

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

MEETING OF JANUARY 14 AND 15, 2009
TRUCKEE

ITEM: 10

SUBJECT: AMENDED WATER QUALITY CERTIFICATION, WASTE DISCHARGE REQUIREMENTS, AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER, LOWER OWENS RIVER PROJECT, INYO COUNTY

CHRONOLOGY:	<u>DATE</u>	<u>ACTION</u>
	July 14, 2005	Order R6V-2005-0020 issued
	November 9, 2005	Order R6V-2005-0020-A1 issued

DISCUSSION: Order No. R6V-2005-0020 was issued for activities and improvements to manage water flows for habitat restoration in 62 miles of the Lower Owens River. The Order required the City of Los Angeles Department of Water and Power (Discharger) to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) for construction activities associated with the Lower Owens River Project (LORP). Order No. R6V-2005-0020-A1 amended the original Order to incorporate the Discharger's SWPPP into the Order and required implementation of the SWPPP.

The Discharger implemented the SWPPP during construction of the project elements, completed construction of all elements of the project and, on December 31, 2007, requested the permit be amended to reflect that construction has been finished. The portion of the SWPPP that has not been fully completed is the *"Revegetation and Monitoring Plan for Lands Disturbed During LORP Construction Activities."* This post-construction management plan shall remain in effect as part of this amendment. The remainder of the SWPPP is terminated with this Order. This Order also changes monitoring requirements with regard to whole effluent toxicity testing and the priority pollutants arsenic and copper. These changes are due to the results from initial testing, which showed toxicity to one of the test organisms and elevated levels of arsenic and copper.

Notice of the upcoming public hearing and the opportunity to provide comment was published in the Inyo Register on October 16, 2008. Staff notified interested parties and agencies, including

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the Discharger, that the proposed amendment would be considered at the Water Board's January 2009 meeting.

We received written comments from the Discharger (Enclosure 2), who requested reduced monitoring frequency from monthly to quarterly citing stabilized concentrations as justification for the request. This Order reduces the monitoring frequency from monthly to quarterly for most of the year, but keeps the increased monitoring during the spring seasonal habitat flow releases.

**RECOMMEND-
ATION:**

Adoption of the Order as proposed.

- Enclosures: 1. Proposed Order
2. Comments Received

TT/clhT:/Agenda Items/2009/01-January/LORP/Prop LORP/LORP Green Sheet 12-17-08 TT.doc

ENCLOSURE 1

10-0003

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-
LAHONTAN REGION**

**ORDER NO. R6T-2005-0020-A2 (PROPOSED)
(NPDES CA0103225)
(WDID No. 6B140407009)**

**AMENDED WATER QUALITY CERTIFICATION, WASTE DISCHARGE
REQUIREMENTS, AND NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM PERMIT (NPDES)
FOR
CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER
LOWER OWENS RIVER PROJECT
INYO COUNTY**

The California Regional Water Quality Control Board, Lahontan Region (Water Board or Regional Board), finds:

1. Discharger and Facility

The following Discharger is authorized to discharge in accordance with the conditions set forth in Order R6V-2005-0020-A1 and so revised in this Order:

Discharger	Los Angeles Department of Water and Power (LADWP)
Name of Facility	Lower Owens River Project (LORP)
Facility Address	300 Mandich Street
	Bishop, CA 93514
	Inyo County
Facility Contact, Title, and Phone	Brian Tillemans, Water Resources Manager, (760) 873-0214
Mailing Address	Same as Facility address
Type of Facility	Habitat Restoration Project and Water Supply Station
Facility Design Flow	Continuous 40 cfs and annual 200 cfs habitat flow from River Intake; up to 50 cfs flow from pump station to aqueduct

2. Order History and Reason for Action

On July 14, 2005, the Water Board adopted Board Order No. R6V-2005-0020 for discharges associated with the Lower Owens River Project (LORP). Board Order No. R6V-2005-0020 required the Discharger develop a Storm Water Pollution Prevention Plan (SWPPP) in accordance with minimum requirements specified in Attachment L of Order No. R6V-2005-0020. On November 9, 2005, the Water Board adopted Board Order No. R6V-2005-0020-A1, which amended the Order to incorporate the Discharger's SWPPP developed for the LORP. On December 31, 2007, the Discharger submitted a Notice of Termination request for terminating coverage under NPDES storm water regulations. The Discharger

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implemented the SWPPP during construction of the project over the last three years, completed construction of all elements of the project, installed post-construction storm water treatment controls, and developed a post-construction storm water operation and management plan. Construction has ceased. The portion of the SWPPP that has not been completed is the "*Revegetation and Monitoring Plan for Lands Disturbed During LORP Construction Activities.*" This post-construction management plan shall remain in effect as part of this amendment. The remainder of the SWPPP is terminated with this Order. This Order, therefore, amends Board Order No. R6V-2005-0020-A1 to delete references to, and requirements of, the SWPPP for the project, excluding the requirements specified in "*Revegetation and Monitoring Plan for Lands Disturbed During LORP Construction Activities.*"

The Whole Effluent Toxicity (WET) testing requirements in Provision VI.C.2.e of the Order and in Section V of Attachment E, *Monitoring and Reporting Program*, have also been completed. Since the results of this WET testing showed toxicity to green algae during two of the three samples taken, this Order amends Board Order No. R6V-2005-0020-A1 to require annual toxicity testing for green algae until three consecutive non-toxic results are obtained.

Attachment E of Order R6V-2005-0020 also requires a one-time sampling for California Toxics Rule (CTR) constituents. The results of this sampling, performed on August 29, 2007, showed exceedances over the criterion concentrations for both arsenic and copper. In addition, mercury was not analyzed using the minimum reporting level, 0.0005 microgram per liter ($\mu\text{g/l}$). This Order amends Board Order No. R6V-2005-0020-A1 to require sampling of arsenic and copper on an annual basis until three consecutive samples show no exceedance over the criterion concentration. This Order also requires sampling and analysis for mercury using the 0.0005 $\mu\text{g/l}$ reporting level.

Results of monitoring may be used to establish limits if continued monitoring shows a reasonable potential to exceed water quality criteria applicable to the discharge.

The Discharger has requested reduced monitoring (from monthly to quarterly). This Order reduces the receiving water monitoring requirements in Section VIII of Attachment E, *Monitoring and Reporting Program*, from monthly to quarterly. The Discharger continues to be required to perform more frequent monitoring during spring releases as specified in Section IX.C, *Monitoring Requirements for First Winter Habitat Flow, Alabama Release, and Initial Two Spring Seasonal Habitat Flows.*

3. Findings Necessary for Construction Activity to be Determined Complete

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The following findings satisfy Provision VI.6.c. of Order No. R6V-2005-0020:

- *There is no potential for construction-related storm water pollution:*
Construction activities for the project were completed as of December 2007 and no further construction is anticipated.
- *All elements of the SWPPP have been complete:*
All twelve elements consisting of construction activities, as referenced in the SWPPP, have been completed.
- *Construction materials and waste have been disposed of properly:*
Waste materials from construction were hauled off and disposed of properly.
- *The site is in compliance with all local storm water management requirements, and*
Local storm water management requirements have been satisfied.
- *A post-construction storm water management plan is in place as described in the SWPPP.*
The post-construction management plan has been implemented and management of post-construction treatment controls will be on-going.

4. California Environmental Quality Act

This action to amend an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 13389 of the California Water Code (CWC). A notice of exemption will be filed with the State Clearinghouse following adoption of this Order.

5. Notice to Interested Parties and Public

The Water Board has notified the Discharger and all known interested parties and persons of its intent to amend the Order.

6. Consideration of Comments

The Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

IT IS HEREBY ORDERED that Board Order No. R6V-2005-0020-A1 incorporate the following changes (deletions in strikethrough, additions underlined when specific text is cited):

1. Revise section C.2 of the Discharge Prohibitions, III, on page 12 as follows:

"Discharges of material other than storm water, which are not otherwise authorized by an NPDES permit, to a separate storm sewer system or waters of the nation are prohibited, ~~except as allowed in Special Provisions for Construction Activity, C.6.b.~~"

2. Revise section C.1 of the Provisions, VI, on page 19 as follows:

~~"NPDES Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5. The State Water Resources Control Board is currently updating the statewide NPDES Permit for Discharges of Storm Water Associated with Construction Activity. The Regional Water Board may revise or modify this NPDES Permit for reasons including, but not limited to, incorporating the Storm Water Pollution Prevention Plan or amendments thereto, and ensuring consistency with changes made to the statewide construction activity storm water general permit. The Regional Water Board may review and revise or waste discharge requirements in accordance with California Water Code §13263, (e) and (f)."~~

3. Revise sections C.2.a through C.2.e of Provision VI to the following:

- a. ~~The Discharger has developed a Storm Water Pollution Prevention Plan (SWPPP) as required by Provision VI.C.6.a. of Order No. R6V-2005-0020. The SWPPP was incorporated into the Permit after consideration by the Regional Water Board at a public meeting. The Regional Board received the SWPPP on September 29, 2005 to initiate public review and to be incorporated into the Permit after consideration by the Regional Water Board at a public meeting. The Discharger shall implement the SWPPP as required in Provision VI.C.6.a.~~
- b. The construction of the intake structure, pump station, and other components identified in the SWPPP have been completed. Therefore, the requirements of the SWPPP are terminated, excluding the section in the SWPPP identified as: *Revegetation and Monitoring Plan for Lands Disturbed During LORP Construction Activities.* The Discharger shall retain a copy of the SWPPP *Revegetation and Monitoring Plan* at the construction site. If the site is inspected by a Regional Water Board, SWRCB, U.S.EPA, or municipal storm water management agency inspector, the Discharger shall provide the SWPPP *Revegetation and Monitoring Plan* immediately for review if requested. Upon written request by a representative of the Regional Water Board, SWRCB, U.S.EPA, or municipal storm water management agency inspector, the Discharger shall provide a copy of the SWPPP *Revegetation and Monitoring Plan* within five working days from the date a request is received.

- c. The Regional Water Board Executive Officer may provide information to the Discharger on the development and implementation of SWPPPs and monitoring programs and may require revisions to SWPPPs and monitoring programs, after public notice and consideration at a public meeting.
 - d. The Discharger shall comply with construction site inspection and other monitoring program and reporting requirements in Attachment E or M, as amended herein.
 - e. The Discharger shall conduct whole effluent toxicity monitoring as described in Attachment E, Section V. Testing may be limited to *Selenastrum capricornutum* (green algae). Toxicity testing shall continue on a yearly basis until three consecutive years indicate no toxicity. If toxicity is identified in the sample, the WET test shall be repeated within 120 days. In accordance with the SIP, Section 4:
 1. If toxicity as a result of a waste discharge is identified with repeated WET tests, the Discharger shall conduct a toxicity reduction evaluation as directed by the Regional Water Board Executive Officer. The toxicity reduction evaluation may include evaluation(s) to identify specific sources of toxicity.
 2. The Discharger shall take all reasonable steps to control toxicity once a source of toxicity is identified.
 3. Failure to conduct a toxicity reduction evaluation within a designated period as directed by the Regional Water Board Executive Officer shall result in the establishment of effluent limitation for chronic toxicity in a permit or appropriate enforcement action.
4. Revise section C.3.a and C.3.b of Provision VI as follows:
- a. The Best Management Practices developed for ~~construction activity storm water discharges, and other~~ LORP discharges covered by this Order, shall be designed and implemented such that discharges shall not cause or contribute to a violation of any applicable water quality standards contained in the Basin Plan.
 - b. Should it be determined by the Discharger or Regional Water Board that ~~storm water discharges and/or authorized non-storm water~~ discharges are causing or contributing to a violation of an applicable water quality standard, the Discharger shall:
 1. Implement corrective measures immediately following discovery that water quality standards were exceeded, followed by notification to the Regional

Water Board by telephone as soon as possible but no later than 48 hours after the discharge has been discovered. This notification shall be followed by a report within 14 calendar days to the Regional Water Board, unless otherwise directed by the Regional Water Board, describing (1) the nature and cause of the water quality standard exceedance; (2) the BMPs currently being implemented; (3) ~~any corrective actions or additional BMPs identified in the SWPPP which will be implemented to prevent or reduce pollutants that are causing or contributing to the exceedance of water quality standards;~~ and (4 3) any maintenance or repair of BMPs. This report shall include an implementation schedule for corrective actions and shall describe the actions taken to reduce the pollutants causing or contributing to the exceedance.

5. Revise section C.5.a of Provision VI as follows:

~~Active constructions site and~~ Maintenance dredging sites shall be isolated from flowing waters by physical barriers such as sand bag dikes, silt fences, or other effective controls to prevent uncontrolled discharge to surface waters.

6. Delete sections C.6.a through C.6.c of Provision VI.
7. Delete Section III.A. and Section IV.A. from Attachment E, *Monitoring and Reporting Program*.
8. Revise Section V of Attachment E, *Monitoring and Reporting Program*, as follows:

Grab samples of water shall be collected once per year at Monitoring Location R-004D (representing the Pump Station outfall), ~~within the first six months of initiating discharge 005~~, to coincide with Reasonable Potential Analysis (RPA) testing for California Toxics Rule (CTR) constituents, as specified for R-004D in Section IX.A.1., of this Monitoring and Reporting Program. Whole effluent toxicity (WET) testing shall be performed with the grab samples obtained. Annual toxicity testing shall be performed until three consecutive non-toxic results are obtained. The grab samples shall also be analyzed for arsenic, copper and mercury. Annual sampling and analysis for arsenic and copper shall be performed until three consecutive samples show no exceedance over the criterion concentration. Mercury shall be tested using the minimum reporting limit of 0.0005 µg/l. If the mercury results indicate a level less than the criterion concentration, annual sampling is not required. If the first sample using the above reporting limit is greater than the criterion concentration, then annual sampling and analysis for mercury shall be performed until three consecutive samples show no exceedance over the criterion concentration. All test species, procedures, and quality assurance criteria used shall be in accordance with the methods prescribed for definitive

testing in *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Fourth Edition, USEPA, October 2002. (Reference: EPA-821-R-02-013.) Dilution and control waters should be obtained from an area unaffected by the discharge in the receiving waters (Los Angeles Aquaduct, R-005U). If toxicity is identified in the sample, the WET test shall be repeated within 120 days. **Results of the analyses shall be reported within four months of taking the samples initiating discharge 004 flow from the River Intake to the Lower Owens River.**

9. Revise the table in Section VIII of Attachment E, *Monitoring and Reporting Program*, by changing "Minimum Sampling Frequency" from "monthly" to "quarterly" for all constituents.
10. Replace each of the tables in Sections IX.A.1 and IX.A.2 of Attachment E, *Monitoring and Reporting Program*, with the following table:

Constituents	Units	Sample Type	Minimum Sampling Frequency	Required Test Method
Arsenic and Copper	µg/l	grab	Once per year until reach 3 consecutive years in which result < criterion constituent.	Attachment J
Mercury	µg/l	grab	Once (if result > criterion constituent, then same as above)	Attachment J
Discharge flow	cfs	N/A	Once per year	Field

11. Revise Section X.B.3., Self Monitoring Reports (SMRs), by deleting the second row in the table and changing "monthly" to "quarterly" in the third row, as follows:

"3. Monitoring periods and reporting for required monitoring shall be completed according to the following schedule:

Monitoring Type / Frequency	Monitoring Period Beginning / Ending	Monitoring Period	SMR Due Date
Construction dewatering and stream diversions / *weekly*	The first day of discharge / Last day of discharge for any construction dewatering or stream diversion.	First day of calendar week through last day of calendar week	First day of second calendar month following month of sampling.
Water Quality for Influent, Effluent, and Receiving Water / monthly <u>quarterly</u>	The first day of initiating discharge 004 from the River Intake to the Lower Owens River / when discharges no longer pose a threat to water quality	First day of calendar month <u>quarter</u> through last day of calendar month <u>quarter</u>	First day of second calendar month following month of sampling

12. Delete Attachment L, *Storm Water Pollution Prevention Plan Requirements*.
13. Delete references to the SWPPP in Attachment M, *Monitoring Program and Reporting Requirements*.
14. Delete Attachment Q, *Storm Water Pollution Prevention Plan for Construction Activities on the Lower Owens River Project*.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region on January 14, 2009.

HAROLD J. SINGER
EXECUTIVE OFFICER

TT/clhT: Amended LORP NPDES Permit-Prop 12_15_08
File under: Lower Owens River Project

10-0011

ENCLOSURE 2

10-0012



ANTONIO R. VILLARAIGOSA
Mayor

Commission
EDITH RAMIREZ, *Vice President*
LEE KANON ALPERT
WALLY KNOX
FORESCEE HOGAN-ROWLES
BARBARA E. MOSCHOS, *Secretary*

H. DAVID NAHAI,
Chief Executive Officer and General Manager

November 21, 2008

Mr. Harold Singer
Executive Officer
California Regional Water Quality Control Board, Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Attention: Mr. Alan Miller, North Basin Regulatory Unit Chief

Dear Mr. Singer:

Re: Comments on Tentative NPDES Permit, for the Lower Owens River Project (LORP)
Amended Water Quality Certification/Waste Discharge Requirements
WDID No. 68140407009

The City of Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to comment on the revised LORP permit/Waste Discharge Requirements. LADWP supports the changes proposed by the Lahontan Regional Water Quality Control Board (RWQCB) since the changes pertain to the cessation of construction from the intake structure at the north end of LORP to the pump station at the south end. However, LADWP also requests that monitoring be reduced from monthly to quarterly since the data shows that the water quality has stabilized.

Since the beginning of increased flows at LORP, LADWP has been performing monthly monitoring of both LORP water and the adjacent aqueduct. Enclosure 1 contains chartered data at the LORP pump station (R-004D) as well as the aqueduct near the LORP intake (M-001U), and stations upstream and downstream of the pump station outfall to the aqueduct (R-005 and R-005U). Enclosure 2 is a map showing the current and past monitoring stations for the LORP permit. The charts show that the concentrations of pH, TDS, Kjeldahl nitrogen and chloride appear to be stabilizing in LORP after two years of increased flow, which was introduced into LORP in late 2006.

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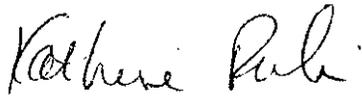
10-0015

Mr. Harold Singer
Page 2
November 21, 2008

Since LORP concentrations appear to have stabilized, LADWP requests that the monitoring frequency be reduced from monthly to quarterly; the annual springtime increased habitat flow monitoring frequency would not be affected at this time.

Again, LADWP appreciates the opportunity to comment and looks forward to working with your staff. If you have any further questions, please feel free to contact myself or Mr. Clayton Yoshida of the Wastewater Quality and Compliance staff at (213) 367-0436 or (213) 367-4651, respectively.

Sincerely,

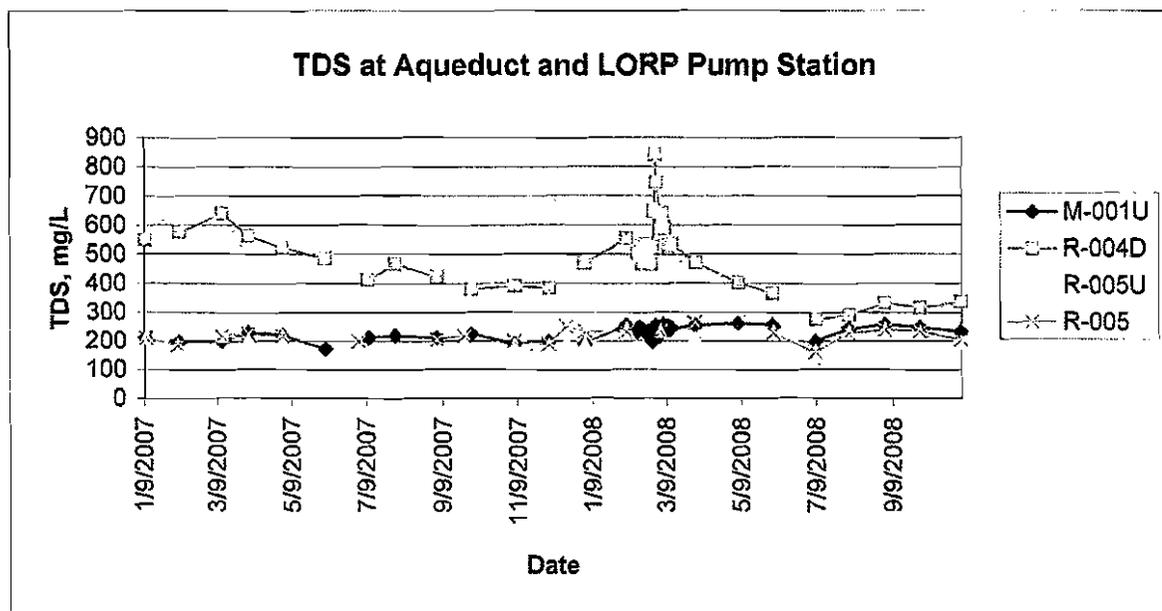
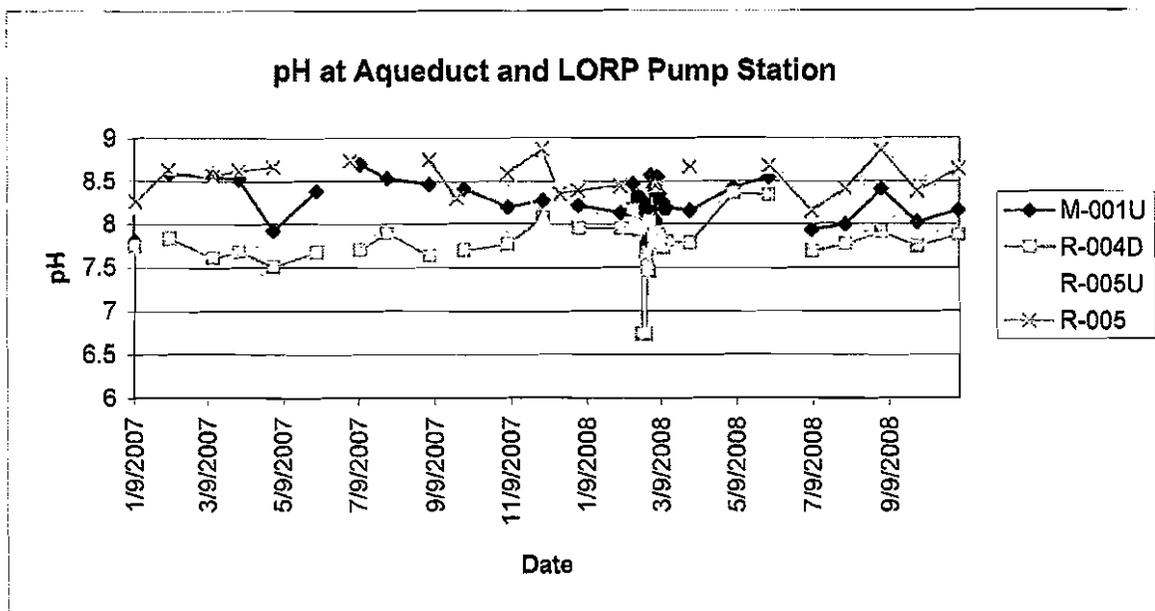


Katherine Rubin
Manager of Wastewater Quality and Compliance

CY:sc/rp
Enclosures
c/enc: Ms. Cindy Minton, Lahontan RWQCB
Ms. Tobi Tyler, Lahontan RWQCB

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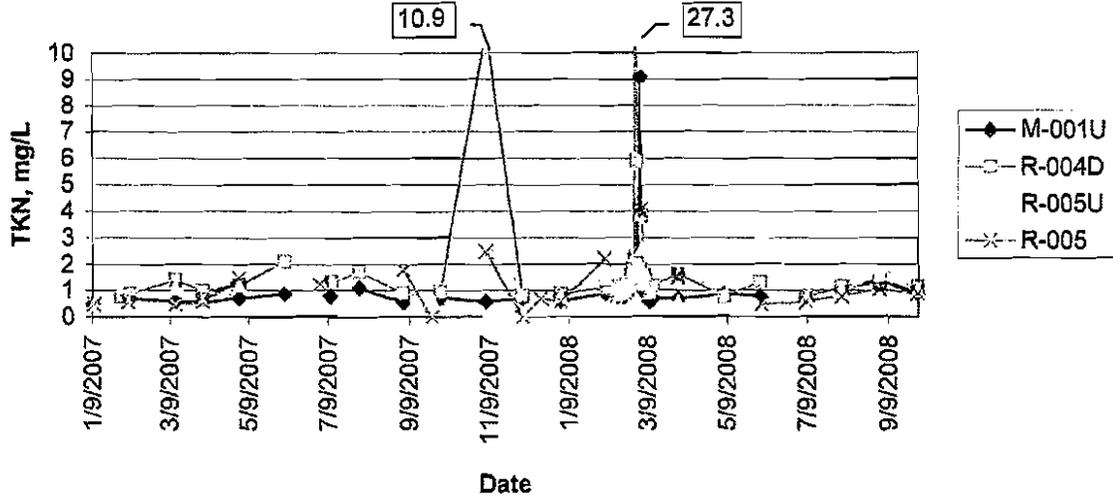
Enclosure 1.



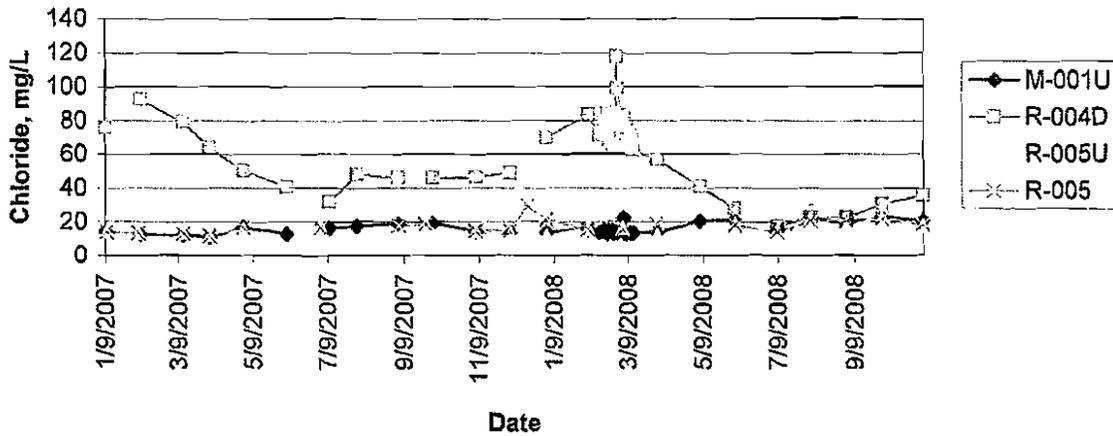
M-001U is upstream of the LORP intake. R-004D is the LORP Pump Station.
R-005U is upstream of the Pump Station outfall to the Aqueduct.
R-005 is downstream of the Pump Station outfall to the Aqueduct.

Annual increased habitat flow within LORP occurred from February 14 to March 13, 2008.

Total Kjeldahl Nitrogen at Aqueduct and Pump Station



Chloride at Aqueduct and LORP Pump Station



M-001U is upstream of the LORP intake. R-004D is the LORP Pump Station.
 R-005U is upstream of the Pump Station outfall to the Aqueduct.
 R-005 is downstream of the Pump Station outfall to the Aqueduct.

Annual increased habitat flow within LORP occurred from February 14 to March 13, 2008.

