



LEMON GROVE SANITATION DISTRICT
City Manager's Department

February 24, 2017

Via Email: Kozelka.Peter@epa.gov and Joann.Lim@waterboards.ca.gov

Peter Kozelka
United States Environmental Protection Agency
Region IX, WTR 2-3
75 Hawthorne Street
San Francisco, CA 94105-3901

Joann Lim
California Regional Water Quality Control Board
San Diego Region
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700

Subject: **Comment – Tentative Order No. R9-2017-0007 (“Tentative Order”)
REQUEST FOR CONTINUANCE OF THE PUBLIC HEARING
Draft Revised NPDES Permit No. CA0107409 (“Permit”)
Revised Compliance Schedule Point Loma Wastewater Treatment
Plant**

Dear Mr. Kozelka and Ms. Lim:

I represent the Lemon Grove Sanitation District (“District”), which is a participating agency (“PA”) of the Metro Wastewater Commission/Joint Powers Authority. As you recall, in the letter dated December 6, 2016, the Lemon Grove Sanitation District **fully supported the City of San Diego’s request to renew its original request for variance from the secondary treatment requirements.** It was only 14 days ago, on February 10, 2017, that we were informed of the proposed changes to the Permit prior to issuance of the draft. This short time line has limited the ability of my staff to properly review these changes and update my board.

Based on past direction from the District and the limited time afforded in this call for comment, we must oppose the proposed revisions based on the concerns that are listed in this letter and we formally request a continuance of the public hearing on the Tentative

Order which is currently scheduled for the San Diego Regional Water Quality Control Board (RWQCB) meeting on April 12, 2017. A continuance will allow the District, in close collaboration with the other PA's and the City of San Diego, adequate time to discuss and work through the concerns directly related to accelerating the City of San Diego's Pure Water (Pure Water) Program, and return to the RWQCB with additional details to enable the Board to make a fully informed decision that considers the potential impacts to all regional partners.

The District's opposition to the revisions do not reflect a change in its commitment to the environmental and ocean water quality protection and our otherwise firm support for renewing the City of San Diego's variance from Secondary Treatment requirements in Section 301(b)(1)(B) of the Clean Water Act. Rather, consistent with our prior comments to the City of San Diego and RWQCB, the District does not support the accelerated schedule now because it would impede the District's efforts to cooperatively develop an equitable and affordable approach to achieving long term Clean Water Act compliance, and it would result in significantly less flexibility to address the concerns that are detailed below:

1. Lack of Financial Cost / Revenue Sharing and a Long-Term Financing Plan: The City of San Diego ceased talks regarding cost and revenue sharing as well as long term financing for Pure Water in September 2015 and in spite of continued requests has failed to renew that process. As the Board is aware, the PA's make up one-third of the total costs and revenues for the Metro Wastewater System. As such, any program revenue generated out of Pure Water should yield at least an equitable share of revenue that is returned to the PA wastewater rate payers to offset costs and investments. With this proposal to accelerate Pure Water staging, my constituents now face Pure Water construction costs that were not originally predicted with no financing mechanism to mitigate affordability and no commitment to a revenue sharing benefit that may come from Pure Water. These are vital steps that must be finalized before any discussion of accelerating the Permit should be considered.
2. Unilateral Decision-Making: The District has continuously supported the original Permit and the benefits of Pure Water, but the decision that is now before the Board has been brought forward driven by decisions that have been made unilaterally by the City of San Diego, rather than by the City of San Diego in partnership with the PA's. For example, the decision that the City of San Diego made to transition from 15 MGD to 30 MGD (accelerated program) was made without any input from the PA's. The PA's contain a vast amount of professional experience that could have played an important role when designing the advanced staging of the Pure Water program. Yet, the City did not provide documents, plans or specifications in advance of accelerating the program. When the PA's requested detailed information, a document was provided that did not adequately

support the decision to accelerate the program and was not consistent with the information previously given to the PA's by the City.

3. Other Alternatives to Consider: The central premise to moving forward with the original Permit was to avoid the costs of secondary treatment at Point Loma by offloading flows to Pure Water in consideration of a reduction in mass emissions also known as secondary equivalency. The original plan of 15 MGD, agreed to by the PA's, was made with the considerations of investments already made by wastewater ratepayers at the North City plant and the time necessary to explore changes in law necessary to secure secondary equivalency. While one could argue the lack of importance to securing secondary equivalency, the political realities of continued waivers are not a certainty and the costs of secondary upgrades in addition to Pure Water will remain a possibility.

Under the original 15 MGD plan and the co-operative agreement between some elements of the environmental community and the City of San Diego an off ramp was built into the plan for 2019. Nothing in the 15 MGD plan prevents additional capacity from being built as demands and economics dictate. The importance of the off ramp in the original 15 MGD model is that if secondary equivalency is not secured there would be a chance to pause and consider a course that could include secondary upgrades and overall costs within a new model. In addition, there would be time to see how the purification project at Padre Dam would progress, which would off-load up to 25 MGD or more separate from Point Loma. If done correctly the foot print at Point Loma could be reduced considerably, reducing the costs of secondary upgrades at that site. All of this is rendered moot if the enforceable provisions of a 30 MGD plan are approved.

Water purification is vital to the region's future. "How it gets done" and "who pays for it" are equally important to "that it gets done." There must be an equitable benefit to all wastewater ratepayers. By advancing the time line to the 30 MGD milestone and construction phasing, the Board and EPA will eliminate the 2019 off ramp and commit wastewater ratepayers to a project that, without secondary equivalency, is by all rights a water project. Without secondary equivalency wastewater ratepayers will be exposed to the risk of paying for both Pure Water and then secondary treatment upgrades. Without the benefit of secondary equivalency there is no wastewater benefit and that becomes a Prop 218 issue. Advancing the 30 MGD time line denies both the City of San Diego and PA's wastewater ratepayers Prop. 218 protections and could force them to pay double their fair share.

San Diego Regional Water Quality Control Board
Re: Comment –Tentative Order No. R9-2017-0007
Page 4 of 4

The Lemon Grove Sanitation District Board respectfully request that the RWQCB continue the public hearing currently scheduled for April 12, 2017, so that the District, in partnership with the participating agencies and the City of San Diego can work through the above noted concerns and provide additional comments to help the RWQCB make a fully informed decision.

Sincerely,



Jerrold L. Jones, Board Member
Lemon Grove Sanitation District

Cc: Mayor Falconer, City of San Diego
Supervisor Diane Jacob, County of San Diego
Mayor Salas, City of Chula Vista
Mayor Bailey, City of Coronado
Mayor Sinnott, City of Del Mar
Mayor Wells, City of El Cajon
Mayor Dedina, City of Imperial Beach
Mayor Arapostathis, City of La Mesa
Mayor Morrison, City of National City
President Robak, Otay Water District
President Caires, Padre Dam Municipal Water District
Mayor Vaus, City of Poway