

April 1, 2024

San Diego Regional Water Quality Control Board  
Attn: Joann Lim  
2375 Northside Drive, Suite 100  
San Diego, CA 92108-2700

U.S. Environmental Protection Agency, Region 9  
Attn: Julie Song at USEPA  
75 Hawthorne Street  
San Francisco, CA 94105

[Via Email to Joann.Lim@waterboards.ca.gov](mailto:Joann.Lim@waterboards.ca.gov), [Song.Julie@epa.gov](mailto:Song.Julie@epa.gov)

**Re: Comment - Tentative Order No. R9-2024-0004**

To the San Diego Regional Water Quality Control Board, and Region 9 of the United States Environmental Protection Agency:

Please accept these comments regarding Tentative Order No. R9-2024-0004 (NPDES Permit No. CA0107409), Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for the Point Loma Wastewater Treatment Plant (“Facility”) Discharge to the Pacific Ocean through the Point Loma Ocean Outfall (“Tentative Order/Permit”) and USEPA’s Tentative Decision Document (“TDD”) on the City of San Diego’s (“City”) request for a waiver from secondary treatment requirements pursuant to Clean Water Act section 301(h). San Diego Coastkeeper (“Coastkeeper”) is the San Diego region’s leading clean water advocacy organization, member supported since 1995. Our mission is to protect and restore coastal and inland waters in San Diego County, using advocacy, community science, and education. Coastkeeper also actively seeks agency implementation of federal, state, and local laws, regulations, and permits; regularly engages in the administrative review and public comment procedures for agency actions; and, where necessary, directly initiates enforcement actions on behalf of itself and its members.

Generally, Coastkeeper supports the adoption of the Tentative Order/Permit, which incorporates the TDD to grant a variance from secondary treatment requirements pursuant to CWA sections 301(h) and (j)(5), with the exception of the revisions pertaining to Aldrin effluent limitations, as further discussed *infra*.



Most notably, the Tentative Order and TDD incorporate the City's commitments and implementation schedule to proceed with Pure Water San Diego, the City's comprehensive water reuse program. Pursuant to a 2014 Cooperative Agreement, the City is committed to producing 83 MGD of potable water, nearly half of the City's water needs, through the Pure Water Program by 2035. Coastkeeper, along with San Diego County Surfrider, the Coastal Environmental Rights Foundation, and San Diego Audubon Society, were instrumental in the creation and adoption of this Cooperative Agreement. The Pure Water Program will deliver safe, reliable, and cost-effective drinking water via advanced water treatment technology, thereby transforming the City's water system into a complete water cycle that maximizes our use of the world's most precious resource. This water will cost less per unit and is more energy-efficient than sea-water desalination, and lowers our region's reliance on stressed water supplies such as the Colorado River.

Moreover, for the purposes of this Tentative Order and the TDD, Pure Water San Diego will significantly reduce wastewater flows and pollutant loads discharged to the Pacific Ocean. The program's goal is to cap PLOO mass emissions at 9,942 mt/yr by the end of 2027. This 9,942 mt/yr TSS mass emission rate is equivalent to what the Facility would be allowed to discharge at its present full permitted capacity (i.e., 240 MGD) under secondary treatment standards (i.e., 30 mg/l TSS limit). As the Parties to the Cooperative Agreement, the Metro Wastewater Joint Powers Authority, the Regional Board, and other stakeholder recognize and agree, the multiple benefits presented by the Pure Water Program far outweigh the alternative – requiring the Facility to adhere to strict secondary treatment standards only to wastefully discharge treated effluent into the ocean. Thus, Coastkeeper strongly supports the adoption of the Tentative Order, which incorporates the Pure Water schedule of tasks, and requires the City to develop an Asset Management Plan, to ensure the Pure Water Program continues to be timely implemented to meet the Cooperative Agreement's objectives.

Coastkeeper also supports the Tentative Order's addition of effluent monitoring requirements for Per- and Polyfluoroalkyl Substances ("PFAS") compounds to identify and understand PFAS in the wastewater. PFAS compounds are found in a very wide range of industrial operations and products, including chrome plating, paints and wax coatings, hydraulic fluids and lubricants, and of course certain types of firefighting foam ("AFFF"), and are increasingly present in groundwater and surface waters across the United States, including here in San Diego. EPA issued a Memorandum ("EPA Memo") in December 2022 to states, outlining steps that could be taken under existing regulatory authority to determine the presence of extent of PFAS in discharges governed by NPDES permits.<sup>1</sup> The EPA Memo recommends that states require monitoring for PFAS in wastewater and stormwater discharges when PFAS containing processes and products

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<sup>1</sup> EPA Memorandum, *Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs*, December 5, 2022, available at <https://www.epa.gov/newsreleases/epa-issues-guidance-states-reduce-harmful-pfas-pollution>.



have been identified at particular facilities, or are typically found in certain types of industries, referenced through industry SAIC codes.

Coastkeeper also supports the Tentative Order's revision to influent monitoring to account for the planned changes at the Facility to accept onsite stormwater flows to the Facility headworks, downstream of Monitoring Location INF-001. Stormwater diversion to the sanitary system, and stormwater capture and reuse must be more widely implemented throughout the San Diego region to reduce pollution in our surface waters, and ensure a secure and sustainable water future. Storm water inputs will likely be needed in the Pure Water system to account for continuing improved conservation and efficiency. Although monitoring the Facility's onsite stormwater does not address this larger need for stormwater reuse, the data collected from such monitoring will better inform future strategic and regulatory decisions. Therefore, Coastkeeper supports these revisions.

The Tentative Order replaces effluent limitations for Aldrin with performance goals, and reduces the monitoring frequency for Aldrin from weekly to monthly. Based on the Tentative Order's Fact Sheet, "in 2020 and 2021, Aldrin was not detected in any PLOO sediment samples or liver samples from fishes collected from the PLOO region." Fact Sheet at F-47. While these sampling results may justify reduced monitoring frequency for Aldrin, they do not justify revising the Permit's effluent limitations for Aldrin to non-enforceable performance goals. This runs afoul of the CWA's anti-backsliding policy that a permit may not be renewed or reissued with less stringent effluent limitations than those contained in the previous permit. Simply because Aldrin has not been detected in past, does *not* mean that it won't be detected in the future. Complete removal of the effluent limitations for Aldrin would constitute a "less stringent" renewal or reissuance. As such, Coastkeeper opposes this departure from the current Permit.

Coastkeeper appreciates the opportunity to provide comments regarding the Tentative Order and the TDD. Please contact me via email at [patrick@sdcoastkeeper.org](mailto:patrick@sdcoastkeeper.org), or phone at 760-525-6838 if you have any questions or need more information regarding our comments.

Respectfully,

A handwritten signature in black ink that reads "Pat McDonough".

Patrick McDonough  
Senior Attorney  
San Diego Coastkeeper