

EXECUTIVE OFFICER SUMMARY REPORT
April 11, 2012

ITEM: 7

SUBJECT: NPDES Permit Reissuance: South Orange County Wastewater Authority, Discharges to the Pacific Ocean via the San Juan Creek Ocean Outfall, Orange County (Tentative Order No. R9-2012-0012, NPDES No. CA0107417) (Joann Lim)

PURPOSE: To reissue NPDES Permit No. CA0107417 with the adoption of Tentative Order No. R9-2012-0012.

RECOMMENDATION: Adoption of Tentative Order No. R9-2012-0012 is recommended.

- KEY ISSUES:**
1. Moving the point of compliance with technology-based effluent limitations (TBEL) for the discharge from the *South Coast Water District Groundwater Recovery Facility (GRF)* to where the discharge comingles with other discharges is consistent with the State Water Board's recommendation. The TBEL compliance points for the other six facilities remain upstream of comingling, as stipulated by federal regulations. (Supporting Document No. 2, Attachment F, last paragraph of Section IV.B.2.b, page F-20. And Supporting Document No. 3)
 2. The Tentative Order contains appropriate and reasonable monitoring and reporting requirements, which could be reopened in the future to accommodate the Discharger's requested changes and to prescribe the specific requirements for the Discharger's participation in a regional monitoring and assessment program. (Supporting Document No. 2, Attachment E, Section IX.B, page E-18 and Attachment F, Section VI.E.2, page F-46.)
 3. The Tentative Order appropriately applies repeat bacteriological and toxicity sampling. (Supporting Document No. 2, Attachment E, Sections V and VIII.A.1, page E-12-13.)

DISCUSSION: South Orange County Wastewater Authority (SOCWA) is a joint powers authority, comprised of 10 member agencies including the Cities of Laguna Beach, San Clemente, and San Juan Capistrano, El Toro Water District, Emerald Bay Service District, Irvine Ranch Water District, Moulton Niguel Water District (MNWD), Santa Margarita Water District (SMWD), South Coast Water District (SCWD), and Trabuco Canyon Water District.

SOCWA operates the San Juan Creek Ocean Outfall (SJCOO), which receives treated effluent from four wastewater treatment plants, one urban runoff treatment facility, and two groundwater desalination facilities. (The descriptions on each facility can be found in Supporting Document No. 2, Attachment F, Section II.A, page F-5. The locations of each facility are shown in Supporting Document No. 1.)

Discharges to the SJCOO are currently regulated by Order No. R9-2006-0054. As required by Order No. R9-2006-0054, SOCWA submitted an application for permit reissuance on March 31, 2011. The Order, which has an expiration date of October 1, 2011, was administratively extended in accordance with the Code of Federal Regulations (Title 40, Section 122.6).

The Tentative Order has been developed based on the information submitted as part of the reissuance application, through monitoring and reporting programs, and other available information. The Tentative Order also implements the requirements in the Clean Water Act, Code of Federal Regulations, and California Water Code. If adopted, the Tentative Order would supersede Order No. R9-2006-0054 and update waste discharge requirements for the discharge to the SJCOO.

On March 12, comments on the Tentative Order were received from SOCWA. (Supporting Document No. 5) Responses to comments, and any errata will be included in the Supplemental Executive Officer Summary Report.

LEGAL CONCERNS: None

SUPPORTING DOCUMENTS:

1. Location Map
2. Tentative Order No. R9-2012-0012
3. March 8, 2012, State Water Board Memorandum
4. Compliance Record
5. SOCWA Comments

**SIGNIFICANT
CHANGES:**

The Tentative Order contains the following significant changes from current Order No. R9-2006-0054:

1. The repeat monitoring for chronic toxicity has been updated to be consistent with ocean discharge permits in the San Diego Region. The current order requires six additional toxicity tests over a 6-month period when the effluent limit for chronic toxicity is exceeded, while the Tentative Order requires six additional tests over a 12-week period. (Supporting Document No. 2, Attachment E, Sections V, page E-11-12.)
2. The repeat monitoring for the receiving waters has been updated to be consistent with the provision of the California Ocean Plan. The current order does not require additional monitoring when a single sample exceeds any of the single sample bacterial standards, while the Tentative Order requires repeat sampling to determine the extent and persistence of the exceedance. (Supporting Document No. 2, Attachment E, Sections VIII.A.1, page E-13.)
3. Based upon the results of the reasonable potential analysis, the Tentative Order removes water quality-based effluent limits for chronic toxicity (enforceable limits), replacing it with performance goals (desirable maximum effluent concentrations, not enforceable). (Supporting Document No. 2, Attachment F, Section IV.C.5.a, page F-29.)
4. The Tentative Order removes performance goals for acute toxicity. (Supporting Document No. 2, Attachment F, Section IV.C.5.b, page F-29.)
5. As recommended by the State Water Board, the compliance monitoring location for the *South Coast Water District Groundwater Recovery Facility (GRF)* has been moved from the independent GRF discharge point to a point within the commingled waste streams. All other compliance monitoring points have been designated in accordance with the Ocean Plan and Federal regulations. (Supporting Document No. 2, Attachment F, last paragraph of Sections IV.B.2.b (page F-20), IV.D.1 (page F-33), and IV.D.2 (page F-34).)

6. The total flow limit was increased from 36.385 million gallons per day (MGD) to 38.78 MGD (6.5% increase). As a result of the increased permitted flow, mass effluent rates have also increased by 6.5%. (Supporting Document No. 2, Attachment F, Section IV.D.2.b, page F-35.)
7. Sample frequency for toxic metals, cyanide, phenolics, endosulfan, endrin, hexachlorocyclohexane (HCH), and radioactivity, which were determined to have no reasonable potential to exceed Ocean Plan objectives, were reduced from quarterly to semiannually. (Supporting Document No. 2, Attachment F, last paragraph of Section VI.B, page F-43.)

**COMPLIANCE
RECORD:**

During the term of Order No. R9-2006-0054, according to SOCWA's reports, there were 31 deficient monitoring violations and 94 effluent limitation violations. (A summary of the violations and enforcement actions taken is provided as Supporting Document No. 4.)

PUBLIC NOTICE:

On February 10, 2012, copies of the Tentative Order were mailed (via email) to SOCWA and to all known interested persons and posted on the San Diego Water Board's website. A public notice was published in the Orange County Register.