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—
1149 SOUTH BROADWAY, 9TH FLOOR
LOS ANGELES, CA 90015
TEL: (213) 485-2210
FAX: (213) 485-2979
WWW.LACITYSAN.ORG

March 16, 2015

ELECTRONIC MAIL

Mr. Sam Unger, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Attention: Ms. Jenny Newman, Sr. Environmental Scientist

Dear Ms. Newman:

COMMENT LETTER – LOS ANGELES RIVER METALS TMDL RECONSIDERATION

The City of Los Angeles (City) Bureau of Sanitation (LA SAN) appreciates the opportunity to provide technical comments on the Proposed Amendment to the *Water Quality Control Plan - Los Angeles Region (Basin Plan) to Adopt Site-Specific Objectives for Lead and Copper in the Los Angeles River Watershed and to Revise the Total Maximum Daily Load (TMDL) for Metals in the Los Angeles River and Tributaries*. LA SAN supports the adoption of the proposed amendments and thanks the Regional Board's staff for its efforts. The copper water-effect ratio (WER) and lead recalculation studies followed established USEPA guidance. The results of the copper WER study are consistent with the findings of previous efforts within the watershed, which were incorporated into the 2010 Metals TMDL Amendment.

LA SAN finds the proposed amendments overwhelmingly consistent with the findings of the studies. However, LA SAN is providing several technical comments for your consideration in the attached comment matrix.

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If you have any questions regarding our comments, please contact Hassan Rad at (213) 847-5186 or at Hassan.Rad@lacity.org of LA SAN's Regulatory Affairs Division.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Zaldivar for".

ENRIQUE C. ZALDIVAR, Director
LA Sanitation

HR/ECZ:mb

Attachment

c: Traci Minamide, EXEC, LASAN
Varouj Abkian, EXEC, LASAN
Adel Hagekhalil, EXEC, LASAN
Shahram Kharaghani, WPD, LASAN
Omar Moghaddam, RAD, LASAN
Hassan Rad, RAD, LASAN

Attachment: Technical Comment Matrix on the Proposed Amendments to Adopt Site-Specific Objectives for Lead and Copper in the Los Angeles River Watershed and to Revise the TMDL for Metals in the Los Angeles River and Tributaries

Comment Number	Document Reference (Doc, Section, Pg.#)	Topic	Comment
1	General	Support for amendments.	The City of Los Angeles Bureau of Sanitation (LASAN) commends the Los Angeles Regional Water Quality Control Board (Regional Board) staff for their continued efforts to engage on the development of site-specific water quality criteria in the LA River Watershed. The proposed revisions to the copper and lead criteria are consistent with USEPA guidance and the intent of the metals criteria established in the California Toxics Rule.
2	Ch. 3 BPA Proposed Changes to Basin Plan, Pg. 1 Ch.7 BPA Numeric Target, Pg. 3 Ch.7 BPA Loading Capacity, Pg. 5 Ch.7 BPA WLAs, Pg. 9-10 Staff Report Section 5.1, Pg. 11	Copper WERs should be applied in Burbank Western Channel as measured in the study.	<p>Two copper WER sampling sites were established in the Burbank Western Channel (BWC), one site upstream of and one site downstream of the Burbank Water Reclamation Plant (BWRP), to evaluate the difference in waterbody conditions with and without the influence of tertiary treated wastewater. The results of the study indicated that separate copper WERs (5.44 and 4.75 upstream and downstream of the BWRP, respectively) are appropriate. However, only the downstream WER is proposed to be applied to the entirety of the BWC. This approach is inconsistent with the original TMDL, which acknowledged different conditions upstream and downstream of the BWRP by establishing different numeric targets (WER * 26 ug/L and WER * 19 ug/L upstream and downstream of the BWRP, respectively).</p> <p>The protectiveness of the revised loading capacity based on the two copper WERs for BWC was evaluated and presented in Attachment A to the January 2015 <i>Implementation of Results of the Los Angeles River Copper Water-Effect Ratio and Lead Recalculation Studies</i> (Attachment C to the Revision of the Total Maximum Daily Load for Metals for the Los Angeles River and its Tributaries – Second Revision – Staff Report [Staff Report]). The approach was presented to the independent Technical Advisory Committee (TAC) and Regional Board staff and agreed to be appropriate and robust. This approach formed the basis for determining that the WERs that are higher than the mainstem of the LA River in the Tujunga Wash, Rio Hondo, and BWC downstream of the BWRP are protective of the downstream waterbody. The general approach used to evaluate the effect of applying the higher WER in the BWC upstream of the BWRP on water quality in the BWC downstream of the BWRP was to estimate the expected frequency that total copper concentrations in the downstream portion would exceed the downstream portion’s target. As further described in Attachment A to Attachment C to the Staff Report, the method used to estimate the frequency of exceedance was a combination of Monte-Carlo simulations and mass-balance models. Attainment of upstream and downstream TMDL targets was defined as zero exceedances of the wet weather and dry weather TMDL targets in a three-year period, <i>with greater than 90% confidence</i>. If one or more exceedances were projected to occur in a three-year period, this was considered non-attainment of the downstream TMDL</p>

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			<p>target. The three-year period was selected to be consistent with the exceedance frequency identified in the 1984 USEPA Copper Water Quality Criteria document for the protection of aquatic life, which is the basis for the California Toxics Rule and TMDL copper targets. Note that a zero exceedance frequency allowance is more stringent than intended by USEPA's criterion, which recommends a once in three-year allowable exceedance frequency.</p> <p>The Monte-Carlo simulations were run to generate 1095 daily copper concentrations (3 years) based on random independent selections from (a) proportional distribution of frequency of wet and dry events, (b) observed or adjusted distributions of upstream copper concentrations, and (c) the distributions of the upstream tributary flow proportion. The Monte-Carlo model three-year simulation was iterated 1000 times, recording the number of exceedances of dry and wet event TMDL target concentrations and the maximum copper concentration for each three-year period. This represents concentrations for 1,095,000 days (i.e., 3,000 years).</p> <p>The Monte-Carlo simulation results demonstrate that BWC downstream of the BWRP was projected to achieve the TMDL with at least a 90% level of confidence and meet the definition of attainment established for the analysis (i.e., zero exceedances of the wet weather and dry weather TMDL targets in a three-year period, with greater than 90% confidence). The confidence level based on the data that met the assumptions of the analysis (i.e., no exceedances upstream) shows that the best estimate (median) number of exceedances of the downstream TMDL target associated with the Burbank WRP effluent and BWC above the WRP meeting the WER-adjusted target for any three-year period is zero, with a confidence level of 99.2%, thus meeting the definition of attainment for the analysis.</p> <p>To summarize, the results of the analysis show that the ability of the BWC downstream of the BWRP to attain the TMDL would not be adversely impacted by applying the higher WER (and corresponding WER-adjusted TMDL target) in the BWC upstream of the BWRP. As such, Chapter 3 should be revised to note different WERs for BWC upstream and downstream of the BWRP. Additionally, the TMDL should be revised to incorporate the WER upstream of the BWRP into the TMDL targets, loading capacity, and wasteload allocations sections.</p>
3	Ch.7 BPA WLAs, Pgs. 8 and 11	Consistency of footnote for the POTW wasteload allocations with the LA River Nutrients TMDL.	<p>LASAN appreciates the revisions to the footnote for the POTW dry and wet-weather WLAs. The revisions provide greater consistency with the LA River Nutrients TMDL, which also incorporated a Basin Plan objective based on a site-specific study. The revisions to the footnote are necessary to ensure that the Donald C. Tillman and LA/Glendale water reclamation plants (WRPs) are not assigned effluent limitations that could inappropriately affect their ability to comply. Wastewater treatment is a complex biological process where the system is designed to remove multiple pollutants, and adjustments made to control one pollutant can adversely impact</p>

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			<p>the removal of others. In addition, influent wastewater characteristics which can affect effluent quality are subject to change due to water conservation, drought conditions, regional population changes, and regional industrial discharges. Additional changes to influent characteristics are likely as WRPs further accept dry weather urban runoff and first flush stormwater to support both beneficial use protection and the enhancement of recycled water opportunities. SSOs provide a mechanism to operate WRPs to maximize pollutant removal while still maintaining and protecting beneficial uses. For the aforementioned reasons and for consistency in how the TMDLs are incorporated into the WRPs' permits, the revised language is appropriate. However, several modifications are requested to further improve the consistency with the LA River Nutrients TMDL footnote as follows:</p> <p>TMDL BPA Pgs. 8, 9, and 11: Regardless of the WER <u>and WER-adjusted allocations</u>, for discharges regulated under this TMDL with concentrations below WER-adjusted allocations, effluent limitations shall ensure that effluent concentrations do not exceed the levels of water quality that can be reliably maintained by the facility's applicable treatment technologies existing at the time of permit issuance, reissuance, or modification unless anti-backsliding requirements in Clean Water Act section 402(o) and anti-degradation requirements are met. <u>When developing effluent limitations in these circumstances, consideration shall include, but is not limited to, existing and projected facility flows for the permit term and the corresponding effect on the facility's capability to reduce copper concentrations. It is not the intent for these performance based limits to have the effect of de-rating Water Reclamation Plants that are operating below their permitted design capacities.</u> Permit compliance with anti-degradation and anti-backsliding requirements shall be documented in permit fact sheets.</p>
4	Ch.7 BPA Implementation, Pgs. 15 and 20	Process for future revisions to WERs should be more clearly outlined.	<p>LASAN acknowledges the potential that monitoring may indicate changes to conditions that may affect the WERs. Changes to WERs based on future conditions should follow a similar process as is being conducted as part of the proposed amendments considered herein. The following suggested language could provide additional clarity to the process:</p> <p>TMDL BPA Pg. 15: Site-specific WERs may be modified or revert back to a default of 1.0 if data indicate that the WERs are not protective of either the beneficial uses of the waterbody to which they apply or downstream beneficial uses. <u>Any modification to site-specific WERs must be approved through a formal basin planning process.</u></p> <p>TMDL BPA Pg. 20-21: The Regional Board will evaluate the WER-based copper WLAs based on potential changes in the chemical characteristics of the water body that could impact the calculation or application of the WER and will revise the WERs and copper</p>

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			<p>WLAs, if necessary, to ensure protection of beneficial uses. <u>Any modification to site-specific WERs must be approved through a formal basin planning process.</u></p>
5	Ch.7 BPA Table 7-13.2, Pg. 22	Consistent language regarding application of POTW WLAs should be utilized.	<p>LASAN appreciates the revisions to the footnote for the POTW dry and wet-weather WLAs. For consistency with the WLA tables, a similar revision is needed on Pg 22 where the implementation table is presented. Alternatively, a citation to the previous footnote with similar language could be included:</p> <p>TMDL BPA Pg. 22: Effluent limitations based on WER-adjusted WLAs shall ensure that effluent concentrations and mass discharges do not exceed the levels of water quality that can be attained by performance of a facility's treatment technologies existing at the time of permit issuance, reissuance, or modification.</p> <p><u>Regardless of the WER and WER-adjusted allocations, for discharges regulated under this TMDL with concentrations below WER-adjusted allocations, effluent limitations shall ensure that effluent concentrations do not exceed the levels of water quality that can be reliably maintained by the facility's applicable treatment technologies existing at the time of permit issuance, reissuance, or modification unless anti-backsliding requirements in Clean Water Act section 402(o) and anti-degradation requirements are met. When developing effluent limitations in these circumstances, consideration shall include, but is not limited to, existing and projected facility flows for the permit term and the corresponding effect on the facility's capability to reduce copper concentrations. It is not the intent for these performance based limits to have the effect of de-rating Water Reclamation Plants that are operating below their permitted design capacities. Permit compliance with anti-degradation and anti-backsliding requirements shall be documented in permit fact sheets.</u></p>