

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

**EXECUTIVE OFFICER SUMMARY REPORT  
December 8, 2021**

**ITEM 14**

**SUBJECT**

NPDES Permit Amendment: Amendment of Order No. R9-2019-0167 as amended by Order No. R9-2020-0191, NPDES No. CA0109347, *Waste Discharge Requirements for the Marine Corps Base, Camp Pendleton Southern Regional Tertiary Treatment Plant and Advanced Water Treatment Plant at Haybarn Canyon Discharge to the Pacific Ocean through the Oceanside Ocean Outfall* (Tentative Order No. R9-2021-0205). (Joann Lim)

**STAFF RECOMMENDATION**

Adoption of Tentative Order No. R9-2021-0205 (Tentative Order, **Supporting Document No. 1**) amending Order No. R9-2019-0167 is recommended.

**KEY ISSUES**

1. The Tentative Order proposes to modify Order No. R9-2019-0167 as directed by the California State Water Resources Control Board (State Water Board) on remand pursuant to Order WQ 2021-0005, *In the Matter of the Petitions of the City of Oceanside, Fallbrook Public Utilities District and the Southern California Alliance of Publicly Owned Treatment Works for Review of Waste Discharge Requirements Order Nos. R9-2019-0166 [NPDES No. CA0107433] and R9-2019-0169 [NPDES No. CA0108031] Issued by the California Regional Water Quality Control Board, San Diego Region (Supporting Document No. 2)*.
2. The Tentative Order also proposes to modify Order No. R9-2019-0167 to:
  - a. update the monitoring and reporting program to be consistent with recently adopted NPDES permits in the San Diego Region;
  - b. add requirements to ensure performance goal exceedances are not ongoing and affecting water quality; and
  - c. correct non-substantive typographical errors.
3. Some similar modifications to the NPDES permits for other facilities discharging to the Oceanside Ocean Outfall are also being considered by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) at today's meeting under Agenda Item Nos. 12, 13, and 15.

**PRACTICAL VISION**

Adoption of the Tentative Order is consistent with the values of transparency and communication outlined in the *Provide Effective Community Engagement and Communication* chapter of the Practical Vision<sup>1</sup> as it proposes changes to an existing permit through a transparent public meeting process.

**DISCUSSION**

The Marine Corps Base Camp Pendleton (MCBCP or Discharger) is the owner and operator of the Southern Regional Tertiary Treatment Plant (SRTTP) and Advanced

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<sup>1</sup> The San Diego Water Board's Practical Vision is available at this website:  
[https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/practical\\_vision/](https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/)

Water Treatment Plant at Haybarn Canyon (AWT). Order No. R9-2019-0167 regulates the MCBCP's discharge of secondary-treated wastewater from the SRTTP and brine from the AWT through the Oceanside Ocean Outfall to the Pacific Ocean. The SRTTP and AWT are described in Order No. R9-2019-0167, Attachment F, Section II. In addition to the SRTTP and AWT, the City of Oceanside,<sup>2</sup> Fallbrook Public Utility District (FPUD),<sup>3</sup> and Genentech, Inc.<sup>4</sup> also discharge wastewater to the Oceanside Ocean Outfall. A map showing the location of the facilities that discharge to the Oceanside Ocean Outfall is included as **Supporting Document No. 3**.

On February 16, 2021, the State Water Board adopted Order WQ 2021-0005 to remand Order Nos. R9-2019-0166 (City of Oceanside) and R9-2019-0169 (FPUD) to the San Diego Water Board for reconsideration and revisions, consistent with Order WQ 2021-0005. Due to the similarity of issues and joint obligations shared by the four permittees discharging to the Oceanside Ocean Outfall, the State Water Board Order also directed that San Diego Water Board make appropriate conforming changes to the NPDES permits issued to the MCBCP (Order No. R9-2019-0167) and Genentech, Inc. (Order No. Order No. R9-2019-0168) consistent with the remand order. The Tentative Order includes proposed conforming modifications to Order No. R9-2019-0167 in response to State Water Board Order WQ 2021-0005. The modifications include changing the chronic toxicity effluent limitation to a performance goal, changing the statistical approach for analyzing chronic toxicity from the Test of Significant Toxicity (TST) statistical approach to the no-observed-effect-level (NOEL) statistical approach set forth in the Ocean Plan,<sup>5</sup> and providing more information in the Fact Sheet (Attachment F) of Order No. R9-2019-0167 on the rationale for certain requirements.

The Tentative Order also proposes new requirements to investigate and provide a report on consecutive exceedances of performance goals. While exceedances of performance goals are not enforceable, consecutive exceedances of performance goals can be indicative of water quality concerns. The addition of the required investigation and submittal of the Performance Goal Exceedance Report are proactive measures to prevent/stop the MCBCP's discharge from causing or contributing to exceedance of the receiving water limitations and water quality objectives contained in section V of Order No. R9-2019-0167.

On September 22, 2021, the San Diego Water Board provided the Tentative Order and the public notice to MCBCP and interested parties for a 30-day public review period. On September 28, 2021, Mr. John Odermatt provided comments on the Tentative Order (see

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<sup>2</sup> Wastewater and waste brine from the City is regulated by separate WDRs, 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 Discharges to the Pacific Ocean via the Oceanside Ocean Outfall*.

<sup>3</sup> FPUD is regulated by separate WDRs, Order No. R9-2019-0169 as amended by Order No. R9-2020-0193, NPDES No. CA0108031, *Waste Discharge Requirements for the Fallbrook Public Utility District Fallbrook Water Reclamation Plant and Santa Margarita Groundwater Treatment Plant Discharge to the Pacific Ocean via the Oceanside Ocean Outfall*

<sup>4</sup> Genentech, Inc. is regulated by separate WDRs, Order No. R9-2019-0168 as amended by Order No. R9-2020-0192, NPDES No. CA0109193, *Waste Discharge Requirements for Genentech Inc., Discharge to the Pacific Ocean via the Oceanside Ocean Outfall*

<sup>5</sup> Ocean Plan, Chapter II, Table 3 (formerly Table B); Appendix I, Definition of Terms: Chronic Toxicity

**Supporting Document No. 4).** The Response to Comments Report includes the San Diego Water Board’s responses to Mr. Odermatt’s comments (see **Supporting Document No. 5**). The Tentative Order contains appropriate conforming and clarifying modifications made in response to the City of Oceanside’s comment letter on Tentative Order No. R9-2021-0199 (see Agenda Item No. 12). Proposed amendments to Order No. R9-2019-0167 that were provided in the Tentative Order and released for the public comment period are shown 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, and were made to the following sections of Order No. R9-2019-0167:

Pages No.	Section No.
E-12	Attachment E, Section III.C, Monitoring Questions 1 through 3
E-13	Attachment E, Section III.C.4

### **PUBLIC NOTICE**

The Tentative Order was noticed and released for public review and comment on September 22, 2021, with comments due October 22, 2021. The Notice of Public Hearing and Opportunity to Comment (Notice) was posted on the San Diego Water Board website for the duration of the comment period and sent to all interested parties. The Notice announced a public hearing to be held on December 8, 2021, and availability of the Tentative Order for review and provided instructions for submittal of written comments. A copy of the Notice is provided in **Supporting Document No. 6**. Notice of public hearing on the Tentative Order was also provided in the Meeting Notice and Agenda for the December 8, 2021, San Diego Water Board meeting, which is posted on the Board website.

### **SUPPORTING DOCUMENTS**

1. Revised Tentative Order
2. State Water Board Order WQ 2021-0005
3. Location Map
4. Comments from John Odermatt, email, dated September 28, 2021
5. Response to Comments Report
6. Notice of Public Hearing and Opportunity to Comment