

State of California  
Regional Water Quality Control Board  
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT  
December 16, 2009

ITEM: 16.

SUBJECT: Status Report: South Orange County Wastewater Authority (SOCWA) Request for Permit Modification for Brine Discharge (*David Barker and Brian Kelley*)

PURPOSE: To inform the Regional Water Board on the status of staff's evaluation of SOCWA's October 29, 2009 Request for Permit Modification for a Brine Discharge and the status of the San Diego Regional Water Board's application of Technology - Based Effluent Limitations (TBEL's) for wastewater discharges to the Pacific Ocean regulated by individual NPDES permits.

PUBLIC NOTICE: This item was listed on the December 16, 2009 Board Meeting agenda notice that was mailed to the Regional Board's agenda mail list of interested persons.

DISCUSSION: This is a follow-up status report on an issue raised by South Orange County Wastewater Authority (SOCWA) concerning the application of National Pollutant Discharge Elimination System (NPDES) permit effluent limitations to a brine discharge from the South Coast Water District's (SCWD) Groundwater Recovery Facility that is discharged through SOCWA's San Juan Creek Ocean Outfall to the Pacific Ocean. The issue was raised during the course of the May 13, 2009 and July 1, 2009 Regional Water Board proceedings on assessment of administrative civil liability for mandatory minimum penalties against SOCWA for NPDES permit effluent limitation violations at South Coast Water District's (SCWD) Groundwater Recovery Facility (GRF).

SOCWA presently is the responsible party for compliance with NPDES Permit No. CA0107417, Order Number R9-2006-0054, (the Order) (adopted in August 16, 2006) for the San Juan Creek Ocean Outfall. SCWD, a member agency of SOCWA, operates the GRF that is subject to the permit. The GRF takes previously unusable highly brackish groundwater and by applying reverse osmosis ("RO")

creates usable potable water.

SOCWA has raised a number of issues in their October 29, 2009 request for permit modification (Supporting Document 4) that the Regional Water Board's application of effluent limitations on the GRF brine discharge in the Order is a mistaken application of technical standards, mistaken interpretations of law.

By letter dated December 10, 2009 (Supporting Document 2) the Regional Water Board Executive Officer informed SOCWA that their October 29, 2009 request for a permit modification to move the compliance point for Technology-Based Effluent Limitations (TBELs) applicable to the GRF is not in conformance with applicable state and federal laws and regulations and thus is denied.

The issue of consistency of Regional Water Board application of TBELs for brine discharges to the Pacific Ocean in the San Diego Region is addressed in the staff report attached as Supporting Document 3. This report summarizes the application of TBEL's for wastewater discharges to the Pacific Ocean regulated by individual NPDES permits throughout the San Diego Region. The report concludes that brine discharges are industrial discharges for which federal standards have not been promulgated and, thus, Ocean Plan Table A TBELs do apply to brine discharges to the Pacific Ocean. TBELs must be applied to the discharge from a facility prior to any mixing with other effluents or dilution with receiving water.

The report also concludes that application of TBELs to ocean discharges in the San Diego Water Board's jurisdiction is consistent with the above interpretation with a few exceptions. In those few exceptions where the TBELs are inconsistent with state and federal regulations, changes to the NPDES permits to correctly implement the TBELs at each facility will be made during the next permit reissuance process.

The staff report contains a recommendation that in order to implement the narrative and numerical water quality objectives for bays, estuaries and inland surface waters in the San Diego Region, use of the Ocean Plan Table A TBELs for discharges to these waters is an appropriate regulatory approach as a minimum level of protection.

- SUPPORTING DOCS:
1. Location Map
  2. SDRWQCB Letter to SOCWA dated December 10, 2009
  3. SDRWQCB Report dated December 10, 2009
  4. SOCWA Request for Permit Modification dated October 29, 2009

RECOMMENDATION: Informational Item Only.