

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

**895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401**

DRAFT TIME SCHEDULE ORDER R3-2027-0002

**REQUIRING
MONTEREY ONE WATER AND CALIFORNIA AMERICAN WATER COMPANY
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT CA3000003, ORDER R3-2026-0057**

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) finds:

DISCHARGER AND FACILITY INFORMATION

1. Monterey One Water (M1W) is the owner and operator of the Regional Treatment Plant (RTP), a publicly owned treatment works (POTW), and the Advanced Water Purification Facility (AWPF), located at 14811 Del Monte Boulevard, Marina, CA 93933, Monterey County. California American Water Company (Cal-Am) is the owner and operator of the Monterey Peninsula Water Supply Project (MPWSP) Desalination Plant, located on Charles Benson Road, northeast of the City of Marina and northwest of ReGen, Marina, CA 93933, Monterey County. M1W and Cal-Am are referred to collectively as the Dischargers, and the RTP, AWPF, and MPWSP Desalination Plant are referred to collectively as the Facilities.
2. Treatment at the M1W RTP currently consists of screening, aerated grit removal, primary sedimentation, secondary treatment through trickling filters, solids contact (i.e., bio-flocculation), and secondary clarification. The portion of the secondary-treated waste from the RTP that is not sent to M1W's recycled water facilities is not disinfected before it is discharged to the Pacific Ocean.
3. The waste streams from the Facilities are commingled and effluent is discharged through a multiport diffuser system owned and maintained by M1W. The outfall is 11,260 feet long and terminates at a depth of approximately 100 feet.

PERMITTING INFORMATION

4. On [placeholder for adoption date], the Central Coast Water Board adopted Order R3-2026-0057, National Pollutant Discharge Elimination System (NPDES) Permit CA3000003 (2026 Order), replacing the previous Order R3-2024-0045 (2024 Order), which superseded Order R3-2018-0017 (2018 Order). The 2018 Order and 2024 Order regulated the discharge of M1W RTP secondary-treated wastewater, hauled saline waste, and M1W AWPF reverse osmosis (RO) concentrate to the Pacific Ocean at Monterey Bay (Salinas River to Pt. Piños), as well as M1W's production and onsite use of disinfected tertiary-treated recycled

municipal wastewater. The 2026 Order regulates M1W's waste streams, with the added discharge of Cal-Am MPWSP Desalination Plant brine waste. The effective date of the 2026 Order is [placeholder for effective date].

Effluent Limitations in Order R3-2018-0017

5. The 2018 Order established the following conditional effluent limitations for fecal coliform and enterococcus shown in Table 1:

Table 1. Bacteria Effluent Limitations in R3-2018-0017

Parameter	Units	Daily Maximum Effluent Limitation
Fecal Coliform	most probable number (MPN) per 100 milliliters (mL)	400
Enterococcus	MPN/100 mL	104

6. Compliance with these conditional fecal coliform and enterococcus effluent limitations in the 2018 Order was determined at Monitoring Location EFF-001B, which represented the combined flow of secondary-treated wastewater, hauled saline waste, and RO concentrate discharged from the Facility, after accounting for initial dilution.
7. The fecal coliform and enterococcus effluent limitations in the 2018 Order were conditional limits that applied only if the Executive Officer (EO) concluded from a bacterial assessment of receiving water monitoring data that the discharge consistently exceeded the 2018 Order's receiving water limitations for fecal coliform and enterococcus. Compliance with the receiving water limitations was based on receiving water monitoring at four monitoring stations located approximately 1,000 feet from shore and over 7,000 feet from the diffuser system. The Executive Officer did not make a determination during the term of the 2018 Order that the discharge consistently exceeded the receiving water limitations, so the fecal coliform and enterococcus effluent limitations never applied.

Effluent Limitations in Order R3-2024-0045

8. The 2024 Order prescribed the following effluent limitations for fecal coliform and enterococcus shown in Table 2:

Table 2. Bacteria Effluent Limitations in R3-2024-0045

Parameter	Units	Daily Maximum Effluent Limitation	Statistical Threshold Value (STV) ^[1]
Fecal Coliform	per 100 mL	400	
Enterococcus	colony forming units (CFU) per 100 mL		110

^[1] The STV shall not be exceeded by more than 10 percent of the samples collected in a calendar month, collected in a static manner.

9. Compliance with these fecal coliform and enterococcus effluent limitations in the 2024 Order were again determined at Monitoring Location EFF-001B, which represents the combined flow of secondary-treated wastewater, hauled saline waste, and RO concentrate discharged from M1W, after accounting for initial dilution.
10. The effluent limitations for fecal coliform and enterococcus in the 2024 Order were not conditional effluent limitations; rather, they were always in effect. In the 2024 Order, the frequency of the effluent monitoring could be increased from a minimum of three times in the permit term to weekly, if the Executive Officer concluded that the discharge consistently exceeds the Order's receiving water limitations.

Effluent Limitations in Order R3-2026-0057

11. The 2026 Order prescribes effluent limitations for fecal coliform and enterococcus that are functionally equivalent to those prescribed in the 2024 Order (shown in Table 3), as well as new effluent limitations for total coliform, fecal coliform, and enterococcus that were not present in the 2024 Order (shown in Table 4). The total coliform, fecal coliform, and enterococcus effluent limitations in the 2026 Order are not conditional effluent limitations; rather, they are always in effect.

Table 3. Existing Bacteria Effluent Limitations in Order R3-2026-0057 Which Are Functionally Equivalent to Those in Order R3-2024-0045

Parameter	Units	Instantaneous Maximum Effluent Limitation (IMAX)
Fecal Coliform	MPN/100 mL	400
Enterococcus	MPN/100 mL	110 ^[1]

^[1] Not to be exceeded by more than 10 percent of the samples collected in a calendar month.

Table 4. New Bacteria Effluent Limitations in Order R3-2026-0057 Which Were Not Present in Order R3-2024-0045

Parameter	Units	IMAX	Maximum Monthly Median	Maximum 30-Day Geometric Mean	Maximum 6-Week Geometric Mean
Total Coliform	MPN/100 mL	230 ^[1]	70		
Fecal Coliform	MPN/100 mL			200	
Enterococcus	MPN/100 mL				30

[¹] Not to be exceeded by more than 10 percent of the samples collected in a calendar month.

12. The Central Coast Water Board finds the above Table 4 effluent limitations from the 2026 Order to be new effluent limitations because they were not present in the 2024 Order.

Previous Time Schedule Order

13. In Time Schedule Order R3-2026-0070 (2026 TSO), effective [placeholder for 2026 TSO effective date], the Central Coast Water Board found the fecal coliform and enterococcus effluent limitations in the 2024 Order were modified from and more stringent than those in the 2018 Order, based on the removal of the language, “[bacteria] effluent limits apply... if the Executive Officer concludes from a bacterial assessment... that the discharge consistently exceeds Receiving Water Limitation[s]” between the 2018 and 2024 Orders. Put differently, the effluent limits for fecal coliform and enterococcus in the 2024 Order were not conditional.
14. The 2026 TSO was issued to M1W because M1W was unable to consistently comply with the more stringent fecal coliform and enterococcus effluent limitations prescribed in the 2024 Order. The 2026 TSO included interim effluent limitations for fecal coliform and enterococcus and a compliance schedule that would ultimately result in compliance with the effluent limitations in the 2024 Order.
15. This TSO supersedes the 2026 TSO for the fecal coliform and enterococcus effluent limitations described in the 2026 TSO. These interim effluent limitations have been subsequently incorporated into this TSO.

NEED FOR TIME SCHEDULE ORDER AND REGULATORY REQUIREMENTS

16. The Dischargers are unable to consistently comply with the final effluent limitations for total coliform, fecal coliform, and enterococcus in the 2026 Order, which were either not present in, or more stringent than, those in the prior permits.
17. On August 27, 2026, M1W submitted an application for an in-permit compliance schedule pursuant to State Water Resources Control Board Resolution 2008-0025, *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (Compliance Schedule Policy). However, upon review of application, the Central Coast Water Board determined that the Dischargers are not eligible for an in-permit compliance schedule for the total coliform, fecal coliform, and enterococcus effluent limitations in the 2026 Order because the WQOs used to establish these new effluent limitations in the 2026 Order were not new, revised, or newly interpreted water quality standards as that term is defined in the Compliance Schedule Policy. Thereafter, in a September 4, 2026 communication to the Central Coast Water Board, M1W requested that the Central Coast Water Board provide a TSO to allow time to develop and implement improvements to comply with the modified or new effluent limitations.

18. The Central Coast Water Board has determined that a TSO, issued pursuant to California Water Code (Water Code) sections 13300 and 13385(j)(3), is the appropriate mechanism to allow the Discharger additional time to comply with its effluent limitations in the 2026 Order.
19. Section 13300 of the Water Code 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 permittee are approaching capacity, the board may require the permittee to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the permittee shall take in order to correct or prevent a violation of requirements."
20. Water Code section 13385, subdivisions (h) and (i), require the Central Coast Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. Section 13385(j)(3)(A) 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, if all of the [specified] requirements are met." (emphasis added).
21. Pursuant to Water Code section 13385 subdivision (j)(3)(B)(i), the Central Coast Water Board finds that, based on effluent monitoring data, the Dischargers are not able to consistently comply with the final effluent limitations for fecal coliform, enterococcus, and total coliform in the 2026 Order while new or modified control measures are implemented to increase pollutant removal efficiency. The effluent limitations for these pollutants are new or more stringent requirements for the Dischargers established in either the 2024 Order or the 2026 Order, and a TSO will allow the Dischargers time to collect data, perform studies, and develop additional disinfection options for fecal coliform, enterococcus, and total coliform discharges from their Facilities. In addition, the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.
22. M1W intends to carry out a Disinfection Alternatives Analysis, followed by significant upgrades to their RTP treatment system. During these efforts, the Dischargers may be temporarily unable to comply with the 2026 Order's final effluent limitations for fecal coliform, enterococcus, and total coliform, and interim effluent limitations are necessary. The period of this TSO is December 1, 2026, through November 30, 2031.
23. During the period of the TSO, the Dischargers will continue to operate and discharge under all the limitations specified in the 2026 Order except for fecal coliform, enterococcus, and total coliform. The Dischargers will continue to report on all parameters as specified in the 2026 Order.
24. Pursuant to Water Code section 13223, the Central Coast Water Board has delegated to its EO the authority to issue a TSO such as this one pursuant to Water Code section 13300.

25. Water Code section 13383 authorizes the Central Coast Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements for any person who owns or operates a POTW. In accordance with Title 40 of the Code of Federal Regulations (C.F.R.) sections 25.5 and 124.10 subd. (b)(1) and Water Code section 13378, the Central Coast Water Board publicly noticed this TSO from October 22, 2026 through November 23, 2026.
26. Issuance of this TSO is exempt from provisions of the California Environmental Quality Act (Pub. Resources Code, section 21000 et seq.) (CEQA) pursuant to Water Code section 13389 because the adoption or modification of an NPDES permit for an existing source is statutorily exempt from CEQA, and this TSO only serves to implement an NPDES permit. (*Pacific Water Conditioning Ass'n, Inc. v. City Council of City of Riverside* (1977) 73 Cal. App. 3d 546, 555-556). Furthermore, this enforcement action is taken for the protection of the environment and as such is exempt from CEQA in accordance with section 15321, chapter 3, title 14, California Code of Regulations.

MANDATORY MINIMUM PENALTIES

27. Pursuant to Water Code section 13385(j)(3), violations of the final effluent limitations for total coliform, fecal coliform, and enterococcus in the 2026 Order are not subject to Water Code section 13385 subdivisions (h) and (i) mandatory minimum penalties, provided the Dischargers comply with all the requirements of this TSO and all the following conditions are met:
- a. The TSO specifies the actions that the Dischargers are required to take in order to correct the violations that would otherwise be subject to subdivisions (h) and (i).
 - b. The Central Coast Water Board finds that the Dischargers are not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements applicable to the waste discharge for one of the reasons described in Water Code section 13385(j)(3)(B)(i)-(iv).
 - c. The Central Coast Water Board establishes a time schedule for bringing the waste discharge into compliance with the final effluent limitation that is as short as possible and does not exceed five years in length.
 - d. For time schedules that exceed one year from the effective date of the TSO, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both of the following:
 - i. Effluent limitations for the pollutant or pollutants of concern.
 - ii. Actions and milestones leading to compliance with the effluent limitation.
 - e. The Dischargers have prepared and are implementing in a timely and proper manner or are required by the Central Coast Water Board to prepare and implement a pollution prevention plan pursuant to CWC section 13263.3. This TSO requires the Dischargers to prepare, implement, and submit a pollution prevention plan for total coliform, fecal coliform, and enterococcus.

This TSO satisfies the above conditions a-e.

28. This TSO requires the Dischargers to comply with a time schedule by November 30, 2031, as shown in Table 6, that will allow the Dischargers to achieve full compliance fecal coliform, enterococcus, and total coliform final effluent limitations in the 2026 Order.

INTERIM EFFLUENT LIMITATIONS

29. Fecal Coliform and Enterococcus. This TSO includes performance-based interim effluent limitations for fecal coliform and enterococcus that are based on current treatment performance via the 95th percentile of fecal coliform and enterococcus results measured between August 12, 2019 and September 23, 2026 (a summary of samples considered is shown in Table 5 below).

Interim effluent limitations for fecal coliform and enterococcus were calculated by assuming lognormally distributed data and applying

$$P_{95} = \exp(\mu + z \sigma),$$

where μ and σ are the mean and standard deviations of the natural-log-transformed data, and $z = 1.645$ is the z-score coefficient for the 95th percentile of a one-tailed, log-normal distribution (Appendix E of the 1991 U.S. EPA *Technical Support Document for Water Quality-Based Toxics Control*). Calculations use the minimum initial dilution likely to occur during the length of this TSO ($D_m = 101$ parts seawater per part wastewater), following

$$C_o = C_e / (1 + D_m),$$

where C_o is the diluted bacteria effluent concentration and C_e is the measured end of pipe bacteria effluent concentration (Ocean Plan section III.C), assuming no background bacteria concentration.

The interim effluent limitations are shown in Table 7.

30. Total Coliform. This TSO also includes performance-based interim effluent limitations for total coliform that are based on current treatment performance via the maximum result measured between September 25, 2019 and September 23, 2026 (a summary of samples considered is shown in Table 5 below).

The choice to use the maximum result instead of the 95th percentile is based on the larger size of the historic data set, along with how “the State Water Board encourages the Regional Water Boards to use their discretion where appropriate in establishing permitting, monitoring, and other data collection requirements” with respect to bacteria requirements to protect the SHELL beneficial use (Final 2026 California Integrated Report Staff Report, section 3.11).

Table 5. Summary of historic bacteria samples considered in the derivation of interim effluent limitations.

Parameter	Units	Number of Samples	Maximum Sample Concentration (End of Pipe)	Maximum Sample Concentration (After Dilution)	μ	σ
Total Coliform	MPN/100 mL	217	20,000,000	196,000	NA	NA
Fecal Coliform	MPN/100 mL	9	1,300,000	12,700	5.99	2.75
Enterococcus	MPN/100 mL	9	9,300	91.2	3.02	2.02

31. The Central Coast Water Board expects that the Dischargers can maintain compliance with the interim effluent limitations included in this TSO. Interim effluent limitations are established when compliance with the final effluent limitations cannot be achieved by the existing Facilities. Discharge of pollutants in concentrations in excess of the final limitations in the permit, but in compliance with the interim effluent limitations, can significantly degrade water quality and adversely affect the beneficial uses of the receiving water on a long-term basis. The interim effluent limitations, however, establish an enforceable ceiling value until compliance with the final effluent limitations can be achieved.
32. If an interim effluent limitation established in this TSO for total coliform, fecal coliform, or enterococcus is exceeded, then the Dischargers are subject to a mandatory minimum penalty for that particular exceedance as the Dischargers will no longer meet the exemption in Water Code section 13385, subdivision (j)(3).

IT IS HEREBY ORDERED, pursuant to California Water Code sections 13300 and 13383 and to ensure compliance with the requirements of adopted Waste Discharge Requirements Order R3-2026-0057, NPDES Permit CA3000003:

33. M1W shall comply with the following schedule of actions:

Table 6. Compliance Schedule for Total Coliform, Fecal Coliform, and Enterococcus (Starting December 1, 2026)

Required Action(s)	Compliance Due Date(s)
Semi-annual progress and monitoring reports for fecal coliform and enterococcus. Reports shall include but not be limited to: • Discussion of overall progress in implementing the requirements of this TSO and achieving full compliance with Order R3-2026-0057 • Discussion of findings from Disinfection Alternatives Analysis • Results of pilot testing	Submit semi-annual reports by March 1 and September 1 annually

• Discussion of identified Facility upgrades and progress on implementing upgrades • Progress on funding, financing, and environmental review and permitting of any RTP upgrades • Progress of final design and construction of any RTP upgrades	
Evaluation of compliance with final effluent limitations	
Develop, implement, and submit Pollution Prevention Plan (PPP) pursuant to Water Code section 13263.3 for fecal coliform and enterococcus.	Submit PPP by May 1, 2027
Complete Disinfection Alternatives Analysis and Update to Master Plan for Upgrade of RTP.	July 1, 2028
If peracetic acid is the recommended disinfection alternative:	
Complete construction of new final effluent monitoring station, if needed for additional contact time within outfall pipe.	November 1, 2029
Complete a pilot test of peracetic acid disinfection.	July 1, 2030
Complete final design and construction of a permanent peracetic acid disinfection process; achieve full compliance with permit requirements.	November 30, 2031
If ultraviolet light, membrane filtration, or other technology is the recommended disinfection alternative:	
Complete preliminary design of the RTP Upgrade.	December 1, 2029
Begin final design and construction of the RTP Upgrade.	December 1, 2030
Complete construction and commissioning of RTP Upgrade; achieve full compliance with permit requirements.	November 30, 2031

34. If M1W is unable to perform any activity or submit any documentation in compliance with the deadlines set forth in Table 6, M1W may request, in writing, an extension of the time. The extension request shall include justification for the delay and shall be submitted at least thirty days prior to the respective deadline to be considered complete and timely.
35. The following Table 7 interim effluent limitations for total coliform, fecal coliform, and enterococcus shall be effective upon the effective date of this TSO and shall

apply in lieu of the final effluent limitations for those pollutants in the 2026 Order listed in Tables 3 and 4 above. The Dischargers shall maintain compliance with the following interim effluent limitations through November 30, 2031, or until the Dischargers are able to come into compliance with the final effluent limitations, whichever is sooner.

Table 7. Interim Effluent Limitations for Total Coliform, Fecal Coliform, and Enterococcus

Parameter	Units	Interim Effluent Limitation
Total Coliform	MPN/100 mL	200,000
Fecal Coliform	MPN/100 mL	36,000
Enterococcus	MPN/100 mL	560

36. All reports shall be submitted under Discharger signed/certified cover letter to the California Integrated Water Quality System (CIWQS). The EO may require revisions to the form or types of data and information reported.
37. All reports required by this TSO shall be signed by either a principal executive officer or ranking elected official, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above,
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facilities or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the owner of the regulated facilities (a duly authorized representative may thus be either a named individual or any individual occupying a named position), and
 - c. The written authorization is submitted to the Central Coast Water Board.
38. Any person signing a report required by this TSO shall make the following certification:

“I certify under penalty of perjury that this document and all attachments were prepared by me, or under my direction or supervision, following a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. To the best of my knowledge and belief, this document and all attachments are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”
39. If, in the opinion of the EO, the Dischargers fail to comply with any provisions of this TSO or fail to consistently demonstrate substantive progress towards achieving full compliance with effluent limitations in the 2026 Order, the EO may terminate this TSO. In that case, or if compliance with the final effluent limitations for total coliform, fecal coliform, or enterococcus in the 2026 Order is not achieved by the full compliance dates shown above in Table 6 or the Dischargers

have not received an extension, the Dischargers will not be exempt from the mandatory minimum penalties for violation of those effluent limitations and may also be subject to issuance of a cease and desist order in accordance with Water Code section 13301. The Central Coast Water Board reserves its right to take any enforcement action authorized by law.

40. During the effective period of this TSO, the Dischargers shall comply with all provisions of the 2026 Order, as renewed or revised, that are not in conflict with this TSO or other effective TSOs.
41. If, in the opinion of the EO, the Dischargers fail to comply with the provisions of this order, the EO may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this order may result in the assessment of administrative civil liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13350 and 13385. The Central Coast Water Board reserves its right to take any enforcement actions authorized by law.
42. Any person aggrieved by this action of the Central Coast Water Board may petition the State Water Resources Control Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of the order, except that if the thirtieth day following the date of the order falls on a Saturday, Sunday, or state holiday, the petition must be received by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the internet at

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

This Order is effective on [placeholder for effective date]. The EO may modify the time schedule in this Order to permit a specified task or tasks to be completed at later dates if the Dischargers demonstrate and the EO determines that the delay was beyond the reasonable control of the Dischargers to avoid.

ORDERED BY _____

Ryan E. Lodge, Executive Officer