

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

**EXECUTIVE OFFICER SUMMARY REPORT
February 9, 2022**

ITEM 6

SUBJECT

Time Schedule Order Issuance: A Time Schedule Order Requiring Padre Dam Municipal Water District, Ray Stoyer Water Recycling Facility to Comply with Requirements Prescribed in Order No. R9-2022-0003, NPDES No. CA0107492 (Tentative Time Schedule Order No. R9-2022-0014). (*Fisayo Osibodu*)

STAFF RECOMMENDATION

Adoption of Tentative Time Schedule Order No. R9-2022-0014 (Tentative TSO; **Supporting Document No. 1**) is recommended.

KEY ISSUES

1. Padre Dam Municipal Water District (Padre Dam) may not be able to comply at all times with proposed effluent limitations for Methyl Tert-Butyl Ether (MTBE) and zinc included in Tentative Order No. R9-2022-0003 (Order No. R9-2022-0003), the National Pollutant Discharge Elimination System (NPDES) permit for the Padre Dam Ray Stoyer Water Recycling Facility (Ray Stoyer WRF).
2. The Tentative TSO includes interim effluent limitations for MTBE and zinc and establishes a schedule for Padre Dam to complete design and construction of any required treatment facilities and control measures necessary to achieve compliance with final effluent limitations in the Order No. R9-2022-0003.

PRACTICAL VISION

Padre Dam plans to achieve compliance with the proposed effluent limitations through construction of a new water recycling facility (WRF) that will replace the Ray Stoyer WRF, and construction of a new Advanced Water Purification (AWP) facility. The new WRF and AWP facility will be part of the East County Advanced Water Purification Program. The East County Advanced Water Purification Program will produce highly treated recycled water which will be used to augment Lake Jennings, a water supply reservoir located in Lakeside, California. The East County Advanced Water Purification Program will create a new, reliable, locally controlled source of potable water, consistent with the *Strategize to Achieve a Resilient Local Water Supply* chapter of the Practical Vision.

DISCUSSION

Padre Dam owns and operates the Ray Stoyer WRF which is designed to treat up to 2 million gallons per day (MGD) of raw wastewater to tertiary treatment standards. The Ray Stoyer WRF treats wastewater from residences and commercial establishments within the City of Santee, the City of El Cajon, and the unincorporated community of Lakeside (See **Supporting Document No. 2**, location map).

Tertiary treated wastewater produced from the Ray Stoyer WRF is discharged to Santee Lakes, a recreational park consisting of seven lakes that ultimately overflow to Sycamore

Creek, a tributary of the San Diego River. The Ray Stoyer WRF and Santee Lakes are considered part of the wastewater treatment system. The discharge from the Ray Stoyer WRF through Santee Lakes to Sycamore Creek is currently regulated by Order No. R9-2015-0002 (current Order). Recycled water from the Ray Stoyer WRF is also delivered to reuse sites within the Santee Hydrologic Subarea (907.12) and the El Cajon Hydrologic Subarea (907.13) under separate waste discharge requirements. The reissuance of the current Order through adoption of Order No. R9-2022-0003 is being considered at today's Board meeting under Agenda item 5. If adopted, the Order No. R9-2022-0003 will supersede the current Order and reissue the NPDES permit for the Ray Stoyer WRF's discharge to Sycamore Creek for a five-year term.

Order No. R9-2022-0003 establishes new effluent limitations for MTBE and more stringent effluent limitations for zinc than those contained in the current Order. The new effluent limitations for MTBE and zinc are required based on a reasonable potential analysis procedure which provides direction to Regional Water Boards for determining if a pollutant discharge causes, has the reasonable potential to cause, or contributes to an exceedance of water quality objectives in accordance with USEPA federal regulations at 40 CFR 122.44 (d)(1)(iii). Based on effluent data collected by Padre Dam between July 2015 and April 2021, Padre Dam may not be able to achieve immediate, consistent compliance with the proposed effluent limitations for MTBE and zinc. As a result, the Tentative TSO proposes interim effluent limitations and establishes a schedule for Padre Dam to complete design and construction of any required treatment facilities and control measures necessary to achieve compliance with the final effluent limitations contained in Order No. R9-2022-0003. Under the terms and conditions of the Tentative TSO, all facilities and control measures needed for compliance with the final effluent limitations for MTBE and zinc must be operational by December 31, 2026.

Water Code section 13385(j) authorizes conditional exceptions to mandatory minimum penalties for violations of effluent limitations set forth in NPDES permits. Full compliance with the requirements of the TSO exempts Padre Dam from mandatory minimum penalties for violations of final effluent limitations for MTBE and zinc contained in Order No. R9-2022-0003 that occur after the effective date of the TSO and until expiration of the TSO.

The Tentative TSO was noticed for a public hearing and released for public review and comment for a 30-day period on December 17, 2021. The public comment period closed on January 17, 2022. The San Diego Water Board received comment letter from Padre Dam on the Tentative TSO on January 10, 2022 (See **Supporting Document No. 3**), and received additional written comments from Padre Dam via email on January 12, 2022 (See **Supporting Document No. 4**.) The Response to Comments Report (**Supporting Document No. 5**) contains the San Diego Water Board's responses to all comments received and describes actions taken to revise the Tentative TSO in response to the comments. A copy of the Response to Comments Report and the Revised TSO were provided to Padre Dam.

In its January 10, 2022 comment letter on the Tentative TSO, Padre Dam requested the San Diego Water Board revise the due dates in Table 4 of the Tentative TSO. The modifications to the compliance schedule due dates were requested to accommodate any delays in delivery of materials and equipment that may be caused by the COVID-19

pandemic. In addition, Padre Dam requested further revisions to the due dates in Table 4 of the Tentative TSO via email on January 12, 2022. The additional revisions were requested to ensure that Padre Dam's proposed compliance timeline is consistent with the State Water Board *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (Resolution No. 2008-0025). San Diego Water Board staff found the requested modifications to the compliance schedule due dates reasonable. As a result, the compliance schedule due dates have been modified as requested by Padre Dam.

The Revised TSO (**Supporting Document No. 1**) displays the changes made after the December 17, 2021 public release in red-underline for added text and ~~red-strikeout~~ for deleted text.

PUBLIC NOTICE

The Tentative TSO was noticed and released for public review and comment on December 17, 2021 with comments due by January 17, 2022. The Notice of Public Hearing and Comment Period 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 February 9, 2022; availability of the Tentative TSO for review; and provided instructions for submittal of written comments. A copy of the Notice is provided as **Supporting Document No. 6**. Notice of the public hearing on the Tentative TSO was also provided in the Meeting Notice and Agenda for the February 9, 2022 San Diego Water Board meeting, which is posted on the San Diego Water Board website.

SUPPORTING DOCUMENTS

1. Revised Tentative TSO
2. Location Map
3. Comment Letter from Padre Dam, January 10, 2022
4. Email from Padre Dam with Additional Comments, January 12, 2022
5. Response to Comments Report
6. Notice of Public Hearing