

## Response to Comments

Tentative Waste Discharge Requirements and a Tentative Cease and Desist Order for  
Los Angeles County Fire Department and Los Angeles County Internal Services Department  
Forester and Fire Warden Camp 13 Wastewater Treatment Plant

<b>County of Los Angeles</b> <b>Major Comments on Tentative Waste Discharge Requirements, Monitoring and Reporting Program, and Cease and Desist Order for Forester and Fire Warden Camp 13</b>		
No.	Comments	Response to Comments
1	<p><u>Corrective Actions Taken</u></p> <p>As a sign of ISD's commitment to water quality and cooperation with the Regional Board, ISD has already implemented several of the key requirements of the Tentative Orders in terms of WWTP refinements and has already improved discharged effluent water quality to meet the new Tentative WDR effluent limitations. The most notable of these upgrades is activation of the anoxic tank on April 26, 2015, which was not previously required under the existing WDR, Order No. 00-110. Activation of the anoxic tank and the resultant denitrification has resulted in very low levels of nitrate as nitrogen and Total Nitrogen in the effluent. (See Attachment A.) In addition, ISD replaced the mechanism for disinfection on April 28, 2015, using liquid instead of tablet-fed chlorination, which will result in a more accurate and controlled chlorine feed. ISD also installed new tertiary filter media on April 30, 2015, which will improve turbidity and total suspended solids in the effluent. Recent laboratory results support a finding that ISD is making significant progress towards meeting all of the new effluent limitations prescribed in the Tentative WDR. (See Attachment A.)</p> <p>ISD has implemented other changes at Camp 13 to ensure that the facility's operations are appropriate, consistent, and stable. For example, ISD has replaced the Chief Wastewater Plant Operator for Camp 13; cleaned all sampling equipment to prevent future cross-contamination of samples; implemented other decontamination procedures; and reviewed proper equipment handling with operations staff. In addition, ISD hired a hydrogeologic consultant, Jon Rohrer, P.G., C.Hg. of Roux Associates, Inc. to investigate the variable levels of total and fecal coliform previously detected in the groundwater monitoring wells. With the</p>	<p>On May 18, 2015, ISD submitted additional information which is included as new findings 39 and 40 in the Tentative WDR.</p> <p>Groundwater data indicated that the groundwater has been impacted with total and fecal coliform. The Dischargers should conduct a groundwater investigation as required in the Tentative Cease and Desist Order (CDO).</p> <p>In addition, ISD shall submit adequate information and analytic data to demonstrate Camp 13 WWTP with April 2015 upgrades are operated effectively to comply with all the requirements prescribed</p>

	<p>consultant's assistance, ISD has performed additional effluent, groundwater, and surface water sampling since the Notice of Violation was issued on February 9, 2015. Recent monthly groundwater sampling events for total and fecal coliform were reported at very low levels. (See Attachment A, Attachment B.) As a result, "The data collected over the past three months indicate that, although there have recently been some low detections of fecal and total coliform in samples from groundwater monitoring wells MW-1 through MW-3, the cause of the historical detections does not appear to be coliform in the treated effluent from Camp 13. The observed levels of fecal and total coliform in groundwater samples from monitoring wells may represent residual issues from cross-contamination" or low levels present in ambient regional groundwater. (Attachment B, p. 3.)</p>	<p>in the Tentative WDR.</p> <p><b>Action:</b> Add Findings 39 and 40.</p>
2	<p><u>Time Schedule Order</u></p> <p>As demonstrated by the foregoing, ISD has performed a substantial amount of corrective action at Camp 13 leading up to the issuance of the Tentative Orders. Many of the proposed requirements in the Tentative CDO have now been met. ISD already complies with the existing limitations and is making progress towards meeting all proposed effluent limitations. Therefore, a Time Schedule Order is more appropriate than a cease and desist order to guide implementation of the new requirements in the Tentative WDR. Water Code Section 13263(c) specifically authorizes the issuance of a time schedule to assist a discharger in complying with new requirements. ISD therefore requests the Regional Board to issue a Time Schedule Order in lieu of the Tentative CDO.</p>	<p>The Los Angeles Regional Water Quality Board (Regional Board) has the discretion to consider what enforcement order is appropriate in this case and the staff recommendation is a proposed cease and desist order. Water Code section 13301, pertaining to cease and desist orders, notes in pertinent part that when a regional board finds that a discharge of waste is threatening to take place in violation of waste discharge requirements or discharge prohibitions prescribed by the Regional Board or the state board, the board may issue an order to cease and desist and to direct that those person not complying with the requirements to comply in accordance with a time schedule set by the</p>

		<p>Board, or in the event of a threatened violation, take appropriate remedial or preventive action. The proposed cease and desist order contains a time schedule set by the Board to comply with the Order's requirements. Adoption of a proposed cease and desist order in lieu of a time schedule order also provides for broader enforcement authority in the event of a violation. For example, the violation of a cease and desist order may result in civil liability pursuant to Water Code section 13350, subdivision (a). No such authority exists for the violation of a time schedule order unless there is a discharge of waste, or the causing or permitting of a discharge of waste into waters of the state. (<i>Ibid.</i>) See also State Water Resources Control Board's Enforcement Policy at p. 35 ("CDOs may be issued to Dischargers violating or threatening to violate WDRs or prohibitions prescribed by the Regional Board or the State Water Board").</p>
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3	<p><u>Effluent Limitations for Total and Fecal Coliform and Residual Chlorine</u></p> <p>The Tentative WDR proposes new effluent limitations that require treatment to standards that may be appropriate for a drinking water treatment plant, but not for a WWTP that is neither designed to achieve drinking water standards nor authorized to supply the treated effluent for direct or indirect potable reuse. Of particular concern are the effluent limitations for total and fecal coliform and residual chlorine. Requiring a daily maximum of &lt;1.1 most probable number (“MPN”) per 100 ml for total and fecal coliform is unreasonably stringent and without justification. Not even recycled water facilities are required to treat the effluent to &lt;1.1 MPN per 100 ml for either coliform limit. For example, the Regional Board recently issued water recycling requirements for the Camrosa Water District, Order No. R4-2015-0030. With respect to the effluent limitations for disinfected tertiary effluent, Camrosa Water District is only required to achieve a 7-day average of 2.2 MPN per 100 ml, a 30-day average of 23 MPN per 100 ml, and a daily maximum of 240 MPN per 100 ml. Water recycling requirements issued to the Camarillo Sanitary District contain the same effluent limitations for total coliform. (See Order no. R4-2013-0140.) These effluent limitations are consistent with the definition of “Disinfected Tertiary Recycled Water” set forth in 22 C.C.R. § 60301.230.2 If advanced recycled water facilities providing disinfected tertiary treated effluent for nonpotable reuse are only required to meet a 7-day average of 2.2 MPN per 100 ml for total coliform, then Camp 13 should not be required to comply with an even more stringent daily maximum of &lt;1.1 MPN per 100 ml. Even Camp 13’s neighbors, Camps Miller and Kilpatrick, are only required to comply with the same 7-day and 30-day averages as Camrosa and Camarillo for total coliform. (See Order No. R4-2015-0050.) Indeed, the customary wastewater analytical method for total and fecal coliform has a common detection limit of 2 MPN per 100 milliliters. The total coliform effluent limitation for Camp 13 should therefore be no more stringent than what is required under 22 C.C.R. § 60301.230(b). Even this stringent recycled water requirement is unnecessary for Camp 13, because Camp 13 is not a recycled water treatment facility.</p> <p>If the Regional Board adopts a total coliform effluent limitation of 2.2 MPN per 100 ml as a 7-day average, then an effluent limitation for fecal coliform is not necessary and should be deleted. None of the water recycling requirements for the treatment plants mentioned above contain an effluent limitation for fecal coliform. Alternatively, should the Regional Board still require an effluent limitation for fecal coliform, then the limit should remain at 200 MPN per 100 ml and total coliform should be less stringent to accommodate the fecal coliform. The Trancas Water Pollution Control Plant’s permit contains effluent limitations for total and fecal coliform that illustrate this alternative example. (See Order No. R4-2014-0188.) In Order No.</p>	<p>Staff disagrees. The comparison to a National Pollutant Discharge Elimination System (NPDES) permit issued to Camrosa Water District is unfounded because the NPDES permit is for a surface water discharge, and where these Tentative WDRs are for discharge to land. In addition, the water quality objectives prescribed in the Basin Plan are different for different receiving waters.</p> <p>In response to the comment that the customary wastewater analytical method for total coliform and fecal coliform has a common detection limit of 2 MPN per 100 milliliters, please note that a laboratory can adjust its analytical procedure or procedures to achieve the required detection limit if the total coliform and fecal coliform are required to be less than 1.1 MPN/100ml.</p> <p>The commenter also appears to be confused concerning what particular water quality objectives apply in this case. Groundwater and surface</p>
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	<p>R4-2014-0188, there is a fecal coliform effluent limitation of 200 MPN per 100 ml, but a total coliform limitation of 23 MPN per 100 ml as a 7-day average and 240 MPN per 100 ml as a 30-day average. (Id. § B(3).) Unlike the WWTPs mentioned above, the Trancas Water Pollution Control Plant does not treat for recycled water, which is presumably why Trancas' WDR contains coliform limits less stringent than those required in Title 22.</p> <p>In regards to the new residual chlorine effluent limitation of 4.0 mg/L, this limit is also without justification. The Tentative WDR does not explain the basis for imposing a residual chlorine effluent limitation of 4.0 mg/L. As such, ISD can only assume that the Regional Board staff derived this limitation from Title 22. A residual chlorine effluent limitation of 4 mg/L is found in 22 C.C.R. § 64533.5. Section 64533.5 sets forth the maximum residual disinfection levels for "drinking water supplied to the public." This level of treatment simply does not make sense because there are no active potable water wells near the facility, nor does Camp 13 supply drinking water to the public. This effluent limitation is also unnecessarily stringent because it requires compliance with 4.0 mg/L residual chlorine as a daily maximum. This frequency of compliance directly conflicts with 22 C.C.R. § 64535.4, which states that "Compliance shall be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples."</p> <p>Ultimately, there is no technical basis to include a residual chlorine effluent limitation of 4 mg/L in the Tentative WDR. As explained in the attached Technical Memorandum, a WWTP that relies on chlorine disinfection to achieve low levels of coliform would not have any flexibility to provide necessary disinfection if the WWTP is also required to achieve low levels of chlorine residual. (See Attachment A.) The residual chlorine effluent limitation is therefore unduly stringent and should be eliminated from the Tentative WDR.</p>	<p>waters are designated with different beneficial uses which lead to different water quality objectives. The Basin Plan requires total coliform and fecal coliform to be less than 1.1 MPN/100ml for groundwater where municipal and domestic supply (MUN) beneficial use is assigned.</p> <p>Staff agrees. A residual chlorine effluent limitation of 4.0 mg/L is removed from the Tentative WDR.</p> <p><b>Action:</b> Revise the effluent limitations in the Tentative WDR and the sampling frequency in the Tentative MRP.</p>
4	<p><u>Groundwater Limitations</u></p> <p>ISD is concerned about the feasibility of compliance with groundwater limitations using monitoring wells (MW-1, MW-2, and MW-3) that are not representative of the "receiving groundwater." Monitoring wells MW-1 and MW-2 are not designed to be compliance wells. MW-1 is clearly not downgradient from the percolation ponds and MW-2 is cross-gradient. Although MW-3 is located immediately downgradient, it appears that the water present in MW-3 is merely the treated wastewater that is percolating through the vadose zone. For example, the evidence demonstrates that MW-3 goes dry when Pond 2 is not recently used. Therefore, the existing monitoring wells are not proper compliance wells, and a new monitoring well location—that samples the receiving groundwater from the percolation ponds—needs to be</p>	<p>On May 18, 2015, ISD submitted additional information which is included as new findings 39 and 40 in the Tentative WDR.</p> <p>The Tentative CDO allows additional time for the Dischargers to conduct a comprehensive groundwater study to evaluate whether</p>

	<p>identified before ISD should be required to comply with any groundwater limitations. Nevertheless, once a suitable location for a groundwater monitoring well is identified and installed, there is a possibility that shallow groundwater may not be present due to the complex geology, hydrogeology and steep topography of the area. Regional information indicates the first groundwater unit used for production may be as deep as 300 to 400 feet below ground surface (See Attachment A).</p> <p>These concerns demonstrate that further investigation of the groundwater in the vicinity of the percolation ponds is necessary before ISD should be required to comply with specific groundwater limitations. In requiring ISD to submit a groundwater investigation work plan, the Regional Board recognizes the importance of this groundwater study. As such, the Regional Board should not penalize ISD for potential failure to comply with limitations while the investigation is ongoing. Therefore, ISD requests that the Regional Board suspend requirements tied to compliance with groundwater limitations until ISD determines the proper location for a monitoring well, whether shallow groundwater exists, and the constituents in any shallow groundwater.</p> <p>ISD estimates the costs of installing a deep monitoring well in this type of terrain to range between \$50,000 to \$100,000 per well. The high capital investment in drilling a well may not yield much benefit if no shallow groundwater is encountered or if the hydrogeology is too complex, which is a real possibility. To keep the investigation cost-effective, ISD proposes to submit a work plan to install a single well and take a staged approach to the analysis.</p>	<p>the existing groundwater monitoring wells are adequate to represent groundwater quality and the impact caused by effluent discharges.</p> <p>Comment noted. As proposed by the Dischargers, the effluent limitations for total coliform and fecal coliform have been revised to use recycled water standards. However, the Dischargers shall submit a technical report to demonstrate that the discharge from Camp 13 WWTP does not cause or contribute to the groundwater degradation.</p> <p>The comment presumes that MW-3 is necessarily insufficient for the purposes of establishing receiving water quality when, in staff's judgment, such a conclusion is premature at this time.</p> <p><b>Action:</b> No change is necessary.</p>
5	<p><u>Lack of Findings</u></p> <p>The Tentative WDR generally lacks the necessary findings to support imposition of all new and modified requirements. For example, there is no technical explanation behind the new</p>	<p>All the requirements prescribed in the Tentative WDR are consistent with the Basin Plan. There are no</p>

<p>and more stringent effluent limitations. Water Code Section 13263 provides:  (a) The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge, except discharges into a community sewer system, with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. The requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.  (Cal. Wat. Code, § 13263, subd. (a) [emphasis added].) Nothing in the Tentative WDR suggests that the Regional Board staff evaluated whether these new or more stringent effluent limitations are necessary to protect water quality objectives and associated beneficial uses. Without findings to “bridge the analytic gap between the raw evidence” and the proposed new or more stringent effluent limitations, the Tentative WDR is invalid. (See Topanga Assn. for a Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 515.) There is no technical basis, evidence, or explanation to support such limitations for Camp 13.</p>	<p>requirements in the proposed waste discharge requirements that are more stringent than what the Basin Plan already requires.</p> <p><b>Action:</b> No change is necessary.</p>
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**Specific Comments on Tentative Waste Discharge Requirements**

No.	Comments	Response to Comments
6	<p>Findings</p> <p>3. This finding is incorrect. Camp 13 is not a juvenile detention facility; only adults stay there. Please see the requested edit below:  Los Angeles County Fire Department (LACoFD) owns and maintains Forester and Fire Warden Camp 13 (Camp 13) located at 1250 South Encinal Canyon Road, Malibu, California (Figure 1). Camp 13 is operated as a low security female <b>juvenile</b> detention camp with kitchen, restroom, shower, and laundry facilities and overnight accommodations. It can house up to a population of 120 persons including 110 inmates and 10 staff.</p>	<p>Comment noted.</p> <p><b>Action:</b> Revise Finding 3.</p>
7	<p>14. The last sentence of this finding does not accurately characterize Camp 13’s use of the anoxic tank. Order No. 00-110 never imposed an effluent limitation for Nitrate as Nitrogen, and thus the use of the anoxic tank was neither necessary nor required to denitrify the effluent. For the first time, the Tentative WDR imposes an effluent limitation for Nitrate as Nitrogen. ISD is in the process of equipping the anoxic tank with the necessary upgrades to provide</p>	<p>Staff disagrees. The finding was based on the RoWD submitted by ISD in August 2011, which indicated Camp 13 WWTP with a</p>

	<p>denitrification. ISD therefore requests that the finding be modified as follows: The package plant consists of anoxic tanks, aeration tanks and a secondary clarification compartment. Wastewater is pumped to the package plant for biological treatment including the reduction of biological oxygen demand (BOD) combined with the oxidation of organic and ammonia nitrogen within the aeration basin and the subsequent reduction of nitrate to nitrogen gas within the anoxic basin. The suspended solids are removed in the secondary clarifiers. <del>During April 14, 2015 meeting, ISD staff confirmed that the anoxic tanks have never been operated for denitrification. Use of the anoxic tank was not required under Order No. 00-110. Prior to the adoption of this Order No. R4-2015-XXXX, ISD commenced the installation of equipment, piping and controls to activate the anoxic tank to provide denitrification at the WWTP. ISD has also installed a liquid chlorination system and intends on completing tertiary filter installation.</del></p>	<p>denitrification process. The adoption of this tentative WDR does not change the compliance record for Order No. 00-110.</p> <p>Also see Response to Comment No. 1.</p> <p><b>Action:</b> No change is necessary.</p>
8	<p>16. The latter half of this finding should be revised, because tablet feeders and chlorine metering equipment are not used. Please see the edit below: The filtered effluent is pumped to the chlorine contact tank for disinfection using <u>liquid chlorination</u><del>chlorine tablet feeders, although installation of chlorine metering equipment was proposed in the Fire Camp 13 Wastewater Treatment Plant Upgrade Predesign Report Final dated November 2001.</del></p>	<p>During a March 17, 2015 site inspection, Regional Board staff observed chlorine tablet feeders being used for disinfection.</p> <p>Also see Response to Comment No. 1.</p> <p><b>Action:</b> No change is necessary.</p>
9	<p>25. This finding is inaccurate as phrased. The groundwater monitoring wells were not installed in order to evaluate impacts from wastewater discharges. Rather, the purpose of their installation was to determine whether a hydrologic connection exists between the ponds and tributary to Trancas Canyon Creek. (See Lee &amp; Ro, Inc., <i>Fire Camp 13 Wastewater Treatment Plant: Well Installation and December 2003 Groundwater and Surface Water Monitoring Report</i>, December 31, 2003.) In addition, there is no evidence that shallow groundwater that could be affected by the discharge exists in the vicinity of the percolation ponds. It appears that the "groundwater" present at well MW-3 is merely the treated wastewater that is percolating through the vadose zone. For example, there is evidence that MW-3 goes dry when Pond 2 has not been recently used. (See Attachment A.) ISD has hired a hydrogeologist to investigate this further, which will be part of the groundwater investigation workplan required by this Tentative WDR. Please see the requested edits to this finding below:</p>	<p>Upon the adoption of WDR Order No. 01-110, TSO No. 01-111 was also adopted, which required the Dischargers to submit a groundwater monitoring workplan to detect and evaluate impacts from wastewater discharges through the seepage and/or evaporation pits. Subsequently, the</p>

	<p>In November 2003, three groundwater monitoring wells were installed to <u>determine whether a hydrologic connection exists between the</u> <del>evaluate impacts from wastewater discharges through</del> seven evaporation/percolation ponds and <u>tributary to Trancas Canyon Creek</u>. In 2011 through 2014, groundwater was encountered at 6 to 20 feet below ground surface (bgs) in the vicinity of seven evaporation/percolation ponds. Groundwater monitoring wells MW-1 and MW-2 are located approximately 750 feet and 500 feet west from the disposal area. Groundwater monitoring well MW-3 is located approximately 10 to 15 feet south of evaporation/percolation pond No. 2 (Figure 3). <u>Although identified as groundwater monitoring wells in Order No. 00-110, the well locations and a hydrogeological investigation suggests that MW-1, MW-2, and potentially, MW-3, are not representative of the discharge of treated wastewater from the seven evaporation/percolation ponds.</u></p>	<p>Dischargers have been submitting receiving water quality data pursuant to the requirement in the TSO. During a meeting on May 22, 2015, ISD raised a concern that the existing monitoring wells are not adequate to monitor the receiving water quality.</p> <p>Regardless of what the purpose was for installation of the groundwater monitoring wells, receiving water data from MW-3 was reported by the ISD to the Regional Board to demonstrate compliance with the TSO.</p> <p>It is premature to determine whether the existing groundwater monitoring wells are adequate or not before the groundwater investigation is completed, as required by the Tentative CDO.</p> <p><b>Action:</b> No change is necessary.</p>
10	29. The date that the Groundwater and Surface Water Monitoring Program Workplan was submitted for Regional Board review and approval was July 13, 2001, not November 14, 2001.	The <i>Groundwater and Surface Water Monitoring Program Workplan</i> is dated July 13, 2001 but was

		<p>received by the Regional Board on November 20, 2001.</p> <p><b>Action:</b> No change is necessary.</p>
11	<p>33. This finding is inaccurate because there is no evidence that total and fecal coliform has impacted the “groundwater” in the vicinity of the monitoring wells. It appears that groundwater monitoring well MW-3 is not sampling ambient groundwater, but rather only the treated effluent that has percolated through the vadose zone. There is evidence that MW-3 goes dry when Pond 2 has not been recently used. (Attachment A.) Moreover, as noted in the letter submitted by the County’s Hydrogeologist dated April 13, 2015, and in the attached Technical Memorandum, there are historical sampling inconsistencies that have probably produced unreliable data. (Attachment A, Attachment B.) This finding should therefore be modified as follows:</p> <p>Based on groundwater monitoring data from 2011 to 2014, <del>groundwater was impacted with</del> total coliform <u>was detected</u> up to 140 most probable number per 100 milliliters (MPN/100ml), 1,600 MPN/100ml, and 1,600 MPN/100ml at monitoring wells MW-1, MW-2, and MW- 3, respectively. Fecal coliform was detected up to 23 MPN/100ml, 1,600 MPN/ 100ml, and 1,600 MPN/100ml at monitoring wells MW-1, MW-2, and MW-3, respectively. <u>However, this data may be unreliable due to the likely contamination of sampling equipment during this time period. Improved sampling and decontamination procedures from the last three months indicates that results of groundwater monitoring well sampling for total and fecal coliform were reported at very low levels in all groundwater monitoring well samples.</u></p>	<p>Based on groundwater samples collected in 2011 through 2014, the total coliform and fecal coliform have exceeded the groundwater quality objectives of 1.1 MPN/100 ml, as described in the finding 33. There was no evidence provided to prove that the exceedances were caused by the reasons suggested in the comment.</p> <p>To determine whether MW-3 represents groundwater down-gradient from Camp 13 effluent, ISD shall conduct an investigation, as required in the Tentative CDO, to evaluate the adequacy of the existing monitoring network and any proposed monitoring well locations.</p> <p>Please also see Responses to Comment No. 4 and 9.</p> <p><b>Action:</b> No change is necessary.</p>

12	<p>34. This finding should be amended to state that the source of the coliform bacteria is unclear and is still being investigated.</p> <p><del>Although</del>The groundwater monitoring data indicated <del>groundwater containing exceedances of total coliform and fecal coliform had exceeded</del> groundwater quality objectives for total coliform of 1.1 MPN/100mL and fecal coliform of 1.1 MPN/100mL as specified in the Basin Plan, <u>the source of the coliform bacteria is unclear and is still being investigated. More recent sampling suggests that the previously observed levels of fecal and total coliform were likely due to residual issues from cross-contamination in sampling equipment or low levels present in ambient regional groundwater, and not due to effluent from the WWTP.</u></p>	<p>See Response to Comment Nos. 1 and 11.</p> <p>Based on the site inspection, there are very limited possible sources that may be contributing to the bacteria exceedances in the groundwater. In particular, MW-3 is right next to percolation ponds and MW-3 is relatively higher in elevation than other possible sources. There is no evidence and it is premature to conclude that the total coliform and fecal coliform exceedances in groundwater are not caused by discharge of effluent from Camp 13 WWTP.</p> <p><b>Action:</b> No change is necessary.</p>
13	<p>36. The last sentence of this finding is speculative and should be deleted, because the source of the coliform bacteria is unclear and is still being investigated.</p> <p>On March 27, 2015, ISD conducted effluent sampling and collected wastewater samples from the chlorine contact tank and the effluent holding tank. Although total coliform and fecal coliform were detected less than 2.0 MPN/ 100 ml at the chlorine contact tank, total coliform and fecal coliform at the effluent holding tank were detected at 1,600 MPN/100mL and 30 MPN/100mL, respectively. <u>A turbidity exceedance was reported by ISD on Monday March 30, 2015 and it is unknown when the blockage leading to that exceedance began.</u><del>The observed levels of total coliform and fecal coliform in effluent samples may indicate potential bacterial regrowth at the effluent holding tank prior to disposal.</del></p>	<p>Staff agrees that “<i>The observed levels of total coliform and fecal coliform in effluent samples may indicate potential bacterial regrowth at the effluent holding tank prior to disposal</i>” can be deleted. See Response to Comment No. 1.</p> <p><b>Action:</b> Revise Finding 36.</p>

14	<p>38. This finding should be deleted because, as noted above, there is a strong possibility that the water present at monitoring well MW-3 is merely the treated wastewater that is percolating through the vadose zone. (Attachment A.) As such, the groundwater samples mentioned in this finding are unreliable for detections of nitrate-nitrogen.</p> <p><del>Groundwater samples collected at monitoring well MW-3 in December 2014 indicated that nitrate-nitrogen was detected at 29 mg/L exceeding groundwater quality objectives for nitrate-nitrogen of 10 mg/L as specified in the Basin Plan.</del></p>	<p>See Response to Comment Nos. 4, 9 and 12.</p> <p><b>Action:</b> No change is necessary.</p>
15	<p>A. <u>Influent Limitations</u></p> <p>A(1) This influent limitation should be broadened to allow all types of wastewater generated at Camp 13 to be discharged to the wastewater treatment system, provided that any non-domestic sources of wastewater receive pretreatment prior to discharge.</p> <p>Waste discharged shall be limited to domestic and food preparation wastewater <del>only,</del> <u>and non-domestic wastewater generated at Camp 13 that undergoes pretreatment prior to discharge to the WWTP</u> <del>No industrial wastewaters shall be discharged to the wastewater treatment system.</del></p>	<p>The existing WDR Order No. 00-110 indicates that WDR waste discharged shall be limited to domestic and kitchen wastewater only. Discharge of non-domestic sources of wastewater receiving pretreatment has never been proposed and Camp 13 WWTP was designed to treat domestic wastewater only.</p> <p><b>Action:</b> No change is necessary.</p>
16	<p>A(2) The term “hazardous compounds” is undefined and not used in Division 7 of the Water Code. Rather, the Water Code uses the term “hazardous substances,” which is defined in Water Code Section 13050(p). To avoid ambiguity, Influent Limitation A(2) should refer to “hazardous substances,” not “hazardous compounds.”</p> <p>No hazardous <del>compounds</del> <u>substances</u> are to be discharged into the wastewater treatment system.</p>	<p>Comment noted.</p> <p><b>Action:</b> Revise Influent Limitations A(2).</p>
17	<p>B. <u>Effluent Limitations</u></p> <p>ISD has numerous comments on Section B, Effluent Limitations.</p> <p>First, see the comments above under Major Comments related to the Effluent Limitations for Total and Fecal Coliform and Residual Chlorine. A total coliform limit should be no more stringent than required under 22 C.C.R. § 60301.230(b), though even those limits are overly stringent for Camp 13. If the effluent limitation for total coliform is 2.2 MPN per 100 ml as a 7-day average, then the effluent limitation for fecal coliform should be eliminated.</p>	<p>See Responses to Comment Nos. 3 and 4.</p>

	<p>However, if the Regional Board requires an effluent limitation for fecal coliform, then fecal coliform should be 200 MPN per 100 ml, and total coliform should be at least 23 MPN per 100 ml as a 7-day average. In addition, there are no findings or evidence to support the Residual Chlorine limitation, which should be deleted.</p>	
18	<p>Second, see the comments above under Major Comments related to Findings. The Regional Board does not adequately substantiate the need for the new and more stringent effluent limitations in the Tentative WDR's findings. The Regional Board proposes new and/or more stringent effluent limitations for Nitrate as Nitrogen, Nitrite as Nitrogen, Total Nitrogen, Methylene Blue Active Substances (MBAS), Residual Chlorine, Total Coliform, and Fecal Coliform. Although the Tentative WDR includes findings that reference nitrate-nitrogen (Finding Nos. 37 and 38) and Total and Fecal Coliform (Finding Nos. 34, 35, and 36), there is no technical basis, evidence, or explanation to support such limitations for Camp 13, particularly when Camp 13 is not a recycled water treatment plant.</p> <p>When a Regional Board prescribes new effluent limitations under Water Code section 13263, the Regional Board must consider the six factors in Water Code section 13241, which include the cost of compliance with numeric pollutant restrictions. (<i>City of Burbank v. State Water Resources Control Bd.</i> (2005) 35 Cal.4th 613, 626.) The costs of compliance with recycled water requirements is not cheap, especially for Camp 13, which is not designed to treat effluent for potable or nonpotable reuse. State law allows the Regional Board to relax effluent limitations to account for the permit holder's compliance costs. (<i>Id.</i> at 626 n.7.) Nevertheless, the Regional Board failed to consider these factors when proposing the new and more stringent effluent limitations. The lack of findings in the Tentative WDR demonstrate as such. The imposition of new and more stringent effluent limitations without consideration of 13241 is therefore arbitrary and capricious and contrary to law.</p> <p>If this were an NPDES permit, the Regional Board would be required to analyze whether the discharge has the reasonable potential to cause or contribute to an excursion above any water quality standard, including narrative objectives. (See 40 C.F.R. § 122.44(d).) This "reasonable potential" analysis is the basis for deciding which pollutants to limit in the NPDES permit. (See, e.g., Order WQ 2002-0012 (<i>Chevron</i>).) Although a reasonable potential analysis is not required for this Tentative WDR, comparable findings are required under Water Code section 13263 and <i>Topanga Association for a Scenic Community v. County of Los Angeles</i> (1974) 11 Cal.3d 506, 515. Such findings are critical so that ISD can understand the Regional Board's rationale behind each of the new or modified requirements.</p>	<p>See Response to Comment No 5.</p> <p>The 13241 analysis is required if the Regional Board promulgates new water quality objectives. All the effluent limits and groundwater quality objectives specified in the tentative WDRs are based on the existing water quality objectives in the Basin Plan or any other applicable regulations/policies.</p> <p>Furthermore, the reference to the City of Burbank decision is misplaced. In that case, the court held that when imposing more stringent pollutant restrictions in a wastewater discharge permit than required by federal law, a regional board may take into account the economic effects of doing so. This is a proposed WDR permit, not a NPDES permit.</p>
19	<p>Third, the Tentative WDR provides no explanation or supporting evidence for</p>	<p>Comment noted.</p>

eliminating the average<sup>3</sup> from the effluent limitations for BOD<sub>5</sub>, Suspended Solids, and Turbidity. The 30-day average is a standard sampling frequency for secondary treatment. (See 40 C.F.R. § 131.100 et seq.) For example, 40 C.F.R. § 131.1.02 provides that “the 30–day average shall not exceed 30 mg/L” for BOD<sub>5</sub> or Suspended Solids. Oil and Grease should also be subject to a 30-day average. Without the ability to comply with a 30-day average limitation, the Tentative WDR is unnecessarily stringent. The Tentative WDR also fails to provide any explanation for reducing the daily maximum limitations from 45 to 30 mg/L for BOD<sub>5</sub>, from 45 to 30 mg/L for Suspended Solids, from 15 to 10 NTU for Turbidity; and from 15 mg/L to 10 mg/L for Oil and Grease. In the absence of findings to support these modifications, the revised effluent limitations for BOD<sub>5</sub>, Suspended Solids, Turbidity, and Oil and Grease are unreasonable and without any factual basis.

Based on the foregoing, ISD requests the following effluent limitations in the table for B(3):

Constituent	Units	Daily Maximum	30-Day Average
BOD <sub>5</sub>	mg/L	45	30
Total Suspended Solids	mg/L	45	30
Turbidity	NTU	15	10
Oil and Grease	mg/L	15	10
Total Dissolved Solids	mg/L	1,000	
Sulfate	mg/L	250	
Chloride	mg/L	250	
Boron	mg/L	1.0	
Nitrate as Nitrogen	mg/L	10	
Nitrite as Nitrogen	mg/L	1	
Total Nitrogen	mg/L	10	
Methylene Blue Active Substances (MBAS)	mg/L	0.5	
Total Coliform*	MPN/100mL	2.2	23

\*The total coliform (median number of coliform organisms in the effluent) shall not exceed 2.2 MPN per 100 ml, as determined from the bacteriological results of the last 7 days for which analyses have been completed, and the number of total coliform bacterial shall not exceed 23 MPN/100 ml in more than one sample in any 30 days period.

The Dischargers shall collect samples for BOD<sub>5</sub>, Total Suspended Solids, Turbidity, and Oil and Grease on a monthly basis and is required to meet both daily maximum limitations and 30-day average limitations.

The reference to 40 CFR section 131.100 appears to be incorrect as there is no such regulation. Nor is there a 40 CFR section 131.1.02.

**Action:** Revise Effluent Limitations B(3).

20 Fourth, Effluent Limitation No. 8 is unnecessary and should be eliminated from the

Comment noted.

	<p>Tentative WDR. As written, the provision is just another means of describing an effluent limitation for Nitrate as Nitrogen, which is already imposed in Section B(3). As a matter of clarification, the word “restarting” is not accurate. Because no effluent limitation for nitrate-nitrogen was previously required under Order No. 00-110, ISD had no reason to operate or “start” the anoxic tank. ISD fully activated the anoxic tank on April 26, 2015.</p> <p><del>The Discharges shall restart restart denitrification process for nitrogen removal in order to meet effluent discharge limits for nitrate-nitrogen of 10 mg/L and total nitrogen of 10 mg/L as specified in WDR Order R4-2015-xxxx.</del></p>	<p><b>Action:</b> Delete Effluent Limitations B(8).</p>
21	<p>C. <u>Groundwater Limitations</u></p> <p>C(1) There is no evidence establishing that water present at monitoring well MW-3 is ambient groundwater. Rather, it is most likely treated wastewater percolating through the vadose zone. If the water underlying Camp 13 is the treated wastewater, then it logically cannot be included in the definition of “Receiving Water.” Water Code section 13260 requires waste discharge requirements for persons discharging waste that could affect the waters of the state. (See Cal. Wat. Code, § 13260, subd. (a)(1).) Here, the waste and the “waters of the state” are likely the same. Therefore, if the “receiving water” is comprised of treated wastewater, then it cannot “receive” the very same treated wastewater that was discharged to the percolation ponds.</p>	<p>See Response to Comment No. 4.</p>
22	<p>C(2) Groundwater limitations are not appropriate for enforcement through the existing groundwater monitoring wells at this time, because wells MW-1 and MW-2 are upgradient and cross-gradient from the percolation ponds, respectively, and are not designed to be compliance wells. Monitoring well MW-3 is located immediately downgradient from the percolation ponds, but appears to only sample treated wastewater percolating through the vadose zone. Therefore, even MW-3 is not likely representative of the “groundwater” and thus is not a proper compliance well. ISD has been very forthcoming with the Regional Board about this problem with MW-3. One of the primary objectives of the groundwater investigation work plan is to determine an appropriate location for a compliance well that actually represents ambient groundwater quality. Until a compliance well is sited, constructed, and designated in the MRP, there is no valid way to determine compliance with groundwater limitations. ISD should not be penalized for failure to comply with specific limitations while the groundwater investigation is ongoing. In other words, enforceable groundwater effluent limitations should be suspended until the investigation is complete and an appropriate compliance well is designated in the MRP. If the Regional Board is unwilling to replace the groundwater effluent limitations with monitoring requirements, then at a minimum, the Regional Board should clarify that MW-1 and MW-2 are not compliance wells; modify the MRP to include a mechanism to later designate a compliance well; and revise C(2) to state as follows:</p>	<p>See Response to Comment No. 4.</p> <p>The groundwater impact caused by the Dischargers is determined by groundwater samples collected from adequate monitoring wells. As required in the Tentative CDO, the Dischargers shall review existing well locations and propose a proper groundwater monitoring network if the groundwater investigation concludes that current wells are not representative to determine its impact.</p>

	<p>The groundwater collected from the <del>monitoring</del> <u>compliance</u> wells shall not exceed the following limits:</p> <p>In addition, there are no findings that explain the purpose of a groundwater limitation for Total Dissolved Solids when Camp 13 has never had any problem with TDS generally.</p>	<p>The Basin Plan contains groundwater quality objectives including TDS (see Basin Plan Table 3-10) regardless of whether the Dischargers had any violation previously or not.</p>
23	<p>C(3) ISD requests that this provision be deleted. As written, C(3) is impermissibly vague because ISD cannot know in advance how to comply. The Tentative WDR already includes a broad prohibition against “causing pollution or nuisance” in F(8). In addition, this assessment of the impact, or lack thereof, of the discharge on groundwater will be accomplished through C(4). Finally, this provision is inconsistent with Findings 43 and 44 of the Tentative WDR:</p>	<p>See Response to Comment No. 4.</p>
24	<p>C(4) This provision is not an appropriate groundwater limitation in the Tentative WDR for two basic reasons. First, C(4) is not a true limitation but rather serves an investigative function. Second, if C(4) were to remain in the Tentative WDR, then once ISD submits this work plan, its association as a “groundwater limitation” will be awkward and superfluous. This provision is better suited as a requirement in the preferred Time Schedule Order (see comments <i>infra</i> on the Tentative CDO), or the Tentative MRP, because it requires ISD to submit a deliverable. In addition, as written, C(4) improperly assumes that coliform and nitrate-nitrogen have impacted groundwater when this fact has not been established. The groundwater investigation work plan is necessary to determine whether ambient groundwater even exists and if so, whether this groundwater has been impacted. ISD is proposing to submit a work plan to install a single monitoring well in a proper location. The costs of installing a monitoring well in terrain with complex geology, hydrogeology, and steep topography are estimated to range between \$50,000 to \$100,000. Consequently, the significant capital investment in drilling a deep well may not yield much benefit if groundwater is not encountered or if the hydrogeology is too complex, which is a real possibility. Because Water Code section 13267(b) requires the burden and the costs of the investigation to bear a reasonable relationship to the benefits obtained, ISD proposes to take a staged approach to the investigation.</p> <p>Based on the forgoing, C(4) should be moved to a Time Schedule Order or the Tentative MRP and be revised as follows:</p> <p>By <del>October</del> <u>December 30</u><sup>31</sup>, 2015, the Dischargers shall submit a groundwater investigation work plan <u>in accordance with Water Code section 13267</u> to assess the causes of groundwater <del>impact by</del><u>detections of</u> total coliform, fecal coliform, and nitrate-nitrogen. The groundwater investigation work plan shall identify the <del>numbers</del></p>	<p>Staff disagrees. Section C contains limitations, requirements and conditions related to groundwater. C(4) is consistent with the Tentative CDO.</p> <p>Also see Response to Comment No. 4.</p> <p>Staff agrees that the due date of the groundwater investigation work plan submittal can be extended to December 31, 2015.</p> <p><b>Action:</b> Revise the due date for Groundwater Limitations C(4).</p>

	<p>and locations of <del>the a proper</del> groundwater monitoring wells to <del>determine site-specific groundwater flow direction and gradient for the purposes of adequately</del> assessing any impacts to the quality of the receiving groundwater around the evaporation/percolation ponds. The groundwater investigation work plan shall be prepared by a professional engineer/professional geologist in the State of California.</p>	
25	<p>D. <u>General Requirements</u></p> <p>D(4) This provision is duplicative of E(13) and should be deleted. ISD is prejudiced by such redundancy. Although enforcement will hopefully never be necessary, it might be argued that duplicative provisions constitute multiple violations.  <del>The treatment system, including the collection system that is a part of the treatment system and the disposal system, shall be maintained in such a manner that prevents wastewater from surfacing or overflowing at any location.</del></p>	<p>Comment noted.</p> <p><b>Action:</b> Delete General Requirements D(4).</p>
26	<p>D(8) This provision should be deleted. ISD is unclear what D(8) intends to accomplish that is not otherwise addressed in the Tentative WDR. To the extent D(8) duplicates other provisions in the Tentative WDR, ISD is prejudiced by such redundancy. Although enforcement will hopefully never be necessary, it might be argued that duplicative provisions constitute multiple violations.  <del>Storage and disposal of domestic wastewater shall comply with existing Federal, State, and local laws and regulations, including permitting requirements and technical standards.</del></p>	<p>Staff does not understand the comment as it does not provide specific reasons and location of the claimed “duplicate.”</p> <p><b>Action:</b> No change is necessary.</p>
27	<p>E. <u>Prohibitions</u></p> <p>E(2) This prohibition is duplicative of prohibition E(12) and should be deleted to avoid unnecessary redundancy in the Tentative WDR. ISD is prejudiced by such redundancy. Although enforcement will hopefully never be necessary, it might be argued that duplicative provisions constitute multiple violations.  <del>Bypass, dischargers or overflow of untreated wastes, except as allowed by Section E. 12 of this Order, is prohibited.</del></p>	<p>Comment noted.</p> <p><b>Action:</b> Delete Prohibitions E(2).</p>
28	<p>E(3) The second sentence of Prohibition E(3) is circular and duplicative of the first sentence. In addition, based upon comments for C(2) that groundwater limitations are not appropriate at this time, the second sentence should be deleted:  Discharge of waste classified as “hazardous”, as defined in Section 2521(a) of Title 23, CCR, Section 2510 et seq., is prohibited. <del>Discharge of waste classified as ‘designated,’ as defined in CWC section 13173, in a manner that causes violation of groundwater limitations, is prohibited.</del></p>	<p>The second sentence is not circular and duplicative of the first sentence. “Hazardous waste” and “Designated waste” are not the same thing and have specific statutory and regulatory</p>

		<p>definitions.</p> <p><b>Action:</b> No change is necessary.</p>
29	<p>E(9) Provision F(8) already prohibits the creation of a condition of pollution or nuisance. ISD is prejudiced by such redundancy. Multiple prohibitions against nuisance in the Tentative WDR could be construed as multiple violations, when the creation of a nuisance should only be viewed as a single violation. To eliminate this repetitive prohibition and avoid the potential for unfair enforcement, the first sentence of E(9) should be merged with F(8) as follows: The discharge of waste shall not <u>cause or</u> create a condition of pollution, contamination, or nuisance <u>as defined in CWC section 13050</u>.</p> <p>In addition, the last sentence does not appear relevant to Camp 13 and perhaps was mistakenly added to the Tentative WDR. If this sentence was intentionally included here, then it is vague and needs to be clarified, particularly the phrase “no new connections may be made”; it is unclear what the Regional Board staff is referring to here. The prohibition against new connections also seems entirely unrelated to a prohibition against the creation of a nuisance. Therefore, the last sentence should either be made a separate prohibition (and clarified) or eliminated altogether.</p>	<p>Comment noted.</p> <p>There is No change needed for E(9). The purpose of the provision is to ensure that if there is a change in the nature, character or volume of the waste being discharged that the Dischargers submit a revised report of waste discharge. (See, e.g., Water Code section 13264; Cal. Code Regs., tit. 23, section 2210.)</p> <p><b>Action:</b> No change is necessary.</p>
30	<p>E(10) This prohibition is duplicative of prohibition E(1) and F(4) and should be deleted to avoid unnecessary redundancy in the Tentative WDR. ISD is prejudiced by such redundancy. Although enforcement will hopefully never be necessary, it might be argued that duplicative provisions constitute multiple violations.</p> <p><del>The discharge of any wastewater to surface waters or surface water drainage courses is prohibited without a NPDES permit.</del></p>	<p>Comment noted.</p> <p><b>Action:</b> Delete Prohibitions E(10).</p>
31	<p>E(11) Prohibition E(9) already prohibits the creation of a condition of pollution, contamination, or nuisance. Prohibition E(11) essentially duplicates this language as it relates to prohibiting nuisance. ISD is prejudiced by such redundancy. Multiple prohibitions against nuisance in the Tentative WDR could be construed as multiple violations, when the creation of a nuisance should only be viewed as a single violation. In addition, the prohibition against insect vectors appears to be beyond the scope of this Tentative WDR. If the Regional Board requires ISD to spray for mosquitoes and other insects, ISD objects to this requirement. E(11) should therefore be revised as follows: The evaporation/percolation ponds shall not contain floating materials, including solids,</p>	<p>Comment noted.</p> <p><b>Action:</b> No change is necessary.</p>

	foams or scum in concentrations that <del>cause nuisance, adversely affect beneficial uses, or serve as a substrate for undesirable bacterial or algae growth or insect vectors.</del>	
32	E(12) This provision should be revised to either quote the definition of “bypass” in 40 C.F.R. § 122.41(m), <u>which appears to be the basis for this provision</u> , or state that the bypass provisions of 40 C.F.R. § 122.41(m) are incorporated into the Tentative WDR by reference. It should be noted that 40 C.F.R. § 122.41(m)(3)(2) allows for an unanticipated bypass, however E(12) does not. The Tentative WDR should include a provision for unanticipated bypass consistent with 40 C.F.R. § 122.41(m)(3)(2), which requires the permittee to provide 24-hour notice of an unanticipated bypass.	Staff disagrees. The definition of “bypass” in E(12) is provided in the same sentence.  <b>Action:</b> No change is necessary.
33	F. <u>Provisions</u>  F(4) This provision is duplicative of B(1)-(3), E(1), and E(10) and should be deleted to avoid unnecessary redundancy in the Tentative WDR. ISD is prejudiced by such redundancy. Although enforcement will hopefully never be necessary, it might be argued that duplicative provisions constitute multiple violations. <del>The Dischargers shall achieve compliance with all the effluent limitations listed in this Order and shall not discharge any wastewater to surface water from Camp 13 WWTP.</del>	Comment noted.  <b>Action:</b> Delete Provisions F(4).
34	F(5) Based on many of the foregoing comments, this provision should be modified to refer to potential WWTP impacts on receiving water quality: Monitoring and Reporting Program CI NO. 3138 contains requirements, among others, a groundwater monitoring program for Camp 13 WWTP <del>so that the groundwater downgradient and upgradient from the discharge/disposal area can be measured, sampled, and analyzed</del> to determine if discharges from the disposal system are impacting water quality <u>downgradient from the discharge/disposal area</u> .	The impact to receiving water quality must be measured by comparing groundwater quality at up-, cross-, and down-gradient wells. The F(5) language is technically feasible and adequate.
35	F(6) The requirement to “monitor the background of the receiving groundwater quality” may be difficult, if not impossible due to the complex geology, topography and hydrogeology of the area. The seven percolation ponds are located at the top of the hill and there is little evidence that ambient groundwater exists in the immediate vicinity of the ponds. This provision therefore should be deleted to account for the unique geological features of the site. Furthermore, as noted above in Comment C(2), the concentrations in the current monitoring wells are most likely not representative of ambient conditions. The requirement to develop a source control plan is therefore premature. As suggested in C(2), ISD is willing to monitor for groundwater impacts above water quality objectives.	See Response to Comment No. 4.
36	F(7) For similar reasons stated above, this provision is unnecessary unless groundwater impacts are documented, after the initiation of nitrate treatment, and possibly until the adequacy	It is Dischargers’ responsibility to demonstrate

	<p>of the existing monitoring well network is evaluated thoroughly. The benefit of reporting required by this provision does not bear a reasonable relationship to the cost of providing the reports and there are no supporting findings, in violation of Water Code section 13267. This provision should therefore be deleted.</p>	<p>that the receiving water is not impacted by its discharge. The language in F(7) is adequate.</p> <p>Also see Response to Comment No. 4.</p> <p>One purpose of the reporting requirements is to ensure compliance with the waste discharge requirements. Consequently, staff believe that these reporting requirements bear a reasonable relationship to the cost of providing the reports.</p>
37	<p>F(8) See comment E(9). Provision F(8) should be deleted and E(9) should be modified as set forth above.</p> <p><del>Wastewater treatment and discharge at the discharge/disposal area shall not cause pollution or nuisance as defined in CWC section 13050.</del></p>	<p>See Response to Comment No. 29.</p>
38	<p>F(11) ISD respectfully requests additional time to submit an Operations and Maintenance Manual. Specifically, ISD requests a due date of August 31, 2015. In addition, the last sentence requiring Executive Officer approval for any updates to the O&amp;M Manual could potentially delay ISD's regular review of and revisions to the same. ISD does not object to any changes directed by the Executive Officer, however. F(11) should therefore be revised as follows: By <del>July 30</del><u>August 31</u>, 2015, the Dischargers shall submit to the Regional Board an Operations and Maintenance Manual (O&amp;M Manual) for Camp 13 WWTP and seven evaporation/percolation ponds. The Dischargers shall maintain the O&amp;M Manual in useable condition, and available for reference and use by all applicable personnel. The Dischargers shall regularly review, and revise or update as necessary, the O&amp;M Manual<del>(s)</del> in order for the document<del>(s)</del> to remain useful and relevant to current equipment and operation practices. Reviews shall be conducted annually, and revisions or updates shall be completed as <del>necessary directed by and submitted to the Regional Board for the</del> Executive Officer <del>approval</del>.</p>	<p>Comment noted.</p> <p>Staff agrees with the due date for O&amp;M Manual submittal. The remaining language of F(11) is adequate and does not need to be revised.</p> <p><b>Action:</b> Revise the due date for Provisions F(11).</p>

39	<p>F(13) This provision is duplicative of E(9) and F(8), because preventing discharges that may adversely affect human health or the environment is akin to preventing conditions of nuisance. Indeed, Water Code section 13050 defines “Nuisance” as anything that “(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; or (3) Occurs during, or as a result of, the treatment or disposal of wastes.” As explained above, ISD is prejudiced by such redundancy. F(13) should therefore be deleted.</p> <p><del>The Discharges shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.</del></p>	<p>Comment noted.</p> <p>The language in E(9), F(8) and F(13) have a different purpose and are adequate. No change is necessary. The fact that one provision is arguably “akin” to another provision does not make them redundant or duplicative. In addition, all three elements need to be satisfied to constitute a “nuisance” as defined in Water Code section 13050.</p>
40	<p>F(14) ISD requests clarification of this provision, because it is confusing especially when read in combination with Standard Provisions 17. It appears F(14) is intended to supersede Standard Provision 17, so the Tentative WDR should make this very clear. In addition, “the report” referenced in the last sentence of F(14) is ambiguous: is this the one-week written report that follows the 24-hour notification, or is this the “next monitoring report?” ISD seeks additional clarification here.</p>	<p>According to F(18), the requirements specified in the tentative WDRs supersede the requirements in the Standard Provision if there is any conflict.</p> <p>The report summarizing reasons for the violation and steps taken, referenced in the comment, is the monitoring report.</p> <p><b>Action:</b> Revise Provisions F(14).</p>
<b>Specific Comments on Standard Provisions</b>		
No.	Comments	Response to Comments
41	17. As noted above in Comment F(14), this provision needs to be reconciled with the notification requirements in F(14).	See Response to Comment No. 40.

**Specific Comments on Tentative Monitoring and Reporting Program**

No.	Comments	Response to Comments										
42	<p>Section I. <u>Reporting Requirements</u></p> <p>I(A) The quarterly monitoring reports are typically due 45 days after the end of the reporting period, or the 15th day of the month. The Tentative MRP has now shortened the timeframe to 30 days without any explanation. In order to ensure sufficient time to comply with the reporting requirements, and to also provide consistency with the reporting for other County facilities, ISD respectfully requests that the Tentative MRP preserve the existing MRP reporting periods of May 15, August 15, November 15, and February 15:</p> <p>The Dischargers shall implement the monitoring program on the effective date of this Order (WDR Order No. R4-2015-xxxx). The first monitoring report under this Program is due by <del>July 30</del><u>August 15</u>, 2015. Monitoring reports shall be received by the Regional Board by the dates in the following schedule:</p> <table border="0" data-bbox="428 732 1203 894"> <tr> <td><u>Reporting Period</u></td> <td><u>Report Due</u></td> </tr> <tr> <td>January-March</td> <td><del>April 30</del><u>May 15</u></td> </tr> <tr> <td>April-June</td> <td><del>July 30</del><u>August 15</u></td> </tr> <tr> <td>July-September</td> <td><del>October 30</del><u>November 15</u></td> </tr> <tr> <td>October-December</td> <td><del>January 30</del><u>February 15</u></td> </tr> </table>	<u>Reporting Period</u>	<u>Report Due</u>	January-March	<del>April 30</del> <u>May 15</u>	April-June	<del>July 30</del> <u>August 15</u>	July-September	<del>October 30</del> <u>November 15</u>	October-December	<del>January 30</del> <u>February 15</u>	<p>The due days for quarterly monitoring reports reflect treating all Dischargers equally and making the proposed changes would be contrary to how other Dischargers are currently regulated within the jurisdiction of the Regional Board.</p> <p><b>Action:</b> No change is necessary.</p>
<u>Reporting Period</u>	<u>Report Due</u>											
January-March	<del>April 30</del> <u>May 15</u>											
April-June	<del>July 30</del> <u>August 15</u>											
July-September	<del>October 30</del> <u>November 15</u>											
October-December	<del>January 30</del> <u>February 15</u>											
43	<p>I(C) Likewise, the annual report is traditionally due on the same day as the Fourth Quarter monitoring report. This was the requirement of the existing MRP, which required both the Fourth Quarter monitoring report and annual report to be due on February 15. As such, ISD respectfully requests the following revision to I(C):</p> <p>By <del>March 1st</del><u>February 15th</u> of each year, beginning <del>March 1</del><u>February 15</u>, 2016, the Dischargers shall submit an annual summary report to the Regional Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous calendar year. In addition, the Dischargers shall discuss the compliance record and the corrective actions taken or planned, which may be needed to bring the discharge into full compliance with the waste discharge requirements.</p>	<p>The due days for annual monitoring reports reflect treating all Dischargers equally and making the proposed changes would be contrary to how other Dischargers are currently regulated within the jurisdiction of the Regional Board.</p> <p><b>Action:</b> No change is necessary.</p>										
44	Section II. <u>Effluent Monitoring Requirements</u>	Comment noted.										

<p>The minimum frequency of analysis for Total Flow, Total Coliform, Fecal Coliform, and Residual Chlorine will be very difficult for ISD to meet on Saturdays and Sundays. Weekends are generally impractical to conduct a daily analysis because coliform samples must be immediately transported to a laboratory and the closest laboratory is closed on weekends. Other laboratories may be open on weekends, but they are located much further away, at great inconvenience to ISD staff. The substantial burden of collecting samples on weekends and transporting the samples to a laboratory much further away does not bear a reasonable relationship to any benefit to have samples analyzed on weekends. (Cal. Wat. Code, § 13267, subd. (b).) To resolve the impracticability of this requirement, ISD requests a revision from daily to business days (or Monday through Friday) for these constituents.</p>	<p>The total flow must be measured on a daily basis. Staff understand the logistical and economic challenges of analyzing total and fecal coliform on a daily basis. The sampling frequency is revised as follows:  Total coliform and fecal coliform shall be sampled on a daily basis including weekdays and weekends for the first 12 weeks from the adoption of the tentative WDRs. The sampling frequency will be reduced to weekly after the first 12 weeks if the Dischargers demonstrate that there is no effluent violation in the last four weeks of the 12-week daily sampling period. If there are two consecutive violations of effluent limitations for total coliform or fecal coliform, the sampling frequency will occur on a daily basis and may be returned to weekly after total coliform and fecal coliform are in compliance with the effluent limitations for at least three consecutive days.</p> <p><b>Action:</b> Revise Effluent</p>
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		Monitoring Requirements.
45	<p>Section III. <u>Groundwater Monitoring Program</u></p> <p>ISD anticipates that the locations of MW-1, MW-2, and MW-3 will likely change, because one or more of the monitoring wells are not representative of any “groundwater.” These wells are therefore not proper compliance wells. (See comments above.) Based on the results of the groundwater investigation, ISD anticipates that it will be able to determine a location for a proper compliance well. As such, this section should include a mechanism for ISD to later designate a compliance well once the groundwater investigation is completed.</p>	See Response to Comment No. 4.
<b>Specific Comments on Tentative Cease and Desist Order</b>		
No.	Comments	Response to Comments
46	<p>Please see the comments above under Major Comments related to the Tentative CDO. ISD objects to the issuance of a Tentative CDO when the Regional Board could issue a Time Schedule Order in its place, pursuant to Water Code section 13300.4 Water Code section 13300 provides a similar enforcement tool to ensure compliance with the Tentative WDR. Even before these comments were submitted, ISD has been working diligently to implement the requirements and deliverables identified in the Tentative CDO. For example, ISD has already activated the anoxic tank and is currently obtaining very low levels of nitrate-nitrogen in the effluent. (See Attachment B.) ISD is making substantial progress towards meeting all of the effluent and groundwater limits prescribed in the Tentative WDR. Due to ISD’s good faith and dedication to improving Camp 13’s operations, the Tentative CDO is not an appropriate mechanism to ensure compliance with the Tentative WDR. A Time Schedule Order is a more appropriate approach to guide implementation, especially because the Tentative WDR includes new effluent limitations. Indeed, Water Code Section 13263(c) expressly authorizes the issuance of a time schedule to assist a discharger in complying with new requirements. All references to a CDO should therefore be changed to refer to a Time Schedule Order. Without waiving the foregoing request, ISD nonetheless submits the following comments on the Tentative CDO:</p>	See Response to Comment No. 2.
47	<p><u>Findings</u></p> <p>As a general comment, these Findings need to be consistent with the Findings in the Tentative WDR. Currently, these Findings are not consistent and should be revised as set forth in the comments on the Findings in the Tentative WDR.</p>	<p>Comment noted.</p> <p>Regional Board staff reviewed the comments received and made some</p>

		changes to the findings as noted elsewhere in this document and in the revised Tentative WDR.
48	<p>16. ISD objects to the Finding that “ISD cannot achieve immediate compliance with the requirements listed in the WDR Order No. R4-2015-xxxx.” In fact, ISD is currently in compliance with almost all of the effluent and groundwater limitations. Consequently, a Time Schedule Order is more appropriate for Camp 13. Finding 16 should therefore be revised as follows:</p> <p>WDR Order No. R4-2015-xxxx, adopted by the Regional Board on June 11, 2015 specifies requirements for Camp 13 WWTP, which is owned by LACoFD and operated by ISD. <del>ISD cannot achieve immediate compliance with the requirements listed in the WDR Order No. R4-2015-xxxx</del><u>In order to determine appropriate groundwater limitations for the WDR Order, a groundwater investigation work plan and report and percolation evaluation report must be developed.</u> Therefore this <del>Cease and Desist</del><u>Time Schedule Order (CDO TSO)</u> sets forth a time schedule to allow the Discharger sufficient time to <u>develop and submit the required reports and complete corrective and preventative actions</u> to achieve compliance with the WDR Order.</p>	Staff disagrees. Compliance is achieved when the Dischargers meets ALL requirements, not almost all limitations.
49	17. Because a Time Schedule Order is more appropriate than a CDO, this Finding should be replaced with a citation to Water Code Section 13263(c) and 13300.	Staff disagrees with the proposed change. See Response to Comment No. 2.
50	<p><u>Order</u></p> <p>As a general comment, all references to section 13301 should be replaced with a citation to Water Code Section 13263(c) and 13300.</p>	See Response to Comment No. 49.
51	1. Effluent sampling results indicate that the WWTP is substantially meeting the primary constituent standards (e.g. total coliform, fecal coliform, Nitrate-N and total nitrogen). (See Attachment B.) Therefore, this requirement is not necessary and should be deleted from the Order.	Dischargers shall submit data and report to demonstrate the compliance with requirement in the Tentative CDO.
52	2. ISD has already activated the anoxic tank for nitrogen removal and is already very low levels of nitrate-nitrogen and total nitrogen. (See Attachment B.) Therefore, this requirement is no longer necessary and should be deleted from the Order.	See Response to Comment No. 1.
53	3. There are control system upgrades on-going and after the equipment installation, it is likely that at least 3 months will be needed for optimizing the anoxic zone. This results in	The extension request is granted.

	approximately 6 months. Therefore, ISD respectfully requested that the date for Tentative CDO Item 3 for achieving discharge effluent limits be changed from July 30, 2015 to <b>December 31, 2015</b> .	<b>Action:</b> Revise the due date for Order No. 3.										
54	4. This requirement should be deleted from the Order because the appropriate groundwater limitations must be studied before they can be imposed. As ISD noted in its comments on the Tentative WDR, the groundwater limitations are not appropriate because none of the existing groundwater monitoring wells (MW-1, MW-2, and MW-3) are designed to be compliance wells and are not representative of ambient groundwater, if ambient groundwater even exists in the area. ISD does not object to monitoring various constituents in the groundwater, however.	See Response to Comment No. 4.										
55	5. See comment C(4) on the Tentative WDR, which is incorporated here by reference.	See Response to Comment No. 24.										
56	6. ISD requests more time for the submittal of this report. ISD requests a due date of <b>January 31, 2016</b> .	The extension request is granted.  <b>Action:</b> Revise the due date for Order No. 6.										
57	7. It is premature to direct the Discharger to perform mitigation and/or demonstrate that the effluent from Camp 13 does not contribute to the deterioration of groundwater. Treatment for nitrate was not previously required and time must be allowed to evaluate the effectiveness of the recently instituted nitrate treatment. To allow enough time for this evaluation, ISD requests that a groundwater investigation report be submitted on <b>August 31, 2016</b> .	The extension request is granted.  <b>Action:</b> Revise the due date for Order No. 7.										
58	8. Consistent with ISD's comments on the Tentative MRP and the schedule for submitting quarterly monitoring reports, ISD respectfully requests that the schedule for submitting quarterly progress reports be revised to match the due dates for the quarterly monitoring reports. The requested due dates are May 15, August 15, November 15, and February 15, respectively, with the first report due on <b>February 15, 2016</b> instead of January 30, 2016:  <table border="0" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: left;"><u>Reporting Period</u></th> <th style="text-align: left;"><u>Report Due</u></th> </tr> </thead> <tbody> <tr> <td>January-March</td> <td><del>April 30</del> <u>May 15</u></td> </tr> <tr> <td>April-June</td> <td><del>July 30</del> <u>August 15</u></td> </tr> <tr> <td>July-September</td> <td><del>October 30</del> <u>November 15</u></td> </tr> <tr> <td>October-December</td> <td><del>January 30</del> <u>February 15</u></td> </tr> </tbody> </table>	<u>Reporting Period</u>	<u>Report Due</u>	January-March	<del>April 30</del> <u>May 15</u>	April-June	<del>July 30</del> <u>August 15</u>	July-September	<del>October 30</del> <u>November 15</u>	October-December	<del>January 30</del> <u>February 15</u>	The due days for quarterly progress reports reflect treating all Dischargers equally and making the proposed changes would be contrary to how other Dischargers are currently regulated within the jurisdiction of the Regional Board.  <b>Action:</b> No change is necessary.
<u>Reporting Period</u>	<u>Report Due</u>											
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