

**REVISED**  
**EXECUTIVE OFFICER SUMMARY REPORT**  
January 21, 2009

ITEM: 6

SUBJECT: PUBLIC HEARING: NPDES Permit Reissuance: City of San Diego Point Loma Ocean Outfall Discharge to Pacific Ocean. Discussion of Tentative NPDES Permit No. CA0107409 and waste discharge requirements for the City of San Diego E. W. Blom Point Loma Metropolitan Wastewater Treatment Plant discharge to the Pacific Ocean through the Point Loma Ocean Outfall, based on a variance from federal secondary treatment standards at Title 40 of the Code of Federal Regulations Part 133 (40 CFR 30), as provided for improved discharges under Clean Water Act section 301(h) and 40 CFR 125, Subpart G. The USEPA and the Regional Board will jointly conduct this public hearing to receive comments related to the tentative NPDES permit. The Regional Board will not adopt the NPDES permit at this hearing, but will formally act on the permit at a **subsequent later** Board meeting. The public comment period for this item will remain open until 5:00 p.m. on January 28, 2009 and all written comments submitted by the deadline will be considered by the Board before taking action on the tentative permit. (Tentative Order No. R9-2009-0001) (*Melissa Valdovinos*)

PURPOSE: The United States Environmental Protection Agency (USEPA) and the Regional Board will jointly conduct this public hearing to receive comments related to the tentative NPDES permit/order, including the tentative decision document (TDD) regarding the City's application for a variance from secondary treatment requirements of the Clean Water Act, pursuant to section 301(h) and (j)(5). The Regional Board will not adopt the NPDES permit/order at this hearing, but will formally act on the permit at a **subsequent later** Board meeting.

PUBLIC NOTICE: USEPA and the Regional Board published a Joint Notice of Proposed Actions in the San Diego Union Tribune newspaper on December 5, 2008, which announced this January 21, 2009 meeting and gave instructions on submitting comments on the tentative NPDES permit/order and TDD. The public comment period will remain open until January 28, 2009.

The tentative NPDES permit/order and TDD were sent out on December 5, 2008 to the City of San Diego Metropolitan

Wastewater Department (the City) and to all known interested parties and agencies. Copies were also made available for public review at the Regional Board web site and office on December 5, 2008.

DISCUSSION:

The City is currently discharging advanced primary treated wastewater to the Pacific Ocean via the Point Loma Ocean Outfall pursuant to Order No. R9-2002-0025, as amended, and NPDES Permit No. CA0107409, as modified. The effluent limitations are based, in part, on a variance from secondary treatment standards contained in the Clean Water Act as granted by USEPA pursuant to sections 301(h) and (j)(5). The variance results in biochemical oxygen demand (BOD) and total suspended solids (TSS) limitations that are less stringent than federal secondary requirements (based on Ocean Pollution Reduction Act [OPRA] requirements). Also in accordance with OPRA, a reduction of TSS mass emissions is required. In the draft permit/order, a limitation of 15,000 metric tons per year must be achieved on the permit effective date through December 31, 2013, and a limitation of 13,598 metric tons per year must be achieved by January 1, 2014.

The wastewater treatment system consists of mechanical bar screens, aerated grit removal, chemical addition, sedimentation, and partial chlorination. The Point Loma Ocean Outfall (PLOO) discharges the wastewater effluent approximately 4.5 miles offshore. Although this is beyond the limit of State-regulated ocean waters, potential plume migration within this limit warrants joint regulation of the effluent, from USEPA as well as the State.

Order No. R9-2002-0025 expired on June 15, 2008 but has been administratively extended. The City submitted an application for a renewed permit and 301(h) variance on December 14, 2007, and supplemental information requested by the Regional Board, on June 6, 2008. In a letter to the City of San Diego, dated November 13, 2008, the Regional Board deemed the application complete. The tentative permit/order establishes discharge requirements based on modified secondary treatment requirements in accordance with federal Clean Water Act sections 301(h) and (j)(5).

The need for water quality-based effluent limitations for toxic pollutants listed under Table B of the Ocean Plan was determined using the reasonable potential analysis (RPA) procedures of the Ocean Plan, which were added in 2005. The RPA procedures

use a statistical approach to determine if the discharge has the potential to cause an exceedance of the water quality objectives for the Pacific Ocean for the toxic pollutants listed under Table B of the Ocean Plan, based on historical effluent data and the dilution factor for the PLOO. The RPA results for this discharge indicated that the effluent only has reasonable potential to cause exceedances of water quality objectives for chronic toxicity, chlordane, and heptachlor; therefore, water quality-based effluent limitations are included in the tentative order for these parameters.

Performance goals, rather than effluent limitations, are included in the tentative order for all other toxic pollutant parameters of Table B of the Ocean Plan. Performance goals are not enforceable effluent discharge specifications or standards for the regulation of the discharge; however, inclusion of performance goals supports State and federal antidegradation policies and provides all interested parties with information regarding the expected levels of pollutants in the discharge that should not be exceeded to maintain the water quality objectives established in the Ocean Plan.

Comments on Tentative Order No. R9-2009-0001 have been received from eight parties as of January 7, 2009. One party expressed opposition to the operations of the plant. Six parties support and concur with the TDD and tentative NPDES permit/order. One party provided comments on disinfection technique, minimization of pharmaceuticals, laboratory analysis/reporting, and bacterial fate and transport. Additional comments received and any will be provided in the supplemental agenda packet. Written responses to comments will be prepared after the close of the comment period on January 28, 2009. Comments on the TDD will be addresses by USEPA.

**SIGNIFICANT  
CHANGES:**

The following areas in the tentative permit/order differ from the current permit/order:

1. Standard language for certain Findings, Standard Provisions, and the permit format recommended by the State Board are implemented.
2. A RPA was conducted for water quality-based limitations using data supplied by the City. Effluent limitations were included for the constituents with reasonable potential to exceed water quality objectives; chronic toxicity, chlordane, and heptachlor. Constituents that do not have reasonable potential or had inconclusive RPA results are assigned performance goals in the

tentative order. These constituents are also assigned monitoring requirements, but the results will be used for informational purposes only, not compliance determination.

3. Section VII – Compliance Determination has been added to explain how compliance with the requirements of the tentative order will be determined.
4. The 2005 California Ocean Plan's definition of the zone where bacterial objectives apply includes areas used for water contact sports, as determined by the Regional Board (i.e., waters designated as REC-1 for contact water recreation). The current permit 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. USEPA maintains that based on the Water Quality Control Plan for the San Diego Basin 9 (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 surface to bottom, out to three nautical miles from the shoreline. These bacterial objectives, which now include enterococcus, in addition to total and fecal coliforms, are applied throughout State of California territorial marine waters in the draft permit/order.

COMPLIANCE:

The City has generally complied with the requirements of the current NPDES permit/order; noncompliance consists of the following:

1. The City violated the daily maximum effluent limitation of 205 chronic toxicity units (TUc) for chronic toxicity on May 4, 2003 at >667 TUc.
2. The City violated the daily maximum effluent limitation of 3 mg/L for settleable solids on June 8, 2004 at 7.5 mg/l and on August 21, 2004 at 3.5 mg/L.
3. The City violated the 7-day average effluent limitation of 1.5 mg/L for settleable solids on June 12, 2004 at 1.8 mg/L and on June 14, 2004 at 1.7 mg/L.
4. The City violated the 30-day average effluent limitation of 4.7 mg/L for chlordane in July and August 2004 at 34.8 mg/L.

5. The City violated the 30-day average effluent limitation of 10 mg/L for heptachlor in July and August 2004 at 11 mg/L.
6. The City violated the 30-day average effluent limitation of 10 mg/L for heptachlor in July and August 2004 at 11 mg/L.

These violations resulted in an Administrative Civil Liability of \$42,000 on September 14, 2005 (Order No. R9-2005-0229).

KEY ISSUES:

1. The tentative permit/order establishes discharge requirements based on modified secondary treatment requirements in accordance with federal Clean Water Act sections 301(h) and (j)(5), which results in less stringent BOD and TSS limitations. This has been the case for the past two permit terms as well.
2. Bacterial objectives for enterococcus, total coliform, and fecal coliform, are applied beyond the shoreline area, throughout State of California territorial marine waters.

LEGAL CONCERNS:

None

SUPPORTING DOCS:

1. Site Map
2. Joint Notice of Proposed Actions
3. USEPA Tentative Decision Document
4. Transmittal Letter for Draft NPDES Permit No. CA0107409 and Tentative Order No. R9-2009-0001
5. Draft NPDES Permit No. CA0107409 and Tentative Order No. R9-2009-0001
6. Comments on Draft NPDES Permit No. CA0107409 and Tentative Order No. R9-2009-0001, as of January 7, 2009 (from James Gilhooly, Metro Joint Powers Authority, City of Chula Vista, City of Poway, City of Coronado, City of La Mesa, Otay Water District, and Sierra Club)
7. **Additional Comments Letters from Padre Dam Municipal Water District (12/19/08), City of San Diego Metropolitan Wastewater Department (1/7/09), City of Imperial Beach (Received 1/9/09), National City (1/5/09), and City of El Cajon (1/5/09).**
8. **Section 301(j)(5) of the Clean Water Act, also know as the Ocean Pollution Reduction Act**

RECOMMENDATION:

Not applicable; the Regional Board will not be acting on the NPDES permit at this meeting.

Melissa V.



SAN DIEGO REGIONAL  
WATER QUALITY  
CONTROL BOARD

Item No. 6  
Sup. Doc. 7

2009 JAN 14 P 1:34

December 19, 2008

Ms. Robyn Stuber  
U.S. Environmental Protection Agency, Region IX  
NPDES Permits Office (WTR-5)  
75 Hawthorne Street  
San Francisco, CA 94105

SUBJECT: CRU: 9 000000275: MVALD

Draft NPDES Permit No. CA107409 and Tentative Order No. R9-2009-0001 for the City of San Diego E.W. Blom Point Loma Metropolitan Wastewater Treatment Plant Discharge to the Pacific Ocean through the Point Loma Ocean Outfall.

Dear Ms. Stuber:

Padre Dam Municipal Water District is pleased to provide comments on the 301(h) tentative decision and draft NPDES permit for the City of San Diego's E.W. Blom Point Loma Wastewater Treatment Plant.

The Point Loma Plant is a major component of the Metropolitan Sewerage System that is operated by the City of San Diego, with participation by fifteen other municipalities and agencies. Nearly one third of the total flow to the system originates from these participating agencies. As a participating agency, the Padre Dam Municipal Water District has a unique interest in decisions that effect the operation of the Metro System. Additionally, as a member of the greater San Diego area community, we are also concerned that the public health and environment of the local area is protected.

The Padre Dam Municipal Water District would like to express its complete support and concurrence with the tentative decision to approve a 301(h) variance from the federal secondary treatment standards for San Diego's Point Loma Wastewater Treatment Plant. We feel strongly that the combination of chemically assisted primary treatment, deep ocean outfall and comprehensive ocean monitoring has proven to be protective of the public health and environment in the local area. The tentative decision for approval of the variance is appropriate and correct.


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US EPA, Region IX  
CRU: 9 00000275: MVALD  
December 19, 2008  
Page 2

Accordingly, the Padre Dam Municipal Water District urges the Regional Water Quality Control Board and United States Environmental Protection Agency to take the necessary actions to make this decision final at the earliest possible date.

Sincerely,



Doug Wilson  
General Manager

cc: Melissa Valdovinos  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123



THE CITY OF SAN DIEGO

**HAND DELIVERED**

January 7, 2009

Ms. Melissa Valdovinos  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, California 92123-4340

2009 JAN -7 P 3:49

SAN DIEGO REGIONAL  
WATER QUALITY  
CONTROL BOARD

Re: Comments on Tentative Order R9-2009-0001 (NPDES CA0107409)  
Point Loma Wastewater Treatment Plant  
CRU: 9 000000275: MVALD

Dear Ms. Valdovinos:

Thank you for the opportunity to present comments on Tentative Order No. R9-2009-0001 (NPDES CA0107409). Tentative Order No. R9-2009-0001 would renew NPDES requirements and modified secondary treatment standards for the discharge of treated wastewater from the Point Loma Wastewater Treatment Plant (PLWTP) to the Point Loma Ocean Outfall (PLOO). Modified secondary treatment standards for the PLWTP discharge would be renewed per requirements established in Section 301(h) of the Clean Water Act.

While requirements proposed within Tentative Order No. R9-2009-0001 are largely similar to those established in Order No. R9-2002-0025, Tentative Order R9-2009-0001 establishes a number of new reporting, monitoring, and compliance provisions. To facilitate EPA and Regional Board review of the City's comments on Tentative Order No. R9-2009-0001, our comments are divided into two groups: (1) comments on issues the City considers to be of critical importance, and (2) other comments or suggestions.

**KEY ISSUES OF IMPORTANCE**

The City has identified five critical proposed requirements within Tentative Order No. R9-2009-0001 that require revision. Revisions are required within the Tentative Order to:

- denote that the 240 mgd flow limit applies to average dry weather conditions,
- address the need for a feasibility assessment of continuous chlorine monitoring,
- denote the proper testing method for dioxins,
- modify requirement for receiving water ammonia monitoring and address the feasibility of PLOO plume tracking, and
- establish laboratory report submittal dates that are achievable.

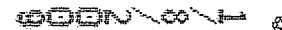
Required revisions within these five areas are addressed in the following sections.

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**Metropolitan Wastewater Department**

9192 Topaz Way • San Diego, CA 92123  
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**Daily Flow Limit:** The flow limitation established in Requirement III.B (page 12 of Order No. R9-2009-0001) should be revised to note that the 240 mgd flow limit applies under average dry weather conditions. Requirements III.B should state:

*III.B. Discharge through the PLOO from the facility in excess of an average daily dry weather flow of 240 mgd is prohibited.*

Discharge Prohibition III.B of Tentative Order No. R9-2009-0001 carries forward a misstated flow limit set forth in Order No. R9-2002-0025 which inadvertently omitted the words "dry weather" from the 240 mgd PLOO flow requirement. Prohibition A.25 of the original 1995 Point Loma 301(h) NPDES permit (Order No. 95-105) established PLOO flow limits as:

*25. Discharge through the PLOO from any treatment facility at a 30-day average dry weather flowrate in excess of the design capacity of that treatment facility is prohibited. For purposes of this permit, the design capacity of that treatment facility identified in the findings of this permit, unless the Regional Board Executive Officer (hereinafter Executive Officer) approves a revised design capacity in accordance with this permit.*

The Regional Board has previously designated design flows for the PLWTP and PLOO at 240 mgd (dry weather) and 432 mgd (peak day). Metro System master facilities plans are based on these maximum design flows. Order No. R9-2009-0001 should limit flows through the PLOO and PLWTP to 240 mgd (dry weather) and 432 mgd (peak day).

**Continuous Chlorine Monitoring:** Provision VI.C.6.a of Tentative Order No. R9-2009-0001 would require the City to begin continuous effluent monitoring of chlorine residual within 180 days of the effective date of the permit. This requirement is also specified within Footnote 15 to Table E-3 (page E-14 of the Monitoring and Reporting Program).

The City has contacted vendors of equipment for continuous monitoring of chlorine residual and the vendors have informed the City that continuous monitoring of the PLOO discharge for total chlorine residual may not be currently feasible or implementable. While continuous chlorine monitoring is feasible with drinking water or filtered recycled water (which contain near-zero concentrations of total suspended solids), the City to date has not been able to locate any chlorine detection sensors that will reliably operate within the TSS range of the PLOO effluent (which during 2008 averaged a TSS concentration of 35 mg/l). Additional analysis is required to assess chlorine residual analysis equipment and address the feasibility of such continuous chlorine monitoring. To protect the ocean environment and to address the feasibility of continuous chlorine monitoring, the City recommends that Provision VI.C.6.a of Order No. R9-2009-0001 be revised to the following:

*VI.C.6 Other Special Provisions*

- a. The Discharger shall prepare a study that assesses the feasibility and reliability of implementing continuous effluent monitoring for total chlorine residual. If a feasible and reliable method for continuous chlorine residual monitoring is identified, the study shall present an implementation plan for pilot testing and implementing the continuous chlorine monitoring method. The feasibility study and implementation plan shall be submitted to the Executive Director within 365 days of the effective date of this Order. Until or unless such continuous chlorine monitoring is implemented, to ensure compliance with WQBELs for total chlorine*

*residual, the Discharger shall collect four grab samples per day that are representative of the daily effluent discharge and analyze the grab samples for total chlorine residual. These samples shall be collected at equal time intervals throughout on-site ELAP-accredited laboratory working hours.*

**Dioxin Test Method:** Footnote 10 to Table E-3 (page E-13 of the Monitoring and Reporting Program) proposes that EPA Method 1613 be required for analysis of dioxin. In adopting Addendum No. 1 to Order No. R9-2002-0025, the Regional Board and EPA agreed to the City's use of EPA Method 8280 (GC-ECD/MS detection) for analyzing dioxin. As part of this approval, the City demonstrated that performance of Method 8280 meets or exceeds the performance of Method 1613 in effluent, and Method 8280 eliminates effluent-related interferences that may cause Method 1613 to register "false positives" for the presence of dioxin isomers.

The City requests that Footnote 10 to Table E-3 be revised to allow use of Method 8280 for the analysis of dioxin, as is currently approved within Addendum No. 1 to Order No. R9-2002-0025.

**Receiving Water Ammonia Monitoring:** Table E-5 (page E-21 of the Monitoring and Reporting Program) requires that a depth profile of receiving water samples be collected and analyzed for ammonia. This requirement is also addressed on page F-47 of the Fact Sheet. Five receiving water depth-profiles of ammonia are required per month at all kelp bed stations, and quarterly receiving water depth profiles of ammonia are required at all other offshore stations.

It is the City's understanding that receiving water ammonia monitoring is proposed as a surrogate means of tracking the PLOO wastewater plume once PLWTP chlorination is fully functional and receiving water bacteriological monitoring is no longer an effective parameter for tracking the plume. Further study is required to determine (1) if such ammonia monitoring will be the most effective plume tracking method, (2) how such receiving water monitoring should be conducted, and (3) where and how often such receiving water monitoring for ammonia should occur.

It is not possible to comply with the ammonia receiving water monitoring requirement as written, as no probes are presently available for the CTD units to measure this parameter in situ. As a result, receiving water ammonia monitoring would require collecting and analyzing a large number of seawater grab samples at discrete depths. If such grab samples are to be required, sampling protocols (including establishing sample depths) will need to be established.

It should be noted that the City is preparing to initiate a special study designed to (1) determine behavior of the Point Loma outfall wastewater plume at times when the most common circulation patterns are likely to occur, and (2) develop models of regional circulation and plume mixing to determine behavior and dispersal of the plume through time. Work to support this study is scheduled to be performed from April 2009 through September 2010. The results of this study should prove relevant to determining appropriate long-term plume monitoring requirements. To address the above ammonia monitoring issues and to assess plume tracking options, the City requests that Special Provision VI.C.6.b be added that requires the following:

*VI.C.6 Other Special Provisions*

- b. *The Discharger shall prepare a feasibility study that assesses behavior of the PLOO wastewater plume and means of tracking the plume. The feasibility study*

*shall present a recommended plan for plume tracking which includes identifying recommended modifications in receiving water sampling parameters, locations, and/or sampling protocols. The feasibility study shall be submitted to the Executive Director within 2 years of the effective date of this Order.*

Until the feasibility study has been completed, the City recommends that ammonia receiving water monitoring provisions of Table E-5 (page E-21) be modified pending further discussion and agreement between the Regional Board, USEPA, and the Discharger.

**Report Submittal Schedule:** Table E-9 (page E-30 of the Monitoring and Reporting Program) proposes that self monitoring reports be submitted within 30 days of the end of specific reporting periods. Such a submittal schedule is simply not physically feasible for a number of the required analyses, particularly analyses that involve offshore monitoring, benthic monitoring, and analysis/evaluation of collected data.

Monitoring and reporting schedules and requirements set forth in the current NPDES permit (Order No. R9-2002-0025) present a clear description of the content of required reports and establish due dates that are feasible. The City recommends that Table E-9 of Order No. R9-2009-0001 be modified as follows in accordance with the current permit reporting schedule:

**Table E-9. Monitoring Periods and Reporting Schedule**

REPORTS	Report Period	Report Due
<b>MONTHLY REPORTS</b> Influent and Effluent Solids Removal/Disposal Tijuana Cross-Border Emergency Connection (when flowing) Sludge Analysis Receiving Waters Monitoring Toxicity Testing	Monthly	By the 1st day of the month following the monitoring period. (e.g., March 1 for January's monitoring)
<b>QUARTERLY</b>	January-March April-June July-September October-December	June 1 September 1 December 1 March 1
<b>SEMIANNUAL</b>	January- June July- December	August 1 March 1
<b>ANNUAL REPORTS</b> Pretreatment Report (Provision A.3.d.) Sludge Analysis QA Report Flow Measurement Receiving Waters Monitoring Region 9 Kelp Beds Report	January-December	April 1 April 1 April 1 July 1 July 1 October 1

## OTHER COMMENTS

In addition to the above-noted five significant concerns, the City offers the following additional comments and suggestions on Tentative Order No. R9-2009-0001 and the associated Monitoring and Reporting Program (Attachment E).

**Dioxin Isomers (Page 19):** Footnote 9 to Table 10 (page 19 of the Tentative Order) reproduces a list of TCDD isomers and toxicity equivalents that is taken from the California Ocean Plan. This list is repeated on page A-6 and in Footnote 10 to Table E-2 (page E-10 of the Monitoring and Reporting Program). The California Ocean Plan nomenclature for TCDD isomers is ambiguous, and clarity is required to define TCDD isomers where multiple substitutions are possible (e.g. 2,3,7,8 with "hexa" and "hepta" isomers). To eliminate this ambiguity, the City recommends that Footnote 9 to Table 10 of Order No. R9-2009-0001 (and repeated lists) clarify that the intent of the Order and the California Ocean Plan is to set forth the following list of TCDD isomers and toxicity equivalence factors:

Isomer Group	Toxicity Equivalence Factor
2,3,7,8-tetra CDD	1
1,2,3,7,8-penta CDD	0.5
1,2,3,4,7,8 -hexa CDD	0.1
1,2,3,6,7,8-hexa CDD	0.1
1,2,3,7,8,9-hexa CDD	0.1
1,2,3,4,6,7,8-hepta CDD	0.01
octa CDD	0.001
2,3,7,8-tetra CDF	0.1
1,2,3,7,8-penta CDF	0.05
2,3,4,7,8-penta CDF	0.5
1,2,3,4,7,8-hexa CDF	0.1
1,2,3,6,7,8-hexa CDF	0.1
1,2,3,7,8,9-hexa CDF	0.1
2,3,4,6,7,8-hexa CDF	0.1
1,2,3,4,6,7,8-hepta CDF	0.01
1,2,3,4,7,8,9-hepta CDF	0.01
octa CDF	0.001

**Antidegradation (Page 34):** Special Provision VI.C.2.e (pages 34 and 35 of the Tentative Order) requires the City to submit a Tier II antidegradation study to assess whether mass emissions of phenol result in a "significant" water quality effect. The City will submit the antidegradation study as required under Special Provision VI.C.2.e of the Tentative Order, but the City feels that our NPDES application has already demonstrated compliance with the Tier II "significance" requirement.

As shown in these submitted documents, phenol concentrations at the Zone of Initial Dilution (ZID) boundary are projected to be significantly less than half of the California Ocean Plan

receiving water limits. Maximum projected ZID boundary concentrations are presented in Section B.7 of the Large Applicant Questionnaire (Volume III). As presented in Table III.B-22 of the Large Applicant Questionnaire (Volume III, page III.B-31), the maximum observed PLOO total phenol concentration during 2002-2006 was 25.6 µg/l. At an initial dilution of 204:1, this maximum observed 25.6 µg/l total phenol concentration results in a computed total phenol concentration at the ZID boundary of 0.12 µg/l. The 0.12 µg/l total phenol concentration is a tiny fraction of the Ocean Plan daily maximum receiving water standards of 120 µg/l for phenolic compounds and 4 µg/l for chlorinated phenolics. As presented in Table III.B.21 (page III.B.30 of the Large Applicant Questionnaire), the 90<sup>th</sup> percentile PLWTP phenol concentration during 2002-2006 was 16 µg/l. At an initial dilution of 204:1, this 90<sup>th</sup> percentile concentration corresponds to a receiving water concentration at the ZID boundary of 0.077 µg/l. This 0.077 µg/l value is a small fraction of the 6-month median Ocean Plan receiving water standards of 30 µg/l for phenolic compounds and 1 µg/l for chlorinated phenolics.

Even if future PLWTP effluent concentrations of phenol were to increase commensurate with projected PLOO flow increases, the phenol concentrations at the boundary of the ZID will remain well below half of the Ocean Plan receiving water limits. As shown in Tables III.B-21 and III.B-22 of the Large Applicant Questionnaire (Volume III) and within the Antidegradation Analysis (Volume II), this continued compliance is projected even if 100 percent of the total phenolics in the PLOO discharge were to be converted to chlorinated phenolics.

**Biosolids Monitoring for Ammonia (Page 38):** Special Provision VI.C.5.B.III.a (page 38 of the Tentative Order) would require the City to monitor biosolids for ammonia. This requirement appears to be a typographical error and should be removed. No need for such an analysis exists, and no approved analytical method exists for analyzing ammonia-nitrogen in biosolids.

**Dilution Ranges for Bacteriological Analyses (Page 51):** Compliance Determination VII.I.2.e.ii (page 51 of the Tentative Order) requires that dilutions for bacteriological analyses be performed so that the range of values extends from 2 to 16,000 CFU (colony forming units/100ml). The City's laboratory has historically achieved the following ranges in bacteriological analyses:

- 2 to 16,000/100ml CFU for total coliforms
- 2 to 12,000/100ml CFU for fecal coliforms
- 2 to 12,000/100ml CFU for enterococci

The City requests that Compliance Determination VII.I.2.e.ii be revised to reflect these historical ranges. These historically achieved ranges are based on standard dilution volumes of 0.5, 5.0, 50 milliliters and the acceptable plate count range specified in *Standard Methods for the Analysis of Water and Wastewater* (Standard Methods).

Per Standard Methods, the acceptable range per plate counts for the Membrane Filtration (MF) method are different for total coliforms than for fecal coliforms and enterococci. Plate counts of 20 to 80 CFU are acceptable for total coliforms. Plate counts of 20 to 60 are acceptable for fecal coliforms and enterococci. Applying the highest dilution and highest acceptable plate counts will provide the following highest reportable results:

Dilution	Maximum Acceptable Plate Count	Factor	Reportable Count (CFU/100ml)
0.5	80	200	16,000 (80x200)
0.5	60	200	12,000 (60x200)

Because the MF technique has a method limitation of 60 CFU for a countable plate for fecal coliforms and enterococci, it is not possible for a decimal dilution series to produce an upper limit of 16,000 CFU/100ml. To cover the 16,000 CFU/100ml range for fecal coliforms and enterococci, it would be necessary to use a decimal dilution that would yield a result above the 16,000 CFU/100ml. The drawback to this is that more error is introduced when the dilution series is expanded by using higher dilutions.

The Ocean Plan requirement for a range of 2 to 16,000 CFU/100ml is likely an inadvertent holdover from the old MTF (Multiple Tube Fermentation) method based on MPN (Most Probable Number) table used for estimating total and fecal coliform densities. Under the old MTF method (per Standard Methods), a 5-5-5 combination serial dilution yields a range of less than 2 to greater than 1,600 MPN/100ml using base dilutions of 10ml, 1.0ml and 0.1ml. By using a higher dilution series, countable plates will yield bacterial densities to 16,000 MPN/100 ml using the base range integers of the MPN table (see Table 9221:IV, Standard Methods, 21<sup>st</sup> Ed).

Increasing the required fecal coliform and enterococci ranges to 16,000 CFU/100ml provides no practical or regulatory benefit compared to the existing range of 12,000 CFU/100ml, in that:

- Historical receiving water counts are typically low, except when influenced by coastal runoff.
- Action level benchmarks defined in the Ocean Plan are >400 CFU/100 ml for fecal coliforms and >104 CFU/100 ml for enterococci. The benchmarks are more than two orders of magnitude below the currently achieved 12,000 CFU/100 ml range.
- Any seawater sample with a total coliform concentration  $\geq 1000$  CFU/100 ml and a fecal:total (F:T) ratio  $\geq 0.1$  is considered representative of contaminated waters. Samples that meet these criteria are used as indicators of the PLOO waste field or other sources of bacterial contamination.
- Samples with total coliform densities of 10,000 CFU/100 ml or more were immediately re-sampled. This total coliform resampling limit is more conservative than the currently achieved range of 12,000 CFU/100 ml for fecal coliforms and enterococci.

**Semiannual SIU Compliance Report (Page 46):** Special Provision VI.C.5.c.vi (page 46) requires semiannual SIU noncompliance status reports to be submitted by March 1 and September 1 of each year. Due to data availability limitations, the City requests that due dates for the semiannual SIU noncompliance reports be revised to April 1 and September 1.

**PCBs (Page A-5):** Tentative Order No. R9-2009-0001 (page A-5) restates the California Ocean Plan definition for PCBs which refers to Aroclors. It should be noted that the City's current required monitoring for sediment and fish tissues determines PCBs as congeners, whereas

Aroclors are measured for influent and effluent samples. It would be preferable to the City to make all required determinations for PCBs as congeners.

**Attachment B (page B-1):** If desired, the City can provide the Regional Board with a better quality bathymetric map of the PLOO area.

**Location of "F" Stations (Page E-4):** Table E-1 (page E-4 of the Monitoring and Reporting Program) provides a list of the various monitoring station locations. In 2003, the Regional Board approved modifications to the coordinates for the 36 new offshore "F" stations in order to align the stations along the 18m, 60m, 80m and 98m depth contours. The coordinates for the F stations presented in Table E-1 are the original nominal station locations listed in Addendum 1 to Order NO. R9-2002-0025 and do not reflect the revised station locations. If desired, the City can forward an electronic file to the Regional Board that identifies the exact locations of the currently-approved "F" stations.

**Emergency Connection Sampling (Page E-7):** Table E-2 (page E-7 of the Monitoring and Reporting Program) requires that flows discharged to the Metro System from the Tijuana emergency connection be monitored on a daily basis for: BOD, total dissolved solids, total suspended solids, volatile suspended solids, oil and grease, floatable particulates, settleable solids, turbidity, and pH. The City requests that Table E-2 be modified to require weekly monitoring of these constituents only at times when flow is present.

**Chromium III Monitoring (Page E-8/Page E-10):** Footnote 2 to Table E-2 (page E-8 of the Monitoring and Reporting Program) allows total chromium monitoring to be used for purposes of assessing compliance with Chromium VI. Footnote 2 should also be applied to Chromium III within Table E-2 on E-8. Similarly, Footnote 2 should be applied to Chromium III within Table E-3 on page E-10.

**Chronic Toxicity Screening (Page E-14):** Chronic Toxicity Testing Requirement V.A.1 (page E-14) requires annual screening to determine the most sensitive species, and requires continued sampling of the most sensitive species. Further, re-screening is required at different times each calendar year. As currently written, Chronic Toxicity Testing Requirement V.A.1 would periodically entail re-screening events during consecutive semi-annual cycles. Such consecutive re-screening would not provide an opportunity to make use of the 'selected' most sensitive species from the prior screening. The City recommends retaining the chronic toxicity screening approach set forth in Order No. R9-2002-0025 where biennial screening occurs and three screening tests are performed if the first screening test indicates that a different species is most sensitive.

**Split Samples for Bacteriological Contaminants (Page E-14):** Footnote 15 to Table E-3 (page E-14 of the Monitoring and Reporting Program) requires split samples for total chlorine residual and bacteriological parameters. As noted above, this requirement should be modified to reflect the fact that continuous chlorine residual monitoring may not be feasible. Until continuous sampling can be demonstrated to be feasible and reliable, the City proposes to collect four samples per day for analysis of total chlorine residual. The requirement for splitting samples for concurrent analysis of effluent bacteriological concentrations is unnecessary for assessing compliance, and should be deleted.

It should be noted that, as part of its pilot project chlorination program, the City is collecting split samples for chlorine residual and bacteriological parameters for research purposes in assessing the effectiveness of pilot chlorination facilities and operations. No need exists for incorporating this research-related temporary split sample monitoring into the NPDES permit as a permanent requirement. The Tentative Order already provides for substantial receiving water bacteriological analyses for purposes of assessing Ocean Plan compliance - requiring four effluent samples per day for each bacteriological parameter is unnecessary and is not useful for assessing compliance.

**Chronic Toxicity Testing pH Drift (Page E-17):** Chronic Toxicity Testing Requirement V.A.3.j sets forth testing requirements for assessing chronic toxicity effects due to pH drift. It is unlikely that ammonia and pH drift will affect chronic toxicity testing at a 204:1 initial dilution. Such ammonia and pH drift, however, may affect acute toxicity testing (Section V.B). The City recommends that the ammonia and pH drift requirements set forth in Chronic Toxicity Testing Requirement V.A.3.j be deleted, but that similar ammonia and pH drift requirements be added to Acute Toxicity Testing Requirement V.B.3.j (page E-20).

**Chronic Toxicity Testing (Page E-17):** Chronic Toxicity Testing Requirement V.A.4 (page E-17) requires reporting TUC using both NOEC and LC<sub>25</sub>. Elsewhere in the tentative permit, TUC compliance is determined on the basis of NOEC only. Reporting two TUC values may cause inconsistent interpretation of compliance with effluent limitation. To avoid the potential for misinterpretation, the City recommends that TUC be reported as [100/NOEC] and that LC<sub>25</sub> be reported in its original form.

**Acute Toxicity Screening (Page E-18):** Acute Toxicity Testing Requirement V.B.1 (page E-18) requires annual screening to determine the most sensitive species, and requires continued sampling of the most sensitive species. Further, re-screening is required at different times each calendar year. As currently written, Acute Toxicity Testing Requirement V.B.1 would periodically entail re-screening events during consecutive semi-annual cycles. Such consecutive re-screening would not provide an opportunity to make use of the 'selected' most sensitive species from the prior screening. The City recommends retaining the biennial acute toxicity screening approach set forth in Order No. R9-2002-0025. The City also recommends using results from three screening events if the first screening test indicates that a different species is most sensitive.

**Offshore Sediment Monitoring (Page E-25):** Offshore sediment monitoring provisions are set forth in Core Monitoring Requirement VIII.A.3 (page E-25 of the Monitoring and Reporting Program). In the first paragraph on page E-25 the requirement states that organisms should be fixed in 15% formalin and then transferred to 70%. The City suggests the following modification as the most appropriate procedure.

*The benthic organisms retained on the sieve shall be fixed in 10 percent buffered formalin and transferred to at least 70 percent ethanol within two to seven days for storage"*

Also, in the second paragraph on page E-25 it states that: "The following parameters shall be summarized by station." It is more appropriate to calculate these parameters by sample (grab) and then summarize them by station. The City recommends that this sentence be revised to read:



*The following parameters shall be calculated for each grab sample and summarized by station as appropriate.*

Following the above paragraph on page E-25, eight benthic community parameters are listed, including average number of species (species richness) per 0.1 m<sup>2</sup>, total number of species per station, total numerical abundance, infaunal trophic index (ITI), benthic response index (BRI), Swartz' 75% dominance index, Shannon-Weiner's diversity index (H'), and Pileou's evenness. The City recommends deleting the ITI requirement, as the ITI is no longer considered a valuable index for community assessment. This change would be consistent with a similar modification to the recently issued Monitoring and Reporting Program for the South Bay Water Reclamation Plant (SBWRP: Order No. R9-2006-0067, NPDES No. CA0109045).

The City requests that this list of benthic community parameters be clarified as follows:

- a. *number of species per 0.1 m<sup>2</sup> (species richness)*
- b. *total (cumulative) number of species per station*
- c. *total numerical abundance*
- d. *benthic response index (BRI)*
- e. *Swartz's 75% dominance index*
- f. *Shannon's diversity index (H')*
- g. *Pielou's evenness index (J')*

**Fish Tissue Monitoring (Page E-26):** Receiving Water Requirement VIII.A.4 (page E-26 of the Monitoring and Reporting Program) sets forth requirements for trawls and tissue analysis. The City recommends that the requirements regarding chemical analyses of fish tissues (page E-26) be revised to clarify several potential ambiguities. The City recommends the following three paragraphs be substituted for the 3-paragraph tissue analysis section presented on page E-26:

*Chemical analyses of fish tissues shall be performed annually on target species collected at or near the trawl and rig fishing stations. The various stations are classified into zones for the purpose of collecting sufficient numbers of fish for tissue analyses. Trawl Zone 1 represents the near-field zone, defined as the area within a 1-km radius of stations SD-010 and/or SD-012; Trawl Zone 2 is considered the northern far-field zone, defined as the area within a 1-km radius of stations SD-013 and/or SD-014; Trawl Zone 3 represents the LA-5 disposal site zone, and is defined as the area centered within a 1-km radius of station SD-008; Trawl Zone 4 is considered the southern far-field zone, and is defined as the area centered within a 1-km radius of station SD-007. Rig Fishing Zone 1 is the near-field area centered within a 1-km radius of station RF-001; Rig Fishing Zone 2 is considered the far-field area centered within a 1-km radius of station RF-002. There are no depth requirements for these six zones with regards to the collection of fishes for tissue analysis.*

*Liver tissues shall be analyzed annually (i.e., during October) from fishes collected in each of the above four trawl zones. No more than a maximum of five 10-minute (bottom time) trawls shall be required per zone in order to acquire sufficient numbers of fish for composite samples; these trawls may occur anywhere within a defined zone. Three replicate composite samples shall be prepared from each trawl zone, with each composite consisting of tissues from at least three individual fish of the same species. These liver tissue samples shall be analyzed for the presence and concentrations of lipids, PCBs (congeners), chlorinated*

*pesticides, and the following three metals: mercury, arsenic and selenium. The species of fish targeted for tissue analysis from the trawl zones shall be primarily flatfish, including, but not limited to, the Pacific sanddab (*Citharichthys sordidus*) and longfin sanddab (*Citharichthys xanthostigma*). If sufficient numbers of these primary species are not present in a particular zone (i.e., cannot be collected during five trawls), secondary target species such as other flatfish or rockfish captured in these trawls may be used as necessary.*

*Muscle tissues shall be analyzed annually (i.e., during October) from fishes collected in each of the above two rig fishing zones in order to monitor the uptake of pollutants in species and tissues that are consumed by humans. These species shall be representative of those caught by recreational and/or commercial fishery activities in the region. All fish shall be collected by hook and line or by setting baited lines or traps within the two rig fishing zones described above. The species targeted for analysis in these zones shall be primarily rockfish, which may include, but are not limited to, the vermilion rockfish (*Sebastes miniatus*) and the copper rockfish (*Sebastes caurinus*). If sufficient numbers of these primary species are not present or cannot be caught in a particular zone, secondary target species such as other rockfish or scorpionfish may be collected and analyzed as necessary. Three replicate composite samples of the target species shall be obtained from each zone, with each composite consisting of a minimum of three individual fish. Muscle tissues shall be removed from the composite samples and analyzed for the presence and concentrations of lipids, PCBs (congeners), chlorinated pesticides, and the following nine metals: arsenic, cadmium, chromium, copper, lead, mercury, selenium, tin and zinc.*

**Strategic Process Studies (Page E-27):** Because of the adaptive nature of special projects, or the need or opportunity to begin new projects mid-year, modifications to the proposed project approval procedures may be necessary from time to time in order to conduct the most efficient and scientifically sound studies. To accommodate such needs, the City recommends that the following sentence be added to VIII.B Strategic Process Studies:

*Modifications to the above schedule in order to address the adaptive nature of strategic process studies may be approved if agreed upon by the Executive Officer, USEPA and the Discharger.*

**SMR Submittals (Page E-30):** Reporting Requirement IX.B.1 (page E-30 of the Monitoring and Reporting Program) requires Self Monitoring Reports (SMRs) to be submitted in hard copy. The City recommends that this requirement be modified to allow the City to submit the SMRs in "pdf" electronic format if so directed by the Executive Officer.

**DMR Submittal Forms (Page E-33):** Reporting Requirement IX.C.3 (page E-33 of the Monitoring and Reporting Program) requires Discharger Monitoring Reports (DMRs) to be submitted on "forms that follow the exact same format as USEPA Form 3320-1".

Discharger monitoring result forms currently required by the State Board are similar to but do not follow the "exact same format" as Form 3320-1. The City recommends that Reporting Requirement IX.C.3 be reworded to require DMR formats acceptable to the State Board and Regional Board.

**Applicability of OPRA (Page F-19):** The City continues to comply with the provisions of the 1994 Ocean Pollution Reduction Act (OPRA). For the record, however, the City disagrees with the assertion that the requirements of the 1994 Ocean Pollution Reduction Act (OPRA) apply to the renewal of Order No. R9-2002-0025. The City recognizes and appreciates that the tentative decision is issued without prejudice to the City to contest the applicability of OPRA in any future NPDES permit, as indicated in the memorandum dated December 2, 2008 by Wayne Natri, issuing the tentative decision.

**Minor Corrections/Typographical Errors:** A list of minor corrections and typographical errors is presented on the following pages.

Thank you for the opportunity to present comments on Tentative Order No. R9-2009-0001. In order to facilitate your review these comments are being provided early in the allocated comment period. If, upon further review the City feels it necessary, additional comments may be provided before the end of the comment period.

Please contact Alan Langworthy of my staff at (619) 758-2300 regarding any questions. Staff is available to meet with you to discuss these comments if necessary.

Sincerely,



J. M. Barrett  
Director of Public Utilities

cc: Robyn Stuber  
U.S. Environmental Protection Agency, Region IX  
NPDES Permits Office (WTR-5)  
75 Hawthorne Street  
San Francisco, CA 94105

Alan Langworthy  
Deputy MWWD Director

**ADDITIONAL MINOR CORRECTIONS AND TYPOS:**

1. Limitations & Discharge Requirements, Page 6, line 17: In the second line under 'Facility Description' change "advance" to "advanced" (i.e., add a "d").
2. References to Department of Health Services, Page 23, 24, A-5: The agency formerly known as the California Department of Health Services (DHS) is now titled the Department of Public Health (DPH).
3. Limitations & Discharge Requirements, Page 49, line 11: insert the word "the" between "at" and "location."
4. Limitations & Discharge Requirements, Page 51, line 31: change "or" to "of" at the end of the line.
5. Attachment A – Definitions, Page A-1 (AWEL): The first word of the definition should be "The" (not "he").
6. Attachment C – Wastewater Flow Schematic, Page C-1: Hydrogen peroxide addition should be prior to the fine screens at the facility.
7. Attachment E – MRP, Page E-4, Table E-1: Under the "Monitoring Location Description" for location EMG-001 (3<sup>rd</sup> column, 3<sup>rd</sup> row) change "Boarder" to "Border" (i.e., delete the "a").
8. Attachment E - MRP, Page E-8, Table E-2: The table should read: Total Dissolved Solids (TDS).
9. Attachment E – MRP, Page E-18, line 32: Correct the spelling of the species name from "variegates" to "varigatus" (i.e., species = *Cyprinodon varigatus*).
10. Attachment E – MRP, Page E-22, line 9: Change "evaluate" to "evaluated" (i.e., add a "d").
11. Attachment E – MRP, Page E-22, line 18: Insert the word "to" between "designed" and "help."
12. Attachment E – MRP, Page E-25, line 20: Change "Pielou" to "Pielou's" (i.e., Pielou's Evenness). [Note: change included in previous comment on revising this section]
13. Attachment E – MRP, Page E-25, line 29: Change "an area" to "two areas."
14. Attachment E – MRP, Page E25 (a. Community Trawls): To clarify that the "community structure analysis" concerns only fish and not invertebrates, insert the words "For fish," at the beginning of the second sentence so that it reads: *For fish, community structure analysis shall consist of determining...*
15. Attachment E – MRP, Page E-25 (Section VIII.A.3, Offshore Sediment Monitoring): Delete the words "to use" so that last sentence of the first paragraph on page E-25 reads: *This enumeration and identification of organisms continues the historical database developed by the Discharger.*
16. Attachment E – MRP, Page E-26: Correct the spelling of the species name from "caurinum" to "caurinus" (i.e., species = *Sebastes caurinus*). [Note: change included in revised paragraphs for this section]
17. Attachment E – MRP, Page E-27, line 19: Change "studis" to "studies" (i.e., add an "e").

18. Attachment E – MRP, Page E-28, line 15: Change the last word “year” to “years.”
19. Attachment E – MRP, Page E-28, line 17: Insert “and procedures” after the word “schedule.”
20. Attachment E – MRP, Page E-28, line 18: Change the word “year’s” to the word “project’s”.
21. Attachment F – Fact Sheet, Page F-7 (Section II.A.5): Pump Station No. 1 adds ferrous chloride for odor control.
22. Attachment F – Fact Sheet, Page F-7 (Section II.A.6): Pump Station No. 2 adds hydrogen peroxide to regenerate the iron salts.
23. Attachment F – Fact Sheet, Page F-7 (Section II.A.7): PLWTP adds hydrogen peroxide to regenerate the iron salts upstream of the facility to enhance settling and assist in stabilization and odor control.
24. Attachment F – Fact Sheet, Page F-8 (Section II.A.7): In paragraph 2 on page F-8 the hydrogen peroxide should be upstream of the facility.
25. Attachment F – Fact Sheet, Page F-36 (Section IV.E, Table F-16): The performance goal for acute toxicity is incorrectly listed as “61.5 TUa” in Table F-16. Replace with the correct performance goal of 6.42 TUa.
26. Attachment F – Fact Sheet, Page F-47 (Section VI.D.1.b): To reflect the fact that not all requirements are carried over, insert the word “General” at the beginning of this sentence (i.e., *General microbiological monitoring requirements have been carried over from the previous Order.*).
27. Attachment F – Fact Sheet, Page F-47 (Section VI.D.1.b): The Microbiological paragraph (VI.D.1.b) should be modified to note that offshore stations are monitored quarterly for enterococci, but not for fecal coliform and total coliform.
28. Attachment F – Fact Sheet, Pages F-47 to F-48 (Section VI.D.1.c): To reflect the fact that not all requirements are carried over, insert the word “General” at the beginning of this sentence (i.e., *General sediment monitoring requirements have been carried over from the previous Order.*).
29. Attachment F – Fact Sheet, Pages F-48 (Section VI.D.1.d): To reflect the fact that not all requirements are carried over from the previous permit, insert the word “General” at the beginning of this sentence (i.e., *General fish and invertebrate monitoring requirements have been carried over from the previous Order.*)
30. Attachment F – Fact Sheet, Pages F-48 (Section VI.D.1.d): Revise the first paragraph summarizing the requirements for community trawls (fishes and invertebrates) and fish tissue sampling to make it consistent with similar sections in Attachment E.



# City of Imperial Beach, California

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## OFFICE OF THE MAYOR

Robyn Stuber  
U.S. Environmental Protection Agency, Region IX  
NPDES Permits Office (WTR-5)  
75 Hawthorne Street  
San Francisco, CA 94105

SUBJECT: CRU: 9 000000275: MVALD

Draft NPDES Permit No. CA107409 and Tentative Order No. R9-2009-0001 for the City of San Diego E.W. Blom Point Loma Metropolitan Wastewater Treatment Plant Discharge to the Pacific Ocean through the Point Loma Ocean Outfall.

Dear Ms. Stuber:


The City of Imperial Beach is pleased to provide comments on the 301(h) tentative decision and draft NPDES permit for the City of San Diego's E.W. Blom Point Loma Wastewater Treatment Plant.

The Point Loma Plant is a major component of the Metropolitan Sewerage System that is operated by the City of San Diego, with participation by fifteen other municipalities and agencies. Nearly one third of the total flow to the system originates from these participating agencies. As a participating agency, the City of Imperial Beach has a unique interest in decisions that affect the operation of the Metro System. Additionally, as a member of the greater San Diego area community, we are also concerned that the public health and environment of the local area is protected.

The City of Imperial Beach would like to express its complete support and concurrence with the tentative decision to approve a 301(h) variance from the federal secondary treatment standards for San Diego's Point Loma Wastewater Treatment Plant. We feel strongly that the combination of chemically assisted primary treatment, deep ocean outfall and Comprehensive Ocean monitoring has proven to be protective of the public health and environment in the local area. The tentative decision for approval of the variance is appropriate and correct.

Accordingly, the City of Imperial Beach urges the Regional Water Quality Control Board and United States Environmental Protection Agency to take the necessary actions to make this decision final at the earliest possible date.

Sincerely,

  
James C. Jarney  
Mayor  
City of Imperial Beach

cc: City Council  
Melissa Valdoyinos  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

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825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 fax: (619) 628-1395

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January 5, 2009

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Robyn Stuber  
U.S. Environmental Protection Agency, Region IX  
NPDES Permits Office (WTR-5)  
75 Hawthorne Street  
San Francisco, CA 94105

SUBJECT: CRU: 9 00000275: MVALD

Draft NPDES Permit No. CA107409 and Tentative Order No. R9-2009-0001 for the City of San Diego E.W. Blom Point Loma Metropolitan Wastewater Treatment Plant Discharge to the Pacific Ocean through the Point Loma Ocean Outfall.

Dear Ms. Stuber:

The City of National City is pleased to provide comments on the 301(h) tentative decision and draft NPDES permit for the City of San Diego's E.W. Blom Point Loma Wastewater Treatment Plant.

The Point Loma Plant is a major component of the Metropolitan Sewerage System that is operated by the City of San Diego, with participation by fifteen other municipalities and agencies. Nearly one third of the total flow to the system originates from these participating agencies. As a participating agency, the City of National City has a unique interest in decisions that effect the operation of the Metro System. Additionally, as a member of the greater San Diego area community, we are also concerned that the public health and environment of the local area is protected.

The City of National City would like to express its complete support and concurrence with the tentative decision to approve a 301(h) variance from the federal secondary treatment standards for San Diego's Point Loma Wastewater Treatment Plant. We feel strongly that the combination of chemically assisted primary treatment, deep ocean outfall and comprehensive ocean monitoring has proven to be protective of the public health and environment in the local area. The tentative decision for approval of the variance is appropriate and correct.

Accordingly, the City of National City urges the Regional Water Quality Control Board and United States Environmental Protection Agency to take the necessary actions to make this decision final at the earliest possible date.

Sincerely,

  
Chris Zapata,  
City Manager

cc: Melissa Valdovinos  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

Office of the City Manager

1243 National City Boulevard, National City, CA 91950-4301

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# CITY OF EL CAJON

CITY MANAGER

Robyn Stuber  
U.S. Environmental Protection Agency, Region IX  
NPDES Permits Office (WTR-5)  
75 Hawthorne Street  
San Francisco, CA 94105

January 5, 2009

**SUBJECT: CRU: 9 00000275: MVALD**

**Draft NPDES Permit No. CA107409 and Tentative Order No. R9-2009-0001 for the City of San Diego E.W. Blom Point Loma Metropolitan Wastewater Treatment Plant Discharge to the Pacific Ocean through the Point Loma Ocean Outfall.**

Dear Ms. Stuber:

The City of El Cajon is pleased to provide comments on the 301(h) tentative decision and draft NPDES permit for the City of San Diego's E.W. Blom Point Loma Wastewater Treatment Plant.

The Point Loma Plant is a major component of the Metropolitan Sewerage System that is operated by the City of San Diego, with participation by fifteen other municipalities and agencies. Nearly one third of the total flow to the system originates from these participating agencies. As a participating agency, the City of El Cajon has a unique interest in decisions that effect the operation of the Metro System. Additionally, as a member of the greater San Diego area community, we are also concerned that the public health and environment of the local area is protected.

The City of El Cajon would like to express its complete support and concurrence with the tentative decision to approve a 301(h) variance from the federal secondary treatment standards for San Diego's Point Loma Wastewater Treatment Plant. We feel strongly that the combination of chemically assisted primary treatment, deep ocean outfall and comprehensive ocean monitoring has proven to be protective of the public health and environment in the local area. The tentative decision for approval of the variance is appropriate and correct.

Accordingly, the City of El Cajon urges the Regional Water Quality Control Board and United States Environmental Protection Agency to take the necessary actions to make this decision final at the earliest possible date.

Sincerely,

  
Kathi Henry  
City Manager

cc: Melissa Valdovinos  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

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condition any stay granted under this paragraph on requiring the filing of a bond or other appropriate security to assure timely compliance with the requirements from which a modification is sought.

(3) COMPLIANCE REQUIREMENTS UNDER SUBSECTION (G)

(A) EFFECT OF FILING—An application for a modification under subsection (g) of this section and a petition for listing of a pollutant as a pollutant for which modifications are authorized under such subsection shall not stay the requirement that the person seeking such modification or listing comply with effluent limitations under this chapter for all pollutants not the subject of such application or petition.

(B) EFFECT OF DISAPPROVAL—Disapproval of an application for a modification under subsection (g) of this section shall not stay the requirement that the person seeking such modification comply with all applicable effluent limitations under this chapter.

(4) DEADLINE FOR SUBSECTION (G) DECISION—An application for a modification with respect to a pollutant filed under subsection (g) of this section must be approved or disapproved not later than 365 days after the date of such filing; except that in any case in which a petition for listing such pollutant as a pollutant for which modifications are authorized under such subsection is approved, such application must be approved or disapproved not later than 365 days after the date of approval of such petition.

★ (5) EXTENSION OF APPLICATION DEADLINE

(A) IN GENERAL—In the 180-day period beginning on October 31, 1994, the city of San Diego, California, may apply for a modification pursuant to subsection (h) of this section of the requirements of subsection (b)(1)(B) of this section with respect to biological oxygen demand and total suspended solids in the effluent discharged into marine waters.

(B) APPLICATION—An application under this paragraph shall include a commitment by the applicant to implement a waste water reclamation program that, at a minimum, will—

- (i) achieve a system capacity of 45,000,000 gallons of reclaimed waste water per day by January 1, 2010; and
- (ii) result in a reduction in the quantity of suspended solids discharged by the applicant into the marine environment during the period of the modification.

(C) ADDITIONAL CONDITIONS—The Administrator may not grant a modification pursuant to an application submitted under this paragraph unless the Administrator determines that such modification will result in removal of not less than 58 percent of the biological oxygen demand (on an annual average) and not less than 80 percent of total suspended solids (on a monthly average) in the discharge to which the application applies.

(D) PRELIMINARY DECISION DEADLINE—The Administrator shall announce a preliminary decision on an application submitted under this paragraph not later than 1 year after the date the application is submitted.

(k) INNOVATIVE TECHNOLOGY—In the case of any facility subject to a permit under section 1342 of this title which proposes to comply with the requirements of subsection (b)(2)(A) or (b)(2)(E) of this section by replacing existing production capacity with an innovative production process which will result in an effluent reduction significantly greater than that required by the limitation otherwise applicable to such facility and moves toward the national goal of eliminating the discharge of all pollutants, or with the installation of an innovative control technique that has a substantial likelihood for enabling the facility to comply with the applicable effluent limitation by achieving a significantly greater effluent reduction than that required by the applicable effluent limitation and moves toward the national goal of eliminating the discharge of all pollutants, or by achieving the required reduction with an innovative system that has the potential for significantly lower costs than the systems which have been determined by the Administrator to be economically achievable, the Administrator (or the State with an approved program under section 1342 of this title, in consultation with the Administrator) may establish a date for compliance under subsection (b)(2)(A) or (b)(2)(E) of this section no later than two years after the date for compliance with such effluent limitation which would otherwise be applicable under such subsection, if it is also determined that such innovative system has the potential for industrywide application.

(l) TOXIC POLLUTANTS—Other than as provided in subsection (n) of this section, the Administrator may not modify any requirement of this section as it applies to any specific pollutant which is on the toxic pollutant list under section 1317(a)(1) of this title.

(m) MODIFICATION OF EFFLUENT LIMITATION REQUIREMENTS FOR POINT SOURCES— (1) The Administrator, with the concurrence of the State, may issue a permit under section 1342 of this title which modifies the requirements of subsections (b)(1)(A) and (b)(2)(E) of this section, and of section 1343 of this title, with respect to effluent limitations to the extent such limitations relate to biochemical oxygen demand and pH from discharges by an industrial discharger in such State into deep waters of the territorial seas, if the applicant demonstrates and the Administrator finds that—

(A) the facility for which modification is sought is covered at the time of the enactment of this subsection by National Pollutant Discharge Elimination System permit number CA0005894 or CA0005282;

(B) the energy and environmental costs of meeting such requirements of subsections (b)(1)(A) and (b)(2)(E) of this section and section 1343 of this title exceed by an unreasonable amount the benefits to be obtained, including the objectives of this chapter;

(C) the applicant has established a system for monitoring the impact of such discharges on a representative sample of aquatic biota;

(D) such modified requirements will not result in any additional requirements on any other point or nonpoint