

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
August 8, 2012

- ITEM: 8
- SUBJECT: NPDES Permit Reissuance: Fallbrook Public Utility District, Plant No. 1, Discharge to Pacific Ocean via the Oceanside Ocean Outfall (Tentative Order No. R9-2012-0004, NPDES Permit No. CA0108031) (*Ben Neill*).
- PURPOSE: To reissue NPDES Permit No. CA0108031 with the adoption of Tentative Order No. R9-2012-0004.
- RECOMMENDATION: Adoption of Tentative Order No. R9-2012-0004 is recommended.
- KEY ISSUES:
1. The Tentative Order prescribes new water quality-based effluent limitations (WQBEL) for total residual chlorine and TCDD equivalents, which are necessary to ensure that the discharge does not cause exceedances of the water quality objectives listed in the California Ocean Plan.
 2. The Fallbrook Public Utility District (FPUD) cannot currently meet the new total residual chlorine effluent limitations without upgrading its treatment facilities. Whereas the effluent limitations for total residual chlorine are 180 µg/L as a 6-month median, 700 µg/L as a maximum daily, and 5,300 µg/L as an instantaneous maximum, the effluent concentrations have been as high as 8400 µg/L during the last five years. The next item on the August 8, 2012 agenda pertains to the San Diego Water Board's consideration of a tentative schedule for FPUD to install a dechlorination facility and the establishment of interim effluent limitations for total residual chlorine. (*see Agenda Item No. 9*)
 3. The Tentative Order expresses effluent limitations for the same pollutants both as concentration based limits and as mass based limits. Federal regulations at 40 CFR §122.45(f)(1) and (2) clearly endorse the application of both concentration and mass limits and the San Diego

Water Board relied on this authority in establishing effluent limitations in terms of both concentration and mass in the Tentative Order. Mass-based effluent limits prevent dischargers from meeting concentration based effluent limits by diluting their effluent. The inclusion of both concentration and mass based limits for the same pollutants ensures that the discharge of pollutants will not exceed levels necessary to protect water quality and is consistent with other NPDES permits issued in the San Diego Region.

4. FPUD discharges through the Oceanside Ocean Outfall and shares responsibility for compliance with receiving water monitoring requirements with the other entities that also discharge through the same Outfall. Receiving water monitoring requirements for bacteria including total coliform, fecal coliform, and enterococcus bacteria are consistent with the bacteria monitoring requirements specified in the City of Oceanside's Order No. R9-2011-0016.

DISCUSSION:

FPUD is the owner and operator of Treatment Plant No. 1 (Facility), a municipal publicly owned treatment works (POTW). The Facility discharges treated wastewater through the shared Oceanside Ocean Outfall with the City of Oceanside, U.S. Marine Corps Base Camp Pendleton and Genentech Inc. FPUD's discharge is currently regulated by Order No. R9-2006-002. As required by that Order, FPUD submitted an application for permit reissuance on September 30, 2010. Current Order No. R9-2006-002 expired on June 1, 2011 and was administratively extended in accordance with federal regulations.

The Tentative Order has been developed based on the information submitted as part of the reissuance application, through monitoring data, and other available information. The Tentative Order also implements requirements in the Clean Water Act, Code of Federal Regulations, and California Water Code applicable to a POTW. If adopted, the Tentative Order would supersede Order No. R9-2006-002 and reissue updated waste discharge requirements for the discharge to the Oceanside Ocean Outfall. The Tentative Order will remain effective for a five year fixed term.

On July 9 and 12, 2012, comments on the Tentative Order were received from FPUD. Responses to comments and any errata will be provided with the supplemental agenda package.

LEGAL CONCERNS:

None

SUPPORTING DOCUMENTS

1. Location Map
2. Tentative Order No. R9-2012-0004
3. FPUD letters dated July 9 and 12, 2012

SIGNIFICANT CHANGES:

The Tentative Order contains the following significant changes from current Order No. R9-2006-002:

1. The monitoring and reporting program has been updated to be consistent with other ocean discharge permits in the San Diego Region and with the provisions of the California Ocean Plan.
2. Based on a reasonable potential analysis, water quality-based effluent limitations for total residual chlorine and TCDD equivalents have been established and the current effluent limitation for chronic toxicity has been changed to a performance goal.
3. Compliance determination language has been updated to be consistent with State Water Board template language.

COMPLIANCE RECORD:

From June 2006 to December 2011, according to the Discharger's reports, there were nine deficient monitoring violations and three effluent limitation violations. A notice of violation was issued for all of these violations on July 17, 2012.

PUBLIC NOTICE:

The San Diego Water Board has notified FPUD and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was published in the San Diego Union-Tribune and the North County Times on June 15, 2012 and posted on the San Diego Water Board web site on June 15, 2012.