

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

**EXECUTIVE OFFICER SUMMARY REPORT
February 14, 2024**

ITEM 3

SUBJECT

NPDES Permit Amendment: Tentative Order No. R9-2024-0005 amending Order No. R9-2022-0005 , NPDES No. CA0107417, Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for the South Orange County Wastewater Authority Discharge to the Pacific Ocean through the San Juan Creek Ocean Outfall (Tentative Order No. R9-2024-0005). (*Joann Lim*)

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2024-0005 amending Order No. R9-2022-0005 is recommended. (Tentative Order, **Supporting Document No. 1**)

KEY ISSUE

The Tentative Order extends the deadline for the Mitigation Area of Production Foregone (APF) Re-Evaluation Study Final Report from March 9, 2024, to March 31, 2025, as requested by the South Orange County Wastewater Authority (SOCWA) and South Coast Water District (SCWD). The Mitigation APF Re-Evaluation Study Final Report is dependent on the completion of the larval study and Larval Study Final Report, which are projected to be completed by August 2024 and late 2024, respectively.

PRACTICAL VISION

The Tentative Order is consistent with Chapter 6 of the Practical Vision, *Strategize to Achieve Resilient Local Water Supply*. Chapter 6 provides that the San Diego Water Board use its authority to help achieve a resilient local water supply, and to advance water security by using local water sources in a manner that improves water quality and reduces greenhouse emissions associated with water transport. The Doheny Desalination Project, once constructed and operational, will produce 5 million gallons per day (MGD) of drinking water. By supporting the Doheny Desalination Project, the San Diego Water Board is using its authority to continue to help provide a resilient local water supply to the San Diego Region, while protecting water quality.

DISCUSSION

SOCWA is a public joint powers authority. Member agencies of SOCWA include Santa Margarita Water District, Moulton Niguel Water District, the City of San Clemente, and SCWD. SOCWA and its members agencies are collectively referred to as the Dischargers. The Dischargers own and operate treatment facilities that discharge waste to the Pacific Ocean through the San Juan Creek Ocean Outfall (SJCOO). The discharges to SJCOO are currently regulated by Order No. R9-2022-0005 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0107417, adopted on March 9, 2022 (2022 Order). The locations of the facilities and SJCOO are mapped in **Supporting Document No. 2**.

SCWD is currently constructing the Doheny Desalination Plant. The Doheny Desalination Plant will treat seawater to produce up to 5 MGD of potable water. Waste brine produced from desalination operations at the Doheny Desalination Plant will be commingled with the existing wastewater stream and discharged to the Pacific Ocean through the SJCOO. The Dischargers don't expect to commence discharge from the Doheny Desalination Project until January 2026.

The 2022 Order requires the Dischargers to provide 7.45 acres of mitigation to compensate for marine life mortality associated with the Doheny Desalination Project construction, operation, intake, and discharge of brine. The mitigation requirements were determined based on APF estimates that were calculated using the methodology described in "Brine Diffusers and Shear Mortality" Final Report (Roberts 2018).

Section 6.3.2.3.2 of the 2022 Order requires the Dischargers to conduct a Mitigation APF Re-Evaluation Study to re-evaluate the APF estimates based on finalized design parameters. The Dischargers are required to submit a Mitigation APF Re-Evaluation Study Final Report by March 9, 2024.

The Dischargers need the information from a Larval Study Final Report to complete the Mitigation APF Re-Evaluation Study Final Report. The Dischargers expect to complete the last sampling event for the larval study by August 2024 and then complete the Larval Study Final Report by late in 2024. Given this, in an October 26, 2023 letter, the Dischargers requested an extension of the due date for Mitigation APF Re-Evaluation Study Final Report from March 9, 2024, to March 31, 2025.

The Tentative Order proposes to modify the 2022 Order by extending the due date for submitting the Mitigation APF Re-Evaluation Study Final Report from March 9, 2024, to March 31, 2025.

On November 7, 2023, the San Diego Water Board provided the Tentative Order and the public notice to the Dischargers and interested parties for a 30-day public review period. On November 15, 2023, Les Miklosy, P.E. provided comments on the Tentative Order (**Supporting Document No. 3**). On December 7, 2023, SOCWA and SCWD provided comments on the Tentative Order (see **Supporting Document No. 4**). The Response to Comments Report includes the San Diego Water Board's responses to the comments from Les Miklosy, SOCWA, and SCWD (**Supporting Document No. 5**).

LEGAL CONCERNS

None

PUBLIC NOTICE

The Tentative Order was noticed and released for public review and comment on November 7, 2023, with comments due December 7, 2023. The Notice of Public Hearing and Opportunity to Comment (Notice) was posted on the San Diego Water Board website for the duration of the comment period and sent to all interested parties. The Notice announced a public hearing to be held on February 14, 2024, and availability of the Tentative Order for review and provided instructions for submittal of written comments. A copy of the Notice is provided in **Supporting Document No. 6**. Notice of public hearing on the Tentative Order was also provided in the Meeting Notice and Agenda for the February 14, 2024 San Diego Water Board meeting, which is posted on the Board website.

SUPPORTING DOCUMENTS

1. Tentative Order
2. Location Map
3. Comments from Les Miklosy, P.E., email dated November 15, 2023
4. Comments from SOCWA and SCWD, letter dated December 7, 2023
5. Response to Comments Report
6. Notice of Public Hearing and Opportunity to Comment