

Orange County Sanitation District

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May 13, 2019

The Honorable Ben Allen, Chair
Senate Environmental Quality Committee
State Capitol, Room 2205
Sacramento, California 95814

RE: SB 69 (Wiener): Oppose Unless Amended

Dear Senator Allen:

The Orange County Sanitation District (OCSD) provides wastewater collection, treatment, and recycling for approximately 2.6 million people in central and northwest Orange County. OCSD is respectfully opposed to Senate Bill (SB) 69 unless it is amended to address our concerns.

SB 69 is a comprehensive bill, which includes a provision that would require the State Water Resources Control Board (State Board) to amend the California Ocean Plan and the California Enclosed Bays and Estuaries Plan to include water quality objectives and effluent limitations that specifically addresses ocean acidification and hypoxia.

As proposed, SB 69 would require all wastewater dischargers subject to the California Ocean Plan and the California Enclosed Bays and Estuaries Plan to adopt, incorporate, or improve denitrification protocols. The potential impact from discharges of nitrates and remediation is a complicated issue for which there is a significant amount of research currently underway and for which many technological advances are being made relative to management options. OCSD recognizes that California is best served when environmental managers have access to holistic, science-based approaches that are effective and allow for consistency in reducing pollutants to the environment. This is especially needed and true for nutrients.

OCSD supports the approach laid out by the California Ocean Protection Council (OPC), a State agency established in 2004 to advance statewide compliance with the California Ocean Protection Act, of “...*building the scientific foundation for criteria development - rather than revising criteria.*” Specifically, the OPC convened a California Ocean Acidification and Hypoxia Science Task Force (OAH Task Force) in 2016 in accordance with AB 2139 to inform continued actions on ocean acidification and hypoxia in California and along the West Coast. The OAH Task Force is scheduled to deliver a summary report for the California Legislature in early 2020.

Current OPC OAH projects include development of integrated computer models for the West Coast that will evaluate nutrient discharge impacts from all sources to coastal biogeochemical cycling processes. The model outputs will be used to determine major nutrient sources and potential impacts when nutrient loads vary. These models will help state and federal regulators make timely and informed decisions on where to regulate and to what degree.



Our Mission: To protect public health and the environment by providing effective wastewater collection, treatment, and recycling



OCSD has also been actively participating in local and regional studies to better measure and understand nutrient inputs into the coastal environment. These efforts will provide data to support OPC's OAH projects. In addition, OCSD is evaluating and modeling the environmental effects of its outfall and proactively managing nutrient output to the ocean environment. These studies will facilitate scientific data collection and support informed management decisions.

We respectfully encourage the Senator to grant State, local, and regional agencies time to complete on-going OAH research efforts to provide science-based mitigation and adaption options. We are pleased to note that the OPC modeling effort is progressing well and we expect the State to soon begin implementing the Task Force's recommendations and develop policy decisions using this tool. The wastewater industry recognizes the need to understand how nutrients from all sources are affecting our freshwater and ocean environments and OCSD is actively contributing towards greater scientific knowledge that would enable informed management decisions. By allowing these integrated research efforts to proceed prior to enacting legislation, we believe the findings will strengthen SB 69 and promote effective ocean protection.

In the interim, California's Regional Water Quality Control Boards (RWQCB) currently have the authority to require wastewater agencies to comply with water quality requirements and can impose requirements for planning and implementation of processes to decrease nitrogen loadings in receiving waters. As an example, San Francisco RWQCB issued the first nutrient watershed permit in 2014, with the second watershed permit planned for adoption in May 2019.

In summary, OCSD believes effective safeguards and strategies are in place to establish water quality objectives and effluent limitations that specifically address ocean acidification and hypoxia. Enacting prescriptive legislation in advance of science-based regulations may lead to unintended economic and environmental consequences. Moreover, by utilizing region-specific models to assess and mitigate OAH, the regional and local agencies can collaborate to attain greater collective knowledge and develop integrated management strategies that would maximize benefit to stakeholders.

Based on the reasons presented above, OCSD respectfully requests that the bill be amended to remove Section 19 relative to the denitrification protocol requirement.

Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in cursive script that reads 'David John Shawver'.

David John Shawver
Board Chairman

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