

**San Diego Regional Water Quality Control Board**

**TENTATIVE ORDER NO. R9-2012-0005  
 ESTABLISHING A TIME SCHEDULE  
 FOR FALLBROOK PUBLIC UTILITY DISTRICT  
 DISCHARGE VIA THE OCEANSIDE OCEAN OUTFALL**

**TO COMPLY WITH  
 THE TOTAL RESIDUAL CHLORINE EFFLUENT LIMITATIONS  
 PRESCRIBED IN ORDER NO. R9-2012-0004  
 (NPDES PERMIT NO. CA0108031)**

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

1. On August 8, 2012, the San Diego Water Board adopted Waste Discharge Requirements via Order No. R9-2012-0004 (NPDES No. CA0108031), for the Fallbrook Public Utility District (hereinafter “Discharger”), for the discharge of up to 2.7 million gallons per day (MGD) of treated wastewater through the Oceanside Ocean Outfall (Oceanside OO) from Treatment Plant No. 1 (hereinafter “Facility”), to the Pacific Ocean, a water of the United States.
2. Order No. R9-2012-0004 includes the following total residual chlorine effluent limitations in Section IV.A.1.b for the Facility with compliance measured at monitoring location M-001 or M-002:

Parameter	Unit	Effluent Limitations			
		6-Month Median	Maximum Daily	Instantaneous Maximum	Average Monthly
<b>OBJECTIVES FOR PROTECTION OF MARINE AQUATIC LIFE</b>					
Total Residual Chlorine	µg/L	180	700	5,300	-
	lbs/day	4.0	16	120	-

3. The total residual chlorine effluent limitations were established to implement Table B of the *Water Quality Control Plan for Ocean Waters of California, California Ocean Plan* (hereinafter “Ocean Plan”). Table B water quality objectives apply to all discharges within the jurisdiction of the Ocean Plan. The need for effluent limitations based on water quality objectives was reevaluated in accordance with 40 CFR 122.44(d) and guidance for statistically determining the “reasonable potential” for a discharge pollutant to exceed an objective. The above effluent limitations were not

prescribed in previous Order No. R9-2006-002, NPDES No. CA0108031, adopted by the San Diego Water Board on April 12, 2006.

4. California Water Code (CWC) section 13300 states: “Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”
5. The Discharger submitted a request for a Time Schedule Order with a proposed compliance schedule for achieving the final effluent limitations. This compliance schedule has been incorporated into this Time Schedule Order. The Discharger is investigating several methods of achieving compliance. Under the terms of this Time Schedule Order progress reports will be submitted semiannually according to the schedule in Table E-14 of Monitoring and Reporting Program No. R9-2012-0004 and will continue until compliance is achieved.
6. The previous Order did not include total residual chlorine effluent limitations. The discharger is required to chlorinate the Facility effluent discharged to meet California Department of Health Services regulations prescribed in Title 22 of the California Code of Regulations for reclaimed water use. The Discharger does not have dechlorination facilities. New or modified control measures are necessary in order to comply with the total residual chlorine effluent limitations.
7. Pursuant to CWC section 13267(b), the San Diego Water Board may require the Discharger to furnish, under penalty of perjury, technical or monitoring program reports. Monitoring reports and other technical reports are necessary to determine compliance with the NPDES permit and with this Order.
8. This Time Schedule Order is issued in accordance with CWC section 13300 and establishes a time schedule for compliance. This Order requires the Discharger to develop and implement new or modified control measures to comply with the effluent limitations prescribed in Order No. R9-2012-0004 and summarized in Finding No. 2. This Order requires the Discharger to determine the appropriate new or modified control measures necessary to bring the discharge into compliance, complete the required design, permitting and construction activities, and achieve full compliance with Order No. R9- 2012-0004.
9. This enforcement action is being taken for the protection of the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with section 15308, Chapter 3, Title 14 of the California Code of Regulations. The issuance of this Order is also an enforcement action taken by a regulatory agency and is exempt from the

provisions of CEQA pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. Finally, issuance of this Order is exempt from the provisions of CEQA because the Order does not constitute approval of a project.

10. Any person adversely affected by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action. The petition must be received by the State Water Board within 30 days of the date on which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

**IT IS HEREBY ORDERED THAT** pursuant to CWC sections 13300 and 13267 that the Fallbrook Public Utility District shall complete the following tasks no later than the specified compliance dates to attain compliance with the total residual chlorine effluent limitation at M-001 or M-002 as contained in Order No. R9-2012-0004:

**Table 1. Compliance Schedule**

<b>Task</b>	<b>Compliance Date</b>
1. Submit report identifying new or modified facilities and control measures necessary to achieve compliance with the total residual chlorine effluent limitation at M-001 or M-002 as prescribed in Order No. R9-2012-0004.	September 30, 2012
2. Complete final design of any required facilities and control measures.	January 11, 2013
3. Award construction contract for any required facilities and control measures.	April 13, 2013
4. Complete construction of required facilities and control measures and initiate start-up.	December 31, 2015
5. Achieve full compliance with the total residual chlorine effluent limitations at M-001 or M-002 as prescribed in Order No. R9-2012-0004 and summarized in Finding 2.	March 31, 2016

1. The Discharger shall submit to the San Diego Water Board on or before each compliance date, the specified document or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, and shall include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the San Diego Water Board by letter when it returns to compliance with the time schedule.
2. Progress reports shall be submitted semiannually according to the schedule in Table E-14 of Attachment E to Order No. R9-2012-0004 and shall continue until compliance is achieved.

3. The following interim effluent limitations<sup>1</sup> at Monitoring Location M-001 or M-002, as described in Order No. R9-2012-0004, shall be effective until **March 31, 2016** or when the Discharger achieves compliance, whichever is earlier:

**Table 2: Interim Total Residual Chlorine Effluent Limitations**

Parameter	Unit	Effluent Limitations			
		6-Month Median	Maximum Daily	Instantaneous Maximum	Average Monthly
Total Residual Chlorine	mg/L	5.4	11.12	11.12	
	lbs/day	122	252	252	

4. If, in the opinion of the San Diego Water Board, the Discharger fails to comply with the provisions of this Order, the San Diego Water Board may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability. If compliance with these effluent limitations is not achieved by the Full Compliance Date, the Discharger will be subject to issuance of a Cease and Desist Order in accordance with CWC section 13301.
5. As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all technical reports required herein shall be prepared by, or under the supervision of, a California Registered Engineer and shall be signed by the registered professional.
6. Any person signing a document submitted under this Order shall make the following certification:

*“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”*

<sup>1</sup> The Interim effluent limitations are based on effluent performance data from July 1, 2010 through July 31, 2011 for the Discharger where 99.9% of the data points lie within 3.3 standard deviations of the mean.

*I, David W. Gibson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on August 8, 2012.*

Tentative  
\_\_\_\_\_  
DAVID W. GIBSON  
Executive Officer