

**CALIFORNIA COASTAL COMMISSION**

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# **W21a**

**ADDENDUM TO COMMISSION PACKET  
FOR  
ENERGY, OCEAN RESOURCES AND  
FEDERAL CONSISTENCY DIVISION**

**For Wednesday, October 7, 2009**

**This addendum contains correspondence for Item No. W 21a**

**Correspondence and ex parte disclosure forms**

**Consistency Certification CC-056-09**

**City of San Diego, Secondary Treatment Waiver**

RECEIVED

OCT 05 2009

CALIFORNIA  
COASTAL COMMISSION

# FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: San Diego Waiver (Wed)

Date and time of receipt of communication: 10/2/09 @ 9:15am

Location of communication: La Jolla, Calif

Type of communication (letter, facsimile, etc.): meeting

Person(s) Initiating communication: Bruce Rozick, Lisa Borak, Dave Grubb

Detailed substantive description of content of communication:  
(Attach a copy of the complete text of any written material received.)

Discussed the history of this item and their surprise at the last hearing on this item. They are interested in working with the city and improving water redemption by working together on this project.

10/2/09  
Date

[Signature]  
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

# Form for Disclosure of Ex Parte Communication

Date and time of communication: September 23, 2009, 10:00 AM

Location of communication: Hill Street Cafe, 524 S Coast Hwy, Oceanside, CA 92054-4009

Person(s) initiating communication: Bruce Reznik

Speaking on behalf of: San Diego Coastkeeper

Person(s) receiving communication: Esther Sanchez

Name and description of project:

Agenda Item 21.a., October 7, 2009

CC-056-09 (City of San Diego Secondary Treatment Waiver, San Diego) Resubmitted Consistency Certification by City of San Diego for secondary treatment waiver (i.e., Environmental Protection Agency (EPA) Reissuance, under Section 301(h) of the Clean Water Act, of a modified National Pollutant Discharge Elimination System (NPDES) Permit) for Point Loma Wastewater Treatment Plant Discharges offshore of San Diego, San Diego County. (MPD-SF)

Detailed substantive description of content of communication:

Discussed San Diego Coastkeeper's agreement with City of San Diego to study long term treatment of sewage to potable water instead of simply treating to secondary at Point Loma Outfall. Also discussed Commission possibly crafting conditions of approval for consistency determination.

.....  
Date

.....  
Signature of Commissioner

.....  
Commissioner Name (please print)

Coastal Commission Fax: 415.904.5400

May 2009

DISCLOSURE OF EX PARTE COMMUNICATIONS

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**Name or description of project:**

**CC-056-09 (City of San Diego Secondary Treatment Waiver, San Diego)** Resubmitted Consistency Certification by City of San Diego for secondary treatment waiver (i.e., Environmental Protection Agency (EPA) Reissuance, under Section 301(h) of the Clean Water Act, of a modified National Pollutant Discharge Elimination System (NPDES) Permit) for Point Loma Wastewater Treatment Plant Discharges offshore of San Diego, San Diego County.

**Date and time of receipt of communication:**

September 21, 2009 at 11:00 am

**Location of communication:**

Oceanside City Hall

**Type of communication:**

In person meeting

**Person(s) in attendance at time of communication:**

Brent Eidson, Jim Barrett, Alan Langworthy, Susan McCabe

**Person(s) receiving communication:**

Esther Sanchez

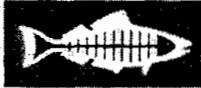
**Detailed substantive description of the content of communication:**

**(Attach a copy of the complete text of any written material received.)**

I received a briefing from the project representatives in which they described the City of San Diego's secondary treatment waiver request and provided background on the history of the permitting process to date. The representatives described their efforts to work with staff and to respond to concerns raised at the August hearing. They explained the City's extensive and on-going monitoring efforts and informed me that wastewater discharges have been proven to comply with secondary treatment waiver requirements and California Ocean Plan standards, which contain policies comparable to the marine resource, fishing, and recreation protection policies of the Coastal Act. The City has also upgraded its facilities, improved wastewater reclamation facilities, and maintained mass emission levels below the levels initially recommended by the Commission and required by the RWQCB. The results of an additional water reclamation study discussed by opponents are pending. The City anticipates a positive staff recommendation and support from Surfider and Coastkeeper.

**Date:**

**Signature of Commissioner:** \_\_\_\_\_



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October 2, 2009

Chairperson Neely and Commissioners  
California Coastal Commission  
45 Fremont Street Suite 2000  
San Francisco, CA 94105-2219

Sent via Email [mdelaplaine@coastal.ca.gov]

**Re: Comments on Consistency Certification No. CC-056-09 Reissuance of CWA Section 301(h) Secondary Treatment Waiver for Point Loma Wastewater Treatment Plant Discharges offshore of San Diego dated September 16, 2009.**

Dear Chairperson Neely and Commissioners,

On behalf of Heal the Bay and the Natural Resources Defense Council ("NRDC"), we appreciate the opportunity to provide the following comments on the above referenced Consistency Certification. Heal the Bay is an environmental organization with over 13,000 members dedicated to improving water quality in Santa Monica Bay and Southern California coastal waters for people and marine life. NRDC is a national environmental organization which has 1.2 million members and activists, 250,000 of whom are Californians.

We are extremely disappointed to see that this Consistency Certification is being reheard by the Coastal Commission after an August 13, 2009 unanimous vote by the Commission to deny consistency. We agreed with the Commissioners who spoke against the waiver at the August 13<sup>th</sup> hearing and believe that all of these points are still valid. As there is no significant new information being presented in the Staff Report dated September 16, 2009, it is unclear why this item is being reheard. Bringing an item back for a re-vote only a month later sets a horrible precedent and sends a message to the public that this is a political decision, especially considering that there is no new information. The Commission requires six months to elapse before allowing a permit resubmission. By allowing a resubmission so soon after a decision, the Commission sends the message to the regulated community – if at first you don't succeed, just try again. We urge the Commission to stand firm on the well-grounded technical and policy concerns they articulated in August.

Regardless, we submit these comments in opposition to the Consistency Certification for the reissuance of a waiver of Clean Water Act standards for the E.W. Blom Point Loma Metropolitan Wastewater Treatment Plant and Ocean Outfall ("Plant" or "PLOO"). Our



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comments include some new insights since our last letter dated August 11th on additional issues that clearly demonstrate that the Plant has not met its burden of proof to obtain another 301(h) waiver under the Clean Water Act or the California Coastal Act.

The Plant is one of the largest sewage treatment plants in California, dumping nearly 200 million gallons of wastewater into the Pacific Ocean every day. Despite the fact that publicly owned treatment works were required to upgrade to secondary treatment standards over 30 years ago, the Plant continues to operate under a waiver from these federal standards. As mentioned in the Staff Report, "in California, the City of San Diego is the only municipal ocean discharger that has not either achieved or committed to implementing full secondary treatment." Staff Report at 2. From a technical standpoint, every other municipal POTW in California has proven upgrading to secondary treatment is entirely feasible. As a policy matter, allowing one major discharger to continue to treat our oceans as a dumping ground for minimally-treated sewage is unjustified and unacceptable, especially at a time when water recycling is a critical part of the solution to California's water crisis. A minimum of secondary treatment is essential for any water recycling effort. As a legal matter, the Plant has failed to meet its burden of proof to obtain another 301(h) waiver under the Clean Water Act and has failed to comply with Sections 30230 and 30231 of the California Coastal Act. The Coastal Commission Staff recommendation to concur with the City of San Diego's consistency certification is thus unsupported by evidence and inappropriate.

### **Applicable Legal Standards**

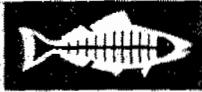
As discussed in NRDC and Heal the Bay's January 28, 2009 letter to USEPA, the Plant has not met its burden of proof to obtain another 301(h) waiver under the Clean Water Act. To be eligible to receive a 301(h) waiver, the applicant must demonstrate that it can meet the "environmentally stringent criteria" under the Clean Water Act.<sup>1</sup> For many similar reasons, the discharge is also not consistent with applicable sections of the California Coastal Act. Specifically, we disagree with Staff's statement that the City's discharges under the renewal of the waiver from secondary treatment requirements would be consistent with the water quality and marine resources policies of the Coastal Act (Sections 30230, 30231). Staff Report at 3.

Section 30230 states,

"Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine

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<sup>1</sup> *In re Mayaguez Regional Sewage Treatment Plant Puerto Rico Aqueduct and Sewer Authority*, 4 E.A.D. 772 (1993); 33 U.S.C. § 1311(h).



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organisms adequate for long-term commercial, recreational, scientific, and educational purposes.”

Section 30231 states,

“The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, **encouraging waste water reclamation**, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. [Emphasis added]”

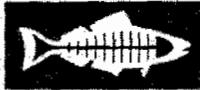
The practice of dumping minimally treated sewage in the ocean is not consistent with these sections of the California Coastal Act, as it does not lead to maintenance, enhancement, or restoration of marine resources. Also as discussed in further detail below, current water reclamation efforts are inadequate and the monitoring program is insufficient as it does not adequately capture the movement of the plume and hence characterize the influence of the outfall on areas of special biological significance.

### **Water Reclamation**

As cited above, the California Coastal Act looks towards water reclamation as a key component in protecting coastal waters and habitats. The Point Loma Plant must upgrade to at least full secondary treatment to create much needed water recycling opportunities in San Diego. The region has aggressively moved forward on a controversial desalination plant at Carlsbad with considerable environmental impacts and extensive financial and energy costs, so clearly San Diego has already expressed an interest in finding new, reliable sources of local water.

Upgrading the Plant is a smart way for San Diego to create this reliable source of local water, yet San Diego refuses to embrace water recycling as a solution to significantly augment their increasingly scarce water supplies.

San Diego’s neighbors to the north have redoubled their water recycling efforts—Orange County Water District, Los Angeles County Sanitation Districts, and West Basin Municipal Water District produce nearly 150 MGD of recycled wastewater, and recently the LA County Sanitation Districts agreed to a long term goal in the recently updated Santa Monica Bay Restoration Plan of over 200 MGD from their secondary treatment plant in Carson. Meanwhile, Pt. Loma continues to operate at primary treatment and San Diego continues to have a poor record on water recycling.



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Earlier this year, the State Water Resources Control Board passed a comprehensive policy to increase water recycling statewide to combat California's increasing water scarcity due to climate change, growth, and recent water rights court decisions. The state made water recycling easier and set a goal of an additional one million acre feet per year of recycled water statewide by 2020 and 2 million acre feet by 2030. The use of water recycling has never been more important to augment local water supplies and to move California to sustainable water management.

Unfortunately, San Diego has provided no water recycling goals or milestones for the coming years. The commitment that has apparently been reached by certain stakeholders and the City to go forward on a recycled water study is much different than an actual *commitment* to recycle a certain volume of water by a date certain. In light of the California water crisis and the recently approved State water recycling policy, commitments to doing studies are not enough.

The City projects that the total suspended solids loadings from the WTP will be capped at 15,000 MT/yr for the life of the permit. Further the BOD loading is expected to be greater than that of a secondary treatment plant with BOD removal not less than 58%. As the WTP has been discharging to the ocean for over 45 years, this is a significant loading of pollutants. Thus at a minimum, San Diego should commit to recycling enough water within 5 to 10 years so that the BOD loadings from Point Loma are the same as the projected BOD loadings if the POTW went to full secondary treatment. Upstream water recycling is a way to get the loadings to a full secondary treatment equivalent level. In addition, TSS reduction to 30 mg/l can be reached at the plant through advanced primary treatments. This commitment would be a creative way to comply with the requirements of the Clean Water Act and increase the use of a precious resource.

For instance, the approximate current TSS and BOD loadings are 21.6 million lbs/yr<sup>2</sup> and 61.1 million lbs/yr<sup>3</sup>, respectively. Thus, this equates to an additional loading of 2.5 million lbs/yr TSS and 42 million lbs/yr BOD compared to the loading if the 30 mg/l TSS and 30 mg/l BOD requirements for secondary treatment were in place. This extra loading must be addressed, in order to protect the marine environment.

**Although we strongly oppose a consistency determination by the Commission, in the event that the Commission changes their mind and determines that San Diego's application deserves a consistency determination, please adopt the following condition:**

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<sup>2</sup> Assume average TSS of 34 mg/l and flow of 208 MGD.

<sup>3</sup> Assume average BOD of 96 mg/l and flow of 208 MGD.



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**By 2020, San Diego shall reduce the pollutant loadings of BOD from the Point Loma discharge to a loading equivalent of reaching full secondary treatment at 208 MGD. Also by 2020, Point Loma shall reduce TSS concentrations to 30 mg/l.**

**This condition provides an incentive for increased water recycling in the region and greatly enhanced primary treatment at the Point Loma POTW.**

### Discharge Impacts

#### **New Disinfection Facilities**

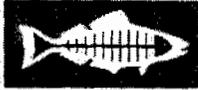
As stated in the USEPA's Tentative Decision, "[p]rototype effluent disinfection facilities have been installed at the Point Loma WTP to allow the discharge to comply with recreational body-contact bacteriological standards throughout the water column (ocean surface to ocean bottom) in all State regulated waters (within three nautical miles of the coast)." EPA Decision at 14. The City began adding sodium hypochlorite to the effluent discharge on September 3, 2008, after exceedances of single sample maximum and geometric mean bacterial objectives at shoreline stations. EPA Decision at 79.

We are concerned about disinfection byproducts formed by Point Loma WTP's new chlorination practices. As you know, sewage has high concentrations of organic matter, nitrates, nitrites and ammonia. Chlorination of sewage forms chloramines very quickly, and it also likely forms a wide variety of chlorinated organics. The formation of chlorinated petroleum based organics, furanones, fulvics and other non-volatile organics are of great concern. A major disinfection byproduct is the potent carcinogen N-nitrosodimethylamine (NDMA). Specifically, NDMA, an emerging disinfection byproduct from the use of chloramines as disinfectant, has been linked to the occurrence of gastric cancer<sup>4</sup>. As there is no de-chlorination, any residual chlorine or free chlorine available by the time the effluent hits ocean water may lead to the formation of a wide variety of brominated organics. These byproducts are toxic in the marine environment. Although additional monitoring is proposed, we are concerned that some of these toxic byproducts will, in fact, be formed and discharged to the marine environment, leading to marine impacts. Also, chlorinated effluent is far more toxic than effluent without disinfection. There is simply not enough information known about the potential impacts of this new process in preparation for the upcoming permit cycle.

There is no discussion of toxicity or water quality data for effluent post chlorination within the Staff Report. This is concerning because monitoring pre-chlorination gives a gross underestimate

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<sup>4</sup> D Pobel, et al. (1995 Feb) Nitrosamine, nitrate and nitrite in relation to gastric cancer: a case-control study in Marseille, France. *European Journal of Epidemiology*;11 (1):67-73



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of the concentrations and loadings of disinfection byproducts and the effluent toxicity. The loading of disinfection byproducts is enormous, especially from primary treated effluent. The lack of analysis of disinfection impacts and increased disinfection byproduct loadings is yet another example of San Diego failing to meet the burden of proof to earn a waiver.

### **Benthic Macrofauna Impacts**

In order to meet its burden to obtain a 301(h) waiver under the CWA, the discharger must demonstrate that there is a balanced indigenous population of organisms outside the zone of initial dilution of discharge. The EPA decision document includes an assessment of the health of the benthic macrofauna community off of the discharge.

Although the EPA determined that the City met its burden to obtain a waiver under the Clean Water Act, the benthic macrofauna data nevertheless demonstrated that the biologically sensitive species – *Amphiodia* (brittle stars) are reducing in density in the area near the outfall, but outside the ZID. For example – brittle star densities at E-14 and E-11 were significantly different than reference conditions. Also, the *Amphiodia* densities decreased by over 75% at E-14 from the pre discharge time period (1991-1993) to the period 10-15 years later (2001-2005). Meanwhile, brittlestar densities at the reference areas remained stable or increased during this same time period. This is a typical ecological response that is seen in areas of high organic enrichment. The Point Loma discharge is clearly degrading the benthic macrofauna community with the pollution sensitive *Amphiodia*'s density reduction as a clear example.

A similar, but more dramatic occurrence occurred near the Los Angeles County Sanitation Districts outfall at White Point in Palos Verdes. As the most sensitive taxa to pollution, brittlestar populations were reduced dramatically, but other echinoderms such as sea urchins, sea stars and sea cucumbers were also reduced in numbers. The EPA decision document did not provide an analysis of these other sensitive species.

The pollutant tolerant taxa tell a similar story. When sewage discharges impair benthic soft bottomed communities, certain species of invertebrates like *Euphilomedes* crustaceans, *Capitella* worms and *Parvilucina tenuisculpta* (a bivalve) often increase in densities in areas of high organic enrichment. The case at Point Loma is no different. Reference locations had significantly lower densities of the crustacean and bivalve than sites close to the ZID. *Euphilomedes* densities at the E-14 site near the discharge increased dramatically from the pre-discharge time period to 10 to 15 years later. At the same time, densities of *Euphilomedes* actually decreased at the reference location B-9. The densities of the crustacean were significantly different higher at the near discharge sites compared to the reference locations.



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Again, this biological response is typical for benthic communities impacted by high organic enrichment such as primary treated sewage. The same trend is seen for *Parvilucina* bivalves and *Capitella* worms. The *Capitella* story is particularly dramatic. These polychaete worms are rarely seen in healthy soft bottomed communities in the San Diego portion of the Southern California Bight. In fact, none of the pollution tolerant worms were found in the monitored area prior to the discharge. Now the area near the outfall has densities of up to 17.5 per 0.1 m<sup>2</sup> while the reference locations are still only at 0.1 worms per 0.1 m<sup>2</sup>. This is a dramatic difference that demonstrates that Point Loma's discharge is negatively impacting the benthic community structure.

Although EPA focused on numerous other metrics to determine if the discharger met the heavy burden of demonstrating that there is a BIP outside the ZID, there is no question that the data demonstrates that sewage discharges are having significant negative impacts on sensitive species (*Amphiodia*) and increasing the densities of pollutant tolerant taxa at sites near the ZID. The discharger has failed to meet the biological requirements of 301(h) and the Coastal Act. Further, EPA's reliance on biological indices to grant the waiver misses an very important point. Indices rely on a wide variety of metrics for numerous species. An endangered species could go extinct in an area and still get a decent score on an index. It is far more appropriate to focus on species of concern and pollution sensitive and pollution tolerant species. As such, the City has not met its burden to obtain yet another five year waiver from the secondary treatment requirements.

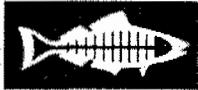
### Emerging Contaminants

A recent study confirms that emerging contaminants can be an even greater risk from lower-treatment WWTPs. Ramirez et al. found that, "the degree and nature of treatment processes has a substantial influence over the removal efficiency of pharmaceuticals from wastewater discharge. As a result, exposure, and consequently tissue accumulation, would be expectedly higher in organisms residing in water resources receiving discharge from WWTPs employing less advanced versus more advanced treatment." (p. 26.)<sup>5</sup>

The study explained that, "[t]he most significant entry route for human pharmaceuticals into the aquatic environment is the point-source release from wastewater treatment plants (WWTPs)." The study continues: "Although WWTPs are capable of removing a large proportion of pharmaceuticals through various treatment processes, not all compounds are eliminated completely, with removal efficiencies varying according to the wastewater treatment processes employed at individual facilities, resulting in potential discharge to receiving waters." Thus, the study found that "[s]ites with more advanced wastewater treatment . . . tended to demonstrate

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<sup>5</sup> Ramirez AJ et al. *Pharmaceuticals and Personal Care Products in the Environment*. Occurrence of Pharmaceuticals and Personal Care Products in Fish: Results of a National Pilot Study in the United States (unformatted, but citable, manuscript, 2009 Society of Environmental Toxicology and Chemistry)



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fewer detections, at lower concentrations and lower frequencies than sites with less advanced treatment” (p. 20.)

This study confirms that the risks to marine life exposed to the Plant’s primary-treated effluent are at a higher risk for exposure to pharmaceuticals and personal care products than those in the zone of higher-treated effluent.

Two national-scale reconnaissance studies recently conducted by the USGS collected baseline information on the occurrence of pharmaceuticals and personal-care products (PPCPs), detergents, flame retardants, naturally occurring sterols, and other organic contaminants in ground water and untreated sources of drinking water in the United States. The results of these studies show the presence of these contaminants in 80% of the 139 streams tested across 30 states.<sup>6</sup> These contaminants are commonly derived from municipal, agricultural, and industrial wastewater sources and pathways<sup>7</sup>.

Emerging contaminants exist in the environment in small amounts, but even these small amounts, alone or via the synergistic effects of multiple contaminants, can have significant effects on beneficial uses. Studies demonstrate that a number of these substances pose a threat to human health, marine ecosystems, and other wildlife.

Research demonstrates that pharmaceuticals and personal care products (PPCPs) are very important contributors to toxicity in wastewater<sup>8</sup>. Significant amounts of PPCPs enter the environment from various inputs, including animal feedlots, land application of organic materials, and wastewater treatment plants that treat residential, commercial, and/or industrial wastewater<sup>9</sup>. In addition disinfection byproduct such as NDMA and halogenated organics are also CECs. Numerous studies have shown detrimental impacts of PPCPs on wildlife. For example, studies have shown that certain synthetic musks found in fragrances (commonly found in perfumes, shampoos, and lotions) have been found to cause mutation in lab rats<sup>10</sup>, and to inhibit the toxin defense system of certain marine mussels<sup>11</sup>. In addition, N-

<sup>6</sup> Barnes, K. et al. (2002). Water-Quality Data for Pharmaceuticals, Hormones, and Other Organic Wastewater Contaminants in U.S. Streams, 1999-2000 Iowa City, Iowa. USGS <http://toxics.usgs.gov/pubs/OFR-02-94/index.html#abstract> Accessed Nov 4, 2008.

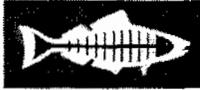
<sup>7</sup> Daughton, C.G. (2004). Non-regulated water contaminants: emerging research. Environmental Impact Assessment Review 24 711– 732. U.S. EPA.

<sup>8</sup> Munoz, I. et al. (2008) Ranking potential impacts of priority and emerging pollutants in urban wastewater through life cycle impact assessment. posted Science Direct. Oct. 2008.

<sup>9</sup> Daughton, T. (1999). Pharmaceuticals and personal care products in the environment: agents of subtle change? Environmental Health Perspectives, December 1999, Vol. 107.

<sup>10</sup> Ibid.

<sup>11</sup> Luckenbach, Epel (2005). Nitromusk and Polycyclic Musk Compounds as Long-Term Inhibitors of Cellular Xenobiotic Defense Systems Mediated by Multidrug Transporters. Environmental Health Perspectives. Jan 2005. Vol 113, No. 1, p. 17-24.



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nitrosodimethylamine (NDMA), an emerging disinfection byproduct from the use of chloramines as disinfectant, has been linked to the occurrence of gastric cancer<sup>12</sup>.

As for pharmaceuticals, the state of California has already taken action to reduce the incidence of them in the environment by passing Senate Bill 966, a bill aimed to prevent the flushing of unused medical prescriptions down the toilet. These constituents are often found in treated wastewater because they are continually input, are sometimes recalcitrant, and require high level treatment methods for removal.<sup>13</sup> The State's action demonstrates the recognition by California that regulatory actions are appropriate at this time to protect public health.

Studies performed in California have demonstrated evidence of exposure and effects of emerging contaminants on marine life on a local basis. According to study performed by the Pacific Estuarine Ecosystem Indicator Research Consortium (PEEIR), reproductive abnormalities and endocrine disruption is evident in longjawed mudsucker (*Gillichthys mirabilis*), a salt marsh fish considered a sentinel species, at five wetland sites along California's coast where runoff and sewage treatment effluent are discharged<sup>14</sup>. In addition studies in southern California have revealed hormone alterations, and reproductive abnormalities in coastal flatfish near treatment plant outfalls due to exposure to emerging contaminants. Gender ratios of the hornyhead turbot (*Pleuronichthys verticalis*) showed a trend toward masculinization at the Orange County Sanitation District outfall.<sup>15</sup> Furthermore, endocrine disruption was potentially evident at this site as male fish were shown to have equivalent concentrations of blood egg yolk protein as those observed in female fish<sup>16</sup>. These are merely a few examples of the studied impacts of emerging contaminants on the environment. There are a multitude of concerns, given existing research demonstrates how marine life is already being impacted by these contaminants. Human health may be at risk as we directly consume affected species, irrigate crops with water containing harmful levels of PPCPs, perpetuate environmental bacteria developing a resistance to antibiotics that make their way into waterways, or even drink water containing traces of these constituents.

Due to the increased risk of CEC discharge from primary treatment plants and the potential marine life and human health impacts, this provides yet another case where the Plant has not demonstrated that it can meet the "environmentally stringent criteria" under the Clean Water Act.

<sup>12</sup> D Pobel, et al. (1995 Feb) Nitrosamine, nitrate and nitrite in relation to gastric cancer: a case-control study in Marseille, France. *European Journal of Epidemiology*;11 (1):67-73

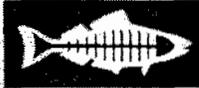
<sup>13</sup> Ibid.

<sup>14</sup> PEEIR: Pacific Estuarine Ecosystem Indicator Research Consortium. Reproductive Impairment of a Salt Marsh Fish as an Indicator of Pollutant Effects Brochure.

[http://www.bml.ucdavis.edu/PEEIR/Brochures/Fish\\_Reproductive\\_Impairment.pdf](http://www.bml.ucdavis.edu/PEEIR/Brochures/Fish_Reproductive_Impairment.pdf) Accessed Nov. 5, 2008

<sup>15</sup> Rempel, M. et al. (2006) Evaluation of relationships between reproductive metrics, gender and vitellogenin expression in demersal flatfish collected near the municipal wastewater outfall of Orange County, California, USA. *Aquatic toxicology* 2006, vol. 77, no.3, pp. 241-249

<sup>16</sup> Schlenk, D. (2006). Environmental Monitoring and Assessment of Environmental Estrogens in Marine. UC Marine Council. Coastal Environmental Quality Initiative.



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### **Monitoring Program**

In order to ensure that marine resources are maintained as required by the California Coastal Act, an adequate monitoring program is necessary. Although Commission staff members have stated that the monitoring program has improved since the last waiver in 2002, we have yet to see these improvements. In fact at least three reports demonstrate that, among other deficiencies, the Plant's monitoring program is inadequate and therefore the Plant is unable to assure compliance with water quality standards, the protection and propagation of a balanced indigenous population, or compliance with the Ocean Plan.

- Scripps Institute of Oceanography Report (2004)
- Assessment of Water Conditions at Cabrillo National Monument (2006)
- University of California, San Diego Report (2007)

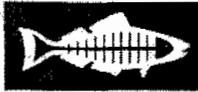
### **Scripps Institute of Oceanography Report (2004)**

After being hired by the City of San Diego to assess the adequacy of the Plant's monitoring program, Scripps Institute of Oceanography released its findings in 2004. Among other findings, Scripps bluntly concluded, "We don't know where the water goes, or where the plume goes."<sup>17</sup> Scripps described a number of other inadequacies in the Plant's monitoring program:

- "The City does not adequately monitor or understand the physical circulation of the coastal waters relevant to the Point Loma Ocean Outfall in terms of spatial and temporal variability and synoptic patterns (e.g., seasonal variability or in response to episodic events), or the geographic extent of the 'receiving waters.'"
- "The location, movement, and dispersal of the plume from the outfall is also inadequately monitored and understood."
- "Because of the lack of knowledge of the plume's location, its impact on the planktonic community is unclear. The spatial and temporal resolution, and the types of measurements currently made are inadequate to quantify the effects of chronic nutrient loading on the plankton relative to natural nutrient sources and other anthropogenic sources."
- "Understanding the impact of the outfall on the benthic environment requires modification of the existing monitoring program, primarily to provide more appropriate control stations."

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<sup>17</sup> Scripps Institute of Oceanography, "Point Loma Outfall Project" (Sep. 2004), at 26.



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Currently the control sites, because they are substantially different in the character of their sediments from the other monitoring sites, and because they may be contaminated from sources other than Point Loma, do not provide a basis for evaluating benthic impacts with confidence.”

- “Present monitoring does not include integration of littoral transport cells. Therefore, it is possible that contaminated sediments are accumulating downslope from the shelf, and because this area is not monitored, there is presently no way to know if the effects of the PLOO or other sources of contaminants are accumulating in these areas.”<sup>18</sup>

Further, the report states that in 2004 the City was considering an increase in the Plant’s daily discharge from 175 mgd to the Plant’s full capacity of 240 mgd. In response, Scripps stated, “A major conclusion of this review is that there is currently insufficient information to determine how the projected increase in the discharge at Point Loma would affect water quality ....”<sup>19</sup> According to the Staff Report, the Plant made changes to its monitoring program (Page 5); however, the details of the changes were not provided in the staff report. Also, it is not indicated that these changes were made in light of Scripps’ findings. Since the Plant has increased its daily discharge to 208 mgd for 2009, and is projected to further increase to 219 mgd for 2014,<sup>20</sup> it follows that the Plant’s current monitoring program is inadequate to determine how its current increased discharge affects water quality. As such, San Diego has failed to meet the burden of proof laid out in Section 301(h) of the Clean Water Act.

#### **Assessment of Water Conditions at Cabrillo National Monument (2006)**

Just to the south of the Plant lies the Cabrillo National Monument, part of the National Park Service (“Cabrillo”). In 2006, scientists at the Marine Science Institute at UC Santa Barbara, and the Bodega Marina Laboratory, released a study of the water quality conditions at Point Loma for the National Park Service’s Water Resources Division.<sup>21</sup> Like the Scripps report, this report discusses the problems that arise from insufficient information about the effluent plume:

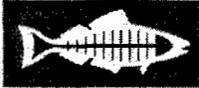
This raises the possibility that the PLOO contributes to background concentrations of these constituents in the coastal ocean (i.e., farfield effects). Four of the analytes detected (copper, silver, cyanide and ammonia) were concentrated enough on average in effluent during 2004 to exceed EPA daily maxima or acute exposure criteria for marine life. Although the circumstances that could result in cross-shore transport of the PLOO effluent plume all the way to [Cabrillo]

<sup>18</sup> Scripps Institute of Oceanography, “Point Loma Outfall Project” (Sep. 2004), at 3.

<sup>19</sup> *Id.* at 26 (emphasis original).

<sup>20</sup> EPA Tentative Decision, at 17.

<sup>21</sup> Engle, D. and Largier, J., “Assessment of Coastal Water Resources and Watershed Conditions at Cabrillo National Monument, California” (Aug. 2006).



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have not been described, it is possible that exposure to poorly diluted effluent could harm some biota. Such an exposure occurred in 1992 at [Cabrillo] when the outfall pipe was ruptured near shore. . . . [We] do not know if the PLOO can be reasonably ruled out as a source of these pollutants in the ocean near [Cabrillo].”<sup>22</sup>

### **University of California, San Diego Report (2007)**

The City of San Diego also requested a scientific review of the impact of the Plant by the Environment and Sustainability Initiative at the University of California, San Diego. The report, which was released in 2007, did not conduct new research, but rather reviewed existing analyses and reports as requested by the City. Like in the 2004 report, the 2007 report found that the Plant’s monitoring program was insufficient to track the effluent plume:

- “[T]he complexity of the oceanographic conditions in the Point Loma area demands more observations before any conclusions can be made about the transport of the plume.”<sup>23</sup>
- “The physical oceanographic data at present is inadequate to predict with certainty either the location or the dilution rate of the plume.”<sup>24</sup>

This report also noted that PCB levels in rockfish caught close to the outfall were “significantly higher” than PCB levels in fish north of the outfall. This may indicate an absence of a balanced indigenous population in the vicinity of the outfall. Yet due to the inadequacies of the monitoring program, there “currently is no way to know definitively whether the elevated levels” were due to the Plant or another source.<sup>25</sup>

### **Plume Study**

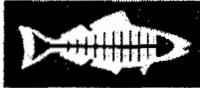
In the latest Staff Report, the City *acknowledges* that “the behavior of the Point Loma wastewater plume (wastefield) is not well known at the present . . .” Staff Report at 10. This echoes the concerns articulated in other monitoring studies which Heal the Bay and NRDC brought to the Commission’s attention in our August 11 letter and reiterated above. In this Staff Report, the City describes a study it is undertaking to learn more about the plume, but the results of this study will not be known until at least mid-2011. Staff Report at 11. This plume study is meant to “address two primary concerns of operating the ocean outfall in its current configuration: (1) possible effects to beach and near-surface water quality and (2) its risk to the coastal marine environment. This study addresses beach and surface water quality concerns by

<sup>22</sup> *Id.* at 141.

<sup>23</sup> Environment and Sustainability Initiative, University of California, San Diego, “Final Report: Point Loma Outfall Review” (Oct. 1, 2007), at 4.

<sup>24</sup> *Id.* at 16.

<sup>25</sup> *Id.* at 9.



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determining whether the wastewater plume surfaces and encroaches upon beaches, and if so, the frequency of such behavior." (*Id.*)

Thus, this discussion in the latest Staff Report confirms that insufficient information is known at this time about the plume and its impacts in order for the City to meet its burden under the Clean Water Act. Further as the study will not be completed until at least mid-2011, the extent of impacts from the discharge is unknown for the upcoming permit cycle.

In sum, Point Loma WTP has not met its burden of proof to obtain another 301(h) waiver under the Clean Water Act or the Coastal Act. Lack of adequate information about the fate of the Plant's effluent plume, increased loadings, the discharge of disinfection byproducts and emerging contaminants, and the creation of benthic macrofauna impacts are just a few of the reasons why consistency should be denied. Further, the gaps in monitoring do not provide a complete picture of the impacts of the primary discharge. Thus, we urge the Commission to concur with the original, unanimous decision to deny consistency.

Thank you for the opportunity to comment. If you have any questions, please contact us at 310-451-1500.

Sincerely,

Mark Gold, D. Env.  
President, Heal the Bay

Kirsten James  
Water Quality Director, Heal the Bay

Michelle Mehta  
Attorney, Natural Resources Defense Council

W. Susie Santilena, M.S., E.I.T.  
Water Quality Scientist, Heal the Bay

RECEIVED

OCT 05 2009

CALIFORNIA  
COASTAL COMMISSION

California Coastal Commission  
PLEASE DISTRIBUTE TO THE MEMBERS OF THE COMMISSION

Oct. 3, 2009

Dear Commissioners and Staff of the Coastal Commission:

On Aug. 13, in San Francisco, the Coastal Commission refused "consistency" determination to the San Diego sewage waiver.

Purely based on instinct, San Diego continue to struggle to retain their waiver to avoid (at the least) full secondary treatment standards for sewage before it's dumped onto the Ocean. But really, why are we wasting water dumping it into the Ocean at all?

The Commission has given San Diego a chance to re-evaluate its position, and realize that the only sensible desalination is reclaiming wastewater; and that their big problem is the high cost of MWD water.

Expensive seawater desalting schemes, even if subsidies push off some of the cost onto more prudent Californians, are not going to supply the water we need. Barring some sort of divine water intervention, San Diego's water supply future is bleak, unless recycling of wastewater is contemplated.

Orange County has proven that it can be done, and done without hugely higher cost. San Diego has challenges, such as a lack of an aquifer, and Tijuana's sewage; but obstacles are made to be conquered, not avoided.

**SAN DIEGO: THE LAST WAIVER.**

San Diego is the very last, outside of small fishing communities, the last sewage waiver. What makes us think it's OK for San Diego to dump poorly treated sewage, while other places go to great lengths to treat the sewage? Well, San Diego HATES to install infrastructure, from fire stations to water, needed for the huge growth that fueled the wealth of the top honchos running the city.

So there really hasn't been much in the way of sewage investment at San Diego, it's pretty much all **DEFERRED MAINTENANCE**. But San Diego might feel picked-upon, because even if they cleaned up their sewage, Tijuana would still be dumping on them.

So the Coastal Commission has been asked to hear the item again, this time in Oceanside, Item 21 a, CC-056-09 (City of San Diego Secondary Treatment Waiver, San Diego) Resubmitted Consistency Certification by City of San Diego for secondary treatment waiver

Doug Korthof on San Diego Sewage Waiver for Oct. 7 Page 1 of 5

<http://documents.coastal.ca.gov/reports/2009/10/W21a-10-2009.pdf>

The STAFF is recommending to approve the waiver. There are two problems with the staff report, and two issues to consider, as well as a synthesis of both sides and a pathway to resolution.

1. On page two, Staff fundamentally misrepresents the process of **ENDING** a waiver; the report states, erroneously, that even after a POTW gives up the waiver, "interim waivers" may be needed. However, the distinction is between **GIVING UP THE WAIVER** and retaining it.

If a POTW discharger decides to give up the waiver, and if the process will take longer than 5 years, a "Settlement Agreement" is reached, which gives the discharger a permit **WITHOUT** the waiver, but suspends enforcement of penalties for the period -- which may be 10, 15 or even 25 years, or more -- so long as a schedule to upgrade is followed.

But the point is, the discharger agrees to bring the sewage up to at least secondary standards; often, they want to do much more, as Orange County or Morro Bay, because, after all, water is scarce and not getting any cheaper.

It's not an immediate process at all; OCSD, for example, gave up the waiver in 2002, but received 10 years, longer than it needed, to come into compliance. There is **NO SUCH THING** as an "interim waiver", and Staff misrepresents the legal situation, muddying the basic idea.

The important thing is to come into compliance and avoid a waiver (which the EPA likes to call a "variance", but it's still dumping sewage!).

2. The Staff Report spends a lot of time regurgitating the "studies" purporting to prove that the sewage is actually good, or at least doing no harm. These are needed to prove that the sewage waiver is legal under the Clean Water Act, which otherwise would require secondary standards.

It's a big **DIVERSION** to waste time arguing that paid-off researchers are only going to find what you want them to find.

But wait a minute.

Isn't this just a ... diversion?? We're not looking to find it legal under the Clean Water Act, the Coastal Commission is doing a **CONSISTENCY DETERMINATION**, which is an entirely different piece of legal machinery.

The Commission is acting under authority of the 1972 Coastal Zone Management Act ("CZMA"), which extends and empowers the Coastal Act as a piece of federal legal machinery, giving the Commission the power to determine if an activity is in accordance with the enforceable policies of the **COASTAL ACT**, with the force of federal law.

There is no bar from the Commission using the CZMA to invalidate the sewage waiver; and no argument that the sewage dumping is in accordance with the 1976 amendments to the Clean Water Act can be used to overturn such a finding by the Coastal Commission, unless there's some provision that sewage is immune from the Coastal Act.

Basically, the Commission has the power to determine if the dumping is in accordance with the "enforceable policies" of the Coastal Act. These are, to avoid damage to the recreational, habitat and other values of the near-shore Ocean. Sewage dumping can't be good for the reputation, if nothing else. "We're the last sewage beach on the Coast...".

It's true that, under Sect. 307, the Secretary of Commerce has the power to over-ride; and it's true that there is federal pre-emption for federal agencies, which are just charged with avoiding impacts and not violating local law "as much as possible".

But there's no exemption for City of San Diego, at least not without appeal; and good luck on that one, asking special permission to dump sewage into the Ocean.

The Commission should make its ruling, which it presaged in San Francisco, that the sewage waiver is outlandish, shameful, anachronistic, and not in accordance, not "consistent", with the Coastal Act.

Thus, if this is right, all Staff's arguments that the Waiver is in conformity with the Clean Water Act's 301(h) provision is not relevant to its status under the Coastal Act. If they dare, let Commerce reverse the facts and argue for the sewage.

3. A third point is that everyone, even those arguing for the Waiver, admits that water recycling is needed; some of the sewage dumpers even want to pay for seawater desalination schemes. San Diego is at "the end of the [MWD] pipe" and pays the highest rate for fresh water; yet dumps about 200 million gallons per day of wastewater instead of recycling it.

Of course, it's easier to cleanse the water **BEFORE** it's mixed in with the seawater, because in waste materials processing, source control is the name of the game. Trying to unpack biological waste and industrial waste, for example,

is, well, just a plain waste of resources; much easier to control it before it's mixed.

Poseidon resources

[http://www.youtube.com/watch?v=GVjVwfw\\_gGk](http://www.youtube.com/watch?v=GVjVwfw_gGk)

ran into trouble in Tampa Bay, their one running project, because they hadn't considered the fecundity of the

Ocean. The Reverse Osmosis filters become clogged with sea-life, which actually grows on the membrane. This requires constant backflushing, and treatment with expensive chemicals. On one occasion, during the recent Florida water crisis, they reported that the plant could only operate at two-thirds capacity, presumably because a third of the membranes needs flushing at all times, and cannot be in constant service.

Desalting sewage, or briny aquifers, might make sense, but desalting sewage mixed in the Ocean is like unpacking the puzzle after it's waterlogged. Much better to solve it the right way, cleanse the sewage first.

So the REAL issue is whether a CERTAIN, CONCRETE AGREEMENT should replace San Diego's VAGUE and INDEFINITE wish to recycle the water. And do it in accordance with a time-frame to make bringing San Diego's wastewater treatment into the modern age more than a pipe-dream and fantasy.

4. For those objecting to the cost, wait a minute!! This is JUST the sort of thing that Congress funded, back in 1972, when it passed the original Clean Water Act; but even if San Diego has to fund it all, where does the money go, other than into local businesses and the local economy??

It's not like we're asking the Japanese or Russians to treat our sewage; it's not like sending billions to buy oil that funds terrorists, leaving us only pollution.

It's funds that stay **RIGHT HERE**, in the local community. It's hiring local firms to implement a long-term plan for sewage improvement, hiring locally and providing **GOOD, LONG-TERM JOBS** building plant to recycle the water.

Makes common sense. If San Diego needs federal funding to help treat Tijuana's sewage, let's lobby for it. But let's get started now, and start healing the Ocean.

**A PATH TO AGREEMENT.** All those concerned agree that water is valuable, and that the sewage will have to be recycled, not just dumped into the Ocean; for one thing, if desalination is to be used, it's a lot easier to do on sewage before it's dumped into seawater. So, really, the only issue is when, and how.

**IF WE CAN UNDERSTAND THE PROCESS OF GIVING UP A WAIVER**, that it's not instantaneous, it involves a commitment to improve sewage facilities in a real way during a specified time, we should all agree on giving up the waiver in exchange for a decade-or-more period of fixing the problem and implementing water recycling.

After all, San Diego agrees it's going to need more water, anyway; Mayor Sanders appears on a video segment extolling the virtues of desalination.

**Holding on to the waiver while promising to upgrade is like crossing your fingers when testifying.**

It can't be both ways.

The Coastal Commission should insist on ending the waiver, based on the Coastal Act, not the Clean Water Act, and San Diego should agree cheerfully. All should agree we need to work to retrieve the huge amounts of wastewater currently -- well, currently "wasted".

Doug Korthof  
Director, Ocean Outfall Group  
1020 Mar Vista  
Seal Beach, CA 90740-5842  
562-430-2495  
714-496-1567



**DIANNE JACOB**

SUPERVISOR, SECOND DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS

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Agenda Item: W21a  
Consistency Certification CC-056-09  
County of San Diego  
**In Support**

September 30, 2009

California Coastal Commission  
Chairperson Neely  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Attention: Mark Delaplaine

SUBJECT: Coastal Commission Meeting, Wednesday October 7, 2009

Item W21a. Consistency Certification CC-056-09 (City of San Diego) Re-submitted Consistency Certification by City of San Diego for secondary treatment waiver (i.e., Environmental Protection Agency (EPA) Reissuance, under Section 301(h) of the Clean Water Act, of a modified National Pollutant Discharge Elimination System (NPDES) Permit) for Point Loma Wastewater Treatment Plant Discharges offshore of San Diego, San Diego County. (MPD-SF)

Dear Commissioners:

On behalf of the San Diego County Board of Supervisors, I support the reissuance of the 301(h) modified NPDES permit for the City of San Diego's E.W. Blom Point Loma Wastewater Treatment Plant.

The Point Loma Plant is a major component of the Metropolitan Sewerage System operated by the City of San Diego, with the participation of fifteen other municipalities and agencies, including the County of San Diego. Nearly one third of the total flow to the system originates from these participating agencies. As a participating agency, the County has a unique interest in decisions that affect the operation of the Metro system.

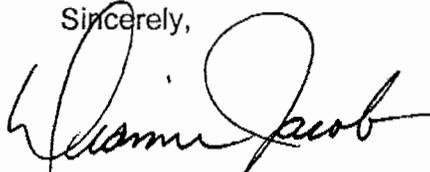
The County feels strongly that the combination of chemically assisted primary treatment, the deep ocean outfall, located 320 feet deep and 4.5 miles from the shoreline, and the City of San Diego's exemplary record of compliance with the State Ocean Plan during the last 15 years have proven to be protective of the public health and environment in the local area. Also, comprehensive ocean monitoring over the past 15 years, along with scientific analysis, has not revealed any harmful impacts to the ocean environment.

The County of San Diego strongly supports the U.S. Environmental Protection Agency's Approval Decision, as well as the San Diego Regional Water Quality Control Board's unanimous decision to approve the modified permit, because it continues to protect the environment while being fiscally prudent with public resources.

Without the Waiver of secondary treatment, costs to County ratepayers are estimated to go from \$10 million a year to approximately \$17.7 million a year. A nearly double rate increase would be extremely burdensome on ratepayers when there is no valid reason to do so.

Therefore, I urge the California Coastal Commission to make the finding that San Diego's modified waiver complies with the California Coastal Management Program and that it will be conducted in a manner consistent with this program.

Sincerely,

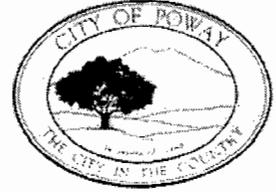


DIANNE JACOB  
Chairwoman

DJ:nc

# CITY OF POWAY

DON HIGGINSON, Mayor  
CARL KRUSE, Deputy Mayor  
MERRILEE BOYACK, Councilmember  
JIM CUNNINGHAM, Councilmember  
BETTY REXFORD, Councilmember



Agenda Item: W21a  
Consistency Certification CC-056-09  
City of Poway  
**In Support**

September 29, 2009

California Coastal Commission  
Chairperson Neely  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Attention: Mark Delaplaine

Subject: Coastal Commission Meeting, Wednesday, October 7, 2009

Item W21a. Consistency Certification CC-056-09 (City of San Diego)  
Resubmitted Consistency Certification by City of San Diego for secondary treatment waiver (i.e., Environmental Protection Agency (EPA) Reissuance under Section 301(h) of the Clean Water Act, of a modified National Pollutant Discharge Elimination System (NPDES) Permit) for Point Loma Wastewater Treatment Plant Discharges offshore of San Diego, San Diego County. (MPD-SF)

Dear Commissioners:

The City of Poway would like to express its full support for the reissuance of the 301(h) modified NPDES permit for the City of San Diego's E. W. Blom Point Loma Wastewater Treatment Plant.

The Point Loma Wastewater Treatment Plant is a major component of the Metropolitan (Metro) Sewerage System, which is operated by the City of San Diego with the participation of fifteen other municipalities and agencies. Nearly one-third of the total flow to the Metro system originates from these participating agencies, and as a participating agency, the City of Poway has a unique interest in decisions that affect the operation of the system. Additionally, as a member of the greater San Diego area community, we are also concerned that the public health and environment of our local waters are protected.

The City of Poway has been actively involved in all the secondary waiver processes at Point Loma, and our elected officials are educated in this subject. We believe strongly that the

California Coastal Commission  
Point Loma Treatment Plant  
September 29, 2009  
Page 2

combination of chemically assisted primary treatment, the deep ocean outfall (located 320 feet deep and 4.5 miles from the shoreline), and the City of San Diego's exemplary record of compliance with the State Ocean Plan during the last 15 years have proven to be protective of the public health and environment in the local area. Additionally, the comprehensive ocean monitoring over the past 15 years, along with scientific analysis, has not revealed any harmful impacts to the ocean environment. The City of Poway supports the U.S. Environmental Protection Agency's Approval Decision, as well as the San Diego Regional Water Quality Control Board's unanimous decision to approve the modified permit, because this decision continues to protect the environment while being fiscally prudent with public resources.

Therefore, the City of Poway urges the California Coastal Commission to make the finding that San Diego's modified waiver complies with the California Coastal Management Program and that it will be conducted in a manner consistent with this program.

Very truly yours,

  
Don Higginson  
Mayor



## City of Imperial Beach, California

[www.cityofib.com](http://www.cityofib.com)

### OFFICE OF THE MAYOR

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September 24, 2009

Chairperson Neely and Commissioners  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Subject: Reissuance of the Permit for the Point Loma Wastewater Treatment Plant

Dear Chairperson Neely and Commissioners,

The City Council of Imperial Beach supports the City of San Diego's request for the Coastal Commission to approve the reissuance of the secondary water treatment waiver for the Point Loma Wastewater Treatment Plant. We believe the waiver is environmentally responsible and will allow San Diego to use ratepayer funds in a prudent manner during the term of the permit. Granting the waiver will also be consistent with your staff's recommendation of August 13, 2009.

In the longer term we hope that San Diego will continue its work to enhance the region's capacity to use reclaimed water and identify future opportunities to increase recycling of water.

Our support for the use of reclaimed water should not in any way be interpreted as support for delaying or rejecting the waiver.

Please approve the Secondary Treatment Waiver for the Point Loma Wastewater Treatment Plant. Thanks in advance for moving ahead on this topic.

Sincerely,

  
James C. Janney  
Mayor  
City of Imperial Beach

cc: Diana Lilly and Commission Staff



September 24, 2009

California Coastal Commission  
Chairperson Neely  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Attention: Mark Delaplaine

SUBJECT: Coastal Commission Meeting, Thursday, August 13, 2009

Item 11b. Federal Consistency CC-043-09 (City of San Diego) Consistency Certification by City of San Diego for secondary treatment waiver (i.e., Environmental Protection Agency (EPA) Reissuance under section 301 (h) of the clean Water Act, of a modified National Pollutant Discharge Elimination System (NPDES) Permit for Point Loma Wastewater Treatment Discharges offshore of the San Diego, San Diego County. (MPD-SF)

Dear Commissioners:

The City of National City would like to express its support of the reissuance of the 301 (h) modified NPDES permit for the City of San Diego's E. W. Blom Point Loma Wastewater Treatment Plant.

The Point Loma Wastewater Treatment Plant is a major component of the Metropolitan Sewerage System, which is operated by the City of San Diego, with the participation of fifteen other municipalities and agencies. Nearly one third of the total flow to the system originates from these participating agencies. As a participating agency, the City of National City and its residents have a vested interested in any decisions that affect the operation of the Metro system.

As a participating member of the Metro JPA the City of National City has been actively involved in the secondary waiver at the Point Loma Treatment Plant. We feel that the combination of chemically assisted primary treatment, deep ocean outfall (located 320 feet deep and 4.5 miles from the shoreline) and the City of San Diego's exemplary record of compliance with the State Ocean Plan during the last 15 years have proven to be protective of the public health and environment in the local area. As well, comprehensive ocean monitoring over the past 15 years, along with scientific analysis, has not revealed any harmful impacts to the ocean's environment. The City of National City supports the U. S. Environmental Protection Agency's approval decision, as well as the San Diego Regional Water Quality Control Board's unanimous decision to approve the modified permit, because this decision continues to protect the environment while being fiscally prudent with public resources.

Therefore, the City of National City urges the California Coastal Commission to make the finding that San Diego's modified waiver complies with the California Coastal Management Program and that it will be conducted in a manner consistent with the program.

Sincerely,

A handwritten signature in black ink that reads "Ron Morrison".

Ron Morrison

Mayor

cc. City Council  
City Manager  
Public Works Director

Mayor Ron Morrison

1243 National City Boulevard, National City, CA 91950-4301  
619/336-4233 Fax 619/336-4239 www.nationalcityca.gov



# CITY OF CORONADO

OFFICE OF THE MAYOR

CASEY TANAKA

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1825 STRAND WAY • CORONADO, CA 92118 • (619) 522-7320 • CTANAKA@CORONADO.CA.US

Agenda Item: W21a  
Consistency Certification CC-056-09  
City of Coronado  
**In Support**

September 29, 2009

California Coastal Commission  
Chairperson Neely  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Attention: Mark Delaplaine

SUBJECT: Coastal Commission Meeting, Wednesday, October 7, 2009.

Item W21a. Consistency Certification CC-056-09 (City of San Diego)  
Re-submitted Consistency Certification by City of San Diego for secondary treatment waiver (i.e., Environmental Protection Agency (EPA) Reissuance under section 301(h) of the Clean Water Act, of a modified National Pollutant Discharge Elimination System (NPDES) Permit) for Point Loma Wastewater Treatment Plant Discharges offshore of San Diego, San Diego County. (MPD-SF)

Dear Commissioners:

The City of Coronado would like to express its complete support for the reissuance of the 301(h) modified NPDES permit for the City of San Diego's E. W. Blom Point Loma Wastewater Treatment Plant.

The Point Loma Wastewater Treatment Plant is a major component of the Metropolitan Sewerage System, which is operated by the City of San Diego with the participation of fifteen other municipalities and agencies. Nearly one-third of the total flow to the system originates from these participating agencies. As a participating agency, the City of Coronado has a unique interest in decisions that affect the operation of the Metro system. As a coastal city with approximately 9.75 miles of ocean coastline, home to the world-renowned Coronado Central Beach and Hotel del Coronado, Coronado's beaches are located south of the Point Loma outfall and north of the South Bay outfall. Due to our proximity to these outfalls, our community has a heightened concern that the public health and environment of our local waters are protected.

California Coastal Commission  
Point Loma Treatment Plant  
September 29, 2009  
Page Two

The City of Coronado has been actively involved in all the secondary waiver processes at Point Loma, and the City Council is educated in this subject. We feel strongly that the combination of chemically-assisted primary treatment, the deep ocean outfall (located 320 feet deep and 4.5 miles from the shoreline) and the City of San Diego's exemplary record of compliance with the State Ocean Plan during the last 15 years have proven to be protective of the public health and environment in the local area. As well, comprehensive ocean monitoring over the past 15 years, along with scientific analysis, has not revealed any harmful impacts to the ocean environment. The City of Coronado supports the U. S. Environmental Protection Agency's Approval Decision, as well as the San Diego Regional Water Quality Control Board's unanimous decision to approve the modified permit, because this decision continues to protect the environment while being fiscally prudent with public resources.

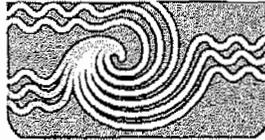
Therefore, the City of Coronado urges the California Coastal Commission to make the finding that San Diego's modified waiver complies with the California Coastal Management Program and that it will be conducted in a manner consistent with this program.

Sincerely,



Casey Tanaka  
Mayor

CT/lh



Agenda Item: W21a  
Consistency Certification CC-056-09  
Metro Joint Powers Authority (JPA) San Diego  
**In Support**

October 1, 2009

California Coastal Commission  
Chairperson Neely  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Attention: Mark Delaplaine

SUBJECT: Coastal Commission Meeting, Wednesday, October 7, 2009.

Item W21a. Consistency Certification CC-056-09 (City of San Diego)  
Re-submitted Consistency Certification by City of San Diego for secondary treatment waiver (i.e., Environmental Protection Agency (EPA) Reissuance under section 301(h) of the Clean Water Act, of a modified National Pollutant Discharge Elimination System (NPDES) Permit) for Point Loma Wastewater Treatment Plant Discharges offshore of San Diego, San Diego County. (MPD-SF)

Dear Commissioners:

The Metro Wastewater Commission and JPA (together "Metro JPA") would like to express their complete support for the reissuance of the 301 (h) modified NPDES permit for the City of San Diego's E. W. Blom Point Loma Wastewater Treatment Plant.

The Point Loma Wastewater Treatment Plant is a major component of the Metropolitan Sewerage System, which is operated by the City of San Diego, with the participation of fifteen other municipalities and agencies. Nearly one third of the total flow to the system originates from these participating agencies and, therefore, the Metro JPA, the coalition of municipalities and special districts sharing in the use of the City of San Diego's regional wastewater facilities, has an interest in decisions that affect the operation of the Metro system. Additionally, with coastal communities as participating agencies, we have a concern that the public health and environment of our local waters are protected.

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### The Joint Powers Authority Proactively Addressing Regional Wastewater Issues

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Chula Vista • Coronado • Del Mar • Imperial Beach • La Mesa • Lemon Grove Sanitation District  
National City • Otay Water District • Poway • Padre Dam Municipal Water District  
County of San Diego, representing East Otay, Lakeside/Alpine, Spring Valley & Winter Gardens Sanitation Districts

Coastal Commission  
Point Loma Treatment Plant  
September 29, 2009  
Page Two (2)

The Metro JPA has been actively involved in all the secondary waiver processes at Point Loma, and the elected officials of the participating agencies are educated in this subject. We feel strongly that the combination of chemically assisted primary treatment, the deep ocean outfall (located 320 feet deep and 4.5 miles from the shoreline) and the City of San Diego's exemplary record of compliance with the State Ocean Plan during the last 15 years have proven to be protective of the public health and environment in the local area. As well, comprehensive ocean monitoring over the past 15 years, along with scientific analysis, has not revealed any harmful impacts to the ocean environment. The Metro JPA supports the U. S. Environmental Protection Agency's Approval Decision, as well as the San Diego Regional Water Quality Control Board's unanimous decision to approve the modified permit, because this decision continues to protect the environment while being fiscally prudent with public resources.

Therefore, the Metro JPA urges the California Coastal Commission to make the finding that San Diego's modified waiver complies with the California Coastal Management Program and that it will be conducted in a manner consistent with this program.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ewin', with a long horizontal flourish extending to the right.

Ernest Ewin  
Chair Metro Wastewater JPA and Metro Commission



CITY OF  
**CHULA VISTA**  
OFFICE OF THE MAYOR

RECEIVED

SEP 28 2009

CALIFORNIA  
COASTAL COMMISSION

**CHERYL COX**  
**MAYOR**

September 25, 2009

California Coastal Commission  
Chairperson Neely  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Attention: Mark Delaplaine

SUBJECT: Coastal Commission Meeting, Wednesday, October 7, 2009

Item 21a. Federal Consistency CC-056-09 (City of San Diego Secondary Treatment Waiver, San Diego) Resubmitted Consistency Certification by City of San Diego for secondary treatment waiver (i.e., Environmental Protection Agency (EPA) Reissuance, under Section 301(h) of the Clean Water Act, of a modified National Pollutant Discharge Elimination System (NPDES) Permit) for Point Loma Wastewater Treatment Plant Discharges offshore San Diego, San Diego County. (MPD-SF)

Dear Commissioners:

The City of Chula Vista supports the reissuance of the 301(h) modified NPDES permit for the City of San Diego's Point Loma Wastewater Treatment Plant.

The Point Loma Wastewater Treatment Plant is a major component of the Metropolitan Sewerage System, which is operated by the City of San Diego, with the participation of 15 other municipalities and agencies. Nearly one-third of the total flow to the system originates from these participating agencies. As the second largest participating agency, the City of Chula Vista has a definite interest in decisions that affect the operation of the Metro system.

As the City of Chula Vista Metro Wastewater Joint Powers Authority representative, on September 1, 2009, I provided our City Council with an update of this issue. The combination of chemically assisted primary treatment, the deep ocean outfall (located 320 feet deep and 4.5 miles from the shoreline) and the City of San Diego's exemplary record of compliance with the State Ocean Plan during the last 15 years, have protected public health and the local environment.

California Coastal Commission

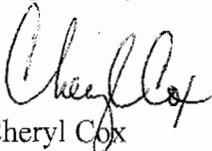
September 25, 2009

Page 2

Comprehensive Ocean monitoring over the past 15 years and scientific analysis has not revealed any harmful impacts to the ocean environment. The City of Chula Vista supports the U.S. Environmental Protection Agency's approval decision and the San Diego Regional Water Quality Control Board's unanimous decision to approve the modified permit. This decision continues to protect the environment while being fiscally prudent with public resources.

The City of Chula Vista urges the California Coastal Commission to make the finding that San Diego's modified waiver complies with the California Coastal Management Program and that it will be conducted in a manner consistent with this program.

Respectfully,



Cheryl Cox  
Mayor

Cc: Scott Tulloch, Assistant City Manager  
Richard Hopkins, Director of Public Works



## City of Imperial Beach, California

[www.cityofib.com](http://www.cityofib.com)

### OFFICE OF THE MAYOR

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September 24, 2009

Chairperson Neely and Commissioners  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Subject: Reissuance of the Permit for the Point Loma Wastewater Treatment Plant

Dear Chairperson Neely and Commissioners,

The City Council of Imperial Beach supports the City of San Diego's request for the Coastal Commission to approve the reissuance of the secondary water treatment waiver for the Point Loma Wastewater Treatment Plant. We believe the waiver is environmentally responsible and will allow San Diego to use ratepayer funds in a prudent manner during the term of the permit. Granting the waiver will also be consistent with your staff's recommendation of August 13, 2009.

In the longer term we hope that San Diego will continue its work to enhance the region's capacity to use reclaimed water and identify future opportunities to increase recycling of water.

Our support for the use of reclaimed water should not in any way be interpreted as support for delaying or rejecting the waiver.

Please approve the Secondary Treatment Waiver for the Point Loma Wastewater Treatment Plant. Thanks in advance for moving ahead on this topic.

Sincerely,

James C. Janney  
Mayor  
City of Imperial Beach



# CITY OF LEMON GROVE

"Best Climate On Earth"

Office of the Mayor

Agenda Item: W21a  
Consistency Certification CC-056-09  
City of Lemon Grove  
**In Support**

October 1, 2009

California Coastal Commission  
Chairperson Neely  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Attention: Mark Delaplaine

SUBJECT: Coastal Commission Meeting, Wednesday, October 7, 2009

Item W21a. Consistency Certification CC-056-09 (City of San Diego)  
Re-submitted Consistency Certification by City of San Diego for secondary treatment waiver (i.e., Environmental Protection Agency (EPA) Reissuance under section 301(h) of the Clean Water Act, of a modified National Pollutant Discharge Elimination System (NPDES) Permit) for Point Loma Wastewater Treatment Plant Discharges offshore of San Diego, San Diego County. (MPD-SF)

Dear Chairperson:

The City of Lemon Grove Sanitation District would like to express its full support for the reissuance of the 301 (h) modified NPDES permit for the City of San Diego's E. W. Blom Point Loma Wastewater Treatment Plant.

The Point Loma Wastewater Treatment Plant is a major component of the Metropolitan Sewerage System, which is operated by the City of San Diego, with the participation of fifteen other municipalities and agencies (including the City of Lemon Grove). Nearly one third of the total flow to the system originates from these participating agencies and, therefore, the Metro JPA, the coalition of municipalities and special districts sharing in the use of the City of San Diego's regional wastewater facilities, has an interest in decisions that affect the operation of the Metro system. Additionally, with coastal communities as participating agencies, we have a concern that the public health and environment of our local waters are protected.

The City of Lemon Grove Sanitation District has been actively involved in the secondary waiver processes at Point Loma, and our elected officials are educated in this subject. We feel strongly that the combination of chemically assisted primary treatment, the deep ocean outfall (located

3232 Main Street Lemon Grove California 91945-1705

619.825.3800 FAX: 619.825.3804 www.ci.lemon-grove.ca.us

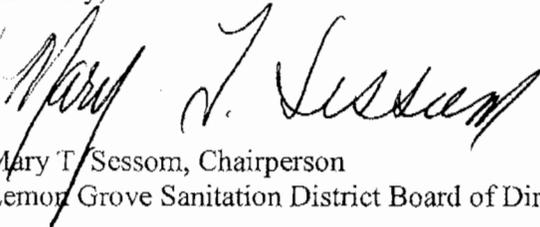


California Coastal Commission  
Point Loma Treatment Plant  
October 1, 2009  
Page Two (2)

320 feet deep and 4.5 miles from the shoreline) and the City of San Diego's exemplary record of compliance with the State Ocean Plan during the last 15 years have proven to be protective of the public health and environment in the local area. As well, comprehensive ocean monitoring over the past 15 years, along with scientific analysis, has not revealed any harmful impacts to the ocean environment. The City of Lemon Grove supports the U. S. Environmental Protection Agency's Approval Decision, as well as the San Diego Regional Water Quality Control Board's unanimous decision to approve the modified permit, because this decision continues to protect the environment while being fiscally prudent with public resources.

Therefore, the City of Lemon Grove urges the California Coastal Commission to make the finding that San Diego's modified waiver complies with the California Coastal Management Program and that it will be conducted in a manner consistent with this program.

Sincerely,



Mary T. Sessom, Chairperson  
Lemon Grove Sanitation District Board of Directors

Cc: Jerry Jones, Lemon Grove Sanitation District Board Member / Metro JPA Liaison  
Jerry Selby, Lemon Grove Sanitation District Board Member  
Mary England, Lemon Grove Sanitation District Board Member  
George Gastil, Lemon Grove Sanitation District Board Member  
Graham Mitchell, Executive District Director  
Patrick Lund, District Engineer



September 29, 2009

California Coastal Commission  
Chairperson Neely  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Attention: Mark Delaplaine

SUBJECT: Coastal Commission Meeting, October 7, 2009  
Consistency Certification No. CC-056-09 (City of San Diego)  
Reissuance of the Modified Permit for the Point Loma Wastewater Treatment Plant

Dear Commissioners:

Padre Dam Municipal Water District ("Padre Dam") would like to express its complete support for the reissuance of the 301 (h) modified NPDES permit for the City of San Diego's Point Loma Wastewater Treatment Plant.

Padre Dam along with fourteen other municipalities and agencies contract for wastewater treatment services through the City of San Diego. Collectively we are responsible for approximately 35 percent of the cost associated with the Metropolitan Sewerage System and therefore have a vested interest in decisions that affect the operation of the system.

We continue to support the City in its applications efforts, not only to spare our ratepayers an unnecessary financial burden, but also because the application for a modified permit is scientifically supported and meets the requirements of the Clean Water Act.

Therefore, Padre Dam urges the California Coastal Commission to concur with the consistency certification made by the City of San Diego for the proposed waiver, finding that the waiver is consistent with the enforceable policies of the California Coastal Management Program.

Sincerely,

Douglas S. Wilson  
CEO/General Manager

## Mark Delaplaine

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**From:** doug korthof [doug@seal-beach.org]  
**Sent:** Sunday, October 04, 2009 2:33 PM  
**To:** Mark Delaplaine  
**Subject:** Sewage and Desal: joint issue Oct. 7 in Oceanside

Hello,

It's one Ocean, and what San Diego dumps into it concerns everyone ("THE WORST, THE MOST, THEY'RE DUMPING ON OUR COAST").

San Diego should give up its shameful sewage waiver, and start recycling its wastewater -- as all should agree is the ultimate goal.

But more importantly, San Diego's reticence to end the sewage waiver is going to COST US MONEY.

Whatever San Diego decides to do with its wastewater, it affects us all, right in the pocketbook.

There's 200 million gallons of wastewater discarded every day down the sewage pipe; and San Diego is short of fresh water. Instead of reclaiming or recycling this immense waste, San Diego is planning, extolling, crowing about its commitment to POSEIDON'S SEAWATER-SEWAGE DESALTING SCHEME.

Poseidon claims that desalting the sewage after it's mixed with seawater will only cost \$1100 per Acre-Foot (twice what the most expensive water now costs San Diego); but ALL OF SOUTHERN CALIFORNIA will be taxed with paying a subsidy of \$250 per Acre-Foot via the Metropolitan Water District (MWD). But that's not the worst of it.

Poseidon claims that, if the project is a disaster, as I fully expect, that they will be the ones who lose out, that it won't cost the cities or Agencies a red cent. As we see, that's just not true; but it's not just the "cost shifting" that's threatening to rip-off unknowing California taxpayers.

Poseidon's cost claims are based on NO DOCUMENTATION. Poseidon brings only failure to the table; their project in Tampa Bay had to be taken over by the locals. So what are their credentials, and what is their financing? We look into it and find that there is LITTLE or NOTHING.

In reality, Poseidon has applied to the State for tax-free state bonds that would fund their proposed plant to the tune of \$485,000,000 (485 M dollars). If the plant proves worthless, guess who pays for those bonds (plus interest -- it's a low interest, but does grow). We the Taxpayers, that's who.

This \$485M may only be the FIRST installment, if as expected construction costs rise.

As any creditor finds, when the first tranche of money is spent by the debtor, and, like Trump, the threat is to lose it all, it's easy to throw good money after bad, instead of just admitting failure. So once Poseidon has spent the money, we will be called on to advance more, or else lose it all.

But that's not the worst of it. If, as expected, Poseidon lays down 30-year-contracts for supplying water at a fixed price, and if, on the basis of that supply, new development goes in, there's no guarantee that the cost won't rise. In the face of "force majeure", that is, inability to perform, all contracts can be VOIDED and the price adjusted to meet costs, as we see in the case of General Motors' and other companies' "promises".

Thus, the Taxpayer and Ratepayer are really on the hook for unlimited sums, untold barrels of money that Poseidon may extort from all California based on San Diego's folly in not securing adequate water supplies and not treating the sewage properly.

San Diego, overwhelmed by growth, reaches out to Poseidon like the thirsty man in the

desert reaching for a beautiful mirage of unlimited, shining water. Like the desert mirage, Poseidon likely will yield only acrid dirt and empty illusions.

Instead of funding Poseidon, what if San Diego properly treated, and began recycling, its wastewater?

Perhaps desalting schemes might work, if used on tertiary-treated wastewater. Perhaps San Diego should look to success stories, such as Orange County.

To do this, all San Diego has to do is start.

By agreeing to end the sewage waiver, perhaps in 15 years, San Diego need not simply throw money at the obsolete, creaking, overloaded plant on Point Loma; for less than the ultimate cost of the Poseidon scheme, San Diego could build new, more rational sewage treatment plants, ones sited far from the Coast, ones that don't depend on flushing out the sewage after an 11-hour settling process that leaves the toxins in the discharges.

There are two paths before San Diego: one, the path of success, proven recycling of wastewater, chosen by Orange County and other places; the other, the path of failure, guided by the uncertain lantern of a firm called Poseidon, which has no track record of success, little credibility, and questionable financial resources. Are they, in fact, any more than a "three guys and a coat-rack" kind of operation?

San Diego should save us all a bundle of money, and treat its sewage. Don't put us all on the hook for Poseidon's flickering lantern. There's debt, waste and folly, not water, in that mirage.

/Doug

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Oceanside City Council Chambers, 300 North Coast Hwy., Oceanside, CA 92054 WEDNESDAY,  
OCTOBER 7, 2009.

The SEWAGE WAIVER is being heard as ITEM 21 a, ostensibly in the very late afternoon; but watch it, when the Commission wants to slip a fast one, they can "trail" an item to the morning, to suit the developer or polluter. They did this, for example, at Santa Barbara to cater to Hellman.

"...21. FEDERAL CONSISTENCY..."

a. CC-056-09 (City of San Diego Secondary Treatment Waiver, San Diego) Resubmitted Consistency Certification by City of San Diego for secondary treatment waiver (i.e., Environmental Protection Agency (EPA) Reissuance, under Section 301(h) of the Clean Water Act, of a modified National Pollutant Discharge Elimination System (NPDES) Permit) for Point Loma Wastewater Treatment Plant Discharges offshore of San Diego, San Diego County. (MPD-SF)..." <http://documents.coastal.ca.gov/reports/2009/10/W21a-10-2009.pdf>

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California Coastal Commission, Voice 415-904-5200  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219  
415-904-5400 (FAX)  
619-767-2384 (San Diego FAX)

PLEASE DISTRIBUTE TO THE MEMBERS OF THE COMMISSION

Oct. 2, 2009

Dear Commissioners and Staff of the Coastal Commission:

On Aug. 13, in San Francisco, the Coastal Commission refused "consistency" determination to the San Diego sewage waiver.

Purely based on instinct, San Diego continues to struggle to retain their waiver to avoid (at the least) full secondary treatment standards for sewage before it's dumped onto the Ocean. But really, why are we wasting water dumping it into the Ocean at all?

The Commission has given San Diego a chance to re-evaluate its position, and realize that the only sensible desalination is reclaiming wastewater; and that their big problem is the high cost of MWD water.

Expensive seawater desalting schemes, even if subsidies push off some of the cost onto more prudent Californians, are not going to supply the water we need. Barring some sort of divine water intervention, San Diego's water supply future is bleak, unless recycling of wastewater is contemplated.

Orange County has proven that it can be done, and done without hugely higher cost. San Diego has challenges, such as a lack of an aquifer, and Tijuana's sewage; but obstacles are made to be conquered, not avoided.

SAN DIEGO: THE LAST WAIVER.

San Diego is the very last, outside of small fishing communities, the last sewage waiver. What makes us think it's OK for San Diego to dump poorly treated sewage, while other places go to great lengths to treat the sewage? Well, San Diego HATES to install infrastructure, from fire stations to water, needed for the huge growth that fueled the wealth of the top honchos running the city.

So there really hasn't been much in the way of sewage investment at San Diego, it's pretty much all DEFERRED MAINTENANCE. But San Diego might feel picked-upon, because even if they cleaned up their sewage, Tijuana would still be dumping on them.

So the Coastal Commission has been asked to hear the item again, this time in Oceanside, Item 21 a, CC-056-09 (City of San Diego Secondary Treatment Waiver, San Diego) Resubmitted Consistency Certification by City of San Diego for secondary treatment waiver <http://documents.coastal.ca.gov/reports/2009/10/W21a-10-2009.pdf>

The STAFF is recommending to approve the waiver.

There are two problems with the staff report, and two issues to consider, as well as a synthesis of both sides and a pathway to resolution.

1. On page two, Staff fundamentally misrepresents the process of ENDING a waiver; the report states, erroneously, that even after a POTW gives up the waiver, "interim waivers" may be needed. However, the distinction is between GIVING UP THE WAIVER and retaining it.

If a POTW discharger decides to give up the waiver, and if the process will take longer than 5 years, a "Settlement Agreement" is reached, which gives the discharger a permit WITHOUT the waiver, but suspends enforcement of penalties for the period -- which may be 10, 15 or even 25 years, or more -- so long as a schedule to upgrade is followed.

But the point is, the discharger agrees to bring the sewage up to at least secondary standards; often, they want to do much more, as Orange County or Morro Bay, because, after all, water is scarce and not getting any cheaper.

It's not an immediate process at all; OCSD, for example, gave up the waiver in 2002, but received 10 years, longer than it needed, to come into compliance. There is NO SUCH THING as an "interim waiver", and Staff misrepresents the legal situation, muddying the basic idea.

The important thing is to come into compliance and avoid a waiver (which the EPA likes to call a "variance", but it's still dumping sewage!).

2. The Staff Report spends a lot of time regurgitating the "studies" purporting to prove that the sewage is actually good, or at least doing no harm. These are needed to prove that the sewage waiver is legal under the Clean Water Act, which otherwise would require secondary standards.

It's a big DIVERSION to waste time arguing that paid-off researchers are only going to find what you want them to find.

But wait a minute.

Isn't this just a ... diversion?? We're not looking to find it legal under the Clean Water Act, the Coastal Commission is doing a CONSISTENCY DETERMINATION, which is an entirely different piece of legal machinery.

The Commission is acting under authority of the 1972 Coastal Zone Management Act ("CZMA"), which extends and empowers the Coastal Act as a piece of federal legal machinery, giving the Commission the power to determine if an activity is in accordance with the enforceable policies of the COASTAL ACT, with the force of federal law.

There is no bar from the Commission using the CZMA to invalidate the sewage waiver; and no argument that the sewage dumping is in accordance with the 1976 amendments to the Clean Water Act can be used to overturn such a finding by the Coastal Commission, unless there's some provision that sewage is immune from the Coastal Act.

Basically, the Commission has the power to determine if the dumping is in accordance with the "enforceable policies" of the Coastal Act. These are, to avoid damage to the recreational, habitat and other values of the near-shore Ocean. Sewage dumping can't be good for the reputation, if nothing else. "We're the last sewage beach on the Coast...".

It's true that, under Sect. 307, the Secretary of Commerce has the power to over-ride; and it's true that there is federal pre-emption for federal agencies, which are just charged with avoiding impacts and not violating local law "as much as possible".

But there's no exemption for City of San Diego, at least not without appeal; and good luck on that one, asking special permission to dump sewage into the Ocean.

The Commission should make its ruling, which it presaged in San Francisco, that the sewage waiver is outlandish, shameful, anachronistic, and not in accordance, not "consistent", with the Coastal Act.

Thus, if this is right, all Staff's arguments that the Waiver is in conformity with the Clean Water Act's 301(h) provision is not relevant to its status under the Coastal Act. If they dare, let Commerce reverse the facts and argue for the sewage.

3. A third point is that everyone, even those arguing for the Waiver, admits that water recycling is needed; some of the sewage dumpers even want to pay for seawater desalination schemes. San Diego is at "the end of the [MWD] pipe" and pays the highest rate for fresh water; yet dumps about 200 million gallons per day of wastewater instead of recycling it.

Of course, it's easier to cleanse the water BEFORE it's mixed in with the seawater, because in waste materials processing, source control is the name of the game. Trying to unpack biological waste and industrial waste, for example, is, well, just a plain waste of resources; much easier to control it before it's mixed.

Poseidon resources

[http://www.youtube.com/watch?v=GVjVwfw\\_gGk](http://www.youtube.com/watch?v=GVjVwfw_gGk)

ran into trouble in Tampa Bay, their one running project, because they hadn't considered the fecundity of the Ocean. The Reverse Osmosis filters become clogged with sea-life, which actually grows on the membrane. This requires constant backflushing, and treatment with expensive chemicals. On one occasion, during the recent Florida water crisis, they reported that the plant could only operate at two-thirds capacity, presumably because a third of the membranes needs flushing at all times, and cannot be in constant service.

Desalting sewage, or briny aquifers, might make sense, but desalting sewage mixed in the Ocean is like unpacking the puzzle after it's waterlogged. Much better to solve it the right way, cleanse the sewage first.

So the REAL issue is whether a CERTAIN, CONCRETE AGREEMENT should replace San Diego's VAGUE and INDEFINITE wish to recycle the water. And do it in accordance with a time-frame to make bringing San Diego's wastewater treatment into the modern age more than a pipe-dream and fantasy.

4. For those objecting to the cost, wait a minute!! This is JUST the sort of thing that Congress funded, back in 1972, when it passed the original Clean Water Act; but even if San Diego has to fund it all, where does the money go, other than into local businesses

and the local economy??

It's not like we're asking the Japanese or Russians to treat our sewage; it's not like sending billions to buy oil that funds terrorists, leaving us only pollution.

It's funds that stay RIGHT HERE, in the local community. It's hiring local firms to implement a long-term plan for sewage improvement, hiring locally and providing GOOD, LONG-TERM JOBS building plant to recycle the water.

Makes common sense. If San Diego needs federal funding to help treat Tijuana's sewage, let's lobby for it. But let's get started now, and start healing the Ocean.

A PATH TO AGREEMENT. All those concerned agree that water is valuable, and that the sewage will have to be recycled, not just dumped into the Ocean; for one thing, if desalination is to be used, it's a lot easier to do on sewage before it's dumped into seawater. So, really, the only issue is when, and how.

IF WE CAN UNDERSTAND THE PROCESS OF GIVING UP A WAIVER, that it's not instantaneous, it involves a commitment to improve sewage facilities in a real way during a specified time, we should all agree on giving up the waiver in exchange for a decade-or-more period of fixing the problem and implementing water recycling.

After all, San Diego agrees it's going to need more water, anyway; Mayor Sanders appears on a video segment extolling the virtues of desalination.

Holding on to the waiver while promising to upgrade is like crossing your fingers when testifying.

It can't be both ways.

The Coastal Commission should insist on ending the waiver, based on the Coastal Act, not the Clean Water Act, and San Diego should agree cheerfully. All should agree we need to work to retrieve the huge amounts of wastewater currently -- well, currently "wasted".

Doug Korthof  
Director, Ocean Outfall Group  
1020 Mar Vista  
Seal Beach, CA 90740-5842  
562-430-2495  
714-496-1567

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## Mark Delaplaine

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**From:** JonV3@aol.com  
**Sent:** Monday, October 05, 2009 12:00 AM  
**To:** Mark Delaplaine  
**Subject:** Comments on San Diego Waiver Agenda Item: Wed Oct 7, Item 21a

October 4, 2009

Dear Mr. Delaplaine:

Please distribute the following comments to the Coastal Commissioners for the Wednesday October 7, 2009 meeting, agenda item W21a -10-2009. Thank you.

Jan D. Vandersloot, MD

Letter To Chair Kruer and California Coastal Commission:

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Re: W21a-10-2009  
Recommend Deny the Waiver

c/o Mark Delaplaine  
[mdelaplaine@coastal.ca.gov](mailto:mdelaplaine@coastal.ca.gov)

Dear Chair Kruer and Coastal Commissioners:

This is a request that you uphold your decision on August 13, 2009 to deny the San Diego 301 (h) waiver. There is no new information that would cause you to change your decision and it is appropriate for you to vote again to deny San Diego the last 301 (h) waiver on the California coast. It is time that San Diego joined the ranks of civilized responsible sewage dischargers in coastal California and treated its sewage to full secondary before discharging into the Pacific Ocean.

The slides presented at the Coastal Commission meeting in August did indeed show harm to the ocean with a loss of biodiversity in the benthic response index by about a third, from 150 to 102, near the outfall. This means that more pollution tolerant species are living there, an adverse impact that will get worse after the volumes of discharge are increased over the next several years.

The City of San Diego need look no further than the Orange County Sanitation District on how to go about treating its sewage without a waiver. Under pressure by the citizens group Ocean Outfall Group, as well as many other opponents of the waiver, OCSD gave up its waiver in 2002, and moved towards full secondary treatment by 2012, only three years from now. OCSD is showing how to institute full secondary using limited space by installing vertical trickling filters among other innovative strategies to achieve full secondary treatment without a waiver. By doing so, it is supplying the Orange County Water District clean enough wastewater to be run through the GWRS water reclamation system.. These trickling filters are stacked vertically and simulate natural conditions to clean the sewage.

Vertical trickling filters are one of the technologies that exist for implementation of secondary treatment by San Diego. Although vertical trickling filters could be located on the limited space available at Point Loma, in reality, these trickling filters and other secondary treatment methods should be located inland from the Point Loma treatment plant. The Point Loma treatment plant itself is obsolete, run down, and an embarrassment to society. San Diego should be ashamed for the sorry condition of the plant located on the side of a cliff. Perhaps photographs of the treatment plant facilities are not allowed because they don't want the public to know how bad it is. The City of San Diego should not be rewarded for the shabby condition of the plant by giving it another

waiver. Instead, denial of the waiver will force the city to upgrade its facilities to the 21st century. Ultimately, this plant on the cliff should be dismantled and the sewage treated to full secondary at inland locations where the wastewater can be reclaimed in a process similar to GWRS in Orange County.

Feasible technology exists for full secondary if San Diego is required to give up the waiver. Otherwise, there is no sure way that they will ultimately follow the rules that the rest of California has to follow and treat its sewage to full secondary, a necessary step to go to full reclamation of wastewater.

In this day and age, water is increasingly a scarce resource. Reclaiming wastewater like Orange County is the wave of the future. Denying the waiver for San Diego and requiring full secondary treatment of wastewater will allow this resource to be used for reclamation.

San Diego has no excuses to avoid proper full secondary treatment. You should not be led down the primrose path by promises of further studies on recycling water and promises on studies on plume behavior, etc. If San Diego were serious about these promises, the studies would have been done ago. Denying the waiver ensures that the city will have to go beyond mere promises and actually take concrete action to solve its wastewater problem, which in turn leads to a solution for its water supply problems as well.

Thank you for your past action in denying the waiver. Please ratify your decision and vote again to deny the waiver on Wednesday.

Sincerely,

Jan D. Vandersloot, MD  
Director, Ocean Outfall Group  
2221 E 16th Street  
Newport Beach, CA 92663  
949-548-6326

## Mark Delaplaine

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**From:** Charlotte Pirch [dpirch@socal.rr.com]  
**Sent:** Monday, October 05, 2009 3:15 PM  
**To:** Mark Delaplaine  
**Subject:** Agenda Item W 21a-10-2009. Oppose San Diego Waiver

October 5, 2009

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Re: W21a-10-2009  
Recommend Deny the Waiver

c/o Mark Delaplaine  
mdelaplaine@coastal.ca.gov <mailto:mdelaplaine@coastal.ca.gov>

Dear Chair Kruer and Coastal Commissioners:

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The City of San Diego need look no further than the Orange County Sanitation District on how to go about treating its sewage without a waiver. Under pressure by the citizens group Ocean Outfall Group, as well as many other opponents of the waiver, OCSD gave up its waiver in 2002, and moved towards full secondary treatment by 2012, only three years from now. OCSD is showing how to institute full secondary using limited space by installing vertical trickling filters among other innovative strategies to achieve full secondary treatment without a waiver. By doing so, it is supplying the Orange County Water District clean enough wastewater to be run through the GWRs water reclamation system.. These trickling filters are stacked vertically and simulate natural conditions to clean the sewage.

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Thank you for your past action in denying the waiver. Please ratify your decision and vote again to deny the waiver on Wednesday.

Sincerely,  
Charlotte Sumrow-Pirch  
9826 Lewis Avenue, Fountain Valley  
714-968-5634

**Mark Delaplaine**

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**From:** Donald Schulz [surfdad@hotmail.com]  
**Sent:** Monday, October 05, 2009 1:50 PM  
**To:** Mark Delaplaine  
**Subject:** San Diego 301(h) waiver (oppose).

Dear Chair Kruer and Coastal Commissioners:

This is a request that you uphold your decision on August 13, 2009 to deny the San Diego 301 (h) waiver. There is no new information that would cause you to change your decision and it is appropriate for you to vote again to deny San Diego the last 301 (h) waiver on the California coast. It is time that San Diego joined the ranks of civilized responsible sewage dischargers in coastal California and treated its sewage to full secondary before discharging into the Pacific Ocean.

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Thank you for your past action in denying the waiver. Please ratify your decision and vote again to deny the waiver on Wednesday.

Sincerely,  
Don Schulz  
Senior Member, Surfrider Foundation

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**Mark Delaplaine**

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**From:** Welsh, Terry [Terry.Welsh@ahmchealth.com]  
**Sent:** Monday, October 05, 2009 10:26 AM  
**To:** Mark Delaplaine  
**Subject:** No Full Treatment Waiver for San Diego

No Full Treatment Waiver for San Diego, please

Terry Welsh,

Costa Mesa, CA  
714-432-1385

**mdelaplaine@coastal.ca.gov**

**mdelaplaine@coastal.ca.gov Please modify your contacts with my  
new e-mail address. It is Terry.Welsh@ahmchealth.com**

**Thank you**

## Mark Delaplaine

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**From:** Iryne Black [ayebblack@sbcglobal.net]  
**Sent:** Monday, October 05, 2009 10:26 AM  
**To:** Mark Delaplaine  
**Subject:** San Diego request for 301h waiver

To Members of the California Coastal Commission

Please reassert your denial of a 301 H Waiver to the City of San Diego. There are other means to meet the problem without placing the health of our oceans in jeopardy.

Thank you. Iryne Black  
1646 Irvine Ave. Newport Beach 92660