

EXECUTIVE OFFICER SUMMARY REPORT
April 12, 2017

- ITEM: 9
- SUBJECT: NPDES Permit Reissuance: Waste Discharge Requirements and NPDES Permit for the City of San Diego, E.W. Blom Point Loma Wastewater Treatment Plant Discharge to the Pacific Ocean through the Point Loma Ocean Outfall (Tentative Order No. R9-2017-0007, NPDES No. CA0107409). The Tentative Order is based on a variance from federal secondary treatment standards at Title 40 of the Code of Federal Regulations Part 133 (40 CFR 133), as provided for under Clean Water Act section 301(h) and 40 CFR 125, Subpart G. (*Joann Lim*)
- The public comment period for submittal of written comments on staff's proposed revisions to the Tentative Order closed on February 24, 2017. The San Diego Water Board may accept oral comments from persons desiring to address the Board that are limited to staff's proposed revisions to the Tentative Order.
- PURPOSE: To receive public testimony on the proposed revisions to the Tentative Order and to consider adoption of the revised Tentative Order (**Supporting Document No. 1**).
- RECOMMENDATION: Adoption of the Tentative Order with proposed revisions is recommended.
- KEY ISSUES:
1. San Diego Water Board adoption of the revised Tentative Order acknowledges the USEPA, Region IX Tentative Decision Document that recommends renewing the variance from federal secondary treatment standards (Secondary Treatment Waiver) for the five-year term of the revised Tentative Order. If adopted the Tentative Order will not be effective until USEPA, Region IX concurrently signs the NPDES Permit and issues a final decision regarding the Secondary Treatment Waiver later

this year.¹

2. The revised Tentative Order recognizes the City of San Diego's commitment and current schedule to implement the tasks for the *Pure Water San Diego* program, which would ultimately produce 83 million gallons per day (MGD) of potable reuse water in incremental stages by December 31, 2035 and significantly reduce wastewater flows and pollutant loads discharged to the Pacific Ocean.
3. The Schedule for Pure Water San Diego Potable Reuse Tasks in section VI.C.6 (formerly section VI.C.7) of the Tentative Order was revised to reflect the City of San Diego's current schedule for implementation of the first 30 MGD increment of the *Pure Water San Diego* program.

PRACTICAL VISION: Consistent with the mission of the *Strategy for Healthy Waters* chapter of the Practical Vision, the Tentative Order integrates all applicable technology-based requirements, water quality-based effluent limitations, and receiving water quality standards in order to optimize protection of water quality and beneficial uses in the Pacific Ocean. The Tentative Order also recognizes that the City of San Diego (City) has committed to implement an initial schedule of *Pure Water San Diego* program tasks over the next 5 years that will ultimately produce potable water to advance the State's water recycling goals, consistent with the *Strategy for a Sustainable Local Water Supply* chapter of the Practical Vision. Implementation of the *Pure Water San Diego* program will also systematically reduce Point Loma Ocean Outfall discharge flows and pollutant loading to the ocean and thus further the goals of the *Strategizing for Healthy Waters* chapter of the Practical Vision. Additionally, the Tentative Order has provisions allowing for participation in regional monitoring and assessment programs in keeping with San Diego Water Board Resolution No. R9-2012-0069, *Resolution in Support of a Regional Monitoring Framework*.

DISCUSSION: The City owns and operates the E.W. Blom Point Loma Wastewater Treatment Plant (Facility). (See **Supporting**

¹ The Tentative Order's renewal of the variance from federal secondary treatment standards, pursuant to Clean Water Act sections 301(h) and (j)(5), is contingent upon compliance with applicable laws involving determinations by other agencies described in section II.E of the Tentative Order.

Document No. 2.)

USEPA, Region IX and the San Diego Water Board conducted a joint public hearing to receive oral and written comments on Tentative Order No. R9-2017-0007 and the Tentative Decision Document on December 14, 2016. The Executive Officer's Summary Report from the December 14, 2016 joint public hearing contains background information for the Facility, including a history of the permitting to date. (See **Supporting Document No. 3**)

The comment period for the Tentative Order closed on December 21, 2016. USEPA, Region IX and the San Diego Water Board received written comment letters from the following parties (See **Supporting Documents Nos. 4 through 10**):

- City of San Diego
- Lemon Grove Sanitation District
- City of Coronado
- Otay Water District
- Surfrider Foundation
- City of Chula Vista
- Metro Wastewater Joint Powers Authority

USEPA, Region IX and the San Diego Water Board also received oral comments from the following parties at the December 14, 2016 public hearing:

- City of San Diego
- Lemon Grove Sanitation District
- City of La Mesa
- San Diego Coastkeeper
- Coastal Environmental Rights Foundation

The Tentative Order originally included a compliance schedule of enforceable tasks focused on the initial 15 MGD potable reuse component of the *Pure Water San Diego* program. The City proposed inclusion of this schedule in the Tentative Order to demonstrate its commitment to fully implement the *Pure Water San Diego* program to achieve an 83-MGD potable water production rate by 2035 while offloading wastewater flows and pollutant loads from the Facility. After reviewing the comments regarding the Schedule for Pure Water San Diego Potable Reuse Tasks in section VI.C.6 (formerly section VI.C.7) of the Tentative Order, the San Diego Water Board requested the City's

updated schedule for implementation of the first 30-MGD increment of the *Pure Water San Diego* program. The City submitted its updated schedule on January 30, 2017 (See **Supporting Document No. 11**) and the schedule was incorporated into the Tentative Order after review by USEPA, Region IX and the San Diego Water Board.

USEPA, Region IX and the San Diego Water Board provided public notice of the release of the revised Tentative Order on February 10, 2017, and provided a period of 14 days for focused public review and comment on the proposed revisions to the schedule for the *Pure Water San Diego* program. The revised Tentative Order released on February 10, 2017, also included other modifications based on comments received by December 21, 2016. Comments on the proposed revisions to the Schedule for Pure Water San Diego Potable Reuse Tasks in section VI.C.6 (formerly section VI.C.7) of the Tentative Order were due by February 24, 2017 at 5:00 p.m. USEPA, Region IX and the San Diego Water Board received written comment letters on the proposed revisions from the following parties (See **Supporting Documents Nos. 12 through 20**):

- City of San Diego
- City of Chula Vista
- City of Poway
- City of El Cajon
- Lemon Grove Sanitation District
- Metro Wastewater Joint Powers Authority
- Padre Dam Municipal Water District
- Coastal Environmental Rights Foundation
- San Diego Coastkeeper

The Response to Comments Report (See **Supporting Document No. 21**) includes responses to the comments on the Tentative Order released on October 28, 2016, comments on the revised Tentative Order released on February 10, 2017, and any actions taken to modify the Tentative Order in response to comments.

Since release of the revised Tentative Order on February 10, 2017, additional modifications have been made to 1) clarify that the Discharger's commitment to move forward with the *Pure Water San Diego* program is not a condition of the Secondary Treatment Waiver described in the revised Tentative Order and is not legally enforceable under the

Clean Water Act or the California Water Code; and 2) remove the provision subjecting the Discharger's Climate Change Action Plan to approval by USEPA, Region IX and the San Diego Water Board.

The changes made to the Tentative Order after the October 28, 2016 public release are displayed in red-underline for added text and ~~red-strikeout~~ for deleted text. The changes made after the February 10, 2017 public release are displayed in yellow-highlighted red-underline for added text and as ~~yellow-highlighted red-strikeout~~ for deleted text.

LEGAL CONCERNS: None

SUPPORTING
DOCUMENTS:

1. Revised Tentative Order
2. Location Maps
3. December 14, 2016 Joint Public Hearing Executive Officer Summary Report
4. Comment letter from the City of San Diego, dated November 30, 2016
5. Comment letter from the Lemon Grove Sanitation District, dated December 8, 2016
6. Comment letter from the City of Coronado, dated December 19, 2016
7. Comment letter from the Otay Water District, dated December 19, 2016
8. Comment letter from the Surfrider Foundation, dated December 20, 2016
9. Comment letter from the City of Chula Vista, dated December 20, 2016
10. Comment letter from the Metro Wastewater Joint Powers Authority, dated December 21, 2016
11. Updated Schedule for the *Pure Water San Diego* program from the City of San Diego, dated January 30, 2017
12. Comment letter from the City of San Diego, dated February 24, 2017
13. Comment letter from the City of Chula Vista, dated February 23, 2017
14. Comment letter from the City of Poway, dated February 23, 2017
15. Comment letter from the City of El Cajon, dated February 24, 2017
16. Comment letter from Lemon Grove Sanitation District, dated February 24, 2017
17. Comment letter from the Metro Wastewater Joint Powers Authority, dated February 24, 2017

18. Comment letter from the Padre Dam Municipal Water District, dated February 24, 2017
19. Email from the Coastal Environmental Rights Foundation, dated February 24, 2017
20. Email from the San Diego Coastkeeper, dated February 24, 2017
21. Response to Comments Report

PUBLIC NOTICE:

The Tentative Order and Technical Decision Document (draft documents) were noticed and released for public review and comment for the first time on October 28, 2016. USEPA, Region IX and the San Diego Water Board published a Joint Notice of Proposed Actions in the San Diego Union Tribune newspaper on October 28, 2016, which announced the December 14, 2016 public hearing and availability of the draft documents, and provided instructions on submittal of comments on the draft documents. Notice of the December public hearing on the draft documents was also provided in the Meeting Notice and Agenda for the December 14, 2016 Board meeting, which was posted on the Board's website. Notice of the availability of the draft documents for public review and comment was also sent to all known interested parties by email on October 28, 2016 and posted on the Board's website.

USEPA, Region IX and the San Diego Water Board provided public notice of the release of the revised Tentative Order on February 10, 2017 and provided a period of 14 days for focused public review and comment on proposed revisions to the Schedule for Pure Water San Diego Potable Reuse Tasks in section VI.C.6 (formerly section VI.C.7) of the Tentative Order, which were a logical outgrowth of the original proposed schedule. The notice also informed the public that the Board would conduct a hearing to consider adoption of the Revised Tentative Order at its April 12, 2017 meeting. The notice was sent to all known interested parties by email on February 10, 2017 and posted on the Board's website. Notice of the hearing was also provided in the Meeting Notice and Agenda for the April 12, 2017 Board meeting which was posted on the Board's website.