

Response to Comments

Tentative WDR and NPDES Permit
West Basin Municipal Water District (West Basin)
Edward C. Little Water Recycling Facility
NPDES Permit No. CA0063401, CI-7449

This Table describes all significant comments received from interested persons with regard to the above-mentioned tentative permit. Each comment has a corresponding response and action taken.

Commenter / Comment #	Topic	Comment	Response	Action Taken
Comments received from West Basin Municipal Water District on April 16, 2018				
WBMWD / 1	POTW	We are in agreement with the conclusion that West Basin is not a Publicly Owned Treatment Works (POTW), and appreciate the distinction made in this permit. There are however, a few locations within the permit which still make reference to POTW requirements, or apply standards to West Basin that are typically assigned to POTWs. In some instances, there are conflicting requirements within the document that require clarification. This tentative West Basin permit currently includes language that is very similar to the HTP permit (R4-2017-0045) and includes some duplicative requirements that West Basin believes should not apply given that West Basin is not a POTW. This is particularly the case in relation to the multiple studies newly required within this tentative permit. To be consistent throughout the document and to avoid confusion, we respectfully request the following changes for consideration: [See A through F below]	Per the POTW definition in Attachment A, the E.C. Little Water Recycling Facility (LWRF) is a POTW and the text in the Fact Sheet III.C(6) is incorrect. The Regional Water Board and the USEPA do agree, however, that some POTW requirements are not applicable to a treatment facility which does not include primary and secondary treatment of municipal wastewater. The text in Fact Sheet III.C(6) has been revised as shown below: “The minimum applicable federal technology-based requirements for POTWs, such as BOD and percent removal of BOD and TSS, do not apply at LWRF because it does is not <u>include primary and secondary treatment to remove biological solids a POTW</u> and Table 2 of the Ocean Plan does not include limits for BOD and percent removal of BOD.”	Revision Made
WBMWD 1A	Special Study	A. <u>Hyperion Ammonia and Acute Toxicity Special Study</u> – This is a new requirement within the West Basin permit. This study is to be performed in conjunction with the HTP work plan that has been submitted to the Board. West Basin may need to request a time extension depending on the scope of HTP’s work plan once accepted by RWQCB. West Basin has not had an opportunity to review our partner agency’s work plan in order to prepare for West Basin’s portion of the study, however will work closely with them to complete required elements.	Comment Noted	None Necessary

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WBMWD 1B	Special Study	<p>B. <u>ECLWRF Combined Effluent Chronic Toxicity Special Study</u> – West Basin conducted 14-Month Chronic Toxicity studies in 2008 and 2015 as required in the previous permits, including most-sensitive species testing. In both cases it was deemed that the West Basin brine had “no effect” on toxicity.</p> <p>i. West Basin would like to request a three-month extension for the chronic toxicity work plan due date from October to December 15, 2018. This extra time is necessary to allow West Basin sufficient time to follow its public agency procurement policies for professional and laboratory services. This study will require a contract from expert labs and outside consultants. Per West Basin’s administrative code, a competitive proposal process and Board approval are required for the procurement of such services. Consequently, West Basin requests the 14-month toxicity study due date also be extended to December 14, 2020 to allow for contract procurement.</p> <p>ii. Please change the language throughout the permit regarding Toxicity Reduction Evaluation’s (TRE) to align with Attachment F, VI.B.2.d. Attachment F states that TRE’s are required only after the effluent “fails the TST [Test of Significant Toxicity] statistical test for toxicity as specified in the Order, the Permittee shall conduct a TRE as directed by the Regional Water Board Executive Officer and USEPA.” However, numerous locations in the permit state a TRE is to be performed before any results are known. West Basin contributes 1-3% of the total discharge from Hyperion and therefore, a TRE should only be required upon test failure under Regional Board staff direction.</p> <p>iii. Attachment E, V.B.5.a – Similar to comment ii above, please change the wording as in previous permits to: “When directed by the Regional Water Board Executive Officer and USEPA Water Division Director, prepare and submit a work plan for review”, instead of the currently listed October 2018 deadline (before any toxicity study is even in place).</p>	<p>i. Agreed. A two month extension for the chronic toxicity work plan was added with a due date of December 15, 2018. The due date for the study was extended to December 14, 2020. To accommodate the request to reduce the scope of this special study, but still provide the necessary information, the duration of the test has also been reduced from 14 months to 10 months</p> <p>ii. There are three TRE requirements in the tentative Order/Permit. The Initial TRE Workplan is to be submitted after the effective date of the permit. This requirement is also in the existing order. The text in MRP V.B.5 has been modified to change the due date to 90 days after the effective date of the permit and the provisions in Attachment G have been modified to correspond to the major components identified in the <i>Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants (EPA 833-B-99-002)</i>.</p> <p>The second requirement is conducting the TRE. Text has been added to the Order/Permit to specify that the TRE is required depending on the results of the toxicity testing using the In-stream Waste Concentration (IWC) of the combined effluents (LWRF and HTP). Attachment F VI.B.2(c) has been revised as shown below to clarify when a TRE is required:</p> <p><u>“The approved work plan for the Chronic Toxicity Monitoring Study of the Combined Effluents will identify the conditions under which a TRE shall be conducted. If those conditions occur, if the discharge, when mixed with HTP effluent, fails the TST statistical test for toxicity as specified in this Order, the Permittee shall conduct a TRE, as</u></p>	Revision Made

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WBMWD 1B (continued)	Special Study	<p>Also as part of the above requested rewrite, if directed to create a TRE, West Basin would expect to only address those items in Attachment G that are pertinent to its operations. Most of the requirements listed in Attachment G are for a POTW, and would be completed by Hyperion.</p> <p>iv. Attachment E, V.B.6 - Please change the first word in this section from “As“ to ”When” for consistency. TIE studies are typically only performed after a TRE study has been directed by the Regional Water Board Executive Officer and USEPA Water Division Director.</p>	<p>detailed in section V of the MRP (Attachment E). The TRE will help the Permittee identify the possible source(s) of toxicity. The Permittee shall take all reasonable steps to reduce toxicity to the required level.”</p> <p>The third TRE requirement is the Detailed TRE Work Plan which shall be developed and implemented if the conditions identified in the approved version of the Chronic Toxicity Monitoring Study of the Combined Effluents Work Plan are met.</p> <p>Text has been added to Attachment E, V.B.6 to refer to the Fact Sheet VI.B.2(c):</p> <p>“As directed by the Regional Water Board Executive Officer and USEPA Water Division Director explained in the Fact Sheet, VI.B.2(c), the Permittee shall, in coordination with the City of Los Angeles, Hyperion Treatment Plant, conduct a TRE/TIE...”</p> <p>iii As noted above, the Regional Water Board and the EPA will not be giving direction as to when to proceed with a TRE. Instead, the circumstances which will require a TRE will be determined during the review of the Chronic Toxicity Special Study Work Plan.</p> <p>iv. The Detailed TRE Work Plan will not be required until a TRE is necessary. Refer to the response to ii above.</p>	Revision Made
WBMWD 1C	Fire Retardant Special Study	<p>C. <u>Fire Retardant Study</u> – This is a new requirement within the West Basin permit, also being conducted by HTP which is a POTW. West Basin requests to be allowed to perform this study independently. West Basin would sample the influent water and the brine stream on the same day, to perform the required analysis. West Basin believes this process would provide the Regional Board and the USEPA with the results they are seeking.</p>	<p>The study is based on the results of an ongoing Magnuson-Stevens Fishery Conservation and Management Act and Endangered Species Act section 7 consultation(s) with the National Marine Fisheries Service.</p> <p>Page 18 of the tentative Order/Permit specifies that the Discharger shall propose PBDE test</p>	Revision Made

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		In addition, West Basin requests guidance on which specific polybrominated diphenyl ethers (PBDE) should be included in this study. West Basin acknowledges that not all PBDEs have standard test methods, and would appreciate the Regional Board's guidance on which test methods are considered acceptable for the purposes of complying with the permit. In the absence of approved standard test methods, West Basin will select the best proposed test methods available from commercial ELAP certified laboratories.	methods as part of the Fire Retardant Special Study work plan for approval by the Regional Water Board Executive Officer and the USEPA Water Division Director. Text was added indicating that the Discharger may complete the study independent of the City of Los Angeles and the text requiring coincident sampling has been deleted.	
WBMWD 1D	Study	D. <u>Treatment Plant Capacity Study</u> – This requirement is typically required for POTWs. The West Basin tentative permit notes this criterion as “Not Applicable” in Section VI.C.2.c. of the order, however, it is still noted in Attachment F. Please delete all references to this study throughout the permit in order to ensure clarity and avoid confusion	Agreed. The treatment plant capacity study has been removed from the permit. The study is designed to ensure the municipal treatment POTW Discharger maintains a treatment system sufficient to adjust to changes in the collection system. West Basin is not a municipal treatment plant, so this requirement does not apply.	Revision Made
WBMWD 1E	Report	E. <u>Spill Clean-up Contingency Plan (SCCP)</u> – The SCCP, as described Section V.3.b of the order, notes that this plan is used for untreated wastewater in POTW's; West Basin receives permitted secondary-treated water from HTP. West Basin requests this be removed from the Permit. Spills that might occur on the premises of ECLWRF are addressed in various other Best Management Practices (BMP) documents that are outlined in the Storm Water Pollution Prevention Plan (SWPPP) for ECLWRF required by this permit. Furthermore, West Basin has a Spill Contingency and Containment Plan (SPCC) per state local fire authorities. West Basin has also installed over 30,000 gallons of underground spill containment reservoirs at the ECLWRF. Additional locations in the permit which reference this plan for removal are on pages F-30 and F-31.	Agreed. The SCCP requirement has been removed from the permit.	Revision Made
WBMWD 1F	Report	F. <u>Technical Report on Preventative & Contingency Plans</u> – This report is listed only in Attachment E and appears to be a POTW plan. West Basin is not a POTW, therefore is not given automatic bypass contingencies and in an emergency scenario can shut down its water recycling operations. Reference to this plan in this attachment is respectfully requested to be removed.	Comment Noted. The technical report is for preventative (failsafe) and contingency (cleanup) plans for controlling accidental discharges and for minimizing the effect of such events. Preventive and Contingency Plans are evidence of good facility management and are a standard component of NPDES Orders adopted by this Regional Board.	None Necessary

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WBMWD 2	Bacteriological Study	<p>West Basin agrees with the statement in Section V.A of the Order that states “The receiving water monitoring is conducted by the City of Los Angeles to ensure the combined HTP effluent and ECLWRF brine discharge is in compliance with receiving water limitations and to characterize the water quality of the receiving water.” In order to be consistent with the above statement and clarify that West Basin does not have any Bacteriological limits for the receiving water, West Basin respectfully requests the following be deleted to avoid confusion:</p> <ul style="list-style-type: none"> A. Page 4, IV.A.1.d B. Page 8 – Footnote #7 C. Page 15 - VI.C.[1].p – Delete paragraph D. P 26 VII.P – Delete Section P E. Page E-3 - Delete Section I.E 	<p>Comment Noted. The text reads that EC Little shall not cause a violation of water quality objectives in the receiving water. The City of Los Angeles demonstrates that the combined effluent is in compliance for West Basin Municipal Water District, but the limitation would apply even if discharge of effluent from Hyperion was suspended.</p> <p>A. Inshore monitoring, as defined in HTP R4-2017-0045, by the City of Los Angeles demonstrates that if bacteria are discharged at the five-mile-outfall with EC Little effluent, the bacteria do not survive travel from the outfall back to the beaches. However, if the City of Los Angeles should end this sampling and HTP discharge, West Basin would continue to be responsible to determine bacteria were not reaching the beaches. To clarify, the text in IV.A.1(d) has been modified as follows: “The Permittee shall ensure that bacterial concentrations in the effluent discharged from Discharge 001 do not result in an exceedance of the HTP’s waste load allocation of zero (0) days exceedance of single sample numeric limits or geometric mean limits (based on Basin Plan bacteria objectives for marine waters designated REC-1, see Section V.A.1.b and Santa Monica Bay Bacteria TMDL) at shoreline compliance points, as specified in Regional Water Board Resolutions Nos. 2002-004 and 2002-022.”</p> <p>B. The text for footnote 7 has been modified: “The State Water Resource Control Board (SWRCB) proposes to revise the water quality standards for bacteria in the Ocean Plan by adopting an Amendment to the Water Quality Control Plan for Ocean Waters of California— Bacteria Provisions and a Water Quality Standards Variance Policy (Bacteria Ocean Plan</p>	Revision Made

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			<p>Amendment). If such an amendment is adopted <u>and should it apply to discharge from LWRF</u>, this Order may be reopened to revise the bacteria limits (see VI.C.1.p).”</p> <p>C. No modifications required. The Order may be reopened if new policies are adopted.</p> <p>D. No modifications required. A definition for a Bacterial Standard and Analysis is appropriate, as LWRF must comply should discharge continue in the absence of flow from HTP.</p> <p>E. Page E-3 - Delete Section I.E. Staff assumes the comment applies to Section I.L. Modification required for clarity. A definition for bacterial standards, analysis and sampling is appropriate, as LWRF must comply should discharge continue in the absence of flow from HTP.</p>	
WBMWD 3	Table 3 and Table 4 - Effective Date	<p>West Basin respectfully requests a one month extension of the effective date from September 1, 2018 to October 1, 2018. This extension is necessary in order to properly prepare for the following activities under the new permit:</p> <ul style="list-style-type: none"> A. Newly added special studies which require hiring outside specialists through public procurement procedures; B. Preparation of newly added stormwater management requirements; C. Changes to the water quality parameters and sampling schedule coordination with subcontracted labs; D. Adjustment to Budget due to significant increase in cost for studies and increased sampling; E. Alignment of the schedule of these activities with the quarterly reporting period. 	<p>The effective date is set by regulatory requirement, established by the 1989 Memorandum of Agreement between the State Water Resource Control Board and US Environment Protection Agency used in the implementation of the Clean Water Act in California. The due date for the chronic toxicity special study workplan has been delayed two months (see response #WB 1B) and the storm water management plan due date has been adjusted to 120 days from the effective date versus the 90 days in the tentative order.</p>	Revision Made
WBMWD 4	Attachment E - Monitoring Clarification	<p>Table E3 footnote 5 states effluent sampling is to be on a different day of the week every month. West Basin’s laboratory is only staffed Monday – Friday. Due to some very short holding times (pH, SS, nitrate, chlorine residual, temperature) samples could not be collected Saturday or Sunday and still be analyzed within holding times. West</p>	<p>Agreed. Footnote 5 has been modified to exclude Saturday and Sunday.</p>	Revision Made

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		Basin requests this footnote instead say to rotate samples Monday – Friday only.		
WBMWD 5	Attachment E - Chemical Lists	Section X.D.4 notes that West Basin must include in the first monitoring report a list of all chemicals and propriety additives including quantities. It further states “any subsequent changes in types and/or quantities shall be reported promptly.” The facility utilizes a fairly consistent list of chemicals. However, quantities may change depending on plant production and influent water quality. West Basin requests the following change to the language: “4. The Permittee shall submit to the Regional Water Board and USEPA, together with each annual monitoring report required by this permit, a list of all chemicals and proprietary additives which could affect this waste discharge. Any <u>significant</u> changes in types and/or quantities <u>thereafter</u> , shall be reported promptly.”	Agreed. Section X.D.4 in attachment E has been revised.	Revision Made
WBMWD 6	Composite Sampling	Please provide what data type should be used for reporting composite samples under CIWQS. As of now the CIWQS cannot accept composite data. After checking with State CIWQS staff, they re-directed West Basin to ask the local Regional Board for guidance.	Although composite sample requirements may be a new feature of the tentative Order, the Regional Board staff will work with the discharger and the State Board to make the necessary adjustments to CIWQS reporting.	None Necessary
WBMWD 7	Table 2 Stormwater Sampling Point	The tentative permit currently lists one sampling point for stormwater which points to one pipe leading off the ECLWRF facility into the City of El Segundo’s retention basin. However, there is currently no way to access the connection in the middle of the street without an infrastructure project with the City of El Segundo to tap into their City owned storm drain system. Staff recommends two different sampling points leading to the main discharge pipe located on the ECWRF which would provide representative samples during a rain event. They are provided on the attached drawing as SW-002 and SW-003, and we request that the attached figure replace Attachment B-3 within the tentative permit.	Agreed. The submitted figure replaced the existing figure in Attachment B.	Revision Made
WBMWD 8	Administrative Notes	Below are some minor changes West Basin would like to draw the RWQCB attention:	The following edits were made: <ul style="list-style-type: none"> ○ In the header of the document, the name of the facility was corrected. ○ The address of the facility was corrected to 1935 South Hughes Way; 	Revision Made

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		<ul style="list-style-type: none"> ○ In the header of the document the name of the facility should be corrected. The legal name of the location is Edward C. Little Water Recycling Facility; ○ The address of the facility is 1935 South Hughes Way; ○ Table F-11 Footnote #8 should have the word “flow” weighted removed to be consistent with rest of the tentative permit; ○ Attachment I, “I” we believe should read “... following the effective date of this Order” instead of adoption date to allow proper time for West Basin to comply; ○ Temperature – as an Effluent Limitation, West Basin would like to report temperature in degrees Celsius instead of degrees Fahrenheit (IV. A. 1. B); ○ Instantaneous Peak Daily Flow – could the Regional Board please provide a definition of this term (E-4, footnote 3). ○ On page F-5 in Section II.A.1 – Replace existing paragraph with the following: The Facility currently has a total wastewater treatment design capacity of 62.5 MGD and produces recycled water using three treatment processes.; a Title 22 disinfected tertiary system, an advanced treatment train producing an industrial boiler feed with ozone, microfiltration, and reverse osmosis, and an advanced treatment train including ozone, microfiltration, reverse osmosis, and advanced oxidation for injection into the West Coast Groundwater Basin as a seawater intrusion barrier. The schematics for the advanced treatment train are provided in Attachments C-3, C-4, and C-5. The brine waste stream is a byproduct of the reverse osmosis treatment, as shown in Attachment C-4.” ○ On page F-6 in Section II.A.2 - Replace existing paragraph with the following: The advanced treatment facilities currently produce up to 17.5 MGD of indirect potable reuse water from secondary effluent for the West Basin Barrier Project, and another 4.6 MGD of reverse osmosis permeate for refinery boiler feed makeup. As shown in Attachment C-5, the advanced oxidation process is only needed 	<ul style="list-style-type: none"> ○ In Table F-11 Footnote #14 (#8 in tentative) “flow” weighted was removed to be consistent with rest of the tentative permit; ○ The submittal requirement in Attachment I was revised to “... following the effective date of this Order” instead of adoption date to allow proper time for West Basin to comply; ○ Temperature – temperature reporting data in CIWQS is all in degrees Fahrenheit. Changing the units to degrees Celsius is not feasible; <p>Instantaneous Peak Daily Flow: Flow measurements are defined in Attachment A under Composite Sampling. The Instantaneous Peak Daily Flow is the maximum arithmetic mean of no fewer than eight individual measurements taken at equal interval for 24 hours.</p> <p>The facility description on page F-5 in Section II.A.1 was modified slightly using language that was similar to what was requested by the Discharger.</p> <p>The facility description on page F-6 in Section II.A.2 was also modified slightly from the language that was requested by the Discharger.</p> <p>The units used in the table on in Attachment H - II.A. are Dry Metric Tons. The word “Dry” was inserted for clarification purposes.</p>	

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		<p>for groundwater injection and includes ultraviolet light with hydrogen peroxide, decarbonation, and chemical stabilization.</p> <ul style="list-style-type: none"> ○ Please clarify the units used in the table on in Attachment H - II.A. Should the units be Dry Metric Tons or Net Metric Tons? 		
WBMWD 9	Response to NOV	RWQCB staff acknowledged that we received a notice of non-compliance for failure to obtain coverage under the general permit for stormwater discharges in error and has agreed to remove this violation from the SMARTS web site (violation # S865018). While West Basin may not agree, it accepts the stormwater monitoring requirements included in the draft tentative permit. West Basin respectfully requests the state or regional board issue a written letter (separate from this tentative permit application) responding to the letter sent from West Basin MWD to Mr. Hugh Marley on December 12, 2017 regarding this matter.	Comment noted and letter attached.	None Necessary
Comments received from Los Angeles Waterkeeper (LAW) on March 26, 2018				
LA Waterkeeper 1	Plant Capacity	A 2017 Memorandum of Understanding between West Basin and the Los Angeles Sanitation Department (see attachment A) as well as the West Basin website (http://www.westbasin.org/news/newsletter) references up to 70 million gallons per day of tertiary treated effluent from Hyperion, while an undated fact sheet from CH2MHill (see attachment B) references a capacity of 100 million gallons per day. LAW requests clarification of whether any expansion beyond the design capacity of 62.5 million gallons per day stated in the tentative WDR would require new or amended WDR.	No expansion is being implemented during the term of the tentative Order beyond the design capacity of the current facilities. Expansion would require a new or amended WDR. However, we would like to clarify that the Hyperion Treatment Plant produces secondary-treated effluent, not tertiary treated effluent.	None Necessary
LA Waterkeeper 2	Recycling Study	LAW supports the requirement in the tentative WDR (p. F-14) that West Basin investigate the feasibility of recycling, conservation, and alternative disposal methods. LAW assumes any investigation would analyze the feasibility of recycling and conservation above the existing baseline levels, although any feasibility studies should clearly specify the baseline recycling assumptions.	Thank you for your comment in support of the reporting requirements.	None Necessary

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LA Waterkeeper 3	CEQA	The Fact Sheet (p. F-10) cites to Water Code Section 13389 in support of the claim that adoption of NPDES Permits are “exempt from the provisions of CEQA.” This statement overstates the scope of the exemption, which the plain language of cited section limits to Chapter 3 of CEQA. The tentative WDR should therefore be revised to reflect the proper scope of the exemption. The tentative should also be revised to include findings on the consistency of the project with the applicable sections of CEQA, especially the Chapter 1 policies. There is ample substantial evidence in the tentative WDR that could support such findings, as well as findings that the renewal of the WDR will not have a significant negative impact on the environment.	This comment is pertinent to ongoing litigation and will only be briefly discussed. A Regional Board’s NPDES permit is exempt from all requirements of CEQA. (<i>County of Los Angeles v. State Water Resources Control Board</i> (2006) 143 Cal.App.4 th 985, 1007.) .	None Necessary
LA Waterkeeper 4	Waste and Unreasonable Use	Similarly, pursuant to Article X, section 2 of the Constitution and Water Code section 100, the tentative WDR should include findings demonstrating how the WDR ensures recycled water will be put to reasonable beneficial uses and not wasted—findings that must be based on the Regional Board’s analysis of supporting record evidence. This reasonable beneficial use analysis should, at a minimum, consist of determining what specific uses of recycled water are both reasonable and beneficial in the context of the watersheds where the recycled water will be used, and the amount of recycled water reasonably required for those beneficial uses. LAW notes that in the context of this project, such findings should be readily supportable on the existing record, especially for the uses other than irrigation. To the extent the Regional Board requires the assistance of the State Board to conduct this required reasonable use analysis, the Regional Board can, and should, consult with the State Board pursuant to Water Code section 13225(a).	This comment is pertinent to ongoing litigation and will only be briefly discussed. Article X section 2 and Water Code section 100 do not impose a mandatory duty on the Regional Board to conduct a waste and unreasonable use analysis. No case has ever held that a regional board has a mandatory duty to review every water quality permit that authorizes a discharge to determine whether or not the discharge is a waste or unreasonable use of such water.	None Necessary

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LA Waterkeeper 5	Anti-backsliding/ Anti-degradation	The tentative WDR briefly discusses anti-backsliding requirements (p. F-26), but includes language suggesting that compliance with anti-degradation requirements equates to automatic compliance with anti-backsliding provisions. While LAW does not have any concerns with backsliding related to renewal of this WDR, we suggest clarification of the language in the tentative WDR to reflect that anti-backsliding requirements are not duplicative of anti-degradation requirements, and compliance with anti-degradation policies does not necessarily equate to compliance with both anti-degradation policies and anti-backsliding requirements.	Clarifications were made and the text in the Fact Sheet IV.D.1, page F26 was modified as follows: <u>“Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 CFR §122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed.</u> The final effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order No. R4- 2010 <u>2012-02000026</u> . Effluent limits continue to be consistent with the Ocean Plan Water Quality Objectives and will not unreasonably affect present and anticipated beneficial uses of the Santa Monica Bay. This is consistent with the antidegradation policy and therefore meets the backsliding exception under CWA section 402(o)(1)/303(d)(4). ”	Revision Made
LA Waterkeeper 6	Anti-degradation	Santa Monica Bay is listed on the 303(d) list of impaired waterbodies for DDT, debris, PCBs, sediment toxicity, and fish consumption advisories. (P. F-15.) The discussion of anti-degradation policies (p. F-13) references further discussion in Section IV.D.2 of the Fact Sheet, but that section does not appear to exist. However, further analysis of anti-degradation policies is included at pp. F-26 and F-27.	Formatting correction made to add “D. Final Effluent Limitation Considerations”. The Antidegradation Policies section was thus corrected to be Section IV.D.2.	Revision Made

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LA Waterkeeper 7	Anti-degradation	The fact sheet includes an “abbreviated anti-degradation analysis.” (P. F-27.) Presumably, this abbreviated analysis is being undertaken pursuant to the anti-degradation analysis guidance issued by the State Board (see APU 90-004), but the tentative WDR is not clear on this point. LAW requests clarification of whether the abbreviated analysis is undertaken consistent with the State Board guidance document.	<p>Revisions were made to the discussion under antidegradation policies to clarify that the anti-degradation analysis was conducted pursuant to APU 90-004, which is the State’s Antidegradation Policy Implementation for NPDES permitting. (See Section IV.D.2. of the Fact Sheet). The APU requires the Regional Board to consider SWRCB Resolution No. 68-16 and federal antidegradation requirements in 40 CFR 131.12.</p> <p>The APU specifies that if a Regional Board determines there is no reason to believe existing water quality will be reduced, then no antidegradation analysis is needed. However, if the Regional Board finds that water quality will be reduced, then the Regional Board must conduct a “simple” or “complete” analysis of the discharge. The APU provides conditions under which a simple antidegradation analysis is sufficient, including when the reduction of water quality is spatially localized or limited (e.g. confined to the mixing zone) as well as when the discharge will produce minor effects, which will not result in a significant reduction of water quality.</p> <p>In this Order/Permit, no degradation of ocean water for any constituent limited by the Ocean Plan, both threshold and non-threshold pollutants as defined in APU 90-004, is allowed outside the mixing zone. The effluent limits for this Order ensure Ocean Plan water quality objectives will be met outside a mixing zone, or zone of initial dilution, defined in the April 6, 2016 Hyperion Treatment Plant 5-Mile and 1-Mile Outfall Dilution Report, reported in R4-2017-0045. That study defined a volume of water which has “rapid and irreversible turbulent mixing of wastewater with ocean water around the point of discharge.” This zone of initial dilution is defined in the 2015 Ocean Plan (page 56). Therefore, the Regional</p>	Revision Made

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			<p>Board has determined the discharge will not lower water quality outside the mixing zone. The Regional Board did complete a simple antidegradation analysis, consistent with the APU, when it considered the slight increase in dilution for ammonia (i.e. from 84:1 to 96:1). A simple analysis is sufficient because any reduced water quality is spatially limited to the zone of initial dilution and the Order/Permit contains a more stringent ammonia effluent limit than the previous Order/Permit.</p> <p>Text added to Fact Sheet IV.D.2 as shown below:</p> <p>“Consistent with the antidegradation policy, State Water Board Resolution 68-16, <u>and the guidance issued by the State Water Quality Control Board in the Administrative Procedures Update (APU 90-004), an abbreviated a simple</u> antidegradation analysis is appropriate for <u>evaluating the increase in dilution for ammonia</u> because, “<u>the reduction in water quality is spatially localized or limited with respect to the waterbody; e.g., confined to the mixing zone</u>” Any lowered water quality is insignificant, as degradation is confined to a limited area <u>the zone of initial dilution (as authorized by the Ocean Plan)</u>, and effluent limits will ensure beneficial uses are not unreasonably affected.</p> <p>The Order/Permit also contains a more stringent ammonia limit than the previous Order/Permit due to conservative flow scenarios. See section IV.C.5 of the Fact Sheet.</p> <p>The Regional Board also has determined that water quality outside of the zone of initial dilution will not be reduced by the continued discharge of brine waste.”</p>	

Commenter / Comment #	Topic	Comment	Response	Action Taken
LA Waterkeeper 8	Anti-degradation	LAW agrees with the overall conclusion that impacts to water quality and beneficial uses from approval of the tentative WDR will not be significant. (P. F-27.) However, we are concerned the finding that the WDR approval will result in some degradation (see p. F-27 [“degradation is confined to a limited area”]) does not fully support the conclusion that “[t]he minimal degradation permitted by the Ocean Plan is consistent with the anti-degradation policy...” (P. F-26.) Support for this latter conclusion in the tentative WDR appears to be based on the considerations applicable to high quality waters contained in state anti-degradation policies in State Board Resolution 68-16 (e.g., allowing some degradation results in maximum benefit to the people of California, etc.).	<p>The tentative Order will not result in any new degradation because the effluent limits are as stringent as in the previous Order. See response to LA Waterkeeper 7, above.</p> <p>Clarifying text added to the Fact Sheet IV.D.2:</p> <p><u>“The specific, limited, area of initial dilution which was defined for the Hyperion-EC Little combined effluent discharge plume using USEPA-approved CORMIX model following analytical procedures and modeling described in Initial Mixing Characteristics of Municipal Ocean Discharges Volume 1 Procedures and Applications, EPA-600/3-85-073a, November 1985, and related subsequent guidance documents collected at National Service Center for Environmental Publications under Mixing Zones. This mixing zone is defined in the 2015 California Ocean Plan as the volume within ‘which rapid and irreversible turbulent mixing of wastewater is completed around the point of discharge’. The Order complies with antidegradation concerns by ensuring that the measurable concentrations, outside the zone of initial dilution, will not cause an adverse effect on the aquatic community or beneficial uses. The acceptable concentrations of those constituents are defined in the 2015 Ocean Plan narrative and Tables 1 and 2. The effluent limitations in the EC Little Order are set to ensure discharge concentrations do not cause or contribute to an exceedance of those concentrations, and in fact, the effluent did not exceed those concentrations limitations in 2012-2017. While the higher dilution of 96:1 is applied only to the ammonia effluent limitation, the mass load is not increased because the concentration limit is lowered in this Order.”</u></p>	Revision Made

Commenter / Comment #	Topic	Comment	Response	Action Taken
LA Waterkeeper 9	Anti-degradation	<p>As an initial matter, LAW recommends the tentative WDR be revised to include record citations in support of the conclusions regarding consistency with the requirements of Resolution 68-16, as the tentative WDR simply summarizes the required findings and concludes the tentative WDR meets those requirements.</p> <p>Additionally, LAW is concerned that analysis of the tentative WDR for consistency with the federal anti-degradation policy appears to be entirely lacking. The California anti-degradation policy incorporates the federal anti-degradation policy. (P. F-13) The federal policy does not permit <i>any</i> additional degradation of impaired waterbodies. (See 40 C.F.R. §131.12.) Thus, LAW requests the tentative WDR be revised to include additional analysis on a pollutant-by-pollutant basis of the consistency of the tentative WDR with the requirements of the federal policy for those pollutants for which Santa Monica Bay is impaired (i.e., DDT, debris, PCBs, sediment toxicity, and fish consumption advisories). Any findings that the minimal additional degradation allowed by the WDR and Ocean Plan is fully consistent with all applicable anti-degradation policies requires this additional analysis specific to listed impairments.</p>	<p>The Order/Permit has been revised to add further analysis for those pollutants for which Santa Monica Bay is impaired.</p> <p>Text was added to Fact Sheet IV.D.2: <u>“Federal regulations clarify that different antidegradation requirements apply in different receiving water situations, defined as Tiers 1-3 in EPA’s Water Quality Standards Handbook, Section 131.12(a)(1), or “Tier 1”, protects existing uses, applying the minimum level of protection to all water uses, including the CWA Section 101(a)(2) goals that all waters should be “fishable/swimmable” and other existing uses. An existing use is one that has occurred in the water since November 28, 1975, or the water quality is suitable to allow the use to be attained. Since Santa Monica Bay is impaired for DDTs, PCBs, trash, arsenic, and mercury, Tier 1 protection applies and existing uses must be maintained.</u></p> <p><u>The impairments due to DDT, PCBs, and debris are being addressed through implementation of TMDLs. Specifically, the impairments due to DDT and PCBs are being addressed by the Santa Monica Bay TMDL for DDTs and PCBs, which includes WLAs applicable to the discharge from the LWRF. These WLAs have been incorporated into the Order/Permit as water quality-based effluent limitations to ensure implementation of the TMDL and achievement of water quality objectives. Refer to the Fact Sheet sections III.C.6, III.E.5 and IV.C.5. The TMDL notes that targets are set “for water quality and sediment contaminant concentrations to meet fish tissue concentration targets that would allow safe human fish consumption” (see page iv of the TMDL). This is also noted in the December 2015 State of the Bay report by the Santa Monica Bay Restoration Commission, which states, “the</u></p>	Revision Made

Commenter / Comment #	Topic	Comment	Response	Action Taken
			<p><u>EPA’s TMDL for Santa Monica Bay is focused on PCB and DDT contamination of fish, and establishes concentration targets for both tissue and sediment that are intended to minimize the health risk of consuming seafood. Ongoing inputs of these legacy contaminants are very small; most fish contamination is due to existing sediment contamination, a result of legacy discharges of contamination from wastewater outfalls and other sources. Reduction in fish contamination is therefore dependent on natural processes of contaminant degradation and burial by sedimentation, which are predicted to take more than 30 years to achieve TMDL targets.” The TMDL also notes that, “USEPA has determined that a TMDL is not required for the Santa Monica Bay sediment toxicity listing. This determination is based on lack of toxicity in regional surveys (1994, 1998, 2003, 2008). (refer to page 3 of the TMDL”.</u></p> <p><u>The impairment due to trash is being addressed by the Santa Monica Bay Nearshore and Offshore Debris TMDL. For point sources, the debris TMDL is implemented through the LA County MS4 and Ventura County MS4 permits (i.e. no Waste Load allocation is included for Hyperion or LWRF). In addition, the permit includes a prohibition to discharge any wastes other than brine waste or storm water (see section III.G.), and a BMP plan is required as part of the SWPPP to reduce discharges of trash from storm water to receiving waters (see section VI.C.3.a.ii).</u></p> <p><u>For arsenic and mercury, the Regional Board finds that the discharge will not lower water quality with respect to these pollutants. Specifically, the highest arsenic concentration measured in the discharge was 19.7 ug/l and combined with the dilution of 1:3880 (96:1 dilution plus 40:1</u></p>	

Commenter / Comment #	Topic	Comment	Response	Action Taken
			<p><u>dilution), the resultant concentration is 0.0051 ug/l, which is less than 0.1% of the California Ocean Plan Water Quality Objective (WQO) of 8 ug/l. The highest mercury concentration measured in the discharge was 0.85 ug/l and combined with the dilution of 1:3880, the resultant concentration is 0.00022 ug/l, which is less than 1% of the 2015 Ocean Plan WQO of 0.04 ug/l. Also, the Order/Permit does not authorize an increase in the amount of brine discharged and therefore, the pollutant load is not expected to increase. If a TMDL is developed for arsenic and mercury, as prescribed in the 303(d) list, the Order/Permit may be reopened to include any WLA applicable to LWRF. If new information demonstrates that the discharge has reasonable potential to cause or contribute to an exceedance of WQO, the Order/Permit may be reopened to include WQBELs”.</u></p>	

Los Angeles Regional Water Quality Control Board

April 30, 2018

Patrick Shields, General Manager
West Basin Municipal Water District
17140 South Avalon Boulevard
Carson, CA 90746

Certified Mail
Return Receipt Requested
Claim No. 7017 0190 0000 4169 4320

RESPONSE TO THE WEST BASIN MUNICIPAL WATER DISTRICT'S CONCERN FOR THE REQUIREMENT TO OBTAIN COVERAGE UNDER THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES (ORDER NO. 2014-057 DWQ; NPDES NO. CAS000001)

Dear Mr. Shields:

The Regional Board has reviewed the West Basin Municipal Water District's (West Basin) letter sent to our office dated December 12, 2017 from Shivaji Deshmukh, Acting Co-General Manager, stating a concern regarding the issuance of the Notice of Non-compliance issued to the West Basin's E.C. Little Water Recycling (LWRF) facility on December 1, 2017 for failure to obtain coverage under the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit).

The letter states that the LWRF facility had been incorrectly categorized as a wastewater treatment system and that the facility is a public potable water agency. The letter also states that the LWRF facility performs advanced water and tertiary treatment of permitted secondary treated water purchased from the City of Los Angeles discharged into the ocean, and that it is West Basin's understanding that enrollment under the General Permit is not required.

According to our records, the LWRF facility filed a Notice of Termination on May 15, 2015 based on the assertion that the facility had mistakenly enrolled under the General Permit because it identified its operations as falling under Standard Industrial Classification (SIC) Code 4941 which applies to facilities primarily engaged in distributing water for sale for domestic, commercial, and industrial use. The Regional Board incorrectly approved the Notice of Termination on July 17, 2015.

The General Permit applies to industrial facilities with certain SIC codes and to certain categories of industrial facilities regardless of SIC code. Category ix listed in Attachment A of the General Permit and in section 122.26(b)(14)(ix) of Title 40 Code of Federal Regulations (40 CFR) both list treatment works, regardless of SIC code, as a category of industry requiring permit coverage for storm water discharges associated with industrial

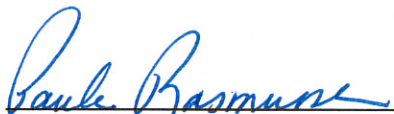
activities. In pertinent part, Attachment A and 40 CFR section 122.26(b)(14)(ix) state: “treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling and reclamation of municipal or domestic sewage including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1 million gallons per day (mgd) or more or required to have an approved pretreatment program under 40 CFR part 403” (emphasis added). Treatment works treating domestic sewage is defined in 40 CFR section 122.2 and means “a POTW or any other sewage sludge or wastewater treatment devices or systems, regardless of ownership (including federal facilities), used in the (1) storage, (2) treatment, (3) recycling, and (4) reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge” (emphasis added). Domestic sewage is defined in 40 CFR section 122.2 and includes waste and other wastewater from humans or household operations that are discharged to or otherwise enter a treatment works.

Based on these definitions and that the LWRF facility includes wastewater treatment devices or systems that are used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, and has a design capacity of at least 1 mgd, permit coverage for the LWRF facility’s storm water discharges associated with industrial activities is required. Compliance with this requirement may be obtained by applying for coverage under the General Permit or obtaining an individual NPDES permit that includes provisions that address the LWRF facility’s storm water discharges associated with industrial activities.

Since the LWRF facility is in the process of obtaining an individual NPDES permit, that is scheduled for consideration by the Regional Board in June 2018, and it includes the facility’s storm water discharges associated with industrial activities that will satisfy the storm water permitting requirements listed in 40 CFR section 122.26, coverage under the General Permit will not be necessary. If the Regional Board adopts the individual NPDES permit, the Regional Board will no longer consider the NNC issued on December 1, 2017 as part of a potential future enforcement action.

If you have any additional questions or concerns, please contact Hugh Marley at (213) 620-6375 or via email at Hugh.Marley@waterboards.ca.gov or Pavlova Vitale at (213) 576-6751 or via email at Pavlova.Vitale@waterboards.ca.gov.

Sincerely,


Paula Rasmussen
Assistant Executive Officer

Attachments:

- Notice of Non-compliance dated December 1, 2017 from the Regional Board to Mr. Shivaji Deshmukh of West Basin regarding coverage under the General Permit.
- Letter dated December 12, 2017 from Mr. Shivaji Deshmukh of West Basin to the Regional Board regarding the Notice of Non-compliance.
- Letter dated April 16, 2018 from Mr. Patrick Shields of West Basin to the Regional Board regarding comments on the Tentative WDR for the West Basin facility.

cc: (via email)

1. Ms. Kailyn Ellison, Office of Enforcement, State Water Resources Control Board
(Kailyn.Ellison@waterboards.ca.gov)
2. Ron Fajardo, Operations Coordinator, City of El Segundo
(rfajardo@elsegundo.org)
3. Elizabeth Sala, Storm water Coordinator, West Basin MWD
(elizabeths@westbasin.org)
4. Laurel Wardripp, State Water Resources Control Board
(Laurel.Wardripp@waterboards.ca.gov)
5. David Coupe, Office of Chief Counsel, State Water Resources Control Board
(David.Coupe@waterboards.ca.gov)



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

December 1, 2017

Shivaji Deshmukh
West Basin Municipal Water District
17140 South Avalon Boulevard
Suite 210
Carson, CA 90746

Certified Mail
Return Receipt Requested
Claim No. 7017 1450 0002 1558 6976

NOTICE OF NON-COMPLIANCE: FAILURE TO OBTAIN COVERAGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES (ORDER NO. 2014-057 DWQ; NPDES NO. CAS000001) – WEST BASIN MUNICIPAL WATER DISTRICT, 1935 HUGHES WAY, EL SEGUNDO (NON FILER NO. 4 19IN604101)

Shivaji Deshmukh:

The West Basin Municipal Water District facility, located at 1935 Hughes Way, in the City of El Segundo (facility), is a wastewater treatment facility categorized under sewage or wastewater treatment works. Facilities conducting these activities are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Industrial Activities (Order NO. 2014-0057-DWQ; NPDES NO. CAS000001) (General Permit)¹.

Immediate Action Required

Currently, the West Basin Municipal Water District facility is not enrolled in the General Permit. You are required to take one of the following actions. Please read this section carefully.

1. Obtain coverage under the General Permit. The General Permit offers two types of permit coverage; Notice of Intent (NOI) coverage, or No Exposure Certification (NEC) coverage.

If equipment or industrial activities, including but not limited to vehicle maintenance, are exposed to storm water, you must obtain NOI coverage by submitting an NOI and Permit Registration Documents (PRDs) electronically via the Storm Water Multiple Application and Report Tracking System (SMARTS)². You must develop and upload to SMARTS the facility's Storm Water Pollution Prevention Plan (SWPPP) and Site Map. You must also print your Electronic Authorization Form, sign it, and mail it to the State Water Resources Control Board along with an application fee of \$1,676.

¹ The General Permit can be downloaded from the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2014/wqo2014_0057_dwq_rev_mar2015.pdf

² A discharger's guide to using SMARTS is available at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/dischargers_guide_smarts.pdf

If equipment and industrial activities are not exposed to storm water, you may obtain NEC coverage by submitting electronically via SMARTS an NEC form, a signed certification statement, a completed NEC checklist, a Site Map consistent with the requirements in Section X.E. of the General Permit, and mailing an application fee of \$200.00 to the State Water Resources Control Board.

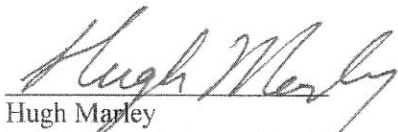
2. File a Notice of Non-Applicability

If storm water discharges associated with industrial activities do not occur from the facility, you are required to file a Notice of Non-Applicability and submitting a No-Discharge Technical Report to the Regional Board as described in Section XX.C of the General Permit.

Failure to obtain coverage under the General Permit or submit a Notice of Non-Applicability by February 2, 2018, 60 days from the date of this Notice, will subject the West Basin Municipal Water District, to penalties (\$1,000 for not submitting the Notice of Non-Applicability or no less than \$5,000 per year for failing to file an NOI or NEC) pursuant to California Water Code (CWC) section 13399.33. Compliance with this requirement to enroll in the General Permit does not preclude enforcement for other violations of the CWC or other regulations set forth upon the West Basin Municipal Water District.

If you have questions, contact Mr. Enrique Loera at (213) 620-2111 or via email at Enrique.Loera@waterboards.ca.gov or Ms. Pavlova Vitale at (213) 576-6751 or via email at Pavlova.Vitale@waterboards.ca.gov.

Sincerely,



Hugh Marley
Chief, Compliance and Enforcement Section

cc: (via email)

Ms. Kailyn Ellison, Office of Enforcement, State Water Resources Control Board
Mr. Ron Fajardo, Operations Coordinator, City of El Segundo (rfajardo@elsegundo.org)
Ms. Elizabeth Sala, Stormwater Coordinator, West Basin MWD (elizabeths@westbasin.org)



December 12, 2017

Mr. Hugh Marley, Chief
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Notice of Termination for West Basin Municipal Water District

Dear Mr. Marley:

Staff is in receipt of your letter dated December 1, 2017 stating West Basin Municipal Water District's (West Basin) noncompliance for failure to obtain coverage under the NPDES General Permit for Storm Water Discharges (Permit) associated with industrial activities. During early 2015, West Basin worked with state and local Regional Board staff for guidance and approval related to compliance with this Permit. Following a site specific inspection by Regional Board staff in June 2015, a Notice of Termination (NOT) under this Permit was issued. West Basin, therefore, considers itself compliant with the Permit.

In the past, West Basin had been incorrectly categorized as a wastewater treatment system. West Basin is, in fact, a public potable water agency founded by voters in 1947. West Basin also performs advanced water and tertiary treatment of permitted secondary treated water purchased from the City of Los Angeles discharged into the ocean. This treated water undergoes purification and disinfection at the Edward C. Little Water Recycling Facility in El Segundo for injection into the local aquifers per WRR #R4-2006-0069 and for irrigation purposes via WRR #R4-2002-073. West Basin does not receive, store or treat any municipal or domestic sewage or sludge regulated under CFR Part 403 as noted in Attachment A of the General Permit. West Basin is not a Publicly Owned Treatment Works or private sewage treatment facility.

Please find enclosed the NOT approval from May 15, 2015. Of note, according to the State of California's SMARTS database, West Basin's SIC code is labeled as 'other' or SIC #9999 whereas it should be SIC #4941, consistent other water treatment facilities.

It is West Basin's understanding that we are not required to enroll under this general permit as we are not a wastewater facility and are categorized under SIC#4941. West Basin would appreciate your staff's assistance with correction of this issue within the SMARTS database. Please feel free to contact Uzi Daniel, Environmental Compliance Supervisor, at uzid@westbasin.org or (310) 660-6245 for any further information. We appreciate your consideration.

17140 S. Avalon Blvd.
Suite 210
Carson, CA 90746
310.217.2411
www.westbasin.org

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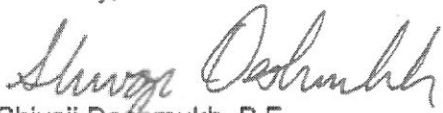
*Sound Financial and
Resource Management*

Customer Service

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Stewardship*

Subject: Notice of Termination for West Basin Municipal Water District
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Shivaji Deshmukh". The signature is fluid and cursive, written over the printed name below.

Shivaji Deshmukh, P.E.
Acting Co-General Manager

Enclosure: Notice of Termination for West Basin General Stormwater Permit 2015

Cc: Enrique Loera, RWQCB
Eric Owens, West Basin MWD



April 16, 2018

Ms. Deborah J. Smith
Executive Officer
California Regional Water Quality Board – Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles CA. 90013

17140 S. Avalon Blvd.
Carson, CA 90746
310.217.2411
www.westbasin.org

**Tentative WDR Edward C. Little Water Recycling Facility Reverse Osmosis
Brine Permit NPDES #CA0063401
West Basin Municipal Water District Comments**

Dear Ms. Smith:

West Basin Municipal Water District (West Basin) appreciates the opportunity to submit comments regarding concerns with the tentative Waste Discharge Requirement (WDR) for the West Basin Edward C. Little Water Recycling (ECLWRF) Facility in El Segundo, CA, (NPDES #CA0063401). West Basin is a wholesaler of imported potable water and has invested heavily in water recycling since the 1990's through partnership with the City of Los Angeles. West Basin accepts secondary-treated effluent water from the City of Los Angeles' Hyperion Treatment Plant (HTP) and produces five unique qualities of advanced treated water for beneficial reuse within our service area. West Basin was an early adopter of water recycling because it offers water reliability and sustainability to the region through diversification of our water supply portfolio.

The following comments are for your consideration regarding the tentative brine permit:

1. POTW Permit Format

We are in agreement with the conclusion that West Basin is not a Publicly Owned Treatment Works (POTW), and appreciate the distinction made in this permit. There are however, a few locations within the permit which still make reference to POTW requirements, or apply standards to West Basin that are typically assigned to POTWs. In some instances, there are conflicting requirements within the document that require clarification. This tentative West Basin permit currently includes language that is very similar to the HTP permit (R4-2017-0045) and includes some duplicative requirements that West Basin believes should not apply given that West Basin is not a POTW. This is particularly the case in relation to the multiple studies newly required within this tentative permit. To be consistent throughout the document and to avoid confusion, we respectfully request the following changes for consideration:

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- A. Hyperion Ammonia and Acute Toxicity Special Study – This is a new requirement within the West Basin permit. This study is to be performed in conjunction with the HTP work plan that has been submitted to the Board. West Basin may need to request a time extension depending on the scope of HTP's work plan once accepted by RWQCB. West Basin has not had an opportunity to review our partner agency's work plan in order to prepare for West Basin's portion of the study, however will work closely with them to complete required elements.
- B. ECLWRF Combined Effluent Chronic Toxicity Special Study – West Basin conducted 14-Month Chronic Toxicity studies in 2008 and 2015 as required in the previous permits, including most-sensitive species testing. In both cases it was deemed that the West Basin brine had "no effect" on toxicity.
- i. West Basin would like to request a three-month extension for the chronic toxicity work plan due date from October to December 15, 2018. This extra time is necessary to allow West Basin sufficient time to follow its public agency procurement policies for professional and laboratory services. This study will require a contract from expert labs and outside consultants. Per West Basin's administrative code, a competitive proposal process and Board approval are required for the procurement of such services. Consequently, West Basin requests the 14-month toxicity study due date also be extended to December 14, 2020 to allow for contract procurement.
 - ii. Please change the language throughout the permit regarding Toxicity Reduction Evaluation's (TRE) to align with Attachment F, VI.B.2.d. Attachment F states that TRE's are required only *after* the effluent "fails the TST [Test of Significant Toxicity] statistical test for toxicity as specified in the Order, the Permittee shall conduct a TRE as directed by the Regional Water Board Executive Officer and USEPA." However, numerous locations in the permit state a TRE is to be performed before any results are known. West Basin contributes 1-3% of the total discharge from Hyperion and therefore, a TRE should only be required upon test failure under Regional Board staff direction.
 - iii. Attachment E, V.B.5.a – Similar to comment ii above, please change the wording as in previous permits to: "*When* directed by the Regional Water Board Executive Officer and USEPA Water Division Director, prepare and submit a work plan for review", instead of the currently listed October 2018 deadline (before any toxicity study is even in place).

Current wording:

By October 15, 2018, the Permittee, in coordination with the City of Los Angeles, Hyperion Treatment Plant, shall prepare and submit for the Regional Water Board Executive Officer and USEPA Water Division Director review a copy of its Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan. If this workplan is not disapproved by the permitting authorities within 60 days of submission, it shall become effective. This plan shall include steps the Permittee, in coordination with the City of Los Angeles, Hyperion Treatment Plant, intends to follow if chronic toxicity is measure below the combined discharge IWC or 1.04% effluent (NOEC or EC25), or the TST null hypothesis for chronic toxicity at the combined discharge IWC of 1.04% effluent is not statistically rejected. At minimum, this plan shall address the provisions in Attachment G – Toxicity Reduction Evaluation (TRE) Work Plan Outline and include: a description of the investigation and evaluation techniques that would

be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency.

Proposed wording:

When directed by the Regional Water Board Executive Officer and USEPA Water Division Director, the Permittee, in coordination with the City of Los Angeles, Hyperion Treatment Plant, shall prepare and submit a copy of its Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan. If this workplan is not disapproved by the permitting authorities within 60 days of submission, it shall become effective. This plan shall include steps the Permittee, in coordination with the City of Los Angeles, Hyperion Treatment Plant, intends to follow if chronic toxicity is measured below the combined discharge IWC or 1.04% effluent (NOEC or EC25), or the TST null hypothesis for chronic toxicity at the combined discharge IWC of 1.04% effluent is not statistically rejected. At minimum, this plan shall include: a description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency. In addition, it shall address only those provisions in Attachment G which are relevant to operations at ECLWRF.

Also as part of the above requested rewrite, if directed to create a TRE, West Basin would expect to only address those items in Attachment G that are pertinent to its operations. Most of the requirements listed in Attachment G are for a POTW, and would be completed by Hyperion.

- iv. Attachment E, V.B.6 - Please change the first word in this section from "As" to "When" for consistency. TIE studies are typically only performed after a TRE study has been directed by the Regional Water Board Executive Officer and USEPA Water Division Director.

Current wording:

As directed by the Regional Water Board Executive Officer and USEPA Water Division Director, the Permittee shall, in coordination with the City of Los Angeles, Hyperion Treatment Plant, conduct a TRE/TIE using the sample species and test method(s) and, as guidance based on the type of treatment facility, EPA manual *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA 833-99-002, August 1999) or USEPA manual *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070, April 1989).

Proposed wording:

When directed by the Regional Water Board Executive Officer and USEPA Water Division Director, the Permittee shall, in coordination with the City of Los Angeles, Hyperion Treatment Plant, conduct a TRE/TIE using the sample species and test method(s) and, as guidance based on the type of treatment facility, EPA manual *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA 833-99-002, August 1999) or USEPA manual *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070, April 1989).

- C. Fire Retardant Study – This is a new requirement within the West Basin permit, also being conducted by HTP which is a POTW. West Basin requests to be allowed to perform this study independently. West Basin would sample the influent water and the brine stream on the same day, to perform the required analysis. West Basin believes this process would provide the Regional Board and the USEPA with the results they are seeking.

In addition, West Basin requests guidance on which specific polybrominated diphenyl ethers (PBDE) should be included in this study. West Basin acknowledges that not all PBDEs have standard test methods, and would appreciate the Regional Board's guidance on which test methods are considered acceptable for the purposes of complying with the permit. In the absence of approved standard test methods, West Basin will select the best proposed test methods available from commercial ELAP certified laboratories.

- D. Treatment Plant Capacity Study – This requirement is typically required for POTWs. The West Basin tentative permit notes this criterion as "Not Applicable" in Section VI.C.2.c. of the order, however, it is still noted in Attachment F. Please delete all references to this study throughout the permit in order to ensure clarity and avoid confusion.

- E. Spill Clean-up Contingency Plan (SCCP) – The SCCP, as described Section V.3.b of the order, notes that this plan is used for untreated wastewater in POTW's; West Basin receives permitted secondary-treated water from HTP. West Basin requests this be removed from the Permit. Spills that might occur on the premises of ECLWRF are addressed in various other Best Management Practices (BMP) documents that are outlined in the Storm Water Pollution Prevention Plan (SWPPP) for ECLWRF required by this permit. Furthermore, West Basin has a Spill Contingency and Containment Plan (SPCC) per state local fire authorities. West Basin has also installed over 30,000 gallons of underground spill containment reservoirs at the ECLWRF. Additional locations in the permit which reference this plan for removal are on pages F-30 and F-31.

- F. Technical Report on Preventative & Contingency Plans – This report is listed only in Attachment E and appears to be a POTW plan. West Basin is not a POTW, therefore is not given automatic bypass contingencies and in an emergency scenario can shut down its water recycling operations. Reference to this plan in this attachment is respectfully requested to be removed.

2. **Bacteriological Study**

West Basin agrees with the statement in Section V.A of the Order that states "The receiving water monitoring is conducted by the City of Los Angeles to ensure the combined HTP effluent and ECLWRF brine discharge is in compliance with receiving water limitations and to characterize the water quality of the receiving water." In order to be consistent with the above statement and clarify that West Basin does not have any Bacteriological limits for the receiving water, West Basin respectfully requests the following be deleted to avoid confusion:

- A. Page 4, IV.A.1.d
- B. Page 8 – Footnote #7
- C. Page 15 - VI.C.p – Delete paragraph
- D. P 26 VII.P – Delete Section P
- E. Page E-3 - Delete Section I.E

3. Table 3 and Table 4 - Effective Date

West Basin respectfully requests a one month extension of the effective date from September 1, 2018 to October 1, 2018. This extension is necessary in order to properly prepare for the following activities under the new permit:

- A. Newly added special studies which require hiring outside specialists through public procurement procedures;
- B. Preparation of newly added stormwater management requirements;
- C. Changes to the water quality parameters and sampling schedule coordination with subcontracted labs;
- D. Adjustment to Budget due to significant increase in cost for studies and increased sampling;
- E. Alignment of the schedule of these activities with the quarterly reporting period.

4. Attachment E - Monitoring Clarification

Table E3 footnote 5 states effluent sampling is to be on a different day of the week every month. West Basin's laboratory is only staffed Monday – Friday. Due to some very short holding times (pH, SS, nitrate, chlorine residual, temperature) samples could not be collected Saturday or Sunday and still be analyzed within holding times. West Basin requests this footnote instead say to rotate samples Monday – Friday only.

5. Attachment E - Chemical Lists

Section X.D.4 notes that West Basin must include in the first monitoring report a list of all chemicals and proprietary additives including quantities. It further states "any subsequent changes in types and/or quantities shall be reported promptly." The facility utilizes a fairly consistent list of chemicals. However, quantities may change depending on plant production and influent water quality. West Basin requests the following change to the language: "4. The Permittee shall submit to the Regional Water Board and USEPA, together with each annual monitoring report required by this permit, a list of all chemicals and proprietary additives which could affect this waste discharge. Any significant changes in types and/or quantities thereafter, shall be reported promptly."

6. Composite Sampling California Integrated Water Quality System

Please provide what data type should be used for reporting composite samples under CIWQS. As of now the CIWQS cannot accept composite data. After checking with State CIWQS staff, they re-directed West Basin to ask the local Regional Board for guidance.

7. Table 2 Stormwater Sampling Point

The tentative permit currently lists one sampling point for stormwater which points to one pipe leading off the ECLWRF facility into the City of El Segundo's retention basin. However, there is currently no way to access the connection in the middle of the street without an infrastructure project with the City of El Segundo to tap into their City owned storm drain system. Staff recommends two different sampling points leading to the main discharge pipe located on the ECWRF which would provide representative samples during a rain event. They are provided on the attached drawing as SW-002 and SW-003, and we request that the attached figure replace Attachment B-3 within the tentative permit.

8. Administrative Notes

Below are some minor changes West Basin would like to draw the RWQCB attention:

- In the **header** of the document the name of the facility should be corrected. The legal name of the location is Edward C. Little Water Recycling **Facility**;
- The **address** of the facility is 1935 **South** Hughes Way;
- Table F-11 Footnote #8 should have the word “**flow**” weighted removed to be consistent with rest of the tentative permit;
- Attachment I, “I” we believe should read “... following the **effective date** of this Order” instead of adoption date to allow proper time for West Basin to comply;
- **Temperature** – as an Effluent Limitation, West Basin would like to report temperature in degrees Celsius instead of degrees Fahrenheit (IV. A. 1. B);
- **Instantaneous Peak Daily Flow** – could the Regional Board please provide a definition of this term (E-4, footnote 3).
- On page F-5 in Section II.A.1 – Replace existing paragraph with the following:

The Facility currently has a total wastewater treatment design capacity of 62.5 MGD and produces recycled water using three treatment processes.; a Title 22 disinfected tertiary system, an advanced treatment train producing an industrial boiler feed with ozone, microfiltration, and reverse osmosis, and an advanced treatment train including ozone, microfiltration, reverse osmosis, and advanced oxidation for injection into the West Coast Groundwater Basin as a seawater intrusion barrier. The schematics for the advanced treatment train are provided in Attachments C-3, C-4, and C-5. The brine waste stream is a byproduct of the reverse osmosis treatment, as shown in Attachment C-4.”

- On page F-6 in Section II.A.2 - Replace existing paragraph with the following:

The advanced treatment facilities currently produce up to 17.5 MGD of indirect potable reuse water from secondary effluent for the West Basin Barrier Project, and another 4.6 MGD of reverse osmosis permeate for refinery boiler feed makeup. As shown in Attachment C-5, the advanced oxidation process is only needed for groundwater injection and includes ultraviolet light with hydrogen peroxide, decarbonation, and chemical stabilization.

- Please clarify the **units** used in the table on in Attachment H - II.A. Should the units be Dry Metric Tons or Net Metric Tons?

9. Response to NOV

RWQCB staff acknowledged that we received a notice of non-compliance for failure to obtain coverage under the general permit for stormwater discharges in error and has agreed to remove this violation from the SMARTS web site (violation # S865018). While West Basin may not agree, it accepts the stormwater monitoring requirements included in the draft tentative permit. West Basin respectfully requests the state or regional board issue a written letter (separate from this tentative permit application) responding to the letter sent from West Basin MWD to Mr. Hugh Marley on December 12, 2017 regarding this matter.

West Basin is dedicated to protecting its communities and the environment and therefore, is grateful for the continued professional working relationship with RWQCB staff. West Basin is committed to the Governor's proclamation and legislative requirements to address changing climates and prolonged drought conditions by producing alternative sources of water. The State Board, like West Basin, is committed to securing water supplies for our communities by advancing the use of recycled water. West Basin recognizes this can only be done with cooperation by all stakeholders and regulators working together. We truly appreciate the opportunity to comment on ways to refine the language in the tentative permit, as we continue to make recycled water a viable source. Thank you for your consideration.

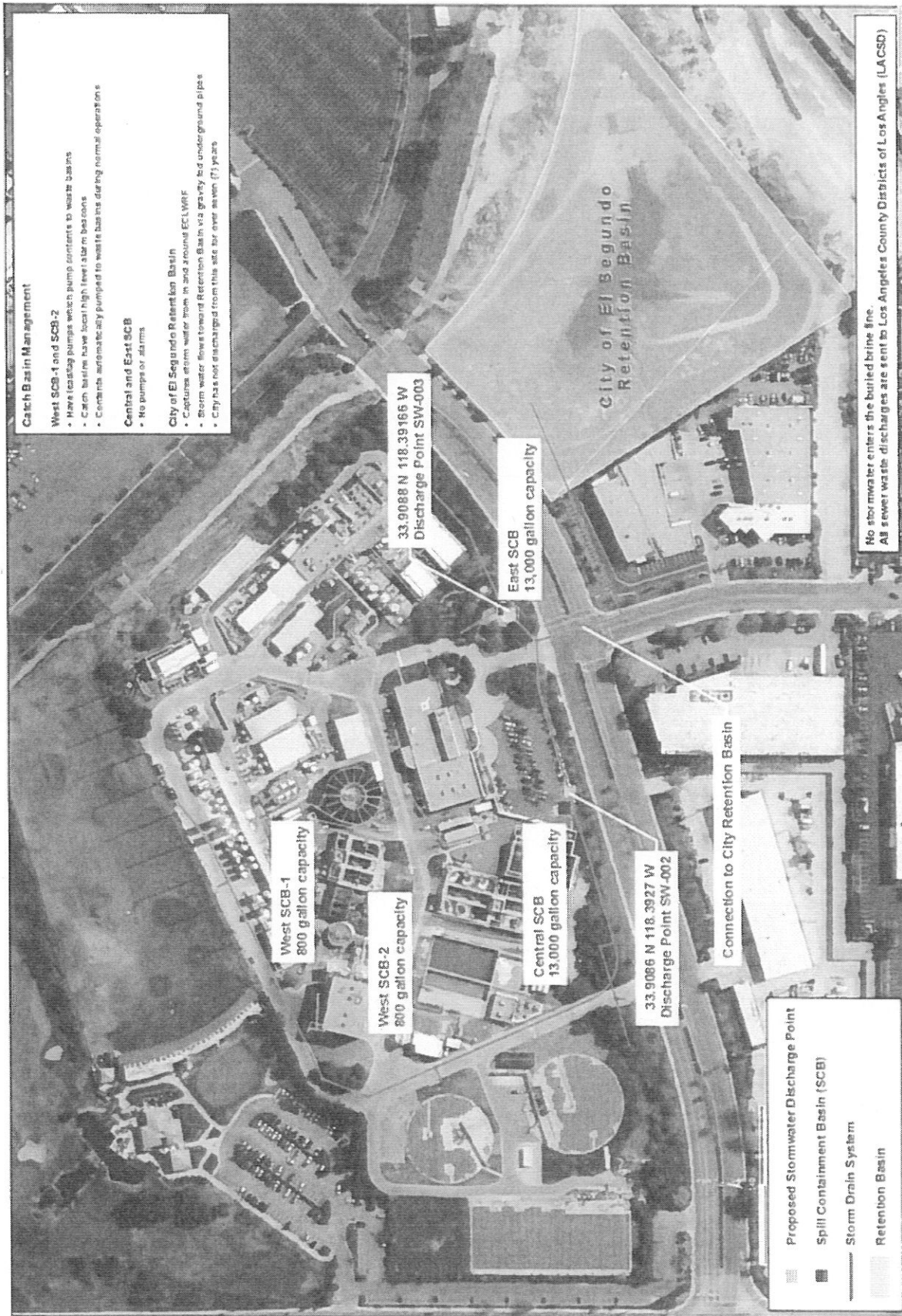
Sincerely,

A handwritten signature in cursive script, appearing to read "Patrick Sheilds".

Patrick Sheilds
General Manager

Attachment: Stormwater Map Revised

Attachment B-3 Stormwater Collection and Discharge Map



Catch Basin Management

- West SCB-1 and SCB-2**
- Have leakage pumps which pump stormwater to waste basins
 - Catch basins have float high level alarm beacons
 - Contents automatically pumped to waste basins during normal operations

Central and East SCB

- No pumps or alarms

City of El Segundo Retention Basin

- Captures storm water from in and around ECLWRF
- Storm water flows toward Retention Basin via gravity and underground pipes
- City has not discharged from this site for over seven (7) years

No stormwater enters the buried brine line. All sewer waste discharges are sent to Los Angeles County Districts of Los Angeles (LACSD)

- Proposed Stormwater Discharge Point
- Spill Containment Basin (SCB)
- Storm Drain System
- Retention Basin