQBELs are included in the tentative order for this pollutant. Performance goals, rather than effluent limitations, are included in the tentative order for all other toxic pollutant parameters of Table B of the Ocean Plan. Performance goals are not enforceable effluent limitations or standards for the regulation of the discharge; however, inclusion of performance goals supports State and federal antidegradation policies and provides information regarding the expected levels of pollutants in the discharge that should not be exceeded to maintain the water quality objectives established in the Ocean Plan.

A comment on the Tentative Order has been received from the Discharger requesting at least a 30 day continuance on the September 8, 2010 hearing date so that the Discharger could further consider a new requirement and associated compliance schedule stipulating that receiving water bacteria objectives must be maintained outside the initial

dilution zone throughout the water column up to a distance of three nautical miles from the shoreline (*see below for additional information on the basis of this new requirement*). The Executive Officer has denied the request. Additional comments may be received and will be provided in the supplemental agenda packet.

SIGNIFICANT
CHANGES:

The following areas in the Tentative Order differ from current Order No. R9-2005-0100:

1. Standard language for certain Findings, Standard Provisions, and the permit format recommended by the State Water Board are implemented.
2. The Tentative Order does not incorporate WQBELs for 58 toxic pollutant parameters of Table B of the Ocean Plan that were contained in current Order No. R9-2005-0100. These WQBELs were not included because the RPA for the Tentative Order concluded that these pollutants in the discharge did not have reasonable potential to cause exceedances of water quality objectives listed under Table B of the Ocean Plan or had inconclusive RPA results. However, the RPA results indicated that the discharge has reasonable potential to cause exceedances of water quality objectives for total cyanide. Therefore, WQBELs are included in the tentative order for total cyanide and performance goals have been included for all other toxic pollutant parameters of Table B of the Ocean Plan.
3. The 2005 California Ocean Plan's definition of the zone where bacterial objectives apply includes areas used for water contact sports, as determined by the San Diego Water Board (i.e., waters designated as REC-1 for contact water recreation). Current Order No. R9-2005-0100 applies these bacterial objectives to a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline. USEPA maintains that based on the San Diego Water Board's Basin Plan definitions for REC-1 beneficial use and for Ocean Waters, REC-1 beneficial use must be protected throughout State of California territorial marine waters in the San Diego Region, which extend from surface to bottom, out to three nautical miles from the shoreline. USEPA's interpretation applies to all discharges to ocean

waters in the San Diego Region. Consistent with this interpretation the Tentative Order requires that bacterial objectives, which include enterococcus, in addition to total and fecal coliform, be maintained throughout State of California territorial marine waters outside the initial dilution zone.

4. The Tentative Order requires the Discharger to comply with a 36 month time schedule to ensure that the discharge is in conformance with receiving water bacteria objectives outside the initial dilution zone throughout the water column up to a distance of three nautical miles from the shoreline consistent with Item 3 above.

COMPLIANCE: The Discharger has complied with the effluent limitations of Order No. R9-2005-0100. Over the previous permit term, there were no instances of non-compliance resulting in monetary penalties. (See page F-8 of Supporting Document No. 3 for more details regarding the Discharger's compliance record.)

LEGAL ISSUES: None

SUPPORTING DOCUMENTS:

1. Location map of Facility and San Elijo Ocean Outfall
2. Transmittal letter to Discharger
3. Tentative Order No. R9-2010-0087
4. Discharger Request for extension of comment period (dated August 19, 2010)

RECOMMENDATION: Adoption of Tentative Order R9-2010-0087 is recommended.