

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

2375 Northside Drive, Suite 100, San Diego, CA 92108

(619) 516-1990 - Fax (619) 516-1994

<https://www.waterboards.ca.gov/sandiego>

**TENTATIVE TIME SCHEDULE ORDER NO. R9-2022-0014
REQUIRING PADRE DAM MUNICIPAL WATER DISTRICT, RAY STOYER WATER
RECYCLING FACILITY TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NO. R9-2022-0003
NPDES NO. CA 0107492**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), finds:

1. BACKGROUND

- 1.1. Padre Dam Municipal Water District (Discharger or Padre Dam) owns and operates the Ray Stoyer Water Recycling Facility (Facility) located at 12001, North Fanita Parkway, Santee, California.
- 1.2. The Facility discharges tertiary-treated wastewater to Sycamore Creek, a water of the United States, that is tributary to the San Diego River. The discharge from the Facility to Sycamore Creek is regulated under Order No. R9-2022-0003, which was adopted by the San Diego Water Board on February 9, 2022. Order No. R9-2022-0003 serves as a National Pollutant Discharge Elimination System permit (NPDES No. CA0107492) and waste discharge requirements.
- 1.3. The Facility's treatment system consists of primary sedimentation; a five-stage Bardenpho process; secondary sedimentation; chemical phosphorus removal by alum and polymer addition, flocculation, sedimentation; denitrifying filtration; chlorine disinfection; dechlorination; a holding pond and lakes that serve to stabilize the quality of the effluent discharge to Sycamore Creek by reducing the total nitrogen concentrations. Tertiary treated wastewater produced from the Facility is discharged to Santee Lakes, a recreational park consisting of seven lakes that ultimately overflow to Sycamore Creek.
- 1.4. Order No. R9-2022-0003 prescribes final effluent limitations for the discharge which include the following:

Table 1. Final Effluent Limitations

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
Methyl-tert-butyl ether (MTBE)	µg/L	--	--	5.0 ¹

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
MTBE	lbs/day	--	--	0.083 ¹
Zinc, Total Recoverable	µg/L	54 ¹	--	169 ¹
Zinc, Total Recoverable	lbs/day	0.90 ¹	--	2.81 ¹

- 1.5. Effluent limitations are required for MTBE and zinc based on results of a reasonable potential analysis that is consistent with section 1.3 of the State Water Board Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP) (see Fact Sheet, Attachment F, section 4.3.3 of Order No. R9-2022-0003).
- 1.6. The effluent limitations for MTBE are based on groundwater quality objectives for the Santee Hydrologic Area prescribed in the Water Quality Control Plan for the San Diego Basin (Basin Plan), and the effluent limitations for zinc are derived from water quality criteria for zinc established by the California Toxics Rule. The effluent limitations for zinc were calculated using the procedure outlined in section 1.4 of the SIP. (See section 4.3.5.5.1 of Order No. R9-2022-0003.)
- 1.7. Table 2 summarizes MTBE and zinc effluent data from July 2015 through April 2021.

Table 2. Summary of MTBE and Zinc Effluent Data

Parameter	Units	Lowest Water Quality Criterion	Maximum Effluent Concentration	Minimum Effluent Concentration	Average Effluent Concentration
MTBE	µg/L	5.0	40.0	Non-detect	13.0
Zinc	µg/L	86	652	Non-detect	35.7

- 1.8. Based on effluent data collected between July 2015 and April 2021, compliance with the effluent limitations calculated for zinc would only be achieved about 70 percent of the time, while compliance with final effluent limitations for MTBE would only be achieved about 18 percent of the time. As a result, Padre Dam is not capable of immediate compliance with the effluent limitations for MTBE and zinc specified in Order No. R9-2022-0003.
- 1.9. The Discharger plans to achieve compliance with the effluent limitations for MTBE and zinc through construction of a new Water Recycling Facility (WRF) that will replace the Ray Stoyer Water Recycling Facility, 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.

- 1.10. This Time Schedule Order (TSO) establishes a schedule with due dates for the Discharger to complete design and construction of any required treatment facilities and control measures necessary to achieve compliance with final effluent limitations for MTBE and zinc.

2. **LEGAL BASIS**

- 2.1. California Water Code (Water Code) section 13300 states:

“Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.”

- 2.2. Review of effluent data indicates that the discharge from the Facility may not consistently achieve compliance with the final effluent limitations for MTBE and zinc in Order No. R9-2022-0003, listed in Table 1 of this TSO. Accordingly, pursuant to Water Code section 13300, a discharge of waste threatens to take place that would violate requirements in Order No. R9-2022-0003 prescribed by the San Diego Water Board.
- 2.3. Water Code section 13385, subdivisions (h) and (i), require the San Diego Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations.
- 2.4. Section 13385(j)(3) exempts violations of an effluent limitation from mandatory minimum penalties where the waste discharge is in compliance with a time schedule order issued pursuant to section 13300 or 13308, if all of the specified requirements are met.
- 2.5. In accordance with Water Code section 13385(j)(3)(B), mandatory minimum penalties do not apply to a violation of an effluent limitation where:
 - a. The waste discharge is in compliance with a TSO issued pursuant to Section 13300 or 13308;
 - b. The discharger is not able to consistently comply with the effluent limitation because it is a new, more stringent limitation that became applicable after adoption of the prior permit; new or modified control measures are necessary in order to comply with the effluent limitation; and
 - c. The new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

Padre Dam Municipal Water District Tentative Time Schedule Order No. R9-2022-0014
Ray Stoyer Water Recycling Facility

- 2.6. The effluent limitations for MTBE and zinc specified in Order No. R9-2022-0003 and listed in Table 1 of this TSO are new and/or more stringent than the previous Order. As a result, the Discharger is unable to comply with the effluent limitations. It is necessary for the Discharger to implement new or modified control measures to comply with the new and/or more stringent effluent limitations in Order No. R9-32022-000, these control measures cannot be designed, installed, and put into operation within 30 calendar days.
- 2.7. Pursuant to Water Code section 13385(j)(3)(C), a TSO for bringing the waste discharge into compliance with the effluent limitation must be as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitation. The time schedule shall not exceed 5 years in length.
- 2.8. Pursuant to Water Code section 13385(j)(3)(C)(ii)(II), following a public hearing, and upon a showing that the discharger is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation, the San Diego Water Board may extend the time schedule for an additional period not exceeding five years in length, if the discharger demonstrates that the additional time is necessary to comply with the effluent limitation.
- 2.9. This TSO includes interim requirements and the dates for their achievement. The interim requirements include interim effluent limitations for MTBE and zinc, as well as actions and milestones leading to compliance with the final effluent limitations for these pollutants. Consistent with the requirements of Water Code sections 13385(j)(3)(C)(~~j~~) and ~~13385(j)(3)(c)(ii)(II)~~, this TSO has established a final compliance date that is as short as possible.
- 2.10. Pursuant to Water Code section 13385(j)(3), full compliance with the requirements of this TSO exempts the Discharger from mandatory minimum penalties for violations of effluent limitations for MTBE and zinc in Order No. R9-2022-0003 that occur after the effective date of this TSO and until its expiration on ~~December 31, 2026~~ March 31, 2027.
- 2.11. Pursuant to Water Code sections 13263.3(a), (d)(1)(D), and (d)(3), the Legislature finds and declares that pollution prevention should be the first step in a hierarchy for reducing pollution and managing wastes, and to achieve environmental stewardship for society. The Legislature also finds and declares that pollution prevention is necessary to support the federal goal of zero discharge of pollutants into navigable waters. The San Diego Water Board may require a discharger subject to its jurisdiction to complete and implement a pollution prevention plan if the discharger is subject to a time schedule order issued pursuant to Water Code section 13300 or 13308.
- 2.12. Issuance of this TSO is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, section 21000 et seq.; CEQA) pursuant to Water Code section 13389, since the adoption or modification of a

NPDES permit for an existing source is statutorily exempt and this Order only serves to implement a NPDES permit. (Pacific Water Conditioning Ass’n, Inc. v. City Council of City of Riverside (1977) 73 Cal.App.3d 546, 555-556.) Issuance of this Order is also exempt from CEQA pursuant to California Code of Regulations, title 14, section 15321, since adoption of this TSO is an enforcement action by the San Diego Water Board.

- 2.13. The San Diego Water Board notified the Discharger and interested agencies and persons of its intent to issue this TSO concerning compliance with WDRs and provided them with an opportunity to submit their written comments and recommendations pursuant to Water Code Section 13167.5.
- 2.14. The San Diego Water Board, in a public meeting, heard and considered all comments on this matter.

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13300 and 13385(j)(3), the Discharger, as operator of the Facility, shall comply with the time schedule set forth below to ensure compliance with the final effluent limitations of Order No. R9-2022-0003, NPDES No. CA0107492 for MTBE and zinc. Except as modified or superseded by the TSO requirements and provisions set forth below, all of the findings, prohibitions, provisions, and other requirements of Order No. R9-2022-0003, NPDES No. CA0107492 remain in full force and effect.

3. INTERIM EFFLUENT LIMITATIONS

The Discharger shall comply with the following interim effluent limitations on the effective date of this TSO. Except as modified or superseded by the interim effluent limitations set forth below, all of the effluent limitations in Order No. R9-2022-0003 remain in full force and effect:

Table 3. Interim Effluent Limitations for MTBE and Zinc

Parameter	Units	Average Monthly	Average Weekly	Maximum Daily
MTBE	µg/L	--	--	40
MTBE	lbs/day	--	--	0.67
Zinc, Total Recoverable	µg/L	115	--	230
Zinc, Total Recoverable	lbs/day	1.91	--	3.84

4. COMPLIANCE SCHEDULE

The Discharger shall complete all tasks set forth in Table 4 below no later than the specified compliance dates.

Table 4. Compliance Schedule Tasks and Due Dates

Task	Compliance Date
Submit a workplan identifying proposed facilities or control measures necessary to achieve compliance with final effluent limitations for MTBE and zinc listed in Order No. R9-2022-0003 (and Table 1 above).	June 1, 2022
Complete 60 percent design of any required facilities and control measures.	September 1, 2022
Start construction of required facilities.	October 31, 2022 <u>April 1, 2023</u>
Complete 100 percent design of any required facilities and control measures.	June 1, 2023 <u>September 1, 2023</u>
Complete 30 percent of construction of required facilities.	October 1, 2023 <u>April 1, 2024</u>
Complete 60 percent of construction of required facilities.	September 30, 2024 <u>March 30, 2025</u>
Complete 100 percent of construction of required facilities.	September 29, 2025 <u>March 29, 2026</u>
Begin testing of facilities.	February 28, 2026 <u>August 28, 2026</u>
Complete startup, commissioning, and testing of facilities.	November 30, 2026 <u>April 1, 2027</u>
Start operation of facilities and achieve consistent compliance with final effluent limitations for MTBE and zinc in Order No. R9-2022-0003 .	December 31, 2026 <u>May 1, 2027</u>

5. COMPLIANCE SCHEDULE REPORTING REQUIREMENTS

The Discharger shall submit a written statement within 10 days after each compliance date specified in Table 4 above documenting compliance or noncompliance with the specified task. If the Discharger is delayed, interrupted, or prevented from meeting the provisions and time schedule due to a force majeure, the Discharger shall notify the San Diego Water Board in writing within ten days of the date the Discharger first knows of the force majeure. The Discharger shall demonstrate that timely compliance with any affected deadlines will be actually and necessarily delayed, and that it has taken measures to avoid or mitigate the delay by exercising all reasonable precautions and efforts, whether before or after the occurrence of the force majeure.

6. PROVISIONS

- 6.1. All technical and monitoring reports required by this TSO are in accordance with Water Code section 13383. The San Diego Water Board needs this information to determine compliance with the TSO and Order No. R9-2022-0003. The Discharger is already subject to similar reporting requirements pursuant to Order No. R9-2022-0003 for MTBE and zinc. The San Diego Water Board estimates that the burdens of submitting the Compliance Schedule Reports will largely consist of the Discharger's staff time and will cost less than \$5,000. Therefore, the burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- 6.2. Any person signing a document submitted under this TSO shall make the following certification:
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”
- 6.3. If the Discharger fails to comply with any provision of this TSO, the San Diego Water Board may take any further action authorized by law. The Executive Officer, or his/her delegee, is authorized to take appropriate enforcement action pursuant, but not limited to, Water Code sections 13350 and 13385. The San Diego Water Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.
- 6.4. The San Diego Water Board may reopen this TSO at its discretion or at the request of the Discharger, if warranted. Lack of progress towards compliance with this TSO may be cause for the San Diego Water Board to modify the conditions of this TSO.
- 6.5. This TSO becomes effective on April 1, 2022 and expires on ~~December 31, 2026~~ March 31, 2027.

I, David W. Gibson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, San Diego Region, on February 9, 2022.

TENTATIVE

David W. Gibson, Executive Officer