

EXECUTIVE OFFICER SUMMARY REPORT
June 13, 2007

ITEM: 15

SUBJECT: Reissuance of Waste Discharge Requirements and NPDES Permit CAG919001 for discharges from temporary groundwater extraction and similar waste discharges to San Diego Bay, tributaries thereto under tidal influence, and storm drains or other conveyance systems tributary thereto. If adopted, Tentative Order No. R9-2007-0032, would supersede the current WDR Order No. R9-2000-0090. (Tentative Order No. R9-2007-0032) (Vicente Rodriguez)

PURPOSE: The Regional Board will consider whether to adopt a WDR/NPDES General Permit for the discharge of extracted groundwater waste into San Diego Bay.

PUBLIC NOTICE: On April 27, 2007 a notice was published on the Regional Board website and on May 1, 2007 the San Diego Union-Tribune soliciting public input on Tentative Order No. R9-2007-0032. The written comment period ended on May 30, 2007 and the oral comment period ends at the June 13, 2007 public hearing.

DISCUSSION: This Order reissues a general NPDES permit regulating the discharge of groundwater extraction waste to San Diego Bay (see Supporting Documents Nos.1 and 2), including the portions of tributary streams that are subject to tidal flows, and all storm water conveyance systems and other drains that are tributary thereto from all temporary construction groundwater extraction, and similar waste discharges.

The Regional Board has regulated the discharge of groundwater extraction waste to San Diego Bay since 1990 with adoption of NPDES Permit (Order No. 90-31). The Order was reissued in 1995 (Order No. 95-25) and most recently in 2000 (Order No. 2000-90). The most recent Order expired June 14, 2005.

Order No. 2000-90 regulates temporary groundwater extraction discharges to San Diego Bay. The types of projects that are considered temporary include: subsurface

excavations that require dewatering (for example: foundation, tunneling, and footings) and remediation projects that utilize pumping and treating of ground water. There are currently about a dozen projects regulated under the permit.

Permanent groundwater extraction discharges are not allowed to enroll in this Order. Permanent discharges include dewatering of subterranean structures, such as parking garages which: a) are not designed or constructed to withstand hydrostatic pressure or do not preclude infiltration of groundwater, and b) require removal of groundwater to prevent water infiltration to the structure(s) are permanent discharges. However, two permanent discharge projects that have been regulated under this Order since 1995 will continue under R9-2007-0032. At some future date individual NPDES permits may be adopted by the Regional Board for these two permanent discharges. These are:

- a. Embassy Suites Hotel permanent dewatering system
- b. One America Plaza permanent dewatering system

During the comment period, the Regional Board received one comment letter from the City of San Diego. (see Supporting Document No. 3). The comment letter recommends additional bacteria monitoring downstream of the discharge and termination of the discharge if bacteria growth would adversely affect the City of San Diego's ability to comply with the tentative bacteria TMDL. The response to comments will be included in the Supplemental Mailing.

KEY ISSUES: Should the permit require additional bacteria monitoring and revocation of the discharge due to bacteria growth?

LEGAL CONCERNS: None.

SUPPORTING DOCUMENTS:

- 1. Location Map
- 2. Tentative Order No. R9-2007-0032
- 3. Comments from the City of San Diego

SIGNIFICANT CHANGES: Below are the significant changes from the existing Order No. 2000-90.

1. The tentative Order has a new look based on a new statewide NPDES permit template. While each region is unique, there are many aspects of NPDES permits that can be standardized. Since 2004, staffs of the State and Regional Boards, along with USEPA's contractor, have embarked on standardizing NPDES permits in the State.
2. Effluent limits requirements are based on need for treatment and annual monitoring is based on flow.
3. The Notice of Intent (application) has been revamped to improve Regional Board staff review of the information needed to make a determination of enrollment without delays to request additional information.
4. The new Order will require the discharger to first receive approval from the municipality with jurisdiction over the stormwater conveyance system (MS4) prior to Regional Board enrollment in the Order. The previous permit simply required notification to the municipality.
5. The permit is for discharges that have no other technically and economically feasible alternatives. Currently the Regional Board enrolls dischargers without considering alternatives until there is a water quality problem. By considering other feasible alternative such as discharge directly into the sanitary sewer system, fewer projects may need to discharge into San Diego Bay.
6. A number of effluent limits in the current permit are directly from the California Toxics Rule (CTR). These effluent limits in the tentative Order are derived from the CTR as well; however, they are not used directly, instead they are derived following a model based procedure in the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, 2005 (State Implementation Policy or SIP).

RECOMMENDATION: The adoption of tentative Order No. R9-2007-0032 is recommended.