

EXECUTIVE OFFICER SUMMARY REPORT
December 11, 2014

ITEM: 10

SUBJECT: NPDES Permit Amendment: An order to amend Order No. R9-2012-0012, NPDES Permit No. CA0107417, *Waste Discharge Requirements for the South Orange County Wastewater Authority Discharge to the Pacific Ocean through the San Juan Creek Ocean Outfall to Incorporate Revised Beach Water Quality Monitoring* (Tentative Order No. R9-2014-0105). (*Joann Lim*)

PURPOSE: To consider adopting Tentative Order No. R9-2014-0105, amending Order No. R9-2012-0012. **(See Supporting Document No. 1)**

RECOMMENDATION: Adoption of Tentative Order No. R9-2014-0105 is recommended.

KEY ISSUES: The Tentative Order will require South Orange County Wastewater Authority (SOCWA) to implement the Unified Beach Water Quality Monitoring and Assessment Program in South Orange County, which will supersede the existing routine, ongoing, beach water quality monitoring programs in section VIII.A of Attachment E of Order No. R9-2012-0012.

PRACTICAL VISION: National Pollutant Discharge Elimination System (NPDES) permits, such as Order No. R9-2012-0012, are the chief regulatory approach for controlling point source pollutant discharges to surface waters for the protection of human health and the environment. Consistent with the mission of the *Strategizing for Healthy Waters* chapter of the Practical Vision, Order No. R9-2012-0012 integrates all applicable technology-based and water quality-based standards to optimize protection of water quality and beneficial uses in ocean waters.

By amending Order No. R9-2012-0012 to implement the Unified Beach Water Quality Monitoring and Assessment

Program in South Orange County , the Tentative Order achieves maximum efficiency and economy of resources through sharing of technical resources, trained personnel, and associated costs, consistent with the collaborative monitoring approach described in the Monitoring and Assessment chapter of the Practical Vision: “Ensure that monitoring and assessment programs in the same watershed, the same water body, and the same types of water bodies are coordinated and produce comparable and useful results, in keeping with the Framework for Monitoring and Assessment in the San Diego Region.”

DISCUSSION:

On April 11, 2012, the San Diego Water Board adopted Order No. R9-2012-0012, NPDES Permit No. CA0107417, establishing waste discharge requirements for SOCWA to discharge up to 34.37 million gallons per day (MGD) of treated municipal wastewater, treated groundwater, and waste brine into the Pacific Ocean through the San Juan Creek Ocean Outfall, located off the coast of south Orange County.

Several different public agencies, including SOCWA, currently conduct routine, ongoing beach water quality monitoring in south Orange County in accordance with several different sets of requirements, including requirements in Order No. R9-2012-0012. The monitoring programs implemented to meet those requirements overlap temporally and spatially. Currently, these monitoring programs are partially but not fully integrated.

To help eliminate the temporal and spatial overlap, the San Diego Water Board announced its intent to review beach water quality monitoring conducted in south Orange County, during the public hearing for Order No. R9-2012-0012 on April 11, 2012. The San Diego Water Board convened a workgroup that included representatives of the three public agencies that currently conduct almost all of the routine, ongoing beach water quality monitoring in south Orange County (i.e., SOCWA, Orange County Public Works, and Orange County Health Care Agency). The workgroup also included other interested parties, including representatives of the Sierra Club and Surfrider Foundation.

The workgroup developed and recommends implementation of a unified regional beach water quality monitoring and assessment program in south Orange County. The unified program is consistent with and will meet or go beyond meeting the requirements for beach water quality monitoring and related public notification and reporting established by State law, including the California Ocean Plan. The unified program is intended to be protective of the health of swimmers, surfers, and others who use south Orange County beach waters for water contact recreational activities.

If adopted, the Tentative Order will require SOCWA to implement the unified program, replacing the current routine, ongoing beach water quality monitoring required in Order No. R9-2012-0012.

After the Tentative Order was released for public comment on October 3, 2014, a couple of minor errors and inconsistencies with the unified program were identified. A Revised Tentative Order has been prepared with the necessary corrections and is included as **Supporting Document No. 1**. Corrections were made to the following sections:

- Finding No. 15, page 3;
- Directive No. 2, page 4;
- Table 3, page 2 of Amended Order No. R9-2012-0012; and
- Section IX.D, pages E-18 and E-19 of Attachment E of Amended Order No. R9-2012-0012

Two comment letters were received regarding the Tentative Order. **(See Supporting Documents Nos. 2 and 3)**. Mr. Roger E. Bütow wrote a letter in support of the unified program and the Tentative Order. Mr. Michael Beanan requested maps of the south Orange County coastline with the locations of key features (e.g. sensitive habitat, recreational areas, and key federally protected marine mammal migration and foraging sites). A Response To Comment document is included as **Supporting Document No. 4**.

The comment letters, Response to Comment document, and Revised Tentative Order were mailed out on November 25, 2014 to all interested parties and posted on the San Diego Water Board website.

LEGAL CONCERNS: None

SUPPORTING DOCUMENTS:

1. Revised Tentative Order No. R9-2014-0105
2. Comment letter from Roger E. Bütow
3. Comment letter from Michael Beanan
4. Response To Comments

PUBLIC NOTICE: On October 3, the Tentative Order was sent to SOCWA and all known interested parties. The Tentative Order was also posted on the San Diego Water Board website. Notice was also provided in the Meeting Notice and Agenda for the December 11, 2014 Board meeting.