SOCWA
South Orange County Wastewater Authority

March 12, 2012

David Gibson
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA. 92123-4353

SUBJECT: Comment to Tentative Order No. R9-2012-0012 NPDES Permit No. CA0107417 for the San Juan Creek Ocean Outfall

Dear Mr. Gibson:

Attached you will find the South Orange County Wastewater Authority comments to Tentative Order No. R9-2012-0012 NPDES Order No. CA0107417 for discharges through the San Juan Creek Ocean Outfall. Thank you for the opportunity to provide these comments and while I want to convey my appreciation for the time and effort your staff has expended in the drafting the Tentative Order, there are a few issues that I believe still need to be addressed. Please see the attached comments for details. If you have any questions or comments please feel free to contact me at 949-234-5421 or via email at trosales@socwa.com.

Very truly yours,

SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

Michael J Wilson for

Tom Rosales
General Manager

TR/bf

cc: File

SOCWA Comments

MONITORING AND REPORTING PROGRAM No. R9-2012-0012
San Juan Creek Ocean Outfall

V. Whole Effluent Toxicity (WET) Testing Requirements

The first paragraph after Table E-7 requires SOCWA to implement a 12-week toxicity testing program in the event of a single exceedance of the chronic toxicity performance goal. Given the inherent variability in chronic toxicity testing results, SOCWA requests that the first sentence after Table E-7 be revised to the following:.

> *If the performance goal for chronic toxicity is exceeded in any one test, the Discharger shall conduct a retest of chronic toxicity. If the retest also exceeds the performance goal, then within 15 days of notification of exceedance, the Discharger shall implement an accelerated testing program that includes conducting six additional tests, bi-weekly, over a 12 week period.*

VIII. Receiving Water Monitoring Requirements - Surface Water

Shoreline Testing Frequency. SOCWA objects to the proposed bi-weekly sampling frequency for bacteriological monitoring of San Juan Ocean Outfall shore stations during the period May 1 through October 31. SOCWA proposes weekly sampling on a year-round basis, consistent with what the Regional Board has required for all other ocean outfall discharges within the San Diego Region. The following table compares shore station monitoring requirements imposed by the Regional Board on San Diego Region dischargers. Excluding repeat samples, all other (non-SOCWA) ocean outfall dischargers within the San Diego Region combined are required to collect a total of 2,378 samples per year. Tentative Orders No. R9-2012-0012 and R9-2012-0013 would require SOCWA to collect a minimum of 2990 samples per year, a total larger than what the Regional Board requires for the South Bay, Point Loma, San Elijo, Encina, and Oceanside ocean outfalls combined.

Reducing sampling frequency at the San Juan Creek Ocean Outfall shore stations to weekly would reduce the SOCWA base monitoring to 884 samples per year, a total that is significantly greater than is required of any other San Diego Region ocean outfall discharger.

Table 1
Comparison of Shore Station Monitoring Requirements in the San Diego Region

San Diego Region Ocean Outfall	Order No.	Number of Surf Zone Monitoring Stations	Sampling Frequency	Number of Required Annual Samples[1]
South Bay	R9-2006-0067	12	Weekly	624
Point Loma	R9-2009-001	12	Five per month (all year)	720
San Elijo	R9-2010-0087	8	Weekly (all year	410
Encina	R9-2011-0019	5	Weekly (all year)	260
Oceanside	R9-2011-0016	7	Weekly (all year)	364
San Juan Creek	R9-2012-0012	17	Weekly (Nov 1 - Apr 30) Twice-Weekly (May 1 - Oct 31)	1,326
Aliso Creek	R9-2012-0013	16	Twice-Weekly (all year)	1,664

1 Based on 52 weeks per year, excluding repeat sampling

Repeat Shoreline Testing. Monitoring and Reporting Requirement VIII.A.1 requires repeat bacteriological sampling of shore stations if a sample exceeds any of the single sample bacteriological standards. As documented within the SOCWA Report of Waste Discharge (see Report of Waste Discharge, Section 3 of the Supplemental Technical Report), the San Juan Creek Outfall discharge does not influence shoreline bacteriological concentrations. This is demonstrated by the lack of exceedances at the "N" stations (located between the outfall discharge point and the shore).

As a result of storm water discharge contamination or from shoreline-based sources, the SOCWA shoreline monitoring program typically results in several hundred instances per year where shore station samples exceed the single sample limits. Requiring SOCWA to perform repeat shoreline testing results is a significant unnecessary expense while yielding no information useful in assessing outfall performance.

SOCWA objects to the inclusion of repeat testing for shoreline monitoring sample results which exceed the single sample beach water quality standards for fecal indicator bacteria. Previous SOCWA NPDES permit monitoring requirements have not included repeat shoreline sampling requirements. The shoreline bacteriological monitoring requirements contained in SOCWA's Tentative Orders would require 2990 samples per year, excluding any repeat testing. The ocean discharge NPDES Orders issued to all other San Diego Region ocean dischargers combined only require the collection of 2378 samples per year. Currently SOCWA performs 26 percent more shoreline testing than the rest of the San Diego region ocean dischargers combined.

Based on the known single sample fecal indicator bacteria failure rate of SOCWA's shoreline monitoring sites, SOCWA would be required to collect an additional 1000 – 2000 samples for bacteriological analysis per year, bring the likely total number of required shoreline samples to approximately 4500 samples per year. The repeat monitoring provisions included in the Tentative Orders would require SOCWA to perform daily bacteriological monitoring at many shoreline sample locations and require SOCWA to hire additional personnel to meet the new sampling and analysis requirements. The repeat monitoring requirements would result in SOCWA performing more shoreline bacteriological testing than the combined minimum total of samples required under AB 411 for the two largest coastal Counties in Southern California. Los Angeles County estimates its minimum sampling program to meet AB411 beach water quality requirements to be 1612 samples per year, while Orange County's minimum sampling program, which is the largest in the State, is estimated to be 2418 samples per year.

SOCWA requests that the Regional Board eliminate the repeat shoreline sampling requirements in both Outfall Orders, and decrease the number of monitoring sites from 17 to 14 sites for the San Juan Creek Ocean Outfall monitoring program, and implement weekly monitoring at all shore stations. If granted, these requests would result in monitoring reductions, however, the reduced monitoring requirements would still mandate that SOCWA performs nearly as much shoreline monitoring as the rest of the San Diego Region ocean outfall dischargers combined.

To provide some perspective, the SJCOO shoreline monitoring program produces enterococcus results that exceed the single sample limit more than 300 times during 2010. The repeat sampling provision would require SOCWA to sample at multiple shoreline monitoring locations nearly every day of the year to, in effect, monitor water quality impacts that are not associated with our discharge.

Required Shore Station Monitoring Points. As documented in the Report of Waste Discharge (see Table 1-2 of the Supplemental Technical Report), SOCWA requests elimination of the monitoring at shoreline Stations S21, C1 and C2. Monitoring at these stations produces information that is of no discernible value in assessing outfall discharge compliance, and represents an unnecessary expense and regulatory burden to SOCWA. Shore station S21 is a private gate guarded beach in the City of San Clemente at a distance of 31,000 feet from the San Juan Creek Ocean Outfall. Historical receiving water monitoring data at SOCWA offshore, nearshore, and shore stations demonstrate that the SOCWA outfall discharge does not influence bacteriological concentrations at shore stations nearer the outfall, and even less so at distant stations. Monitoring at the San Juan Creek Stations (Stations C1 and C2) is also of little value in assessing SJCOO compliance, as water quality at Stations C1 and C2 is dependent on upstream (inland) runoff and contamination sources.

TENTATIVE ORDER No. R9-2012-0012 (NPDES CA0107417)
San Juan Creek Ocean Outfall

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. 1. a. & b.

Tentative Order No. R9-2012-0012 provides some accommodation with respect to the application of Industrial Technically Based Effluent Limits for the South Coast Water District-Groundwater Recovery Facility (SCWD-GRF) however, we are concerned that the changes were narrowly applied to a single discharge. SOCWA requests clarifying revisions in Table 13 of the Tentative Order. To clarify that the Table A limits do not directly apply to the SCWD-GRF discharge, SOCWA requests that Footnote 2 to Table 13 be modified to the following:

> [2] *Effluent limitations for total suspended solids, oil and grease, turbidity, settleable solids, and pH in this table apply to the combined discharge at Monitoring Location M-001.*

Additionally, it is requested that the following footnote be added to Table 13:

> *"The discharger may collect and analyze two or more grab samples of the outfall discharge for suspended solids and use the analytical results to produce an average twenty-four hour composite result for total suspended solids."*

V. RECEIVING WATER LIMITATIONS

A. SURFACE WATER LIMITATIONS

As noted within our report of waste discharge, SOCWA is concerned about the application of REC-1 bathing beach bacteriological standards to the discharges outside the zone of initial dilution. Over the last 35 years our discharge has been required to meet the bathing beach standards established from the shoreline to a distance of 1000 feet or to the 30 foot contour. The change in application of bathing beach standards to all state-regulated ocean waters outside the zone of initial dilution was triggered by:

- changes to the State of California Ocean Plan that applied beach recreational bacteriological standards to areas designated by the Regional Board as REC-1, and
- an interpretation that, by omission, the San Diego Basin Plan applies the REC-1 designation to all state-regulated ocean waters.

SOCWA contends that such an interpretation is inconsistent with past Basin Plan support documentation and Regional Board actions. Additionally, the environmental impacts of such an interpretation (including an assessment of the potential discharge of chlorinated byproducts to the ocean) have never been addressed by the Regional Board as part of any NPDES permit or Basin Plan modification.

SOCWA urges the Regional Board to reconsider the application of bathing beach standards further than 1000 feet from the shoreline or the 30-foot contour. SOCWA further requests that the San Diego Region Basin Plan be amended to specifically exclude the application of REC-1 bathing beach standards further than 1000 feet from the shoreline or to the 30 foot contour, except in specific areas (e.g. kelp beds) deemed by the Regional Board to represent body-contact recreation zones. If the Board is intent on applying more stringent bacteriological standards to areas of the ocean with minimal water contact uses, and absent any real public health driver, the Regional Board should consider a more appropriate standard, perhaps setting a second tier standard, one more reflective of the actual health risks in ocean waters with minimal potential for human contact.