

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

**EXECUTIVE OFFICER SUMMARY REPORT
February 12, 2020**

ITEM 11

SUBJECT

NPDES Permit Reissuance: Waste Discharge Requirements for Genentech, Inc. Discharge to the Pacific Ocean through the Oceanside Ocean Outfall (Tentative Order No. R9-2019-0168, NPDES No. CA0109193). (*Joann Lim and Keith Yaeger*)

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2019-0168 (Tentative Order) is recommended (**Supporting Document No. 6**).¹

KEY ISSUE

The San Diego Water Board will resume the public hearing that was opened at the December 11, 2019, Board Meeting to consider adoption of the Tentative Order along with other Tentative Orders (see Item Nos. 8, 9 and 10 of today's agenda), all of which pertain to the reissuance of National Pollutant Discharge Elimination System (NPDES) permits for discharges of treated waste to the Pacific Ocean through the Oceanside Ocean Outfall (OOO). The Board heard staff testimony regarding all of the Tentative Orders. The Board continued the matter to today's meeting to allow staff time to meet with Genentech, Inc. (Genentech) and the other dischargers (City of Oceanside (City); Fallbrook Public Utilities District; and Marine Corps Base, Camp Pendleton (MCBCP)) to review the costs associated with the proposed monitoring requirements and to further consider other concerns regarding the provisions of the Tentative Orders.

PRACTICAL VISION

Consistent with the mission of the Practical Vision, *Strategy for Healthy Waters* chapter, the Tentative Order integrates all applicable technology-based requirements, water quality-based effluent limitations, and receiving water quality standards to optimize protection of water quality and beneficial uses in the Pacific Ocean.

DISCUSSION

Genentech is the owner and operator of a multi-product biotech manufacturing and clinical operations complex referred to as the Genentech Oceanside Product Operations Facility (Facility). The Facility currently discharges waste brine to the Pacific Ocean through the OOO, which is owned and operated by the City. The City, Fallbrook Public Utility District, and MCBCP also discharge comingled secondary-treated wastewater and waste brine to the OOO under separate NPDES permits. A description of each of these facilities can be found in the fact sheet of the Tentative Order in Attachment F, section II.A (**Supporting Document No. 6**). The location of the Genentech Facility and the other facilities discharging to the OOO are shown in **Supporting Document No. 7**.

¹ The supporting document numbers are assigned sequentially from the supporting document numbers used in the December 2019 Board Meeting Executive Officer Summary Report.

The Executive Officer Summary Report (EOSR) from the December 2019 Board Meeting (December 2019 EOSR) contains background information including a history of the permitting actions to date, a list of significant differences between the Tentative Order and the current Order No. R9-2014-0004 (Current Order), a compliance history, a copy of the public notice, and references to other supporting documents. The December 2019 EOSR, including Supporting Documents 1 through 5, are incorporated into this EOSR by this reference. (**See Supporting Document No. 8**).

The Tentative Order was noticed and released for public review and comment on September 27, 2019, with comments due October 28, 2019. The San Diego Water Board received comments from Genentech during the public comment period (**December 2019 EOSR, Supporting Document No. 3**). The December 2019 Response to Comments Report (**December 2019 EOSR, Supporting Document No. 4**) contains the San Diego Water Board responses to the comments received during the public comment period and describes any actions taken to revise the Tentative Order in response to the comments.

At the December 2019 Board Meeting, Genentech requested the San Diego Water Board continue the public hearing to a future Board Meeting and expressed concern about the cost and scope of the receiving water monitoring requirements in the Tentative Order. On January 13, 2020, as a follow-up to the Board Meeting, staff met with representatives of Genentech, the City, Fallbrook Public Utility District, and MCBCP to further discuss their concerns regarding the various provisions of the Tentative Orders, including the requirements and cost of the receiving water monitoring program.

Genentech's Current Order contains the same receiving water monitoring program requirements as the current orders for the City, Fallbrook Public Utility District, and MCBCP. The Current Order allows Genentech to participate in the receiving water monitoring program in a coordinated manner with the other dischargers to the OOO. Genentech commented in their October 28, 2019, letter (**December 2019 EOSR, Supporting Document No. 3**) that the 0.155 million gallons per day (MGD) of waste brine discharged from the Genentech Facility is a *de minimus* component of the total overall permitted flow of 41.5 MGD from all dischargers to the OOO. Genentech is requesting removal of the receiving water monitoring requirements in the Tentative Order in consideration of this and due to the Facility designation as a "minor" facility using USEPA criteria to gage the potential of the discharge for causing significant water quality impacts. The San Diego Water Board has further considered Genentech's comments along with other water quality factors such as the low flow volume, reduced toxic pollutant potential, and reduced receiving water impairment potential of the discharge as compared to the discharges by the other three parties that discharge to the OOO. At the January 13, 2020, meeting, the City, Fallbrook Public Utility District, and MCBCP did not object to Genentech's request. Based on all of these considerations the Tentative Order is revised to remove the receiving water monitoring requirements, as requested by Genentech, with the caveat that Genentech review the receiving water monitoring reports submitted by the other dischargers to stay current on receiving water quality conditions as the reports become available on the State Water Resources Control Board website.

The Revised Tentative Order (**Supporting Document No.6**) displays the changes made after the September 27, 2019 public release in red-underline for added text and ~~red~~

~~strikeout~~ for deleted text. Additional revisions made after the December 2019 Board Meeting are in yellow highlight and red-underline for added text and ~~yellow highlight and red-strikeout~~ for deleted text. The major change to the Tentative Order is the removal of the receiving water monitoring requirements, as requested by Genentech.

SUPPORTING DOCUMENTS

6. Revised Tentative Order
7. Location Map
8. December 2019 Board Meeting Executive Officer Summary Report