

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**RESPONSE TO COMMENTS FOR
TENTATIVE ORDER NO. R9-2022-0049
AN ORDER RESCINDING ORDER NO. R9-2009-0009
WASTE DISCHARGE REQUIREMENTS FOR THE
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION
RAINBOW CONSERVATION CAMP
SAN DIEGO COUNTY**

California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) staff prepared responses to the comments received on Tentative Order No. R9-2022-0049, *An Order Rescinding Order No. R9-2009-0009, Waste Discharge Requirements for the California Department of Forestry and Fire Protection, Rainbow Conservation Camp, San Diego County* (Tentative Order No. R9-2022-0049). The Board received one letter from the County of San Diego Department of Environmental Health and Quality (SD DEHQ) during the first public comment period and receive no additional public comments during the second comment period. SD DEHQ submitted its letter on April 8, 2022. Board staff did not make any changes to Tentative Order No. R9-2022-0049 in response to SD DEHQ's comments.

No.	SD DEHQ's Comment	San Diego Water Board Response	Action Taken
1	According to Order No. R9-2009-0009, Waste Discharge Requirements for the California Department of Forestry and Fire Protection, Rainbow Conservation Camp, this facility is in the Vallecitos Hydrologic Subarea (902.23) of the Deluz Hydrologic Area. This hydrologic subarea falls within the geographical area described in the Basin Plan and Final Technical Report for Total Nitrogen and Total Phosphorus for Rainbow Creek dated March 22, 2006, the technical report associated with Rainbow Creek TMDL – A <i>Resolution Adopting an Amendment to the Water</i>	Tentative Order No. R9-2022-0049 is not the appropriate place to convey findings related to Rainbow Creek TMDL because Tentative Order No. R9-2022-0049 is a rescission order and not waste discharge requirements. Provisions to implement the Rainbow Creek TMDL are more appropriately placed in the Notice of Applicability (NOA) for the Rainbow Conservation Camp	Board staff made no changes to Tentative Order No. R9-2022-0049.

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	<p><i>Quality Control Plan for the San Diego Region (9) to Incorporate Total Maximum Daily Loads (TMDLs) for Total Nitrogen and Total Phosphorus in the Rainbow Creek Watershed, San Diego County (Rainbow Creek TMDL).</i> This TMDL establishes a water quality objective for Total Nitrogen of 1.0 mg/L for biostimulatory substances for the protection of COLD and WARM beneficial uses. The TMDL also provides numeric targets for Nitrate as Nitrogen of 10 mg/L and Total Nitrogen of 1.0 mg/L. Page 7 of the General Order, Item 20. provides that, in general, wastewater systems located within the geographical area established by the approved TMDL are not eligible for coverage under the general order unless the Regional Board's Executive Officer determines the discharge is acceptable based on site-specific conditions, the levels of wastewater treatment, and /or TMDL implementation plan requirements. The Tentative Order does not mention or address the facility being located within the geographical area of the Rainbow Creek TMDL and does not present findings related to the determinations required under Item 20. As this information is not included in the General Order, it is not clear that regulation under the General Order will provide the same level of protection as waste discharge requirements specific to the Rainbow Creek TMDL.</p>	<p>(Facility), issued in accordance with State Water Resources Control Board Order WQ 2014-0153-DWQ, General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems (General Order). Board staff met with SD DEHQ on May 9, 2022, and explained that the Facility's onsite wastewater treatment system (OWTS) will be required in the NOA to meet a total nitrogen effluent limit. Board staff also explained that the NOA referenced the Rainbow Creek TMDL as the justification for the total nitrogen effluent limit.</p>	

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2	<p>Page 9 of the General Order, Item 27. provides that wastewater systems with a flow rate of greater than 20,000 gallons per day must evaluate the discharge with the method presented in Attachment 1 to determine if nitrogen effluent limits are appropriate. The method presented in Attachment 1 provides that wastewater treatment systems with flow rates of less than 20,000 gallons per day have no nitrogen effluent limitation requirements. With a flow rate of up to 12,500 gallons per day, the Rainbow Conservation Camp wastewater treatment system would not be required to have nitrogen effluent limitations under the provisions of the General Order. Monitoring requirements for nitrogen, provided in Attachment C, would also not be required unless an effluent limit is imposed. Even for systems with over 20,000 gallons per day, the most restrictive Total Nitrogen effluent limitation requirement in the General Order is 10 mg/L. It is not clear in the Tentative Order how the nitrogen from the system will be regulated or if any effluent limitation for nitrogen will be assigned under the General Order requirements specifically to the Rainbow Creek TMDL requirements.</p>	<p>The NOA contains an effluent limitation for total nitrogen of 10 mg/L for the package treatment plant and a 50% reduction between influent and effluent for the septic tank. Board staff developed the Facility's NOA to include a reference to the Rainbow Creek TMDL, as justification for the total nitrogen effluent limits. Board staff did not include the reference to the Rainbow Creek TMDL, as justification for the total nitrogen effluent limit in Tentative Order R9-2022-0049 because its' purpose is limited to rescinding Order No. R9-2009-0009 and not prescribe new waste discharge requirements for the Facility. The Board's issuance of the NOA, enrolls the Facility into the General Order and prescribes site-specific monitoring and reporting requirements.</p>	<p>Board staff made no changes to Tentative Order No. R9-2022-0049.</p>
3	<p>A review of the Rainbow Conservation Camp's violations data from the State Water Resources Control Board's California Integrated Water Quality System Project (CIWQS) public reporting</p>	<p>Board staff review monitoring reports submitted by the California Department of Forestry and Fire Protection (Discharger)</p>	<p>Board staff made no changes to Tentative Order No. R9-2022-0049.</p>

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	<p>system shows that the facility has recently had repeated violations relating to the timely submittal of reports and the exceedance of effluent limits. According to this database, Total Nitrate as Nitrogen 12-Month Average limit of 15 mg/L limits were exceeded on 10/13/2021 with a reported value of 40 mg/L and on 2/23/2022 with a reported value of 56.5 mg/L. Given these recent exceedances, it is not clear how regulation under the General Order would provide same level of protection afforded by individual waste discharge requirements relating to effluent limitations, monitoring requirements, and compliance for the Rainbow Conservation Camp's wastewater treatment system specific to the Rainbow Creek TMDL.</p>	<p>and understand that recent exceedances of effluent limitation at the Facility are due to the Discharger's decision to no longer house inmates at the Facility. The Discharger's decision caused wastewater flows at the Facility to be inconsistent and inadequate to properly operate the Facility's package treatment plant to comply with the prescribed effluent limitations in Order No. R9-2009-0009. If the Board adopts Tentative Order No. R9-2022-0049, triggering the Facility's enrollment in the General Order and the applicability of the Facility's NOA, the Discharger to be allowed to alternatively use the Facility's septic tank for treatment and disposal of wastewater when flows cannot sustain the package treatment plant's activated sludge treatment process. Board staff expect the Discharger's treatment of low-flow wastewater in the septic system will meet the effluent limitations in the General Order; provide a higher level of</p>	

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		protection than the individual waste discharge requirements relating to monitoring requirements and effluent limitations; and comply with the specifications in the Rainbow Creek TMDL.	