

EXECUTIVE OFFICER SUMMARY REPORT  
March 15, 2017

- ITEM: 6
- SUBJECT: NPDES Permit Amendment: An Order to amend Order No. R9-2012-0012, *Waste Discharge Requirements for the South Orange County Wastewater Authority (SOCWA) Discharge to the Pacific Ocean Through the San Juan Creek Ocean Outfall* (Tentative Order No. R9-2017-0013, NPDES No. CA0107417). (*Joann Lim*)
- PURPOSE: To receive public testimony and consider adoption of Tentative Order No. R9-2017-0013, amending Order No. R9-2012-0012 (Tentative Order).
- RECOMMENDATION: Adoption of the Tentative Order (**Supporting Document No. 1**) is recommended.
- KEY ISSUES: If adopted, the Tentative Order will change the compliance point for all technology-based effluent limitations<sup>1</sup> applicable to the South Coast Water District's Groundwater Recovery Facility from Monitoring Location No. M-001 (a location downstream of all comingled discharges into the San Juan Creek Ocean Outfall) to Monitoring Location No. M-001F (a location at the point of discharge from the Groundwater Recovery Facility). This adjustment is in accordance with applicable U.S. Environmental Protection Agency (USEPA) regulations at title 40 of the Code of Federal Regulations (40 CFR) sections 125.3 (e) and (f) and is consistent with the technology-based effluent limitation compliance points for all other discharges to the San Juan Creek Ocean Outfall.
- PRACTICAL VISION: The Tentative Order moves the point where the Groundwater Recovery Facility discharge compliance with technology-based effluent limitations is measured to a point where the effectiveness of the treatment technologies applied to the discharge can better be determined. Consistent with the mission of the *Strategy for Healthy*

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<sup>1</sup> The purpose of technology-based effluent limitations is to require a minimum level of treatment for a discharge based on currently available treatment technologies, while allowing the discharger to use any available control technique to meet the technology-based effluent limitations.

*Waters* chapter of the Practical Vision, the relocation of the compliance point will more effectively measure compliance with all applicable technology-based requirements. Compliance with the technology-based effluent limitations, together with water quality-based effluent limitations and receiving water quality standards, will optimize protection of water quality and beneficial uses in the Pacific Ocean.

**DISCUSSION:**

SOCWA is a joint powers authority formed to provide regional wastewater collection, treatment, reuse and disposal services on behalf of 10 member agencies across south Orange County. South Coast Water District is a member agency of SOCWA and is the owner and operator of the Groundwater Recovery Facility. The Groundwater Recovery Facility removes low-quality brackish groundwater from the San Juan Creek Groundwater Basin to produce drinking water distributed to South Coast Water District's customers. The resulting concentrated brine discharge from the Groundwater Recovery Facility is addressed by the Tentative Order.

On April 11, 2012, the San Diego Water Board adopted Order No. R9-2012-0012, establishing waste discharge requirements for SOCWA to discharge up to 38.78 million gallons per day (MGD) of treated municipal wastewater from four publicly-owned treatment works, waste brine from two groundwater desalination facilities, and dry weather nuisance flows from an urban runoff treatment facility into the Pacific Ocean through the San Juan Creek Ocean Outfall, located off the coast of south Orange County. (See **Supporting Document No. 2** for a Location Map.) Technology-based effluent limitations are applicable to each of the contributing facilities to the San Juan Creek Ocean Outfall, including the Groundwater Recovery Facility.

Order No. R9-2012-0012 authorizes the discharge of 600,000 gallons per day of concentrated brine from the Groundwater Recovery Facility. In accordance with a 2011 administrative civil liability settlement between the San Diego Water Board, SOCWA, and South Coast Water District, Order No. R9-2012-0012 established Monitoring Location No. M-001 as the location to measure compliance with applicable technology-based effluent limitations for the Groundwater Recovery Facility at a point downstream of SOCWA's comingled discharges. The upstream Monitoring Location M-001F was not selected because, at that time, the Groundwater Recovery Facility discharge could not comply

with the technology-based effluent limitations at Monitoring Location M-001F. Prior exceedances of technology-based effluent limitations for the Groundwater Recovery Facility discharge at Monitoring Location M-001F had led to the imposition of mandatory minimum penalties (MMPs) against SOCWA in 2009.

By letter dated May 20, 2016, SOCWA requested an amendment of Order No. R9-2012-0012 to re-establish Monitoring Location No. M-001F as the monitoring location for measuring compliance with applicable technology-based effluent limitations for the Groundwater Recovery Facility discharge. This change in monitoring location is consistent with applicable USEPA regulations at 40 CFR section 125.3(e) which require that technology-based effluent limitations be applied prior to or at the point of discharge. Because SOCWA's San Juan Creek Ocean Outfall receives waste streams from a number of sources, the point of compliance for technology-based effluent limitations for each waste stream must, in most cases, be prior to that waste stream's comingling with discharges from other facilities.<sup>2</sup> The change in monitoring location is also consistent with the technology-based effluent limitation compliance points for all other discharges to the San Juan Creek Ocean Outfall.

The San Diego Water Board has reviewed SOCWA's request and has determined that the requested change is appropriate and that the Groundwater Recovery Facility discharge appears to be capable of meeting the technology-based effluent limitations at Monitoring Location M-001F. If adopted, the Tentative Order will change the compliance monitoring location to Monitoring Location M-001F.

The Tentative Order was released for public comment on January 6, 2017. No comment letters were received.

LEGAL CONCERNS: None

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<sup>2</sup> The *Water Quality Control Plan for Ocean Waters of California, California Ocean Plan* (Ocean Plan) provides a limited exception to this requirement applicable to compliance with the Ocean Plan Table 2 effluent limitations for brine discharges from desalination facilities that commingle brine and wastewater prior to discharge to the ocean. Under this exception compliance may be measured after the brine has been commingled with wastewater, provided that the permittee for the commingled discharge accepts responsibly for any exceedances of the Ocean Plan Table 2 effluent limitations. SOCWA has not requested that this exception be applied to the Groundwater Recovery Facility brine discharge.

SUPPORTING  
DOCUMENTS:

1. Tentative Order No. R9-2017-0013
2. Location Map

PUBLIC NOTICE:

The Tentative Order was noticed and released for formal public review on January 6, 2017. On January 6, 2017, a public notice was published in the San Diego Union Tribune newspaper. Notice was also provided in the meeting notice and agenda for the March 15, 2017 Board meeting, which is posted on the San Diego Water Board's website. The release for public review and comment also included an email sent to all known interested parties and posting on the San Diego Water Board's website.