California Regional Water Quality Control Board
San Diego Region

Response to Comments Report

Tentative Order No. R9-2021-0199
Amending

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

December 8, 2021

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
2375 Northside Drive, Suite 100
San Diego, California 92108
Telephone: (619) 516-1990
Documents are available at: http://www.waterboards.ca.gov/sandiego

STATE OF CALIFORNIA

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Vincent Vu, *Staff Counsel*, Office of Chief Counsel

This report was prepared by
Joann Lim, *Water Resource Control Engineer*
Keith Yaeger, *Environmental Scientist*

under the direction of
David Barker, P.E., *Supervising Water Resource Control Engineer*
Brandi Outwin-Beals, P.E., *Senior Water Resource Control Engineer*

INTRODUCTION

This report contains the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) responses to written comments received from Mr. John Odermatt and the City of Oceanside (City) on Tentative Order No. R9-2021-0199, amending Order No. R9-2019-0166, as amended by Order No. R9-2020-0190, NPDES No. CA0107433, *Waste Discharge Requirements for the City of Oceanside San Luis Rey Water Reclamation Facility, La Salina Wastewater Treatment Plant, and Mission Basin Groundwater Purification Facility Discharge to the Pacific Ocean through the Oceanside Ocean Outfall* (Tentative Order). Mr. Odermatt's comments were received on September 28, 2021. The City's comments were received on October 22, 2021.

Comments and Responses

Mr. Odermatt's and the City's summarized written comments and San Diego Water Board responses are set forth below. The section of the Tentative Order the comment pertains to is shown in parenthesis in each comment below. The responses include a description of any actions taken to revise the Tentative Order in response to the comment. Proposed amendments to Order No. R9-2019-0166 that were provided in the Tentative Order for the public comment period are show in red-underline for added text and ~~red strikeout~~ for deleted text. Proposed revisions to the Tentative Order made after the public comment period are in yellow highlight and red-underline for added text and ~~yellow highlight and red strikeout~~ for deleted text.

COMMENTS AND RESPONSES

Comments from Mr. John Odermatt, email dated September 28, 2021

1a. Mr. Odermatt Comment – Prohibition against tertiary treated wastewater into the outfall

Mr. Odermatt requests that the San Diego Water Board include a prohibition against the discharging of tertiary-treated wastewater into the Oceanside Ocean Outfall in Order No. R9-2019-0166 because tertiary-treated wastewater should be recycled not wasted!

(Attachment 1 to Tentative Order No. R9-2021-0199: Section III)

Response

These comments are outside the scope of Order No. R9-2021-0199 and the related Notice of Opportunity to Comment. Order No. R9-2019-0166 is not being reopened for any other purpose than the revisions proposed in the Tentative Order. The proposed revisions do not include the list of prohibitions or the type of wastewater discharged to the outfall. Therefore, the addition on a new prohibition or revisions to the type of wastewater discharged cannot be considered at this time.

Order No. R9-2019-0166, Table 2 only includes secondary-treated wastewater for the effluent description; the table does not include tertiary-treated wastewater. Order No. R9-2019-0166, Attachment F, section II.A.1 only states that disinfected secondary-treated wastewater is pumped to the Oceanside Ocean Outfall; the fact sheet does not state that tertiary-treated wastewater is discharged to the outfall.

2a. Mr. Odermatt Comment – Reduce the permitted discharge volume by 10%

Mr. Odermatt requests that the San Diego Water Board reduce the permitted flow in Order No. R9-2019-0166 by 10%; the 10% reduction should result in a diversion of that wastewater into recycled water production.

(Attachment 1 to Tentative Order No. R9-2021-0199: Section IV)

Response

These comments are outside the scope of Order No. R9-2021-0199 and the related Notice of Opportunity to Comment. Order No. R9-2019-0166 is not being reopened for any other purpose than the revisions proposed in the Tentative Order. The proposed revisions do not include the permitted flow. Therefore, revisions to the type of permitted flow cannot be considered at this time.

It should be noted at the December 8, 2021 Board Meeting the San Diego Water

Board will also be considering an amendment to the City's master water reclamation permit in Tentative Order No. R9-2021-0100 for the City to increase recycled water production by 4.5 MGD. For information on Oceanside's efforts to reduce flows to its outfall, visit its website at https://www.ci.oceanside.ca.us/gov/water/pure_water_oceanside.asp.

3a. Mr. Odermatt Comment – Requirement for report/plant to reduce ocean discharge

Mr. Odermatt requests that the San Diego Water Board add a requirement for the City to provide a report or plan to future reduce the City's discharge into the Oceanside Ocean Outfall by 40% by 2031.

(Attachment 1 to Tentative Order No. R9-2021-0199: Section VI.C.5)

Response

These comments are outside the scope of Order No. R9-2021-0199 and the related Notice of Opportunity to Comment. Order No. R9-2019-0166 is not being reopened for any other purpose than the revisions proposed in the Tentative Order. The proposed revisions do not include a report or plan to make reduction on the discharges to the outfall. Therefore, the addition of this requirement to the amendments proposed by the Tentative Order cannot be considered at this time.

The San Diego Water Board's *Water Quality Control Plan for the San Diego Basin* (Basin Plan) does stipulate in Chapter 4 on Page 4-71 that water recycling should be carefully considered by persons proposing to discharge substantial quantities of once-used wastewater to the ocean particularly in a water short area where water is imported. It has long been a policy of the San Diego Water Board to encourage and promote water recycling while taking into consideration the need to protect beneficial uses of surface and ground waters and protect the public health. As a future initiative in keeping with this policy and the Basin Plan, the San Diego Water Board may consider requiring persons proposing a discharge of once-used wastewater into the ocean to 1) carefully analyze as an alternative, or partial alternative, the feasibility of recycling the wastewater for a beneficial use in lieu of ocean disposal and to 2) include the analysis in the report of waste discharge permit application.

For information on Oceanside's efforts to reduce flows to its outfall, visit its website at https://www.ci.oceanside.ca.us/gov/water/pure_water_oceanside.asp.

Comments from the City, dated October 22, 2021

1b. City Comment - Performance Goal Exceedance Report

Remove language requiring 1) an investigation following two consecutive exceedances and 2) a Performance Goal Exceedance Report following three consecutive exceedances.

The new requirements are inconsistent with language in recent NPDES permits adopted in the San Diego Region (e.g., Order No. R9-2021-0011, NPDES No. CA010945, *Waste Discharge Requirements for the City of San Diego South Bay Water Reclamation Plant Discharge to the Pacific Ocean through the South Bay Ocean Outfall*, adopted on May 12, 2021). The City also argues that the proposed requirement effectively elevates the performance goals to water quality-based effluent limitations and leaves the City vulnerable to third party lawsuits.

(Attachment 1 to Tentative Order No. R9-2021-0199: Section IV.A.2 and Attachment F, section IV.C.4.g)

Response

The Tentative Order proposes amendments to the National Pollutant Discharge Elimination System (NPDES) permit, Order No, R9-2019-0166, reissued by San Diego Water Board on February 12, 2020, to the City for treated wastewater discharges to the Pacific Ocean through the Oceanside Ocean Outfall. Both the originally adopted Order No. R9-2019-0166 and the proposed amendments to Order No. R9-2019-0166 clearly provide that the performance goals are not limitations or standards, and exceedances of the performance goals will not be considered to be violations of Order No. R9-2019-0166. Although performance goals are not enforceable, performance goals serve to maintain existing treatment levels and effluent quality; support State and federal antidegradation policies; and provide all interested parties with information regarding the expected level of pollutants in the discharge that should not be exceeded in order to maintain the receiving water quality objectives.

The proposed required investigation of repeated performance goal exceedances and submittal of the Performance Goal Exceedance Report on the results of the investigation are proactive measures to prevent the City's discharge from causing or contributing to an exceedance (i.e., violation) of the receiving water limitations and water quality objectives described in section V of Order No. R9-2019-0166. Further, the investigation and Performance Goal Exceedance Report can help the City determine if there is an issue in the operation and maintenance of its treatment process which is causing results that are greater than the performance goal. The investigation of performance goal exceedances is particularly important for the City as the treatment process at the San Luis Rey Water Reclamation Facility has been modified to produce recycled water for indirect potable reuse. This modified treatment process will increase the salinity of the City's effluent discharged through the Oceanside Ocean Outfall to the Pacific Ocean. The effect of the increased salinity is unknown, thus the investigation into performance goal exceedances and the Performance Goal Exceedance Report will provide the San Diego Water Board information needed

to determine if Order No. R9-2019-0166 must reopened to include additional effluent limitations.

While the requirements to investigate and report on chronic exceedances of performance goals will be enforceable, the performance goals will remain unenforceable until such time as Order No. R9-2019-0166 is amended or reissued to include effluent limitations in lieu of performance goals. The San Diego Water Board will use the performance goal monitoring results and the Performance Goal Exceedance Report to determine if an amendment of Order No. R9-2019-0166 is needed to replace performance goals for the constituents of concern with effluent limitations. The existing Special Provisions of Order No. R9-2019-0166 contain a reopener provision in section VI.C.1 for modification to include an effluent limitation(s) if monitoring establishes that the discharge causes, has the reasonable potential to cause, or contributes to an excursion above a performance goal(s).

No changes were made to the Tentative Order as a result of this comment.

2b. City Comment – Location map for the Oceanside facilities.
The facility names on the location map are incorrect.

(Attachment 1 to Tentative Order No. R9-2021-0199: Attachment B)

Response
Attachment B has been modified as requested.

3b. City Comment – Key management questions for whole effluent toxicity testing requirements
Please change the key management questions (1) through (3) for whole effluent toxicity testing requirements because performance goals should be for informational purposes, not for compliance.

(Attachment 1 to Tentative Order No. R9-2021-0199: Attachment E, section III.C, monitoring questions (1) through (3))

Response
Attachment 1 to Tentative Order No. R9-2021-0199, Attachment E, section III.C, monitoring questions (1) through (3) has been modified as follows:

(1) ~~Does the effluent comply with~~Is the effluent toxicity less than or equal to ~~effluent limitations~~the performance goal for toxicity thereby ensuring that water quality standards are achieved in the receiving water?

(2) If the effluent ~~does not comply with~~toxicity is not less than or equal to ~~effluent limitations~~the performance goal for toxicity, are unmeasured pollutants causing risk to aquatic life?

(3) If the effluent ~~does not comply with~~toxicity is not less than or equal to ~~effluent limitations~~the performance goal for toxicity, are pollutants in combinations causing risk to aquatic life?

4b. City Comment – Reporting toxicity results during species sensitivity screening

Please change the last paragraph of Attachment 1 to Tentative Order No. R9-2021-0199, Attachment E, section III.C.4 because performance goals should be for informational purposes, not for compliance.

(Attachment 1 to Tentative Order No. R9-2021-0199: Attachment E, section III.C.4, last paragraph)

Response

Attachment 1 to Tentative Order No. R9-2021-0199, Attachment E, section III.C.4, last paragraph has been modified as follows:

During the calendar month, toxicity tests used to determine the most sensitive test species shall be reported as effluent ~~compliance~~ monitoring results ~~for~~to determine if the results are less than or equal to the chronic toxicity ~~maximum daily effluent limitation (MDEL)~~performance goal.

5b. City Comment - Effluent Monitoring at Monitoring Location M-004/Ocean Acidification

The City is concerned that much of the additional monitoring requirements is being driven by the desire to collect data of regional interest, rather than to implement an applicable water quality standard. While the City agrees that nutrient and alkalinity data is important to determine the potential for ocean acidification, hypoxia, and harmful algal blooms, these monitoring requirements should not be included in an NPDES permit unless they implement an existing water quality standard. The City is concerned with the financial burden of these monitoring requirements and requests that the San Diego Water Board explain how the Water Code section 13241 factors were considered in developing these monitoring requirements.

Please remove ammonium, total nitrogen, total organic nitrogen, nitrate, nitrite, phosphorus, phosphate, total organic carbon, dissolved organic carbon, dissolved iron, and alkalinity.

(Attachment 1 to Tentative Order No. R9-2021-0199: Attachment E, section IV.B.3, Table E-5)

Response
The originally adopted Order No. R9-2019-0166 requires effluent monitoring of total nitrogen and total phosphorus at monitoring location M-004; thus, these are not new requirements. The Tentative Order proposes to include additional effluent monitoring requirements for total organic nitrogen, nitrate, nitrite, phosphate, total organic carbon, dissolved organic carbon, dissolved iron, and alkalinity (collectively referred to as nutrients) at monitoring location M-004. As discussed in Attachment 1 to Tentative Order R9-2021-0199, Fact Sheet (Attachment F), section VII.A.2.c, effluent monitoring data for nutrients will be used to gather data on the contribution of the discharge to ocean acidification, hypoxia, and harmful algal blooms. The nutrient data will be used in a coupled biogeochemical-physical model of the Southern California Bight (also referred to as the ocean acidification and hypoxia model or OA/H Model) currently under development by the Southern California Coastal Water Research Project (SCCWRP) to improve our understanding of 1) how land-based anthropogenic nutrients are changing seawater chemistry conditions, and 2) how this manifests as adverse biological effects in vulnerable marine organisms. The OA/H Model is supported by the State Water Resources Control Board (State Water Board), Ocean Protection Council, the Ocean Science Trust, and others, and will assist the State Water Board with the development of appropriate water quality objectives and a program for implementation to address and/or mitigate ocean acidification and hypoxia.

California's coast is expected to undergo some of the earliest and most severe changes from climate change, including ocean acidification and hypoxia in ocean waters. Although the geographic scope of ocean acidification and hypoxia may be widespread, local stressors can increase their occurrence and compound their effect on both marine ecosystems and coastal communities. Examples of local stressors include elevated anthropogenic nutrient inputs into coastal waters from wastewater treatment plant discharges. Increasing evidence suggests wastewater discharges of organic carbon and nutrients to ocean waters may be triggering complex biogeochemical cycling processes that are making coastal seawater more acidic and hypoxic. Studies have suggested that anthropogenic inputs, including inputs from wastewater treatment plants, have doubled the available nitrogen from upwelling at sub-regional scales.

While some effects of wastewater discharges are localized, other effects, such as ocean acidification and hypoxia, are often experienced on the sub-regional to regional scale. As such, Appendix III section 1 of *Water Quality Control Plan for Ocean Waters of California* (Ocean Plan) suggest that Regional Water Boards require dischargers participate in regional monitoring programs. SCCWRP, a regional monitoring coordinator, identified a data need for the OA/H Model, which is a regional project.

Nutrient monitoring can also provide information on whether the City's discharge is contributing to receiving water limitation violations for pH, dissolved oxygen, objectionable aquatic growth, and degradation of indigenous biota, if the violations are observed. Receiving water limitations are water quality standards. The San Diego Water Board has started to include requirements to monitor for nutrients in the effluent for wastewater treatment plants that discharge to the Pacific Ocean (see, e.g., Order No. R9-2021-0001 for the USIBWC, South Bay International Wastewater Treatment Plant, and Order No.R9-2021-0011 for the for the City of San Diego, South Bay Water Reclamation Plant, adopted by the San Diego Water Board on May 12, 2021).

Requiring effluent monitoring to evaluate effects of wastewater treatment plants on ocean acidification and hypoxia is also consistent with the State Water Board's Resolution No. 2017-0012, *Comprehensive Response to Climate Change*, and the San Diego Water Board's Resolution No. R9-2018-0051, *Addressing Threats to Beneficial Uses from Climate Change*, which require a proactive approach to climate change in all State and regional actions.

Water Code section 13383 authorizes the San Diego Water Board to impose these monitoring and reporting requirements. Water Code section 13383, subdivision (a), provides that the San Diego Water Board may "establish monitoring, inspection, entry, reporting and recordkeeping requirements, as authorized by Section 13160, 13376, or 13377 or by subdivisions (b) and (c) of this section, for any person who discharges, or proposes to discharge, to navigable waters … ." Subdivision (b) of section 13383 authorizes the San Diego Water Board to require any person subject to section 13383 to "sample effluent as prescribed, and provide other information as may be reasonably required." As described above, these monitoring and reporting requirements are reasonably necessary to gather data on the contribution of the discharge to ocean acidification, hypoxia, and harmful algal blooms.

Water Code section 13383 does not require the San Diego Water Board to analyze the factors in Water Code section 13241 when imposing monitoring and reporting requirements. (State Water Board Order WQ 2021-0005, at pp. 12-13, fn. 31.) However, consistent with State Water Board Order WQ 2021-0005, the San Diego Water Board has assessed the need for monitoring and reporting, considered reductions in monitoring costs where appropriate, and considered a reasonable range of estimates for the monitoring and reporting costs. The San Diego Water Board estimates the cost of monitoring nutrients is approximately $3,000 to $4,000 for year 2023 (monthly monitoring) and approximately $800 to $1,500 for succeeding years (quarterly monitoring). This additional cost will be offset by the significant reduction in the frequency of chronic toxicity monitoring proposed by the Tentative Order. The Tentative Order proposes to reduce the frequency of chronic toxicity monitoring from once per month to once per quarter.

No changes were made to the Tentative Order as a result of this comment.

6b. City Comment – Surf zone water quality monitoring requirements
The City requests clarification on how to implement the proposed change to a rolling 30-day period and how the proposed change compares to the current 5 per month requirement.

(Attachment 1 to Tentative Order No. R9-2021-0199: Attachment E, section IV.A, Table E-7, note 5)

Response
The Tentative Order proposes to change the monitoring frequency for fecal coliform at the surf zone monitoring locations from five times per month to five samples within a rolling 30-day period. Section V.A.1.a.i.a of Order No. R9-2019-0166 requires that the thirty-day geometric mean of fecal coliform density be calculated based on the five most recent samples from each site; therefore, a minimum of five samples are required within a 30-day period. Sampling once per week could result in five samples collected within a 29-day to a 35-day period, depending on the sampling schedule. For example, if sampling is conducted on a Sunday during week one through week four and a Saturday during week five, five samples were collected in a 35-day period. If sampling is conducted on Monday each week for five weeks, five samples were collected in a 29-day period.
For each monthly monitoring period, the City currently conducts fecal coliform monitoring at the surf zone monitoring locations on the same day of each week, typically on Mondays. For months with less than five Mondays, the City would collect two samples on the same day approximately 15 minutes apart to comply with the requirement to monitor five times per month (see the City's self-monitoring reports for May 2020, September 2020, October 2020, December 2020, etc.). While Order No. R9-2019-0166 required that samples be evenly spaced throughout the monitoring period to the extent practicable, the City stated that it cannot comply with this requirement due to restrictions on staffing. There is little to no benefit of collecting two samples on the same day 15 minutes apart. The intent of requiring five samples within a month was to avoid sampling on the same day each week to provide greater temporal coverage.

Since the City cannot comply with the requirement to evenly space sampling throughout the monitoring period due to staffing, the Tentative Order modifies the requirement to five samples within a 30-day period, the minimum number of samples required to evaluate compliance with the receiving water limitation. As proposed, the City has flexibility to comply with this requirement based on their staffing and capacity. The City can comply with this requirement by continuing their practice of sampling on Mondays. This will result in a reduction in sampling effort for months with less than five Mondays. Additional sampling may be required if the City changes the day of the week they monitor.

No changes were made to the Tentative Order as a result of this comment.

7b. City Comment – Nearshore and offshore water quality monitoring requirements

For Table E-8, the City requests the removal of the parameters spectrophotometric pH and alkalinity and removal of note 7 because these test methods are not included in the Ocean Plan, not approved by the United States Environmental Protection Agency (USEPA), and do not include explicit basis or site-specific analysis.

(Attachment 1 to Tentative Order No. R9-2021-0199: Attachment E, section IV.B.1, Table E-8)

Response

Title 40 of the Code of Federal Regulation (40 CFR) part 136 applies to measurements that are required for reports to be submitted pursuant to an NDPES permit. (40 CFR § 136.1(a).) Monitoring for spectrophotometric pH and alkalinity is recommended, but not required. Therefore, the provisions of 40 CFR part 136 are not applicable to the recommendation for spectrophotometric pH and alkalinity monitoring. The measurement of pH in the receiving water is currently conducted using a potentiometric pH sensor, which is an approved method under 40 CFR part 136.

Monitoring for alkalinity and pH by spectrophotometric technique allows for calibration of the pH measurements collected by the potentiometric pH sensor. As discussed in Attachment 1 to Tentative Order, Fact Sheet (Attachment F), section VII.B.2, the imprecision of pH measurement technology (e.g., potentiometric pH sensors) has been well documented in the scientific literature. The margin of error associated with using potentiometric pH sensors to measure pH can be greater than 0.2 pH units, which makes it impossible to achieve the precision required to measure compliance with the pH receiving water limitation in section V.A.3.b of Order No. R9-2019-0166, which states that pH shall not be changed at any time more than 0.2 standard units from that which occurs naturally. However, calibrating potentiometric pH sensors with measurements of pH by spectrophotometric technique and total alkalinity in the laboratory can increase the precision of the potentiometric pH sensor measurements collected in the field, allowing for better evaluation of the pH receiving water limitation. An additional benefit of measuring receiving water alkalinity and pH is the ability to calculate aragonite saturation. As discussed in the Attachment 1 to Tentative Order, Fact Sheet (Attachment F), section VII.B.2, emerging evidence suggests that monitoring parameters other than pH, especially aragonite saturation (relevant to shell-building in calcifying organisms) and partial pressure of carbon dioxide (relevant to fish behavior and navigation) is needed to assess ocean acidification effects. While the main driver of ocean acidification is due to atmospheric carbon dioxide, the discharge of anthropogenic nutrients from

wastewater treatment plants may exacerbate ocean acidification, especially on smaller spatial scales. (See response to Comment No. 5b.)

The San Diego Water Board encourages the City to voluntarily conduct monitoring for spectrophotometric pH and alkalinity as described in Attachment 1 to Tentative Order, but the monitoring is not required. The San Diego Water Board acknowledges the City's budget and staffing restraints.

No changes were made to the Tentative Order as a result of this comment.

8b. City Comment – Nearshore and offshore water quality monitoring requirements

The City requests the removal of the proposed section, *Total Alkalinity and Spectrophotometric pH Monitoring Requirements* because these test methods are not included in the Ocean Plan, not approved by USEPA, and do not include explicit basis or site-specific analysis.

(Attachment 1 to Tentative Order No. R9-2021-0199: Attachment E, section IV.B.3)

Response

See response to Comment No. 7b. The requirement to monitor for pH by spectrophotometric technique and alkalinity in the receiving water to calibrate the pH measurements collected by the potentiometric pH sensors is a recommendation, not a requirement. Furthermore, under the terms of Attachment 1 to Tentative Order, pH measurements are still collected by potentiometric pH sensors, which is an approved method under 40 CFR part 136. If voluntarily implemented, the recommendation merely calibrates the results collected by the approved 40 CFR part 136 method.

No changes were made to the Tentative Order as a result of this comment.

9b. City Comment – Benthic monitoring requirements

The City requests the removal of the parameter dissolved sulfide from Table E-9 because no justification or cost analysis was provided.

(Attachment 1 to Tentative Order No. R9-2021-0199: Attachment E, section IV.C.1, Table E-9)

Response

Section V.A.3.c of the originally adopted Order No. R9-2019-0166 (current Order, not modified by Tentative Order) includes a receiving water limitation for dissolved sulfide. The receiving water limitation states that the dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions. This receiving water limit for

dissolved sulfide is consistent with Chapter II, section D.3, of the Ocean Plan. The originally adopted Order No. R9-2019-0166 (current Order, not modified by Tentative Order) also includes the following monitoring questions in Attachment E, section IV.C: "Is the dissolved sulfide concentration of waters in sediments significantly increased above that present under natural conditions?" The originally adopted Order No. R9-2019-0166 did not include sediment monitoring for dissolved sulfide. To evaluate compliance with this receiving water limitation for dissolved sulfide and answer the monitoring question, the Tentative Order proposes to include dissolved sulfide as a sediment monitoring parameter.
The City incorrectly asserts that the San Diego Water Board is required to do a cost analysis to impose monitoring and reporting requirements. See response to Comment No. 5b. The San Diego Water Board estimates the cost of monitoring dissolved sulfide in sediment to be approximately $350 to $1,000, which could be shared among the other agencies discharging through the Oceanside Ocean Outfall. This cost estimate assumes dissolved sulfide is monitored at all seven sediment monitoring locations. However, the City has already committed to performing sediment monitoring for the Southern California Bight Regional Monitoring Program (Bight). Depending on what is monitored as part of Bight, the City may not be required to monitor for dissolved sulfides for those sediment samples.

No changes were made to the Tentative Order as a result of this comment.

10b. City Comment – Fish and macroinvertebrates monitoring requirements
The City requests the justification for modifying the units for total lipids or to remove the proposed modification.

(Attachment 1 to Tentative Order No. R9-2021-0199: Attachment E, section IV.D.2, Table E-10)

Response
Reporting total lipids as a percentage instead of mass ratio is consistent with the reporting units for regional monitoring programs. A mass ratio and a percentage are essentially the same. Changing the reporting units for total lipids does not result in additional costs for the City. Levels of organic contaminants will vary in tissues in proportion to their lipid content. Lipid normalization minimizes the variability associated with differences in lipid content and allows for comparisons across sampling times, locations, and species. Lipid normalization requires that organic contaminant concentrations are divided by the percentage of lipids.

No changes were made to the Tentative Order as a result of this comment.

11b. City Comment – Performance Goal Exceedance Report
The City requests the removal of the Performance Goal Exceedance Report from Table E-12 for the same reasons detailed in Comment No. 1b.

(Attachment 1 to Tentative Order No. R9-2021-0199: Attachment E, section VII.D, Table E-12)

Response
See response to Comment No. 1b.

12b. City Comment – Chronic toxicity/toxicity reduction evaluation
The City requests the removal of the following language:

While this Order does not include an effluent limitation for toxicity, it does include a performance goal for chronic toxicity that is based on the chronic toxicity objective in Table 3 of the Ocean Plan. Exceeding the chronic toxicity performance goal is not a violation of the Order; however, exceeding the performance goal is an indication of toxicity in the effluent that poses a threat to aquatic life and could cause a violation of the receiving water limitation in section V.A.4.a of the Order, which requires that marine communities not be degraded as the result of the discharge. Exceeding the chronic toxicity performance goal is also an indication of poor treatment performance or source control measures. A TRE can assist with identifying and correcting the cause of the toxicity in the effluent. Therefore, this Order requires a TRE if the discharge consistently exceeds the chronic toxicity performance goal to ensure the protection of marine communities and appropriate treatment performance and source control measures.

(Attachment 1 to Tentative Order No. R9-2021-0199: Attachment F, section VII.A.3)

Response
See response to Comment No. 1b. This text in the Fact Sheet (Attachment F), section VII.A.3 of Attachment 1 to Tentative Order No. R9-2021-0199 provides justification for the requirement to conduct a Toxicity Reduction Evaluation (TRE) if the effluent consistently exceeds the performance goal for chronic toxicity and should not be removed.

No changes were made to the Tentative Order as a result of this comment.

13b. City Comment - Nearshore and offshore water quality monitoring requirements
The City requests the removal of subsection e for the same reasons as stated in Comment No. 7b.

(Attachment 1 to Tentative Order No. R9-2021-0199: Attachment F, section VII.B.2.e)

Response
See response to Comment No. 7b.

14b. **City Comment - Benthic monitoring requirements**
The City requests the removal of the parameter dissolved sulfide, sulfides, and acid dissolved sulfide for the same reasons as stated in Comment No. 9b.

(Attachment 1 to Tentative Order No. R9-2021-0199: Attachment F, section VII.B.3)

Response
See response to Comment No. 9b. The previous Order, Order No. R9-2011-0016, required monitoring for sulfides in sediment. Sulfides is an undescriptive term, which could be interpreted as several forms of sulfide, including acid volatile sulfides and dissolved sulfide. To reduce ambiguity and be consistent with Appendix III section 6.1 of the Ocean Plan, the originally adopted Order No. R9-2019-0166 replaced the requirement to monitor for sulfides with the requirement to monitor for acid volatile sulfides. The Tentative Order proposes to add monitoring requirements for dissolved sulfides to evaluate compliance with the dissolved sulfide receiving water limitation in section V.A.3.c of the originally adopted Order No. R9-2019-0166. The Tentative Order proposes to make changes to the Fact Sheet (Attachment F), section VII.B.3 of Order No. R9-2019-0166 to clarify that the term sulfides was replaced by dissolved sulfide and acid volatile sulfides.

No changes were made to the Tentative Order as a result of this comment.