

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

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**TENTATIVE ORDER NO. R9-2024-0144
AMENDING**

**ORDER NO. R9-2022-0006, NPDES NO. CA0107611, WASTE DISCHARGE
REQUIREMENTS FOR THE SOUTH ORANGE COUNTY WASTEWATER
AUTHORITY DISCHARGE TO THE PACIFIC OCEAN
THROUGH THE ALISO CREEK OCEAN OUTFALL**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) finds:

1. BACKGROUND

- 1.1. The San Diego Water Board adopted Order No. R9-2022-0006, Waste Discharge Requirements for the South Orange County Wastewater Authority Discharge to the Pacific Ocean through the Aliso Creek Ocean Outfall (Order No. R9-2022-0006) on March 9, 2022, establishing waste discharge requirements for the discharge of secondary treated wastewater to the Aliso Creek Ocean Outfall.
- 1.2. The South Orange County Wastewater Authority (SOCWA) and the Moulton Niguel Water District (MNWD) informed the San Diego Water Board via letter dated October 14, 2024, that MNWD will take over ownership of the Regional Treatment Plant (RTP).
- 1.3. SOCWA is liable for violations of Order No. R9-2022-0006, Waste Discharge Requirements for the South Orange County Wastewater Authority Discharge to the Pacific Ocean through the Aliso Creek Ocean Outfall (Order No. R9-2022-0006) up until the effective date of this Order.

2. PURPOSE OF ORDER NO. R9-2024-0144 (ORDER)

Tentative Order No. R9-2024-0144, Amending Order No. R9-2022-0006, NPDES No. CA107611, Waste Discharge Requirements for the South Orange County Wastewater Authority Discharge to the Pacific Ocean Through the Aliso Creek Ocean Outfall (Tentative Order) modifies Order No. R9-2022-0006 to document the change in ownership of the RTP by changing all applicable references from SOCWA to MNWD.

3. LEGAL AUTHORITIES

- 3.1. Section 13263(e) of the California Water Code (Water Code) provides that the San Diego Water Board may, upon application by any affected person, or on its

own motion, review, and revise waste discharge requirements. Water Code section 13167.5(a)(1) requires a 30-day public comment period for waste discharge requirements. Sections 122.61 - 122.63 of 40 Code of Federal Regulations (CFR) authorizes the reopening and modification of a National Pollutant Discharge Elimination System (NPDES) permit for minor alterations when there is a change in ownership.

- 3.2. Order No. R9-2022-0006 is not being reopened for any other purpose than the revisions contained herein. Except as contradicted or superseded by the findings and directives set forth in this Order, all of the previous findings and directives of Order No. R9-2022-0006 shall remain in full force and effect.

4. CALIFORNIA ENVIRONMENTAL QUALITY ACT

This action is exempt from the requirement of preparation of environmental documents under the California Environmental Quality Act (Public Resources Code, division 13, chapter 3, section 21000 et seq.) in accordance with section 13389 of the Water Code.

5. PUBLIC PARTICIPATION

- 5.1. The San Diego Water Board notified the Discharger and interested agencies and persons of its intent to adopt this Tentative Order and provided them with an opportunity to submit written comments and recommendations.
- 5.2. The San Diego Water Board in a public meeting heard and considered all comments pertaining to the adoption of this Tentative Order.
- 5.3. Any person aggrieved by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 et seq. The State Water Board must receive the petition by 5:00 p.m., 30 days after the adoption date of this Tentative Order. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request. For instructions on how to file a petition for review, see the State Water Board website at: https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Water Code section 13263 and 40 CFR sections 122.61 - 122.63, Order No. R9-2022-0006 is amended as follows:

1. ORDER MODIFICATIONS

This Tentative Order modifies Order No. R9-2022-0006 to change all references to the owner, operator and/or discharger listed for the RTP from SOCWA to MNWD. An amended version of Order No. R9-2022-0006 showing all changes in redline/strikeout format is included as an attachment to this Tentative Order.

2. ORDER EFFECTIVE DATE

The amended version of Order No. R9-2024-0006 included as an attachment to this Order and shall become effective on December 11, 2024.

I, David W. Gibson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, San Diego Region, on December 11, 2024.

TENTATIVE

David W. Gibson, Executive Officer