

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION IX

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

NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

by the

United States Environmental Protection
Agency
Region IX, WTR 2-3
75 Hawthorne Street
San Francisco, CA 94105-3901
Telephone: (415) 972-3448

California Regional Water Quality Control
Board San Diego Region
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700
Telephone: (619) 516-1990

Public Notice Date: **May 20, 2022**

Comment Period Closes: **June 20, 2022**

The United States Environmental Protection Agency (USEPA), Region IX and the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), are jointly releasing for public review and comment Tentative Order No. R9-2022-0078, Addendum No. 1 to Order No. R9-2017-0007, NPDES No. CA0107409, *Amending Waste Discharge Requirements for the City of San Diego, E.W Blom Point Loma Wastewater Treatment Plant Discharge to the Pacific Ocean, Through the Point Loma Ocean Outfall* (Tentative Order). The San Diego Water Board will consider adoption of the Tentative Order at its regularly scheduled meeting on **August 10, 2022**. The Tentative Order, if adopted, will amend the Schedule for Pure Water San Diego Potable Reuse Tasks in section VI.C.6 of Order No. R9-2017-0007 for the E.W Blom Point Loma Wastewater Treatment Plant. The Tentative Order will also amend Order No. R9-2017-0007 to incorporate requirements identified in the National Marine Fisheries Service (NMFS) final biological opinion dated March 4, 2022, that require the City of San Diego (City or Discharger) to monitor and better understand the extent of discharge of constituents that may have adverse effects on federally listed threatened and endangered species in the receiving waters.

Background

The City is the owner and operator of the E.W. Blom Point Loma Wastewater Treatment Plant (Facility). This Facility is located at 1902 Gatchell Road, San Diego, California, and discharges chlorinated advanced (chemically assisted) primary treated municipal wastewater to the Pacific Ocean through the Point Loma Ocean Outfall (PLOO), approximately 4.5 miles offshore, at a depth of about 300 feet. Sewage solids are treated and either land applied, used as alternative daily cover at a landfill, or disposed of at a municipal solid waste landfill. Order No. R9-2017-0007, the current National Pollutant Discharge Elimination System (NPDES) permit regulating the Facility and PLOO discharge is based on a variance from federal secondary treatment standards at

title 40 of the Code of Federal Regulations (40 CFR) part 133, as provided for improved discharges under the Clean Water Act section 301(h) and 40 CFR part 125, subpart G.

In a February 7, 2022, letter, the City stated that it has experienced a series of issues that have resulted in delays initiating and completing construction of Phase 1 of the Pure Water Program, including resolving unexpected legal challenges; resolving labor agreement rules and issues; adhering to COVID-19 guidance and restrictions and experiencing delays both directly and indirectly related to the COVID-19 pandemic; and supply chain interruptions that have delayed availability of equipment and materials. The Tentative Order proposes revisions to the Compliance Schedule for Pure Water San Diego Potable Reuse Tasks in section VI.C.6 of Order No. R9-2017-0007 to address the delays.

The Order No. R9-2017-0007 variance from federal secondary treatment standards for the Facility and PLOO discharge is contingent upon a determination by NMFS that the Facility and PLOO discharge is consistent with the federal Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. section 1531 et seq.) As a result, USEPA consulted with NMFS to obtain the required determination and NMFS issued a final biological opinion dated March 4, 2022, providing specific measures for the City to monitor and better understand the extent of discharge of constituents that could have adverse effects on federally listed threatened and endangered species identified in the biological opinion. The Tentative Order proposes amendments to Order No. R9-2017-0007 to address the terms and conditions within the NMFS final biological opinion.

Document Availability

The Tentative Order and related documents may be reviewed at the offices of USEPA, Region IX and the San Diego Water Board (addresses above), during normal business hours, or at the following webpages:

<https://www3.epa.gov/region9/water/npdes/pubnotices.html>

https://www.waterboards.ca.gov/sandiego/board_decisions/tentative_orders/

Interested persons may receive copies of the Tentative Order by contacting Fisayo Osibodu at (619) 521-8036, or by email at Fisayo.Osibodu@waterboards.ca.gov; or Peter Kozelka of USEPA, Region IX at 415-972- 3448 or by email at Kozelka.Peter@epa.gov.

Submission of Written Comments

Interested persons may submit written comments on the Tentative Order during the public comment period, either in person, by email, or by mail to the attention of Peter Kozelka at USEPA, Region IX (Kozelka.Peter@epa.gov) and Fisayo Osibodu at the San Diego Water Board (Fisayo.Osibodu@waterboards.ca.gov). Please indicate in the subject line of all written comments "Comment – Tentative Order No. R9-2022-0078." The deadline for submittal of written comments is 5:00 p.m. on **June 20, 2022**. The early submission of written comments on the Tentative Order is encouraged. Written comments received by **5:00 p.m. on June 20, 2022** will be provided to the San Diego

Water Board members for their review in advance of the public hearing to consider adoption of the Tentative Order. The San Diego Water Board, in coordination with USEPA, will prepare written responses to significant comments that are timely received. Consistent with State Water Resources Control Board regulations that apply to this proceeding, written comments received after **5:00 p.m. on June 20, 2022**, will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

Public Hearing for Consideration of the Tentative Order

The San Diego Water Board will conduct the public hearing on the proposed adoption of the Tentative Order during the San Diego Water Board meeting scheduled at the following time and location:

Wednesday, August 10, 2022, 9:00 a.m.
San Diego Water Board Meeting Room
2375 Northside Drive, Suite 100
San Diego, California 92108

Interested persons may speak at the Board meeting regarding the Tentative Order. Oral statements may be limited in time by the Board Chair.

The *Meeting Notice and Agenda*, which will indicate any changes in the meeting location and may provide other specific information concerning this hearing, will be posted at least two weeks prior to the meeting date at the following webpage:

https://www.waterboards.ca.gov/sandiego/board_info/agendas/

The procedures governing San Diego Water Board meetings are found in California Code of Regulations, title 23, section 647, et seq., and are available upon request.

The *Meeting Notice and Agenda* for this meeting will provide contact information for persons requesting special accommodations.

Contact for Further Information

Please contact Mr. Fisayo Osibodu at (619) 521-8036, or by email at Fisayo.Osibodu@waterboards.ca.gov for information regarding the above proposed action. Please share this information with any person who would be interested in this matter.

Date of Notice: **May 20, 2022**