

**Response to Comments Regarding Tentative Order No. R9-2010-0120, 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 Desalting Facility Discharges to the  
Pacific Ocean via the Oceanside Ocean Outfall**

The Comments and Concerns listed below are paraphrased from the original comment documents to capture the substantive issues raised. Complete copies of all written comments are available on the San Diego Water Board's website at <http://www.waterboards.ca.gov/sandiego/>

Comment No.	Comments and/or Concerns	San Diego Water Board Response
December 2, 2010 letter from the City of Oceanside		
1	<p><b>REC-1 Receiving Water Standards</b> The City of Oceanside (City) disagrees with the interpretation that the <i>Water Quality Control Plan for the San Diego Basin</i> (Basin Plan) designates water-contact (REC-1) beneficial uses throughout all depths out to three nautical miles offshore. The City contends that this misinterpretation will create a burden on the City, without creating any benefit to beneficial uses or improvement to marine water quality. The City, however, has expressed their intent to comply with the specific compliance schedule tasks in the Tentative Order No. R9-2010-0120 (Tentative Order) and to coordinate with other San Diego Region ocean dischargers to seek resolution of the REC-1 bacterial standards compliance issue on a regional or state-wide basis.</p>	<p>The California Ocean Plan's definition of the zone where bacterial objectives apply includes areas used for water contact sports, as determined by the San Diego Water Board (i.e., waters designated as REC-1 for contact water recreation). Current Order No. R9-2005-0136 applies these bacterial objectives to a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline. The U.S. Environmental Protection Agency (USEPA) maintains that, based on the San Diego Water Board's Basin Plan definitions for REC-1 beneficial use and for Ocean Waters, REC-1 beneficial use must be protected throughout State of California territorial marine waters in the San Diego Region, which extend from surface to bottom, out to three nautical miles from the</p>

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		<p>shoreline. USEPA’s interpretation applies to all discharges to ocean waters in the San Diego Region. Consistent with this interpretation the Tentative Order requires that bacterial objectives, which include enterococcus, in addition to total and fecal coliform, be maintained throughout State of California territorial marine waters outside the initial dilution zone. The Tentative Order requires the City of Oceanside to demonstrate compliance with the receiving water bacteria objectives outside the initial dilution zone no later than 5 years following adoption of the Tentative Order. This requirement and 5-year compliance schedule are consistent with two other recently adopted POTW Ocean Outfall NPDES Permits for the City of Escondido and the San Elijo Joint Powers Authority. Thus, no changes to the Tentative Order are warranted.</p>
2	<p><b>Imposition of Ocean Plan Table A Effluent Limitations on Mission Basin Desalting Facility (MBDF) Discharge</b>                      The City contends that no relevant changes to the Ocean Plan Table A requirements have occurred since the MBDF was constructed in the 1990s and the proposed changes to the effluent limitations are the result of a reinterpretation of the Ocean Plan. The City asserts that this reinterpretation could significantly and adversely affect the City’s water</p>	<p>The Tentative Order includes updated effluent limitations for the brine discharge from the MBDF to the Oceanside OO. The updated limitations include moving the point of compliance for the Ocean Plan parameters<sup>1</sup> from the combined discharge to the MBDF plant effluent in order to 1) properly apply the TBELs to the brine discharge, and 2) achieve consistency in regulation for all brine discharges in the San Diego Region. The December 10, 2009 San Diego Water Board</p>

<sup>1</sup> Table A of the Ocean Plan contains Technology Based Effluent Limitations (TBELs).

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	<p>supply operations and represents a significant and adverse economic impact to the City. The City states that this is an impact that is not offset by any benefit to beneficial uses or measurable degree of improvement in receiving water quality. Had the City been made aware in the 1990's that the Table A standards would apply to the individual MBDF discharge, the City would have been able to incorporate cost-effective modifications to the MBDF design to address the Table A standards.</p>	<p>Memorandum entitled <i>Application of Technology-based Effluent Limitations for Discharges to the Pacific Ocean in the San Diego Region</i> describes Staff's evaluation of thirty-five (35) NPDES permitted facilities for consistency in application of the Ocean Plan TBELs (see Supporting Document No. 5). The NPDES permits for six (6) of the 35 facilities were identified as not correctly implementing the Ocean Plan TBELs. Three of the six facilities where TBEL permitting deficiencies were identified are the three City of Oceanside discharges covered under the Tentative Orders. (i.e. San Luis Rey Water Reclamation Facility, La Salina Wastewater Treatment Plant, and MBDF). The Tentative Orders continue Staff's implementation of the strategy for correcting the permitting deficiencies at the time of NPDES permit reissuance as outlined in the December 10 Memorandum (see Supporting Document No. 5).</p> <p>San Diego Water Board staff understands that these TBELs were not properly applied in previous NPDES permits for the City of Oceanside's MBDF. Furthermore, the City has evaluated the proposed change in compliance point identified in the Tentative Order and has determined that the MBDF brine waste discharge would not be able to immediately comply with the turbidity TBELs derived from the Ocean Plan. As such, the San Diego Water Board prepared <i>Tentative Time</i></p>

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		<p><i>Schedule Order No. R9-2010-0148, Requiring the City of Oceanside, Mission Basin Desalting Facility Discharge to the Pacific Ocean via the Oceanside Ocean Outfall to Comply With Requirements Prescribed in Order No. R9-2010-0120, NPDES No. CA0107433 (TSO).</i> The tentative TSO would, if adopted, establish a time schedule for the City to achieve full compliance with the turbidity effluent limitations for the MDBF no later than five years following adoption of the Tentative Order. Based on these considerations the issuance of a separate TSO under the authority of California Water Code section 13300 is appropriate to allow the City time to take specific actions to comply with the turbidity TBELs and thereby prevent violations of the Tentative Order requirements. No changes to the Tentative Order or TSO are warranted.</p>
3	<p><b>Combined Discharge Flow Limitation</b>                      The City's current capacity through the Oceanside Ocean Outfall (OOO) is 22.6 million gallon per day (MGD). The permitted discharge flow rate in the Tentative Order reflects this flow capacity and allows for an increase to 23.4 MGD when the requirements of Special Provision VI.C.5.a.i of the Tentative Order have been met (outfall cleaning). The City would also like the Tentative Order to allow for:</p> <ol style="list-style-type: none"> <li>1. an increase in the permitted discharge flow rate when the 15-inch-diameter meter section of the</li> </ol>	<p>Modifications to the Tentative Order to accommodate the City's request to include provisions for allowing an increase in the permitted flow rate through the Oceanside Ocean Outfall when the 15-inch diameter meter section is replaced have been incorporated in the errata sheet (See Errata Nos. 1, 2, 4, 6, 7, 8, 11, 13, 14, 16, 17, 18, and 20). As part of these modifications, and in order to simplify the permit, mass-based limits for the performance goal parameters have been removed. Mass limitations for performance goals are not required and do not</p>

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	<p>OOO is replaced (an increase from 22.6 MGD to 23.1 MGD), and</p> <p>2. an increase in the permitted discharge flow rate when both the OOO is cleaned and the 15-inch-diameter meter section of the OOO is replaced (an increase from 22.6 MGD to 24.4 MGD).</p>	<p>provide useful information for the discharger or interested persons in evaluating compliance with the water quality concentration-based effluent limitations. Concentration performance goals will remain in the Tentative Order for reference and for evaluating discharger performance.</p>
4	<p><b>SLRWRF Flow Limitation</b>                      The City requests that the Tentative Order be modified to state that the San Luis Rey Water Reclamation Facility (SLRWRF) can treat monthly average flows up to 15.4 MGD, while limiting the flow to the OOO through the land outfall to less than 13.5 MGD. This is possible because the City maintains 30 million gallons of onsite wastewater storage at the SLRWRF. The City reports that planned improvements to the land outfall structures would increase the capacity of the land outfall to accommodate the 15.4 MGD capacity of the SLRWRF. The City would like the Tentative Order to allow for an increase in the permitted discharge flow rate for the SLRWRF when the planned improvements to the land outfall structures have been completed.</p>	<p>Modifications to the Tentative Order to accommodate the City's request to include provisions for allowing an increase in the permitted flow rate from the SLRWRF, up to 15.4 MGD, have been incorporated into the errata sheet (See Errata Nos. 1, 2, 3, 5, 8, 11, 12, 16, and 20)</p>
5	<p><b>Facility Information</b>                      The City requests that the permitted flow information contained in Table 4 (page 4 of the Tentative Order) be revised to reflect the changes requested in Comments 3 and 4 above.</p>	<p>Modifications to the Tentative Order to be consistent with the increased flow rates requested in Comments 3 and 4 above have been incorporated into the errata sheet (See Errata No. 1)</p>

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6	<p><b>Surf Zone Monitoring</b>                      The City is requesting changes to the repeat sampling provisions for surf zone monitoring following storm events. When a single surf zone sample exceeds any of the single sample bacterial standards during a 72-hour General Advisory issued by the County of San Diego Department of Environmental Health, the City would like to conduct the required repeat sampling within 24 hours after the end of the 72-hour General Advisory period, as opposed to within 24 hours of the exceedance, which is the current requirement. The City asserts that monitoring data at the near shore stations have consistently confirmed that the shore exceedances result from storm runoff or dry-weather runoff and conducting repeat monitoring of shore stations during storm events provides no valuable information.</p>	<p>Repeat sampling at shore stations within 24 hours after a single sample exceedance is a required implementation provision of the Ocean Plan (Section III.D.1.b). The provision does not include any exceptions, even for a General Advisory issued by a local health department. The City may request an exception to the Ocean Plan requirements in accordance with Section III.I <i>State Board Exceptions to Plan Requirements</i> of the Ocean Plan. No changes to the Tentative Order are warranted.</p>

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7	<p><b>Effluent Monitoring</b>            Since some of the constituents for which quarterly monitoring is proposed in the Tentative Order have not been detected within the combined effluent during the past five years, the City is requesting the sampling frequency for these constituents be reduced to semiannually.</p>	<p>Modifications to the Tentative Order to reduce the monitoring frequency from quarterly to semiannually for certain constituents that do not have effluent limitations have been incorporated into the errata sheet (See Errata Nos. 9, 10, 15, and 19). Reducing the monitoring frequency for these constituents is appropriate because:</p> <ol style="list-style-type: none"> <li>1. no reasonable potential to cause an exceedance of a water quality standard has been identified for these constituents:</li> <li>2. a monitoring frequency of semi-annual will still provide adequate data to conduct a reasonable potential analysis at the end of the 5-year permit cycle: and,</li> <li>3. the monitoring frequency of semi-annual is consistent with other constituents in the Tentative Order that have performance goals and no effluent limitations.</li> </ol>
December 3, 2010 letter from the San Diego County Water Authority		
8	<p>San Diego County Water Authority (SDCWA) expresses their concerns about how the Tentative Order imposes the requirements to comply with Ocean Plan Table A Effluent Limitations directly on the Mission Basin Desalting Facility (MBDF) discharge. SDCWA reports that 1) the MBDF has complied with the Ocean Plan Table A standards in the combined discharge for the past 20 years, 2) there are no recent changes to the Ocean Plan indicating that compliance should be determined</p>	<p>The San Diego Water Board acknowledges that proper disposal of brine is a key part of the strategy for managing salts in the San Diego Region. The disposal of brine, however, must be in conformance with all applicable state and federal water quality plans and policies. The Tentative Order updates the effluent limitations for the MBDF to ensure full compliance with the Ocean Plan. <b>See Response to Comment No. 2 above for additional information.</b></p>

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	<p>any differently than it has been in the past, and 3) there has been no evidence or scientific basis provided which would indicate the current approach of commingling brine effluent is not adequately protective of ocean water quality. SDCWA contends that imposition of the proposed approach for applying Table A limitations universally throughout the San Diego Region will pose a significant impediment to salinity management and brine disposal in the region. SDCWA asserts that this will also impact water supplier ability to develop and use important local groundwater and recycled water supplies as follows:</p> <ol style="list-style-type: none"> <li>1. The provisions could require salt brines to be delivered to a wastewater treatment plant influent in order to meet waste discharge standards. This will significantly increase the total dissolved solids (TDS) concentrations in the recycled water produced and render the recycled water unacceptable for beneficial reuse.</li> <li>2. A lack of cost effective alternatives for brine treatment to meet Table A standards without the option to co-mingle could result in a loss of a critical groundwater water supply for the City of Oceanside and other local water suppliers that are unable to dispose of their brine that will negatively impact regional water reliability.</li> </ol>	<p>No changes to the Tentative Order are warranted.</p>