

EXECUTIVE OFFICER SUMMARY REPORT  
February 13, 2013

- ITEM: 8
- SUBJECT: NPDES Permit Reissuance: City of San Diego, Discharges from South Bay Water Reclamation Plant to the Pacific Ocean via the South Bay Ocean Outfall, San Diego County (Tentative Order No. R9-2013-0006, NPDES Permit No. CA0109045) (*Joann Lim*)
- PURPOSE: To reissue NPDES Permit No. CA0109045 with the adoption of Tentative Order No. R9-2013-0006.
- RECOMMENDATION: Adoption of Tentative Order No. R9-2013-0006 is recommended.
- KEY ISSUES:
1. The Tentative Order requires compliance with receiving water bacterial objectives in ocean water areas designated for contact water recreation (REC-1) beneficial use, surface to bottom, extending three nautical miles into the Pacific Ocean from the shoreline, based on the requirements in the 2009 California Ocean Plan (Ocean Plan) and the San Diego Water Board Basin Plan.
  2. The Tentative Order requires the City of San Diego (City) to demonstrate compliance with the receiving water bacterial objectives outside the initial dilution zone no later than 5 years following adoption of the Tentative Order, based on the requirements in the Ocean Plan and the Basin Plan.
- DISCUSSION: The City owns and operates the South Bay Water Reclamation Plant (SBWRP), a municipal publicly owned treatment works (POTW). SBWRP provides municipal wastewater treatment services for approximately 150,000 people in the southern portion of the City of San Diego, City of Imperial Beach, City of Chula Vista, and unincorporated portions of South and East San Diego County. (See Supporting Document No. 1 for facility location map.)

Discharges of treated wastewater from SBWRP to the South Bay Ocean Outfall (SBOO) are currently regulated by Order No. R9-2006-0067, which was adopted on November 8, 2006 and expired on January 1, 2012. Following the City's submittal of a complete reissuance application prior to the January 1 expiration date, Order No. R9-2006-0067 was administratively extended in accordance with California Code of Regulations, Title 23, Division 3, Chapter 9, Article 3, Section 2235.4. Order No. 2006-0067 will remain fully effective under the administrative extension until such time as it is superseded by this Tentative Order or other Order.

The Tentative Order (Supporting Document No. 2) was developed based on information in the City's reissuance application, the City's discharge monitoring reports, and other available sources, such as facility inspection reports. The Tentative Order implements the permitting requirements in the Clean Water Act, Code of Federal Regulations, and Water Code applicable to a POTW. The Tentative Order also updates the waste discharge requirements to be consistent with other ocean discharges in the San Diego Region, the Ocean Plan, and Basin Plan. (See Significant Changes below). If adopted, the Tentative Order will supersede Order No. R9-2006-0067 and update waste discharge requirements for the discharge of treated wastewater from the SBWRP to the SBOO. If adopted, the Tentative Order will remain in effect for a five-year fixed term.

By letter dated January 10, 2013, the City submitted comments on the Tentative Order. (Supporting Document No. 3) Responses to comments and any errata will be included in a supplemental Executive Officer Summary Report.

**SIGNIFICANT  
CHANGES:**

The Tentative Order contains the following significant changes from current Order No. R9-2006-0067:

1. The receiving water zone where bacterial objectives apply has been expanded to be consistent with the requirements of the Ocean Plan and the Basin Plan. The current Order only applies 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. The Tentative Order expands this zone to include ocean waters used for water contact sports, as determined by the San

Diego Water Board (i.e., ocean waters with the REC-1 beneficial use designation). For the San Diego Region, the REC-1 beneficial use designation applies to all jurisdictional ocean waters, surface to bottom, extending three nautical miles into the Pacific Ocean from the shoreline. The requirement to meet receiving water bacterial objectives in this expanded zone is consistent with similar requirements in other San Diego Water Board ocean outfall NPDES Permits. This interpretation has been confirmed by the United States Environmental Protection Agency (USEPA). (See Supporting Document No. 2, Attachment F, Fact Sheet, Section V., Page F-28.)

2. The Tentative Order includes a compliance schedule for the City to demonstrate compliance with the receiving water bacterial objectives throughout the expanded ocean water zone (see significant change no. 1 above) no later than 5 years following adoption of the Tentative Order. The 5 year compliance schedule is consistent with similar receiving water bacterial objective compliance schedules in other San Diego Water Board ocean outfall NPDES Permits. (See Supporting Document No. 2, Attachment F, Fact Sheet, Section VII.B.7., Page F-34.)
3. The requirement for repeat effluent sampling for chronic toxicity has been updated to be consistent with other San Diego Water Board ocean outfall NPDES Permits. The current Order requires the City to increase the sampling frequency when there is a chronic toxicity exceedance to at least two times per month until the results of at least two consecutive toxicity tests do not show violations. The Tentative Order requires six additional tests over a 12-week period based on USEPA guidance documents. (See Supporting Document No. 2, Section VI.C.2.c., pages 21 through 22 and Attachment F, Fact Sheet, Section VII.B.2.c., Page F-32.)
4. The requirement for repeat monitoring of the receiving waters for bacteria has been updated to be consistent with the provisions of the Ocean Plan. The current Order does not require additional monitoring when a single sample exceeds any of the single sample bacterial standards. The Tentative Order requires repeat sampling to determine the extent and persistence of the exceedance. (Supporting Document No. 2,

Attachment E, Monitoring and Reporting Program,  
Section IX.A.1., pages E-13 through E-14.)

5. The Ocean Plan requires Regional Water Boards to characterize discharges to ocean waters using specified statistical procedures to determine which Ocean Plan Table B water quality objectives require effluent limitations to be specified in an NPDES permit. The purpose of the assessment is to determine if a pollutant in the discharge has the reasonable potential to cause or contribute to an exceedance above Ocean Plan Table B water quality objectives and requires effluent limitations. The results of this assessment for the SBWRP discharge indicate that the discharge does not have reasonable potential to cause or contribute to an exceedance of water quality objectives for copper. Due to the lack of reasonable potential, the Tentative Order removes water quality-based effluent limitations for total recoverable copper (enforceable limits), replacing it with performance goals (desirable maximum effluent concentrations, not enforceable). (For more information on the reasonable potential analysis, please see Supporting Document No. 2, Attachment F, Fact Sheet, Section IV.C.3., pages F-14 through F-18.)
6. The monitoring frequency for chronic toxicity, which was determined to have no reasonable potential to exceed Ocean Plan objectives, was reduced from monthly to quarterly. The reduction in monitoring frequency is consistent with other San Diego Water Board ocean outfall NPDES Permits. (Supporting Document No. 2, Attachment F, Fact Sheet, Section IV.C.5.a., pages F-24 through F-25.)
7. Performance goals for acute toxicity, which was determined to have no reasonable potential to exceed Ocean Plan objectives, have been removed. Effluent monitoring for acute toxicity is not required for this discharge pursuant to provisions of the Ocean Plan and has been removed. (Supporting Document No. 2, Attachment F, Fact Sheet, Section IV.C.5.b., page F-25.)

**COMPLIANCE  
RECORD:**

During the term of Order No. R9-2006-0067, according to the City's discharge monitoring reports, there were 10 monitoring violations and one effluent limitation violation. Details and enforcement actions taken on each violation are provided in Supporting Document No. 4.

**LEGAL CONCERNS:**

None

**SUPPORTING  
DOCUMENTS:**

1. Location Map
2. Tentative Order No. R9-2013-0006
3. City of San Diego January 10, 2013 Comment Letter
4. Compliance Record

**PUBLIC NOTICE:**

On December 11, 2012, copies of the Tentative Order were mailed (via email) to the City and to all known interested persons and posted on the San Diego Water Board's website. On December 11, 2012, a public notice was published in the San Diego Union Tribune.