

Item Number 5

Supporting Document 1

Tentative Order No. R9-2021-0197

November 9-10, 2021

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

TENTATIVE ORDER NO. R9-2021-0197

**AN ORDER RESCINDING ORDER NO. R9-2020-0005,
WASTE DISCHARGE REQUIREMENTS FOR CABRILLO POWER I LLC,
ENCINA POWER STATION, SAN DIEGO COUNTY,
DISCHARGE TO THE PACIFIC OCEAN**

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

1. The following facts support rescission of Order No. R9-2020-0005, *Waste Discharge Requirements for Cabrillo Power I LLC, Encina Power Station, San Diego County, Discharge to the Pacific Ocean*:
 - a. Order No. R9-2020-0005 (National Pollutant Discharge Elimination System (NPDES) No. CA0001350), established waste discharge requirements for discharges of groundwater, industrial stormwater, and low-volume wastewater from the decommissioned Encina Power Station (Facility). The Facility is located at 4600 Carlsbad Boulevard, Carlsbad, California, adjacent to the tidally influenced Agua Hedionda Lagoon. The San Diego Water Board adopted Order No. R9-2020-0005 on February 12, 2020.
 - b. Provision VI.C.1.d.iii of Order No. R9-2020-0005 states that the Order may be modified, revoked and reissued, or terminated for cause including, “a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.” [Water Code section 13381(c)]
 - c. On July 13, 2021, Cabrillo Power I LLC (Discharger) submitted a request to terminate Order No. R9-2020-0005. The Facility ceased its wastewater and industrial stormwater discharges on June 30, 2021. A permanent elimination of the discharge is an appropriate cause for termination of Order No. R9-2020-005. (40 CFR § 122.64(a)(4).)
 - d. When the discharge is permanently terminated by elimination of the flow, the permit may be terminated by notice to the discharger and certification by the discharger that it is not subject to pending State and/or Federal enforcement actions including citizen suits brought under State or Federal law. (40 CFR § 122.64(b).) The Discharger provided the required certification by letter on August 3, 2021. On August 31, 2021, the San Diego Water Board provided notice to the Discharger of its intent to

terminate and rescind Order No. R9-2020-005. As such, Order No. R9-2020-0005 is no longer necessary and can be rescinded.

2. The San Diego Water Board has notified the Discharger and all known interested parties of its intent to rescind Order No. R9-2020-0005.
3. The San Diego Water Board heard and considered all comments pertaining to the proposed rescission of Order No. R9-2020-0005 in a public meeting on November 9-10, 2021.

IT IS HEREBY ORDERED that Order No. R9-2020-0005 is rescinded.

I, David W. Gibson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on November 10, 2021.

David W. Gibson, Executive Officer