

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

**EXECUTIVE OFFICER SUMMARY REPORT
December 8, 2021**

ITEM 12

SUBJECT

NPDES Permit Amendment: Amendment of Order No. R9-2019-0166 as amended by Order No. R9-2020-0190, NPDES No. CA0107433, *Waste Discharge Requirements for the City of Oceanside, San Luis Rey Water Reclamation Facility, La Salina Wastewater Treatment Plant, and Mission Basin Groundwater Purification Facility Discharge to the Pacific Ocean through the Oceanside Ocean Outfall* (Tentative Order No. R9-2021-0199). (Joann Lim)

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2021-0199 (Tentative Order, **Supporting Document No. 1**) amending Order No. R9-2019-0166 is recommended.

KEY ISSUES

1. The Tentative Order proposes to modify Order No. R9-2019-0166 as directed by the California State Water Resources Control Board (State Water Board) on remand pursuant to Order WQ 2021-0005, *In the Matter of the Petitions of the City of Oceanside, Fallbrook Public Utilities District and the Southern California Alliance of Publicly Owned Treatment Works for Review of Waste Discharge Requirements Order Nos. R9-2019-0166 [NPDES No. CA0107433] and R9-2019-0169 [NPDES No. CA0108031] Issued by the California Regional Water Quality Control Board, San Diego Region (Supporting Document No. 2)*.
2. The Tentative Order also proposes to modify Order No. R9-2019-0166 to:
 - a. more accurately describe the City's outfall structures;
 - b. include proposed treatment facilities at the San Luis Rey Water Reclamation Facility (SLRWRF) to increase the amount of recycled water;
 - c. update the monitoring and reporting program to be consistent with recently adopted NPDES permits in the San Diego Region;
 - d. add requirements to ensure performance goal exceedances are not ongoing and affecting water quality; and
 - e. correct non-substantive typographical errors.
3. The Oceanside Ocean Outfall also receives discharges from i) Fallbrook Public Utility District's Fallbrook Water Reclamation Plant and Santa Margarita Groundwater Treatment Plant; ii) Marine Corps Base Camp Pendleton's Southern Regional Tertiary Treatment Plant and Advanced Water Treatment Plant at Haybarn Canyon; and iii) the Genentech, Inc, Oceanside Facility. Some similar modifications to the NPDES permits for these facilities are also being considered by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) at today's meeting under Agenda Item Nos. 13, 14, and 15.

PRACTICAL VISION

Adoption of the Tentative Order is consistent with the values of transparency and communication outlined in the *Provide Effective Community Engagement and*

Communication chapter of the Practical Vision¹ as it proposes changes to an existing permit through a transparent public meeting process.

The amendment incorporates proposed treatment facilities at the SLRWRF to increase the amount of wastewater recycled for beneficial uses, which is advancing the State's water recycling goals consistent with the *Strategize to Achieve Resilient Local Water Supply* chapter of the Practical Vision.

DISCUSSION

The City of Oceanside (City or Discharger) is the owner and operator of the San Luis Rey Water Reclamation Facility (SLRWRF), La Salina Wastewater Treatment Plant (LSWTP), Mission Basin Groundwater Purification Facility (MBGPF), and Oceanside Ocean Outfall. Order No. R9-2019-0166 regulates the City's discharge of secondary-treated wastewater from the SLRWRF and LSWTP and brine from the MBGPF through the Oceanside Ocean Outfall to the Pacific Ocean. The Oceanside facilities are described in Order No. R9-2019-0166, Attachment F, Section II. In addition to the Oceanside facilities, Fallbrook Public Utility District (FPUD);² Genentech, Inc.;³ and Marine Corps Base Camp Pendleton⁴ also discharge wastewater to the Oceanside Ocean Outfall. A map showing the locations of the facilities that discharge to the Oceanside Ocean Outfall is included as **Supporting Document No. 3**.

On February 16, 2021, the State Water Board adopted Order WQ 2021-0005 to remand Order No. R9-2019-0166 to the San Diego Water Board for reconsideration and revisions, consistent with Order WQ 2021-0005. The Tentative Order includes proposed modifications consistent with Order WQ 2021-0005, including changing the chronic toxicity effluent limitation to a performance goal, changing the statistical approach for analyzing chronic toxicity from the Test of Significant Toxicity (TST) statistical approach to the no-observed-effect-level (NOEL) statistical approach set forth in the Ocean Plan,⁵ and providing more information in the Fact Sheet (Attachment F) of Order No. R9-2019-0166 on the rationale for certain requirements.

In December 2019, the City and FPUD finalized changes to their land outfalls. Prior to December 2019, FPUD discharged its effluent to the City's pipeline (i.e., City's land outfall) after the City's monitoring location M-004. In December 2019, FPUD began discharging its effluent to the City's pipeline before the City's monitoring location M-004.

¹ The San Diego Water Board's Practical Vision is available at this website:

https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/

² FPUD is regulated by separate WDRs, Order No. R9-2019-0169 as amended by Order No. R9-2020-0193, NPDES No. CA0108031, *Waste Discharge Requirements for the Fallbrook Public Utility District Fallbrook Water Reclamation Plant and Santa Margarita Groundwater Treatment Plant Discharge to the Pacific Ocean via the Oceanside Ocean Outfall*

³ Genentech, Inc. is regulated by separate WDRs, Order No. R9-2019-0168 as amended by Order No. R9-2020-0192, NPDES No. CA0109193, *Waste Discharge Requirements for Genentech Inc., Discharge to the Pacific Ocean via the Oceanside Ocean Outfall*

⁴ Marine Corps Base Camp Pendleton is regulated by separate WDRs, Order No. R9-2019-0167 as amended by Order No. R9-2020-0191, NPDES No. CA0109347, *Waste Discharge Requirements for the Marine Corps Base, Camp Pendleton, Southern Regional Tertiary Treatment Plant and Advanced Water Treatment Plant, Discharge to the Pacific Ocean via the Oceanside Ocean Outfall*

⁵ Ocean Plan, Chapter II, Table 3 (formerly Table B); Appendix I, Definition of Terms: Chronic Toxicity

The Tentative Order includes proposed modifications to reflect these changes to the City’s land outfall location. The Tentative Order also proposes to correct the discharge points into the land outfall from the City’s MBGPF and Genentech, Inc.

The Tentative Order also proposes new requirements to investigate repeated performance goal exceedances and submit a Performance Goal Exceedance Report that includes the results of the investigation. These proposed requirements are proactive measures to prevent the City’s discharge from causing or contributing to an exceedance (i.e., violation) of the receiving water limitations and water quality objectives described in section V of Order No. R9-2019-0166.

On September 22, 2021, the San Diego Water Board provided the Tentative Order and the public notice to the City and interested parties for a 30-day public review period. On September 28, 2021, Mr. John Odermatt provided comments on the Tentative Order (see **Supporting Document No. 4**). On October 22, 2021, the City provided comments on the Tentative Order (see **Supporting Document No. 5**). The Response to Comments Report includes the San Diego Water Board’s responses to Mr. Odermatt’s and the City’s comments and, if applicable, the changes made to the Tentative Order in response to the comments (see **Supporting Document No. 6**). Proposed amendments to Order No. R9-2019-0166, that were provided in the Tentative Order and released for the public comment period, are shown in red-underline for added text and ~~red-strikeout~~ for deleted text. Proposed revisions to the Tentative Order made after the public comment period are in yellow highlight and red-underline for added text and yellow highlight and red-strikeout for deleted text, and were made to the following sections of Order No. R9-2019-0166:

Pages No.	Section No.
E-18	Attachment E, Section III.C, Monitoring Questions 1 through 3
E-20	Attachment E, Section III.C.4

PUBLIC NOTICE

The Tentative Order was noticed and released for public review and comment on September 22, 2021, with comments due October 22, 2021. 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 December 8, 2021, 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. 7**. Notice of public hearing on the Tentative Order was also provided in the Meeting Notice and Agenda for the December 8, 2021, San Diego Water Board meeting, which is posted on the Board website.

SUPPORTING DOCUMENTS

1. Revised Tentative Order
2. State Water Board Order WQ 2021-0005
3. Location Map
4. Comments from John Odermatt, email dated September 28, 2021
5. Comment Letter from City of Oceanside, dated October 22, 2021
6. Response to Comments Report
7. Notice of Public Hearing and Opportunity to Comment