

California Regional Water Quality Control Board
San Diego Region

Errata Sheet No. 1 for

Response to Comments Report

Tentative Order R9-2019-0169
NPDES No. CA0108031

Waste Discharge Requirements for the Fallbrook Public Utility District,
Fallbrook Water Reclamation Plant and
Santa Margarita Groundwater Treatment Plant
Discharge to the Pacific Ocean through the Oceanside Ocean Outfall

December 11, 2019

The following changes are proposed by San Diego Water Board to the Response to Comments Report document included as Supporting Document No. 5 for Item No. 12 on the San Diego Water Board December 11, 2019 Board Meeting Agenda. Changes to the Tentative Order are shown in underline/~~strikeout~~ format to indicate added and removed language, respectively.

1.33 Comment – Human Marker HF-183 Monitoring Requirements

This section was not included in the draft permit, so the District did not provide any comments. The stated reason for this new monitoring requirement is: “Human Marker HF-183 monitoring is required to confirm the presence of human fecal material when the single sample maximum receiving water limitation for fecal coliform is exceeded.” However, the likelihood of the District’s effluent being a cause of an exceedance of any receiving water limitation for fecal coliform is little to none since the District’s effluent is disinfected with chlorine to reduce bacteriological concentrations. The more likely causes of any exceedance in the ocean would be from stormwater, boats, or recreational uses. Testing domestic wastewater for human marker is unnecessary as human fecal matter was known to be part of the effluent even without testing. Plus, this monitoring fails to identify any source of the fecal coliform exceedance, which may not have been caused by humans.

Additionally, this monitoring is not based on any promulgated method and cannot be guaranteed to be valid or accurate. Since this testing is likely expensive, provides no new information, and because of the challenges and problems with using Human Markers, the burden of this monitoring, including costs, are unreasonable and do not bear a reasonable relationship to the

need for or benefits obtained from this additional data. Water Code section 13267(b), section 13225(c), and section 13000.

Requested Tentative Order Revision: Remove Human Marker monitoring from the Tentative Order.

Response

Monitoring for HF-183 when a fecal coliform exceedance occurs will provide a valuable line of evidence for determining the potential sources of receiving water bacteria exceedances. While testing for the human marker ~~may will~~ not solely identify the source of the exceedance, it ~~may can~~ rule out the OOO as a source if the human marker HF-183 is not detected. If the human marker is consistently detected when there are fecal coliform exceedances, it suggests that the source of the exceedances may be due to the OOO as there are limited sources of the human marker in the vicinity of the OOO, and warrants further investigation into the causes of receiving water bacteria exceedances.

Exceedances of the receiving water limitation for fecal indicator bacteria (FIB) occur more frequently at monitoring locations near the OOO than at the reference monitoring locations located one mile north and south of the OOO, with 65 exceedances occurring near the outfall and only 6 exceedances occurring at the reference monitoring locations. If the exceedances were due to boats or recreational use, the reference station should be expected to experience the same proportion of FIB receiving water limitation exceedances. The San Diego Water Board does not agree that these exceedances are due to storm water since the surf zone FIB results seldomly exceeded the receiving water limitations when the offshore monitoring locations exceeded the FIB receiving water limitations. Furthermore, the nearshore monitoring locations have never exceeded FIB receiving water limitations. If the exceedances at the offshore stations were due to storm water, the nearshore monitoring locations would be expected to also exceed receiving water limitations for FIB.

The District asserts that: "Testing domestic wastewater for human marker is unnecessary as human fecal matter was known to be part of the effluent even without testing." However, the Tentative Order does not require human marker HF-138 to be monitored in the effluent, only the receiving water offshore monitoring locations.

For the reasons noted above, the San Diego Water Board believes the cost of HF-163 monitoring is reasonable. The information obtained will provide a line of evidence for identifying potential sources of FIB receiving water limitation exceedances that occur more frequently around the OOO than at the offshore reference stations. However, to reduce monitoring costs further, the San Diego Water Board agrees to remove the requirement to monitor for HF-183 at the nearshore monitoring locations as there have been no FIB

exceedances at the nearshore monitoring locations during the Current Order term. See comment 1.2 for applicable changes to the Tentative Order.

The San Diego Water Board has also added additional clarifying language to the Fact Sheet and has modified the following section of the Tentative Order:

Attachment F section VII.B.2.d

Results for the Human Marker HF-183 is used for informational purposes only, there is no receiving water limitation for the Human Marker HF-183. This requirement was included ~~because of~~ due to the ~~65 large number of~~ exceedances of bacteria receiving water limitations ~~at the offshore monitoring locations located near the OOO (i.e., monitoring locations A1-A5).~~

Action Taken

Modified Attachment E section IV.B.1, Table E-7, Footnote 5 (see comment 1.2); Attachment E section IV.B.2.a (see comment 1.2); and Attachment F section VII.B.2.d.

1.35 Comment – Climate Change Action Plan

No authority has been provided for this new requirement that does not belong in an NPDES permit and would be more logical to be included in a 13267 order. If maintained over objection, the permit must provide the authority for this provision as well as a 13267 analysis.

Requested Tentative Order Revision: Remove Climate Change Action Plan requirements.

Response

As stated in Attachment F of the Tentative Order, climate change conditions may fundamentally alter the way wastewater facilities are designed and operated. Increased carbon dioxide emissions may trigger changes to climate patterns, including sea level rise, costal storm surges, more erratic and extreme weather events, more intense wet seasons with increased frequency and severity of flooding, and changes to ocean water chemistry. These changes to the sea level and weather patterns may significantly affect wastewater facilities (e.g., through flooding, increased influent flows during wet weather, and heat waves). The federal regulations, at 40 CFR section 122.41(e), require that dischargers properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of the permit. Facilities may need to enhance resilience to impacts of climate change and increase operational flexibility to ensure proper operations and maintenance of their facilities. Increased operational resilience and flexibility may reduce vulnerability of wastewater infrastructure to flooding, storm surges, and sea level rise. In response to the impacts of climate change,

the Governor's Executive Order N-10-19 directs state agencies to prepare a water resiliency portfolio that meets the needs of California's communities, economy, and environment. The State Water Board's Resolution No. 2017-0012, Comprehensive Response to Climate Change, and the San Diego Water Board's Resolution No. R9-2018-0051, Addressing Threats to Beneficial Uses from Climate Change, also require a proactive approach to climate change in all state and regional actions.

Water Code section 13383 provides ample justification for the San Diego Regional Board to impose the Climate Change Action Plan as part of the Monitoring and Reporting Program in Attachment E of the Tentative Order. To the extent Water Code section 13267 provides additional authority, it does not require an "analysis" as alleged by FPUD. Instead, Water Code section 13267 requires a consideration by the San Diego Water Board that the burden, including costs, of the report bears a reasonable relationship to the need of the report and the benefits to be obtained from the report. Having considered the burdens of the Climate Change Action Plan, the burdens are anticipated to bear a reasonable relationship to the need for and multiple benefits obtained from the plan related to decreased vulnerability and increased flexibility and resiliency to respond to climate change impacts. To the extent that FPUD may also make use of existing climate-change-related plans to comply with the requirement, any such burdens may be further reduced.

~~The California Public Resources Code (Public Resources Code) recognizes that anthropogenic greenhouse gas emissions responsible for climate change are also driving major shifts in the chemical properties of the world's oceans (Public Resources Code section 35630©). Furthermore, Governor Newsom's Executive Order N-10-1920 directs state agencies to prepare a water resiliency portfolio that meets the needs of California's communities, economy, and environment. The State Water Board's Resolution No. 2017-0012, Comprehensive Response to Climate Change, and the San Diego Water Board's Resolution No. R9-2018-0051, Addressing Threats to Beneficial Uses from Climate Change, also require a proactive approach to climate change in all state and regional actions.~~

Action Taken

The Tentative Order Fact Sheet has been modified in Attachment F, section VII.D.1, Climate Action ~~to include the response above~~ as follows:

..... The changes to the water temperature and pH may affect how the receiving waters reacts to the discharges.

The California Public Resources Code (Public Resources Code) recognizes that anthropogenic greenhouse gas emissions responsible for climate change are also driving major shifts in the chemical properties of the world's oceans (Public Resources Code section 35630(c)©). Furthermore, Governor Newsom's Executive Order N-10-1920 directs state agencies to prepare a water resiliency portfolio that meets the needs of California's communities, economy, and

environment. The State Water Board's Resolution No. 2017-0012, Comprehensive Response to Climate Change, and the San Diego Water Board's Resolution No. R9-2018-0051, Addressing Threats to Beneficial Uses from Climate Change, also require a proactive approach to climate change in all state and regional actions.

Based on all of these considerations, this This Order requires the Discharger to prepare and submit a Climate Change Action Plan (CCAP) within three years of the effective date of this Order.