

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

STAFF REPORT FOR REGULAR MEETING OF MAY 12, 2010

Prepared on April 7, 2010

ITEM NUMBER: 22

SUBJECT: Reissuance of Clean Water Act Section 301(h) Modified National Pollutant Discharge Elimination System Permit No. CA0048160, for the Goleta Sanitary District Wastewater Treatment Plant, Santa Barbara County (Order No. R3-2010-0012)

KEY INFORMATION

Discharger:	Goleta Sanitary District
Facility Name:	Goleta Sanitary District Wastewater Treatment Plant
Facility Address:	One William Moffet Place Goleta, California 93117 Santa Barbara County
Type of Waste:	Municipal wastewater
Treatment:	Blended primary and secondary treated wastewater. Treatment consists of primary settling, biofiltration, aeration, secondary clarification, chlorine disinfection, and dechlorination.
Disposal:	Pacific Ocean
Facility Design Flow:	Average flow of 9.0 million gallons per day (MGD)
Facility Permitted Flow:	Average flow of 7.64 MGD
Existing Order:	Waste Discharge Requirements Order No. R3-2004-0129, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0048160
Recycling Requirements:	91-03
This Action:	Reissue 301(h) Modified NPDES Permit

SUMMARY

This staff report briefly summarizes general background information regarding the 301(h) waiver process and proposed changes in the Order/Permit (Attachment 1), referencing the Fact Sheet for additional detail. The Order/Permit, Monitoring and Reporting Program, and Fact Sheet each include a table of contents.

USEPA has drafted a 301(h) Tentative Decision Document (TDD) (Attachment 2) evaluating the Discharger's proposed discharge and effluent limitations for total suspended solids (TSS) and biochemical oxygen demand (BOD₅). The 2010 TDD concludes that the Discharger's 301(h) application satisfies Clean Water Act (CWA) section 301(h). It is the Regional Administrator's tentative decision to grant the Discharger's variance request for TSS and BOD₅, in accordance with the terms, conditions, and limitations of the TDD. In accordance with this decision and the 1984 301(h) Memorandum of Understanding between the State and USEPA, the Regional Water Board and USEPA have jointly proposed issuance of a draft 301(h)-modified permit incorporating both federal NPDES requirements and State Waste Discharge Requirements.

Discharger. The Goleta Sanitary District (Discharger or District) owns and operates a municipal sanitary sewer system that includes wastewater collection, treatment, and disposal facilities. The wastewater facility provides sewer service for the Goleta Sanitary District, Goleta West Sanitary District, the University of California at Santa Barbara (UCSB), and the Santa Barbara Airport.

Facility and Discharge. The treatment system consists of primary settling, biofiltration, aeration, secondary clarification, chlorine disinfection, and dechlorination. Wastewater flows greater than 4.38 million gallons per day (MGD) receive primary treatment only and are blended with treated secondary wastewater prior to disinfection and discharge to the ocean. Treated wastewater is discharged to the Pacific Ocean through a diffuser 5,912 feet offshore at a depth of approximately 87 feet, which provides a minimum dilution of 122:1 (ocean water to effluent).

Background

The State of California administers an approved NPDES permit program, and issues orders for discharges to waters within State jurisdiction. Authority to grant a variance and issue a modified NPDES permit under section 301(h) of the Clean Water Act is, however, limited to USEPA's Regional Administrator. State concurrence on the issuance of a modified permit is required by section 301(h) of the Clean Water Act and issuance of a Clean Water Act section 401 water quality certification. The Regional Water Board will consider issuance of waste discharge requirements for the Goleta treatment plant under the authority of the California Water Code. If the Regional Water Board adopts the proposed waste discharge requirements, this will constitute concurrence by the State regarding the issuance of a 301(h) modified NPDES permit (in accordance with the Memorandum of Understanding between the State of California and USEPA, Region IX regarding 301(h) variances, dated May 2, 1984) and section 401 certification.

Clean Water Act section 301(h) conditionally waives the requirement for municipal wastewater treatment plants to comply with secondary standards before discharging wastewater to the ocean. The Discharger has the burden of showing that the discharge will comply with all requirements for a 301(h) waiver. Secondary standards may be waived for biochemical oxygen demand (BOD), total suspended solids (TSS), and pH. In accordance with federal regulations (40 CFR 125.57), as a condition of the waiver, the discharge must not interfere with the attainment or maintenance of that water quality which assures the protection and propagation of a balanced, indigenous population of fish, shellfish and other wildlife. To demonstrate a balanced population is present, the Discharger must monitor a representative sample of indigenous organisms. In addition, the Discharger must establish and enforce a pretreatment program to control industrial wastes and toxic wastes from industrial and nonindustrial sources.

The 301(h) waiver requires the Discharger to provide at least primary or equivalent treatment to the wastewater before discharging it to the Pacific Ocean. The Discharger must remove from the influent stream, as a 30-day average, at least 30% of the BOD and 75% of the TSS before discharging the treated wastewater to the Pacific Ocean. Goleta Sanitary District's discharge exceeds these treatment levels. For 2008, BOD removal averaged 76%; TSS removal averaged 85%.

To meet the requirements of Clean Water Act section 301(h), the Discharger must demonstrate the discharge does not impair the ocean's beneficial uses, as specified in this Region's Water

Quality Control Plan (Basin Plan) and the California Ocean Plan. Receiving water monitoring indicates that the Discharger's effluent does not impair beneficial uses.

The Discharger treats the wastewater to an advanced primary standard. Wastewater flows greater than 4.38 million gallons per day (MGD) receive primary treatment only and are blended with treated secondary wastewater prior to disinfection and discharge to the ocean. From 2004 to 2008 the Discharger treated an annual average flow of 5.62 MGD.

The Discharger and the Regional Water Board entered into a settlement agreement (Attachment 3) in November 2004. The settlement agreement includes a ten-year conversion schedule to bring the discharge to full secondary treatment. The settlement includes a schedule of agreed-upon milestones for the Discharger to complete during the ten-year process. These milestones are included in the settlement agreement and permit findings. The Regional Water Board can enforce the milestones by seeking penalties in an agreed-upon amount, or by asking a court to order the District to meet the schedule.

The settlement agreement stipulates that the Regional Water Board will concur in or issue the First and Second 5-Year Permits in order to effect the District's obligation to complete the upgrade of its treatment facility to full secondary treatment standards within a ten-year period. This Order/Permit is the second 5-year permit in the ten year time period. Once the Discharger has converted to secondary treatment of effluent from the Plant, the Regional Water Board expects to issue an NPDES permit imposing effluent limitations based on secondary treatment as defined in 40 C.F.R. Part 133, or any more stringent requirements the Regional Water Board determines are necessary to comply with State or Federal law. The Discharger is in compliance with all conversion schedule milestones set forth in the settlement agreement.

Regional Water Board staff recommends adopting the Order/Permit so that the Discharger can upgrade its facility to achieve full compliance with secondary treatment standards as provided by the conversion schedule, pursuant to the settlement agreement.

USEPA is required to obtain a determination from U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) that the proposed discharge is consistent with the federal Endangered Species Act of 1973 and the Magnuson-Stevens Fishery Conservation and Management Act prior to granting a CWA section 301(h) variance. USEPA prepared an Endangered Species Act Biological Evaluation (Attachment 4) and provided it to the USFWS and NMFS for review in February 2010. The Endangered Species Act Biological Evaluation concluded that the Goleta Sanitary District's wastewater treatment plant does not adversely affect endangered species. NMFS provided comments (Attachment 5) on the Endangered Species Act Biological Evaluation and EPA responded to those comments (Attachment 6). A determination by NMFS and USFWS is not required for to the Regional Water Board to adopt the proposed Order/Permit. The determination by NMFS and USFWS are two of six contingencies that must be met in order for USEPA to approve the final 301(h) variance. The Discharger's variance from federal secondary treatment standards, pursuant to CWA section 301(h) is contingent upon:

1. Determination by the California Coastal Commission that the proposed discharge is consistent with the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.);

2. Determination by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that the proposed discharge is consistent with the federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.);
3. Determination by the National Marine Fisheries Service that the proposed discharge is consistent with the Magnuson-Stevens Fishery Conservation and Management Act, as amended (16 U.S.C. 1801, et seq.);
4. Determination by the Regional Water Board that the discharge will not result in additional treatment pollution control, or other requirement, on any other point or nonpoint sources (40 CFR 125.64);
5. The Regional Water Board's certification/concurrence that the discharge will comply with water quality standards for the pollutants which the 301(h) variance is requested (40 CFR 125.61) (i.e., TSS and BOD₅). The joint issuance of a NPDES permit which incorporates both the 301(h) variance and State waste discharge requirements will serve as the State's concurrence; and
6. The USEPA Regional Administrator's final decision regarding the Discharger's CWA Section 301(h) variance request.

The Regional Water Board's adoption of the proposed Order/Permit will serve as the determination that the discharge will not result in additional treatment pollution control, or other requirements, on any other point or nonpoint sources (#4 above) and the certification/concurrence that the discharge will comply with water quality standards for pollutants which the 301(h) variance is requested (#5 above). The effluent limitations and permit requirements in the proposed Order/Permit ensure that the discharge will comply with water quality standards and will not impact requirements for other point or nonpoint sources.

The proposed Order/Permit is presented in the statewide format for National Pollutant Discharge Elimination System (NPDES) permits. This standardized format presents the proposed Order/Permit with all supporting information appended as associated attachments. This format was developed through a statewide effort between the State Water Board, Regional Water Boards, and USEPA to standardize NPDES permitting and compliance evaluation. The facility information and permit evaluation discussion normally contained within the staff report are presented in the Fact Sheet, which is included as Attachment F to the proposed Order/Permit.

PURPOSE OF THE ORDER

The purpose of this proposed Order No. R3-2010-0012 is to update and reissue 301(h) modified NPDES Permit No. CA0048160.

CHANGES IN THE PROPOSED ORDER

Changes proposed in Order No. R3-2010-0012 from the existing Order No. R3-2004-0129 are summarized below. Typographical errors and minor changes that do not alter the intent of the Order/Permit are not discussed. For a complete discussion of the rationale for these changes, refer to the Fact Sheet, which is included as Attachment F to the proposed Order/Permit.

Statewide NPDES Permit Template: Staff used the current statewide NPDES Permit template to develop the proposed Order. Although the permit format has changed, major permit elements and discharge requirements have been retained.

Collection System General Waste Discharge Requirements Finding: The Goleta Sanitary District, Goleta West Sanitary District, UCSB, and the Santa Barbara Airport are enrolled in the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems that specifies management practices designed to preclude water quality impact resulting from discharges from the collection system (Fact Sheet Section VII.B.6.b).

Effluent and Receiving Water Limitations: The proposed Order/Permit carries over effluent and receiving water limitation from the existing permit. The effluent and receiving water limitations reflect requirements of the Basin Plan, Ocean Plan, and federal Clean Water Act (described in the Fact Sheet Section IV).

Monitoring: The proposed monitoring and reporting program carries over effluent and receiving water monitoring from the existing permit. Monitoring and reporting program is described in the Fact Sheet Section VI.

Changes in Response to Comments: The Goleta Sanitary District provided minor editorial comments and corrections (Attachment 7) that have been incorporated into the proposed Order/Permit. In addition, the Discharger submitted the comments that are summarized, with corresponding staff responses, beginning on page F-38 of the Fact Sheet. Based upon the Discharger's comments, additional clarifying language is incorporated into the proposed Order/Permit. Discussion of these changes is provided starting on page F-38. No other comments were submitted to Regional Water Board staff on the draft proposed Order/Permit. USEPA received comments on the TDD from the Goleta Sanitary District. USEPA's response to comments on the TDD and response to select Order/Permit comments are included as Attachment 8 to this staff report.

Recycled Water Policy: The State Water Resources Control Board adopted the Recycled Water Policy (Policy) in February 2009. The Policy calls for development of regional groundwater basin/sub-basin salt/nutrient management plans. The proposed Order/Permit requires the Goleta Sanitary District to document participation in the development of a regional salt/nutrient management plan.

RECOMMENDATION

Adopt Order R3-2010-0012 as proposed.

ATTACHMENTS

The attachments are available at:

http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2010/2010_agendas.shtml

Then click on "view agenda" for May 12, 2010; then click on Item 22.

1. Waste Discharge Requirements Order No. R3-2010-0012, including attachments:
 - A – Definitions
 - B – Site Map
 - C – Flow Schematic

- D – Standard Provisions
- E – Monitoring and Reporting Program
- F – Fact Sheet (including Response to Comments)
- 2. USEPA Technical Decision Document, January 10, 2010
- 3. Settlement Agreement
- 4. USEPA Endangered Species Act Biological Evaluation, December 2009
- 5. March 22, 2010, letter from the National Marine Fisheries Service
- 6. USEPA Response to Comment on the Goleta Sanitary District Draft NPDES Permit and 301(h) Technical Decision Document
- 7. March 22, 2010, letter from the Goleta Sanitary District

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