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October 15, 2012

Via Email: losangeles@waterboards.ca.gov

California Regional Water Quality Control Board
Los Angeles Region
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Attention: Ms. Shana Rapoport, Environmental Scientist

Dear Ms. Rapoport:

COMMENT LETTER- LOS ANGELES RIVER NITROGEN COMPOUNDS AND RELATED EFFECTS TMDL

The City of Los Angeles, Bureau of Sanitation (Bureau) thank you for this opportunity to comment on the proposed amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to revise the Total Maximum Daily Load (TMDL) for Nitrogen Compounds and Related Effects in the Los Angeles River (Nitrogen TMDL).

While we appreciate the effort to incorporate the currently effective Basin Plan ammonia water quality objectives into the TMDL, we have significant concerns with the proposed amendment. The Bureau believes that all participants, along with the Los Angeles Regional Water Quality Control Board (Regional Water Board), should be celebrating a great and historic example of water quality improvement through delisting the waterbody rather than modifying the TMDL.

Through the installation and implementation of advanced nitrification/denitrification (NDN) treatment facilities and process optimization by the three main Publicly Owned Treatment Works (POTWs) discharging to the Los Angeles (LA) River watershed, the quality of the water can now be demonstrated to be fully attaining the applicable water quality objectives for ammonia. The message from the City and the Regional Water Board (and U.S. EPA) should be that the TMDL process worked and that the applicable water quality standards are now being attained. Instead, the TMDL revision ignores the water quality improvement and contains requirements that could place additional burden on the cities of Burbank and Los Angeles, which has spent approximately \$75 million to construct advanced treatment facilities to address ammonia, and approximately \$6 million per year to operate those facilities, and will be required to meet the Basin Plan ammonia objective regardless of whether a TMDL is in place or not.



As a result, the Bureau requests that the TMDL include a finding of non-impairment for ammonia and remove the ammonia wasteload allocations from the TMDL. The Bureau's POTWs will continue to operate its facilities to protect the LA River watershed from ammonia as the Basin Plan objective will still be in place and will still be incorporated into our NPDES permits. However, should the Regional Water Board decide to maintain the ammonia TMDL, the Bureau requests the following modifications:

1. The bureau requests the following language be removed from page 5 and 7 of the Draft Basin Plan Amendment (BPA):

“Regardless of the SSO and SSO-derived WLAs, for discharges with concentrations below site-specific water quality objectives, effluent limitations shall ensure that effluent concentrations do not exceed the level 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. Regional Water Board staff may consider recommendations from a Regional Water Board-led workgroup that will be charged with evaluating alternative methodologies for calculating effluent limitations for discharges with concentrations below site-specific water quality objectives. Permit compliance with anti-degradation and anti-backsliding requirements shall be documented in permit fact sheets.”

2. Revise the receiving water monitoring requirements on page 5 from weekly to monthly and replace the new monitoring requirements on page 9 of the Draft Basin Plan Amendment with the following language:

Tillman, LA-Glendale, Burbank, and Whittier Narrows POTWs must conduct confirmatory receiving water monitoring to verify that water quality conditions are similar to those of the 2003 ammonia WER study period. Confirmatory monitoring will consist of the following:

- a. On an annual basis, receiving water hardness and alkalinity will be evaluated and compared to conditions observed from 2000 through 2007. If the current year's annual mean hardness and alkalinity is 25% lower than the 2000 through 2007 mean, the Discharger will initiate quarterly receiving water chronic testing using the invertebrate *Ceriodaphnia dubia* at the downstream receiving water location 100 feet below the outfall. Results from this toxicity testing will be evaluated to determine if waste discharged ammonia is causing toxicity.
- b. Evaluation of all receiving water toxicity will be conducted to determine if waste discharged ammonia was a likely cause of any observed toxicity. If it is determined that observed receiving toxicity is caused by waste discharged ammonia and discharged ammonia levels were below the SSO adjusted ammonia water quality objective, the Discharger shall develop and submit a plan for reevaluating the SSO to the Executive Officer.
- c. Compare downstream ammonia measurements with calculated objectives to ensure adequate protection of beneficial uses. If it is determined that downstream receiving water ammonia objectives are not being met, the Discharger shall evaluate if waste discharged ammonia concentrations below the SSO adjusted ammonia water quality objective are responsible for the downstream objective exceedances.

Attachment A provides more details to support these two primary comments and recommended revisions and information on other requested changes to the draft BPA.

The Bureau has worked proactively with the Regional Water Board since 2000 on addressing ammonia in the LA River, including the construction of new treatment facilities and the development of a site-specific objective. That site-specific objective was approved by the Regional Water Board over 5 years ago and by USEPA over 3 and a half years ago, making them the currently effective ammonia objectives for the LA River watershed. While the Bureau has supported updating the Nitrogen TMDL to incorporate the current Ammonia Basin Plan Objectives, the Bureau believes the critical changes listed above are necessary to make the draft BPA consistent with the intent of the Basin Plan ammonia objectives and avoid additional requirements for the Bureau which has already achieved the Basin Plan objectives.

We are looking forward to working with Regional Water Board staff and hope to come to a resolution on these concerns. If you need additional information or have any questions, please contact Mr. H.R. (Omar) Moghaddam of the Regulatory Affairs Division at (213) 485-3916.

Sincerely,



ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

HR/EZ:vc

Attachment: Attachment A- Technical Comments

c: Deborah J. Smith, California Regional Water Quality Control Board, Los Angeles
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