

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

CEASE AND DESIST ORDER NO. 96-31
FOR
THE CITY OF ESCONDIDO

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

1. The City of Escondido discharges up to 17.5 million gallons per day (MGD) of treated wastewater from the Hale Avenue Resource Recovery Facility (HARRF) to the Pacific Ocean through the Escondido Land Outfall and the San Elijo Ocean Outfall (SEOO) under waste discharge requirements issued by the SDRWQCB (Order No. 94-104, NPDES Permit No. CA0107981). The HARRF treats residential, commercial, and industrial wastewater generated in the City of Escondido and the Rancho Bernardo portion of the City of San Diego.
2. In recent years, on a number of days during or immediately following sustained periods of significant precipitation, the City has discharged untreated wastewater to Escondido Creek and tributaries thereto in violation of Prohibition A.1 and Provision D.2 of Order No. 94-104. In January and February of 1993, the City discharged approximately 0.61 million gallons of untreated wastewater from a series of sewer overflows. In March of 1995, the City discharged approximately 0.27 million gallons of untreated wastewater from a series of sewer overflows. Virtually all of the untreated wastewater discharged from these sewer overflows reached Escondido Creek. The causes of these sewer overflows identified by the City included; capacity of system exceeded due to severe flooding, surcharge, and excessive infiltration. Since the time of the discharges of untreated wastewater to Escondido Creek in 1995, the City has undertaken several measures to reduce the potential for discharges of untreated wastewater due to sewer overflows. According to the City, the capacity of the City's collection system has been expanded in capacity-deficient areas, new sewer lines have been installed, and other improvements to increase the conveyance capacity of the collection system have been implemented.
3. In recent years, on a number of days during or immediately following sustained periods of significant precipitation, the City has discharged secondary treated wastewater from the HARRF to Escondido Creek in violation of Prohibition A.1 and Provision D.2 of Order No. 94-104. In January 1993, the City discharged approximately 18 million gallons of secondary treated wastewater from the HARRF to Escondido Creek. In March 1995, the City discharged approximately 28 million gallons of secondary treated wastewater from the HARRF to Escondido Creek. During periods of extremely high wet weather flows, the combined flow from the HARRF and the San Elijo Joint Powers Authority (SEJPA) San Elijo Water Pollution Control Facility have exceeded the capacity of the land and

inshore portion of the SEOO.

4. Effluent from the HARRF is normally conveyed through the Escondido Land Outfall (ELO) to the SEOO, through which it is discharged to the Pacific Ocean. The design capacity of the ELO is 27.8 million gallons per day (MGD). The ELO is owned and operated by the City. The design capacity of the SEOO is 25.5 MGD. The actual operating capacity of the SEOO is less than the design capacity and under certain tidal conditions may be as low as 22.5 MGD. The land and inshore portion of the SEOO is owned and operated by the SEJPA. The City leases 79% of the capacity of the land and inshore portion of the SEOO from SEJPA. SEJPA has the ability to control the flowrate entering the SEOO from the ELO. SEJPA discharges effluent from the San Elijo Water Pollution Control Facility to the Pacific Ocean through the SEOO. The SEJPA discharge from the San Elijo Water Pollution Control Facility through the SEOO is regulated by Order No. 94-105, NPDES No. CA0107999.
5. The City plans to follow one of two strategies to terminate unauthorized discharges of treated wastewater to Escondido Creek. The City plans to either a) terminate discharges to Escondido Creek by increasing the capacity of the land and inshore portion of the SEOO; or b) implement tertiary treatment and water reclamation at the HARRF and seek authorization for intermittent wet-weather discharges of tertiary treated wastewater to Escondido Creek from the HARRF.
6. While the City is following one of the strategies identified in Finding No. 5, it may also be possible for the City to implement interim measures to reduce discharges of treated wastewater to Escondido Creek from the HARRF. Examples of such measures include but are not limited to reducing inflow and infiltration, water conservation, stopping or slowing approval of new connections to the sewer system, and/or increasing flow equalization capacity at the HARRF.

IT IS HEREBY ORDERED, That pursuant to California Water Code Section 13301, the City of Escondido (hereinafter City) shall comply with the following directives:

1. The City shall cease and desist discharges in violation of Order No. 94-104 and shall immediately undertake measures to prevent the recurrence of such discharges.
2. The City shall, no later than **May 1, 1998**, decide whether it plans to pursue a strategy to increase the ocean outfall capacity or a strategy to seek authorization for discharges of treated wastewater to Escondido Creek from the HARRF. The City shall notify the Executive Officer of this decision by May 14, 1998. The City shall complete implementation of measures to terminate all unauthorized discharges to Escondido Creek and tributaries thereto by **November 11, 2002**.
3. The City shall immediately implement interim measures, such as those identified in

Finding No. 6, to reduce discharges of treated wastewater to Escondido Creek and tributaries thereto.

- 4. The City shall submit semiannual progress reports identifying and discussing all tasks undertaken by the City to achieve compliance with Directive Nos. 1, 2 and 3. The reports shall identify completion dates for each task.

The reports shall be submitted on the following dates.

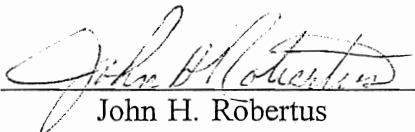
<u>Report Period</u>	<u>Report Due</u>
April - September	October 31
October - March	April 30

- 5. The City shall submit reports required under this Order to:

Surface Water Unit
 California Regional Water Quality Control Board
 San Diego Region
 9771 Clairemont Mesa Boulevard, Suite A
 San Diego, CA 92124-1331

- 6. Nothing in this Order shall be construed to relieve the City from further enforcement action, including administrative or judicial assessment of civil liability, injunctive relief, or criminal prosecution, resulting from violations of Order No. 94-104 (NPDES Permit No. CA0107981) such as subsequent discharges of treated or untreated sewage.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of Cease and Desist Order No. 96-31 adopted by the California Regional Water Quality Control Board, San Diego Region, on June 13, 1996.



 John H. Robertus
 Executive Officer

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

**ADDENDUM NO. 1
TO
CEASE AND DESIST ORDER NO. 96-31
FOR
THE CITY OF ESCONDIDO**

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

1. On June 13, 1996 this Regional Board adopted Cease and Desist Order (CDO) No. 96-31. CDO No. 96-31 ordered the City of Escondido (City) to terminate any and all discharges to Escondido Creek and its tributaries and required the City to implement measures to prevent such discharges by November 11, 2002. As set forth in the Findings of CDO No. 96-31, which are incorporated into this Order by reference, the City's discharges to Escondido Creek violated Prohibition A.1 and Provision D.2 in Order No. 94-104, NPDES No. CA0107981.
2. On October 31, 2002, 11 days prior to the deadline, the City informed the Regional Board by letter that they would not be able to meet the November 11, 2002 completion date set forth in CDO No. 96-31. The letter, however, stated that the improvements to the Hale Avenue Resource Recovery Facility are almost complete. The City also reported that the recycled water treatment and distribution systems are almost complete and the nutrient diversion facility should be completed by March 15, 2003. The City requested an extension of the final compliance date to June 16, 2003.
3. The City's delay in complying with CDO No. 96-31 is not a result of negligence on their behalf. The City has proceeded with due diligence and has been in compliance with CDO No. 96-31. Thus, an extension of the final compliance date to June 16, 2003 is reasonable.
4. This addendum is exempt from the requirement of preparation of environmental documents under the California Environmental Quality Act [Public Resources Code, Division 13, Chapter 3, Section 21000 *et seq.*] in accordance with Section 13389 of the California Water Code.
5. The Regional Board has notified the City and all known interested parties of its intent to amend CDO No. 96-31.
6. The Regional Board in a public meeting has heard and considered all comments pertaining to the terms and conditions of this addendum.

IT IS HEREBY ORDERED, that

1. The last sentence of Directive No. 2 of Cease and Desist Order No. 96-31 shall be replaced with the following:

“The City shall complete implementation of measures to terminate all unauthorized discharges to Escondido Creek and tributaries thereto by **June 16, 2003.**”

2. The City of Escondido shall submit a final report to the Regional Board by July 1, 2003 indicating the status of compliance with CDO No. 96-31. The report shall include a description and chronology of all steps taken to comply with CDO No. 96-31.
3. This Addendum becomes effective on the date of adoption by the Regional Board.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Addendum adopted by the California Regional Water Quality Control Board, San Diego Region, on February 5, 2003.


JOHN H. ROBERTUS
Executive Officer

B. DISCHARGE SPECIFICATIONS

- The discharge for landscape irrigation and other land disposal projects of a tertiary treated effluent containing pollutants in excess of the following effluent limitations is prohibited:

Effluent Limitations				
Constituent	unit	12-month Average ¹	30-day Average ²	Daily Maximum ³
Biochemical Oxygen Demand (BOD ₅ @ 20°C)	mg/l		30	45
Total Suspended Solids	mg/l		30	45
PH		Within the limits of 6.0 to 9.0 at all times		
Total Dissolved Solids	mg/l	1,000 ⁴		1,100
Chloride	mg/l	300		330
Sulfate	mg/l	350		400
Percent Sodium	%	60		65
Manganese	mg/l	0.05		0.06
Iron	mg/l	0.3		0.4
Boron	mg/l	0.8		
Fluoride	mg/l	2.0		
Coliform	MPN/100ml	*	*	*
Turbidity	NTU		**	**

- The 12-month average effluent limitation shall apply to the arithmetic mean of the results of monthly averages of all samples collected during the previous 12 months.
 - The 30-day average effluent limitation shall apply to the arithmetic mean of the results of all samples collected during any 30 consecutive calendar day period.
 - The daily maximum effluent limitation shall apply to the results of a single composite or grab sample.
 - The 12-month average concentration of the discharge shall not exceed the lesser of 1,000 mg/l or the imported water supply concentration plus an incremental increase equal to the typical incremental increase added to the water supply which has been used for domestic purposes. The discharge limitation for the discharge to the Escondido HSA will be 750 mg/l for TDS if Regional Board Resolution No. 93-02 and State Water Resources Control Board Resolution No. 93-51 are not approved by the State of California Office of Administrative Law.
- * The median number of coliform organisms shall not exceed 2.2 per 100 milliliters and the number of coliform organisms shall not exceed 23 per 100 milliliters in more than one sample within any 30-day period.
- ** Not to exceed an average operating turbidity of 2 turbidity units. Not to exceed 5 turbidity units more than 5 percent of the time during any 24-hour period.

in Sections B.1.f and B.1.g shall be determined from the results of grab samples taken during the specified periods.

4. There shall be no visible oil or grease in the discharge.
5. The discharge of treated wastewater from the HARRF to Escondido Creek or its tributaries shall be adequately disinfected, oxidized, coagulated, clarified, filtered wastewater (tertiary treated effluent) or equivalent, pursuant to Title 22, Division 4, Chapter 3, Article 5, Section 60315 of the California Code of Regulations.

The wastewater shall be considered adequately disinfected if in the effluent at some location in the treatment process, the median number of coliform organisms does not exceed 2.2 per 100 mL and the number of coliform organisms does not exceed 23 per 100 mL in more than one sample within any 30-day period. The median value shall be determined from the bacteriological results of the last 7 days for which analyses have been completed.

Filtered wastewater means an oxidized, coagulated, and clarified wastewater which has been passed through natural undisturbed soils or filter media, such as sand or diatomaceous earth (or equivalent as determined by the State Department of Health Services), so that the turbidity as determined by an approved laboratory method does not exceed an average operating turbidity of 2 turbidity units and does not exceed 5 turbidity units more than 5 percent of the time during any 24-hour period.

6. Wastewater discharged from the HARRF to Escondido Creek must be essentially free of:
 - a. Material that is floatable or will become floatable upon discharge.
 - b. Settleable material or substances that form sediments which degrade benthic communities or other aquatic life.
 - c. Substances which will accumulate to harmful levels in adequate sediments or biota.
 - d. Substances which significantly decrease the natural light to benthic communities and other aquatic life.
 - e. Materials that result in aesthetically undesirable discoloration of surface waters.
7. Waste discharges from the HARRF shall be discharged in such a manner as to provide maximum protection to aquatic environments.

parties of its intent to reissue the NPDES permit for the discharge from the Hale Avenue Resource Recovery Facility to the Pacific Ocean.

34. The Regional Board, in a public hearing held November 10, 1999, has heard and considered all comments pertaining to the discharge from the Hale Avenue Resource Recovery Facility to the Pacific Ocean via the Escondido Land Outfall and the San Elijo Ocean Outfall.
35. This Order shall serve as a National Pollutant Discharge Elimination System (NPDES) Permit for the discharge from the City of Escondido Hale Avenue Resource Recovery Facility to the Pacific Ocean pursuant to Section 402 of the Clean Water Act, and amendments thereto.

IT IS HEREBY ORDERED that the City of Escondido (hereinafter discharger), in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act and the regulations adopted thereunder, shall comply with the following for the handling, treatment, and disposal of wastes through the San Elijo Ocean Outfall from the City of Escondido Hale Avenue Resource Recovery Facility:

A. PROHIBITIONS

1. Discharges of wastes in a manner or to a location which have not been specifically authorized by this Order and for which valid waste discharge requirements are not in force are prohibited.
2. The dumping or deposition, from shore or from vessels, of oil, garbage, trash or other solid municipal, industrial, or agricultural waste directly into waters subject to tidal action or adjacent to waters subject to tidal action in any manner which may permit it to be washed into waters subject to tidal action is prohibited.
3. Compliance with Discharge Prohibitions as stated in Chapter V of the 1997 Ocean Plan, and listed in Attachment 1 hereto, is required as a condition of this Order.
4. Compliance with Waste Discharge Prohibitions contained in the 1994 Basin Plan (Attachment 2) is also required as a condition of this Order.
5. Discharge to the Pacific Ocean from the Hale Avenue Resource Recovery Facility via the Escondido Land Outfall and San Elijo Ocean Outfall in excess of 16.5 MGallons/Day is prohibited unless the discharger obtains the approval of the Regional Board for a revised design capacity in accordance with Provision F.13 of this Order.