

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

TENTATIVE ORDER NO. R9-2022-0026

**AN ORDER RESCINDING ORDER NO. R9-2015-0026,
WASTE DISCHARGE REQUIREMENTS FOR THE CITY OF ESCONDIDO,
HALE AVENUE RESOURCE RECOVERY FACILITY,
INTERMITTENT WET WEATHER DISCHARGE TO ESCONDIDO CREEK,
SAN DIEGO COUNTY**

and

**TIME SCHEDULE ORDER NO. R9-2015-0027
REQUIRING THE CITY OF ESCONDIDO
HALE AVENUE RESOURCE RECOVERY FACILITY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
ORDER NUMBER R9-2015-0026, NPDES PERMIT NO. CA0108944**

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

1. The following facts support rescission of Order No. R9-2015-0026, National Pollutant Discharge Elimination System (NPDES) No. CA0108944, *Waste Discharge Requirements for the City of Escondido, Hale Avenue Resource Recovery Facility, Intermittent Wet Weather Discharge to Escondido Creek, San Diego County*:
 - 1.1 Order No. R9-2015-0026 and its predecessor Orders¹ established waste discharge requirements for the intermittent discharge of tertiary-treated wastewater from the Hale Avenue Resource Recovery Facility (HARRF) to Escondido Creek. HARRF is located at 1521 S. Hale Avenue, Escondido, California, 92029. The San Diego Water Board adopted Order No. R9-2015-0027 on June 24, 2015. Order No. R9-2015-0026 became effective on August 1, 2015, expired on July 31, 2020, and was administratively extended.
 - 1.2. Provision VI.C.1.d.iii of Order No. R9-2015-0026 states that the Order may be modified, revoked and reissued, or terminated for cause including, “a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge. [Water Code section 13381(c)]”.
 - 1.3. The City of Escondido (City) has not reported any discharges from HARRF to Escondido Creek since 2005. In a letter dated November 24, 2021, the City submitted a request to terminate Order No. R9-2015-0026, stating that operational and facilities improvements have

¹ Order No. 98-10, NPDES No. CA0108944, *Waste Discharge Requirements for the City of Escondido Hale Avenue Resource Recovery Facility Intermittent Wet Weather Discharge to Escondido Creek San Diego County* was adopted by the San Diego Water Board on September 9, 1998. Order No. 98-10 was superseded Order No. R9-2003-0394, which was adopted on December 10, 2003. Order No. R9-2003-0394 was superseded by Order No. R9-2015-0026.

eliminated the need for intermittent wet weather discharges from HARRF to Escondido Creek. A permanent elimination of the discharge is an appropriate cause for rescission of Order No. R9-2015-0026. (40 CFR section 122.64(a)(4).)

- 1.4. When the discharge is permanently terminated by elimination of the flow, the permit may be terminated by notice to the discharger and certification by the discharger that it is not subject to pending State and/or federal enforcement actions including citizen suits brought under State or federal law. (40 CFR section 122.64(b).) The Discharger provided the required certification by letter on November 24, 2021. On January 25, 2022, the San Diego Water Board provided notice to the Discharger of its intent to terminate and rescind Order No. R9-2018-0026. As such, Order No. R9-2015-00026 is no longer necessary and can be rescinded.
2. The following facts support rescission of Time Schedule Order No. R9-2015-0027, *Requiring the City of Escondido Hale Avenue Resource Recovery Facility to Comply with Requirements Prescribed in Order Number R9-2015-0026, NPDES Permit No. CA0108944*
 - 2.1 The San Diego Water Board adopted Time Schedule Order No. R9-2015-0027 on June 24, 2015 to provide the City with interim effluent limitations and a time schedule for construction of projects to eliminate the need for intermittent wet weather discharges from HARRF to Escondido Creek under Order No. R9-2015-0026. Order No. R9-2015-0027 became effective on August 1, 2015 and expired on July 31, 2020.
 - 2.2. The City has recently completed a study demonstrating that actions already undertaken by the City to manage flow and optimize use of available storage capacity have eliminated the need for intermittent wet weather discharges from HARRF to Escondido Creek. Furthermore, the rescission of Order No. R9-2015-0026 eliminates the need for the interim effluent limitations for the HARRF wet weather discharge. Accordingly, Time Schedule Order No. R9-2015-0027 is no longer necessary and can be rescinded.
3. The San Diego Water Board has notified the Discharger and all known interested parties of its intent to rescind Order Nos. R9-2015-0026 and R9-2015-0027.
4. The San Diego Water Board heard and considered all comments pertaining to the proposed rescission of Order Nos. R9-2015-0026 and R9-2015-0027 in a public meeting on March 9, 2022.

IT IS HEREBY ORDERED that Order Nos. R9-2015-0026 and R9-2015-0027 are rescinded.

I, David W. Gibson, Executive Officer, do hereby certify 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 March 9, 2022.

Tentative

David W. Gibson, Executive Officer