



San Diego Regional Water Quality Control Board

May 5, 2017

Mr. Robert Hill
General Manager
El Toro Water District
P.O. Box 4000
Laguna Hills, CA 92564-4000

In reply refer to:
257591: oosibodu

Subject: Water Board Designation for Regulatory Oversight of the El Toro Water District Water Recycling Plant

Mr. Hill:

In response to El Toro Water District's (El Toro) request, dated November 29, 2016, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) and the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) have agreed that the Santa Ana Water Board be designated as the sole Water Board responsible for regulating treatment, use, and distribution of recycled water from the El Toro Water District Water Recycling Plant (El Toro WRP). As provided in Water Code section 13228, subdivision (a),¹ this letter memorializes the San Diego Water Board's agreement to the designation. Background information supporting the agreement and conditions of the agreement are specified below:

Background and Supporting Information

1. The El Toro WRP is located in the Santa Ana Region and is regulated under Order No. R8-2015-0023, *Waste Discharge Requirements and Master Reclamation Permit for El Toro Water District Water Recycling Plant, Orange County*, which was issued by the Santa Ana Water Board.
2. Recycled water from the El Toro WRP is used primarily for landscape irrigation at parks, school grounds, golf courses, roadway medians, and home owner association

¹ (a) Concerning any matter that may be submitted to a regional board by a person or entity that is subject to regulation by more than one regional board, the person or entity may submit the matter to one of those regional boards if both of the following requirements are met:

(1) The person or entity submits a written request to all affected regional boards that one Regional Board be designated to regulate the matter.

(2) All affected Regional Boards agree in writing to the designation. Unless the Board of any affected Regional Board denies the request, the Executive Officer of a Regional Board may grant a request submitted pursuant to paragraph (1) on behalf of that Board.

common areas. Currently all of the use sites served by the El Toro WRP are located within the Santa Ana Region. El Toro is proposing to expand its recycled water distribution system and will add new use sites in the San Diego Region. With the expansion, El Toro will provide about 1,380 acre-feet per year of recycled water to use sites in the Santa Ana Region, and will add new use sites in the San Diego Region that will utilize about 180 acre-feet per year of recycled water (about 12 percent of El Toro's total recycled water deliveries). The use sites in the San Diego Region will be located in the Aliso Hydrologic Subarea (Aliso HSA).

3. Concentrations of chemical constituents in recycled water for the past ten years have also been below the groundwater quality objectives for the Aliso HSA specified in Table 3-3 of the *Water Quality Control Plan for the San Diego Basin (9)*.
4. Data provided by El Toro shows recycled water quality has consistently been below groundwater quality objectives for the Aliso HSA for the past 10 years. As a result, granting El Toro's request will not adversely affect groundwater quality. The San Diego Water Board also agrees that designating the Santa Ana Water Board as the Water Board responsible for regulating treatment, distribution, and uses of recycled water from the El Toro WRP will relieve El Toro from the burden of providing duplicative monitoring information to both Water Boards.

San Diego Water Board Conditions for Designation Responsibility to the Santa Ana Water Board

1. The San Diego Water Board agrees with the designation of the Santa Ana Water Board as the sole Water Board responsible for regulating the treatment, use, and distribution of recycled water from the El Toro WRP. This agreement will become effective when the Santa Ana Water Board amends Order No. R8-2015-0023 to reflect the conditions of this agreement or adopts a new Master Recycling Permit.
2. The El Toro WRP will continue to be regulated under Order No. R9-2012-0013 as amended by Order No. R9-2014-0098, *Waste Discharge Requirements for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Through the Aliso Creek Ocean Outfall*, and subsequent National Pollutant Discharge System Elimination permits for the discharge of secondary treated effluent from the El Toro WRP to the Aliso Creek Ocean Outfall.
3. The use and distribution of recycled water from El Toro WRP within the San Diego Region must comply with requirements specified in Order No. R8-2015-0023.
4. Pursuant to Water Code section 13228, subdivision (b),² the designation of the Santa Ana Water Board for regulating the treatment, use, and distribution of recycled water from the El Toro WRP does not preclude the San Diego Water Board from

² (b) Notwithstanding subdivision (a), any Regional Board that is affected by a matter for which a designation is made in accordance with subdivision (a) may take enforcement action with regard to that matter.

taking enforcement action if necessary for protection of public health, water quality, or the environment.

- 5. The basis supporting El Toro's request to designate a single Water Board for regulatory oversight may change under future conditions and circumstances. Therefore the San Diego Water Board will periodically review the effectiveness of this agreement. Based on this periodic review the San Diego Water Board may terminate the agreement with the Santa Ana Water Board or otherwise modify the agreement subject to the approval of the Santa Ana Water Board.

In the subject line of any response, please include reference **257591: oosibodu**. Please contact Mr. Fisayo Osibodu at 619-521-8036, or at Olufisayo.Osibodu@waterboards.ca.gov if you have any questions or comments.

Respectfully,



David W. Gibson
Executive Officer

DWG: jgs:jac:jro:oo

cc via email:

Mr. Kurt Berchtold; California Regional Water Quality Control Board, Santa Ana Region; Kurt.Berchtold@waterboards.ca.gov

Mr. Oliver Pacifico; State Water Board Division of Drinking Water; Oliver.Pacifico@waterboards.ca.gov

Ms. Lauren Hatch; Orange County Health Care Agency; Lhatch@ochca.com

Ms. Milasol Gaslan; California Regional Water Quality Control Board, Santa Ana Region; Milasol.Gaslan@waterboards.ca.gov

Mr. Brennon Flahive; South Orange County Wastewater Authority; bflahive@socwa.com

Tech Staff Info & Use	
Reg. Measure ID	142503
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