

Response to Comments

Camarillo Sanitary District
Camarillo Water Reclamation Plant
Tentative NPDES Permit

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

Commenter	#	Comment	Response	Action Taken
Comments received from the Camarillo Sanitary District on April 14, 2014				
Letter				
Camarillo Sanitary District	C1	<p>Page 1</p> <p>Camarillo Sanitary District (District) has reviewed the March 14, 2014, Tentative Order issued by your office for our Water Reclamation Plant (WRP). We request that this letter and attachments be included in the record. In general, the District has concerns regarding the appropriate incorporation of TMDL-based effluent limitations and associated compliance schedules for the Calleguas Creek Watershed (CCW) Salts TMDLs, numeric effluent limits for toxicity, other effluent limits and study requirements as discussed in more detail below. The District requests that the following changes be made to the Tentative Order:</p>	<p>This letter and the attachments will be included in the administrative record.</p> <p>Comment noted. See specific responses below.</p>	None necessary.
Camarillo Sanitary District	C2	<p>Page 1</p> <p>1. Interim limits and compliance schedules based on the requirements of the CCW Salts TMDL should be included in the permit and not in a separate Time Schedule Order. The compliance schedules should be</p>	<p>The Regional Water Board encountered this issue in April 2011 during the process of renewing the Camarillo WRP NPDES permit. The tentative permit included interim limits for TDS, sulfate, and chloride based on the Salt TMDL interim waste load</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
		consistent with the schedules established in the TMDL.	<p>allocations (WLAs). At the Regional Water Board's April 2011 hearing to consider adoption of the permit, Camarillo's attorney testified that her client opposed the tentative permit and preferred to keep the existing 2003 permit because those interim WLA-based interim limits would not protect the District from mandatory minimum penalties (MMPs). The Board did not adopt the permit, but instead directed staff to work with the Discharger to prepare a time schedule order (TSO) with performance-based limits. A TSO was subsequently developed to address TDS and sulfate, following Camarillo's submittal of data, plans for achieving compliance, and information regarding its capital improvement project with milestone dates for task completion.</p> <p>The Regional Water Board agrees that the State Water Board's Compliance Schedule Policy can authorize inclusion of a compliance schedule for achieving effluent limitations for chloride derived from the TMDL WLAs, so long as the compliance schedule is consistent with the TMDL implementation plan (i.e., the compliance schedule cannot exceed the maximum time that the implementation allows, and must be as short as feasible), the Compliance Schedule Policy, and federal regulations.</p> <p>For non-California Toxics Rule (CTR) constituents, compliance schedules in NPDES permits are only authorized pursuant to the State Water Board's 2008 Compliance Schedule Policy (Resolution No. 2008-0025). Pursuant to the Compliance Schedule Policy, any discharger seeking a compliance schedule in the permit must demonstrate to the satisfaction of the Regional Water Board that the discharger needs time to implement actions to comply with a more stringent permit limitation and must provide the Regional Water Board with specific documentation pursuant to Section 4 of the Policy. Based on the City's monitoring data and limited documentation submitted, the City has not justified inclusion of a compliance schedule for chloride in the permit. The City's request falls short of the application requirements in Section 4. The actions and milestones proposed by the City as justification for a compliance</p>	

Commenter	#	Comment	Response	Action Taken
			<p>schedule for salts are vague and do not demonstrate that the requested schedule is as short as possible. Further, compliance schedules may only be used in situations where time is needed for a permittee to come into compliance with the effluent limitation in the permit. Notably, the City has not proposed a deadline to come into compliance with the final effluent limits for salts in the permit. The City proposes to “Implement Phase 4 of the Renewable Water Resource Management Program (RWRMP)” by December 2023, but does not indicate a completion date of Phase 4 and ultimate compliance with the final effluent limits for chloride in the permit. The City has therefore not made the appropriate demonstration to the Regional Water Board at this time that a compliance schedule in the permit for salts is warranted.</p> <p>The Compliance Schedule Policy and 40 C.F.R. § 122.47 requires an applicant for a compliance schedule to demonstrate that the permittee needs time to implement actions to comply with a more stringent permit limitation specified to implement a new, revised, or newly interpreted water quality objective, and:</p> <ol style="list-style-type: none"> a. Diligent efforts have been made to quantify pollutant levels in the discharge and the sources of the pollutant in the waste stream, and the results of those efforts; b. Source control efforts are currently underway or completed, including compliance with any pollution prevention programs that have been established; c. A proposed schedule for additional source control measures or waste treatment; d. Data demonstrating current treatment facility performance to compare against existing permit effluent limits, as necessary to determine which is the more stringent interim permit effluent limit to apply if a schedule of compliance is granted; e. The highest discharge quality that can reasonably be achieved until final compliance is attained; f. The proposed compliance schedule is as short as possible, given the type of facilities being constructed or programs being implemented, and industry experience with the time typically required to construct similar 	

Commenter	#	Comment	Response	Action Taken
			<p>facilities or implement similar programs; and</p> <p>g. Additional information and analyses to be determined by the Regional Water Board on a case-by-case basis.</p> <p>The determination of whether a compliance schedule is appropriate is a discretionary determination to be made by the Regional Water Board. Factors that are relevant to whether a compliance schedule is appropriate under federal regulations and the Compliance Schedule Policy include:</p> <ol style="list-style-type: none"> 1. How much time the discharger has already had to meet the water quality based effluent limitation (WQBEL) under prior permits; 2. The extent to which the discharger has made good faith efforts to comply with the WQBEL in the prior permits; and 3. Whether there is a need to modify treatment facilities, operations or measures to meet the WQBEL, and if so, how long it would take to implement the modifications to treatment facilities, operations or measures. <p>The water quality standard for chloride was first set at its current level (150 mg/L) in 1978, which was significantly higher than the prior objective of 50 mg/L. Since that time various drought relief measures have been granted to the permittee as detailed in the Fact Sheet at F-27, 28. The current water quality standard of 150 mg/L was reestablished by EPA's TMDL in 2002, and the permittees were only granted relief from WQBELs for chloride through extraordinary measures by the State Water Board in granting a stay with respect to that limitation in the permit. The Salts TMDL adopted by the Regional Water Board became effective in 2008, but the water quality standard for chloride did not change. Therefore, in the least, the permittee has been subject to the current water quality standard for twelve years, and is still unable to comply with the associated WQBELs for chloride.</p> <p>The Regional Water Board understands that the current drought</p>	

Commenter	#	Comment	Response	Action Taken
			<p>circumstances may temporarily impact the permittee's ability to meet the salts WQBELs, and is willing to work with the permittees to provide appropriate relief. But the Regional Water Board does not find a compliance schedule for the chloride effluent limitation to be appropriate, because the permittee has not developed an adequate plan to comply with the limit, and have had adequate time in the past decade to do so.</p> <p>Where the Regional Water Board cannot include a compliance schedule in the permit, the Board may be able to issue a MMP-shielding TSO assuming the permittee qualifies under Water Code section 13385(j)(3). A TSO has been proposed for adoption in conjunction with the proposed Order.</p>	
Camarillo Sanitary District	C3	<p>Page 1</p> <p>2. Wet weather effluent limits for salts are not necessary and should be removed from the permit.</p>	<p>The wet- and dry-weather effluent limitations provide all-year coverage to protect the beneficial uses of the receiving water. The wet weather limit for chloride is the same as the limitation that was in the 1996 NPDES permit, prior to the incorporation of the USEPA-promulgated TMDL WLA-based limit. Those limits apply because they correspond to discharges to Calleguas Creek above Potrero Road, as specified in Basin Plan Table 3-8 on page 3-12. Since reasonable potential (RP) exists for the discharge to cause or contribute to an exceedance and none of the backsliding exemptions apply, there is no justification for removal of those limits.</p>	None necessary.
Camarillo Sanitary District	C4A	<p>Page 1</p> <p>3. Interim limits for salts should be adjusted to account for impacts of the drought consistent with the goals of the Salts TMDL.</p>	<p>The Salts TMDL contemplated consideration of drought conditions and gave Stakeholders and Permittees in the Calleguas Creek Watershed the option of conducting a site specific study (Special Study #4) or re-evaluate the interim WLAs based on new data 3 years after the effective date of the TMDL (Task #7). In addition, the TMDL also specifies that the POTWs may export the additional mass of salts out of the watershed (e.g., through a brine line). The City has not conducted a site specific study or a re-evaluation.</p> <p>Nevertheless, modifications to TMDLs are outside the scope of this NPDES permit renewal process. As indicated in the "Scope of Hearing" portion of the public notice, "The validity of the Total Maximum Daily Loads (TMDLs) for Calleguas Creek Watershed is not at issue before the Regional Water Board in this</p>	Modified interim limit in TSO.

Commenter	#	Comment	Response	Action Taken
			<p>proceeding. Evidence or argument that challenges the validity of those requirements, or any aspects of them, will not be permitted. The only matter before the Board is the adoption of new WDRs and permit under the NPDES program to incorporate applicable water quality objectives associated with discharges to the waters of the United States.”</p> <p>However, in a separate process, TMDL staff are committed to working with the stakeholders in Calleguas Creek Watershed to consider revising any TMDL, following submittal of pertinent information, public noticing proposed TMDL changes, and scheduling the revised TMDL for adoption at a future Board meeting.</p> <p>While the Regional Board understands concerns about the drought, the Discharger had not provided data quantifying the changes/increase in salt concentrations, in their letter dated 4/14/14, that will result from the increased amount of water they expect to receive from the Colorado River, nor have they provided any type of mass-balance calculation regarding the volumes of water from the varying supply sources that would constitute the blended potable water supply (i.e., local groundwater, State Water Project water, and Colorado River water). Therefore, Regional Water Board staff requested this information on 4/23/14. After evaluating the additional data received on 4/25/14 and 4/29/14, Regional Board staff has established a performance-based limit by setting the interim limit equal to the maximum effluent concentration (MEC).</p>	
Camarillo Sanitary District	C4B	<p>WDR Section VII.O</p> <p>The District requests changes to Section O on page 32 to correct the discussion about the adjustment factor. While the adjustment factor does not currently apply, the District could request and receive an adjustment factor in the future by offsetting increased salts in the effluent with salt export from another source. The TMDL does not require that the WRP connect to the brine line to utilize the adjustment factor. As a result, please modify the last paragraph in the discussion as</p>	<p>Most of the requested modifications were made to section.</p>	Revised language.

Commenter	#	Comment	Response	Action Taken
		<p>follows:</p> <p>Camarillo WRP is currently not connected to the brine line. However, based on the schedule submitted by Camarillo SD, Camarillo's connection to the brine line should be completed by January 1, 2016. Therefore, the Facility will not be exporting salts prior to 2016. Camarillo WRP has not applied to the Regional Board for an adjustment factor. As a result, the adjustment factor is set to zero. In this scenario, the AF term in the formula above will be set equal to zero since until the Camarillo [WRP] requests and the Regional Board has not approved an AF for the Camarillo WRP. As a result, the AF term will drop out of the equation, and the final effluent limitations are expressed as follows, until an AF is approved. If an AF is approved, the final effluent limitations will be adjusted to reflect the approved adjustment factor.</p>		
Camarillo Sanitary District	C5	<p>Page 1</p> <p>4. The effluent limit for chronic toxicity should be changed back to the language in the last permit with a narrative chronic toxicity limitation and a numeric trigger for additional investigations (e.g., TIE/TRE).</p>	<p>The numeric effluent limitation for chronic toxicity in this Order employs the Test of Significant Toxicity (TST). The TST is recommended by the most recent USEPA guidance as an appropriate and preferred test for chronic toxicity. USEPA, this Regional Board, and other regional boards are using the TST to determine compliance with numeric effluent limitations for toxicity. Additional information about and the basis for utilizing a TST-based limit is included in the fact sheet on pages F-42 and F-55.</p> <p>The commenter raises two issues regarding the effluent limitation for chronic toxicity. First, whether the limit should serve as a numeric effluent limitation or, rather, as a trigger for additional evaluation of toxic constituents in the effluent. Second, whether the TST is the appropriate test to determine compliance with the numeric limit, whether that limit be a numeric effluent limitation or a trigger for further analysis.</p> <p>This Order must include effluent limitations that will achieve and</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
			<p>maintain compliance with water quality standards in Calleguas Creek. (Clean Water Act § 301(b)(1)(C); 40 C.F.R. § 122.44(d)). The Basin Plan for the Los Angeles Region includes a narrative water quality standard for toxicity that requires all surface waters to “be maintained free of toxic substances in concentrations that are toxic.” Effluent limitations in this Order must assure that the discharge will not cause or contribute to a violation of this standard.</p> <p>Federal regulations establish an explicit presumption that a numeric effluent limit – rather than a non-numeric limit – is required by the Clean Water Act to make reasonable further progress toward the goal of eliminating pollutants into the nation’s waters. Non-numeric effluent limits may only replace numeric effluent limits in an NPDES permit if a numeric limit is “infeasible.” (40 C.F.R. § 122.44). This presumption applies to effluent limitations for toxicity: “A limit on whole effluent toxicity refers to a numeric effluent limitation” 54 Fed. Reg. 23868, 23871. Because a numeric limit for chronic toxicity is feasible, a numeric limit must be included in this Order.</p> <p>The State Water Board has declined to make a determination regarding the propriety (and feasibility) of numeric effluent limitations for chronic toxicity. (See WQ Orders 2003-0012 and 2003-0013). The State Water Board declared in the 2003 Orders that the issue would be better addressed through a modification to the SIP. The State Water Board replaced the numeric effluent limits for toxicity in the permits at issue with narrative effluent limits (i.e., a series of actions performed by the permittee intended to address effluent toxicity), with the expectation that the SIP would soon be modified. More than ten years and two NPDES permit cycles have since passed, and no such modification has been made. (See draft Policy for Toxicity Assessment and Control, SWRCB, October 2012). Concerns about the application of mandatory minimum penalties for violations of a numeric toxicity effluent limitation have also been statutorily corrected. (See Water Code § 13385(h)(2)(i)(1)(D)). This Regional Water Board must therefore exercise its own discretion to determine whether numeric</p>	

Commenter	#	Comment	Response	Action Taken
			<p>effluent limitations for chronic toxicity are feasible and appropriate at this time.</p> <p>But an even more compelling reason for inclusion of a numeric effluent limitation for toxicity in this Order is this Board's prior determination that numeric limitations for toxicity are appropriate in the 2005 Calleguas Creek Watershed Toxicity TMDL. The TMDL imposes numeric WLAs for chronic toxicity on POTWs in the watershed. These numeric WLAs were approved by the State Water Board and USEPA under CWA section 303(d). Where a waste load allocation has been established for a particular discharger and pollutant pursuant to a TMDL, any effluent limitation in a permit for the discharge must be consistent with the assumptions and requirements of the available waste load allocation. (40 C.F.R. § 122.44(d)(1)).</p> <p>The Implementation Plan for the TMDL states that the WLAs for toxicity established for the major point sources, including POTWs, will be implemented through NPDES permit effluent limits in accordance with USEPA, State Board, and Regional Board resolutions, guidance and policy at the time of permit issuance or renewal. The Implementation Plan explains that "[c]urrently, these WLAs would be implemented as a trigger for initiation of the TRE/TIE process as outlined in USEPA's 'Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program' (2000) and current NPDES permits held by dischargers to [Calleguas Creek Watershed]." This approach was consistent with the State Board's then-recent determination that a definite instruction regarding effluent limitations for chronic toxicity would soon be provided by the SIP. Today, almost two permit cycles later, numeric testing methods for chronic toxicity are endorsed by USEPA. The TST simplifies interpretation of toxicity test results and increases confidence in the results as compared to prior methods.</p> <p>The "trigger" approach referenced in the TMDL implementation plan was not approved by USEPA under CWA section 303(d).</p>	

Commenter	#	Comment	Response	Action Taken
			<p>Moreover, it has been criticized by USEPA in public comments (2008 letter regarding) and during quality reviews of California’s NPDES program (2008 final report, 2014 draft report). USEPA’s current criticism of this approach is not new. More than 25 years ago, in the 1989 preamble to 40 CFR 122.44(d)(1) [NPDES rules governing water quality based permitting], responding to public comment requesting that whole effluent toxicity (WET) not be used as an enforceable effluent limit, USEPA stated: “EPA requires [WET] limits where necessary to meet water quality standards. EPA does not believe that a whole effluent toxicity trigger alone is fully effective because it does not by itself, restrict the quantity, rate, or concentrations of pollutants in an effluent.” 54 Fed. Reg. 23868, 23875. Later, in response to comments on the GLI that permits should include monitoring with a TRE trigger and any limit should serve only as the objective for a TRE, USEPA replied: “While EPA agrees that TREs are valuable tools in identifying and eliminating whole effluent toxicity, EPA does not agree that TREs can be used as a substitute for WET limits in permits.” The Regional Board concurs with USEPA’s criticism of the “trigger” approach.</p> <p>USEPA’s updated guidance regarding whole effluent toxicity in the “National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document” (June 2010), describes the TST as a feasible method to implement numeric WLAs as numeric effluent limitations. USEPA formally endorsed the TST as an improved hypothesis testing tool to evaluate data collected using WET methods following an extensive external peer review process. This approach has undergone a “test drive” in California and been published in peer reviewed toxicological journals. In 2014, in response to the State Water Board’s request to use the TST hypothesis testing approach in NPDES permits, USEPA determined—based on the evidence presented in the State Water Board’s request—that the results of TST tests and NOEC-LOEC tests—are acceptably equivalent under the ATP process at 40 CFR 136 for all NPDES permits issued by State and Regional Water Boards. USEPA explained that the TST improves understanding of the discharge condition by correctly identifying</p>	

Commenter	#	Comment	Response	Action Taken
			<p>toxic and non-toxic samples more often than when using the NOEC-LOEC. The permit's proposed numeric effluent limits for chronic toxicity, expressed in terms of the TST hypothesis test, are equivalent to the NOEC hypothesis test. They are equivalent to and unambiguously achieve the approved TMDL WLA of 1.0 TUc and requirements for NPDES effluent limits under the CWA and its implementing regulations.</p> <p>Because of the availability of toxicity testing methods and applicable EPA guidance endorsing these methods, the Regional Board finds that numeric effluent limits for toxicity are both feasible and appropriate to protect water quality standards. This permit is not the first in the state to adopt a numeric effluent limitation for chronic toxicity, or to utilize the TST. (See, e.g., R9-20013-0026 (General NPDES Order for discharges from boatyards); R8-2012-0035 (NPDES Order for Orange County Sanitation District)). The State's Ocean Plan also sets numeric limits for chronic toxicity that have been incorporated into NPDES permits as numeric effluent limitations. This Regional Board has already endorsed the TST and has begun implementing it in the Los Angeles MS4 permit, wastewater permits, and individual industrial stormwater permits, to fully integrate chronic toxicity testing programs and their results across the Region. A numeric chronic toxicity effluent limitation utilizing the TST was also included in NPDES permit Order No. R4-2013-0172 (NPDES permit for the University of Southern California, adopted by the Regional Water Board on November 7, 2013) and NPDES permit Order No. R4. 2014-0033 (NPDES permit for the Calleguas Municipal Water District Regional Salinity Management Pipeline).</p>	
Camarillo Sanitary District	C6	<p>Page 1</p> <p>5. The inclusion of the Test of Significant Toxicity (TST) test method is inconsistent with existing policies and regulations. The test method in the last permit (i.e., No Observable Effects Concentration, NOEC) should replace the TST.</p>	Refer to response to Comment C5 above.	None necessary.

Commenter	#	Comment	Response	Action Taken
Camarillo Sanitary District	C7	<p>Page 1</p> <p>6. The requirement for sediment monitoring should be deleted.</p>	<p>The Board is unable to remove the sediment toxicity monitoring requirements because the TMDL Technical Report contemplates monitoring of sediment under certain conditions to determine compliance with the Sediment Toxicity component of the Toxicity TMDL. Note that this monitoring requirement is only triggered if the TSS and mercury limits are exceeded simultaneously. A similar requirement was included in the NPDES permit Order No. R4-2013-0157 adopted by the Regional Water Board on October 3, 2013 for Tesoro Wilmington Calciner, to determine compliance with the sediment toxicity component of the <i>TMDL for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters</i> (Harbor Toxics TMDL).</p> <p>In addition, the monitoring and reporting requirements in the permit are required pursuant to Water Code sections 13383 and 13267, not 13325. In accordance with Water Code section 13267, the Regional Water Board has justified the need to include sediment monitoring in the fact sheet.</p>	None necessary.
Camarillo Sanitary District	C8	<p>Page 2</p> <p>7. Effluent limits for MBAS, chlorinated pesticides, PCBs and boron should be deleted because there is no reasonable potential for these constituents.</p>	<p><u>MBAS</u>: The effluent limitation for MBAS cannot be removed. Because the GWR beneficial use is an existing use in receiving waters downstream of the discharge, USEPA (Letter from USEPA dated October 17, 2006, regarding the revised tentative NPDES permit to the Burbank WRP dated October 10, 2006) believes that it is reasonable for the permit to include WQBELs for these pollutant parameters, as reasonable potential is determined by the Regional Water Board. Such requirements will ensure that the effluent discharged from the facility will not degrade the quality of downstream receiving waters currently providing recharge of groundwater for the purposes of future extraction and/or maintenance of water quality.</p> <p>Reasonable potential can be determined by considering all sources of information, it does not necessarily have to be as a result of a calculation. NPDES regulations require the use of all relevant information and all available factors in determining</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
			<p>whether or not a discharge has reasonable potential (RP) to cause or contribute to an exceedance. This is usually referred to Tier 3 RP, or "little bpj". Section 1.3, Step 7 of the SIP lists the type of information, which under the permit writer's "best professional judgment," can be used to determine RP. The SIP, at page 7, states: "Information that may be used to aid in determining if a water quality-based effluent limitation is required includes: the facility type, the discharge type, solids loading analysis, lack of dilution, history of compliance problems, potential toxic impact of discharge, fish tissue residue data, water quality and beneficial uses of the receiving water, CWA 303(d) listing for the pollutant, the presence of endangered or threatened species or critical habitat, and other information." The Camarillo WRP has Tier 3 RP because it receives MBAS and other soaps in its influent from multiple sources.</p> <p><u>PCBs and Chlorinated Pesticides:</u> The proposed effluent limitations for all TMDL constituents will not be removed. The watershed is impaired by PCBs and Chlorinated Pesticides, and the TMDL assigns WLAs to Camarillo WRP for these pollutants. Federal regulations at 40 CFR section 122.44(d)(1)(vii)(B) require that NPDES permits include effluent limitations developed consistent with the assumptions and requirements of any wasteload allocation that has been assigned to the discharge. Section 1.3 of the SIP does not require a reasonable potential analysis for any pollutant that has a TMDL waste load allocation</p> <p><u>Boron:</u> The CCW watershed is impaired by boron and other constituents. Camarillo SD continuously discharges boron from its discharge point into the receiving water, so it has the reasonable potential to contribute to an exceedance of the water quality objective.</p>	
Camarillo Sanitary District	C9	<p>Page 2</p> <p>8. Monitoring frequencies should be revised to conform with the current monitoring schedules for the CCW</p>	<p>Regional Water Board staff met with the stakeholders on April 22, 2014, to discuss the watershed monitoring program. It was agreed that it would be beneficial to integrate the NPDES monitoring program with this existing program, as well as with</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
		TMDL monitoring program and reduced to frequencies listed in the current permit to reduce unnecessary and duplicative monitoring.	the stormwater and ag waiver program monitoring. Staff will be working together with the interested stakeholders over the next year.	
Camarillo Sanitary District	C10	Page 2 9. The Recycled Water Study is unnecessary and should be removed from the permit.	The State Water Board's Recycled Water Policy requires the Regional Boards to encourage the use of recycled water. The purpose of the Study is to provide information regarding the feasibility of maximizing the beneficial reuse of tertiary treated effluent in order to encourage the use of recycling.	None necessary.
<p>Comments received from the Camarillo Sanitary District on April 14, 2014</p> <p>Submitted as Attachment A1</p>				
Camarillo Sanitary District	A1-1	Page 6, Table 4, footnote 2 The sentence stating "Interim effluent limitations may be provided in a separate Time Schedule Order (TSO)" should be modified to read "Interim effluent limitations may be provided in a <u>compliance schedule in the permit as authorized by a TMDL or in a separate Time Schedule Order (TSO).</u> "	Refer to response to comment C2 above.	None necessary.
Camarillo Sanitary District	A1-2	Page 5-8, Table 4, footnotes 7-14 and 16 Similar to the comment above, these footnotes should say "so a TSO is not needed" and should instead say "so a <u>compliance schedule</u> is not needed."	The phrase "so a TSO is not needed" was deleted in footnotes 7 through 14	Deleted reference to TSO from footnotes.
Camarillo Sanitary District	A1-3	Page 5-7; F-40, Table 4; Fact Sheet IV.C.4.e. Mass limits (even those from TMDLs) need to be calculated based on design flow to allow for growth. 40 C.F.R. §122.45(b); 44 Fed. Reg. 32864 (June 7, 1979)(when previously numbered 122.16). Not all of the current mass limits have a reference to footnote 1 to Table 4, but need to in order to be consistent with EPA regulations. See also City of Moscow, Idaho, NPDES Appeal No. 00-10, 2001 WL 988721 (July 27, 2001)	Some TMDLs are written taking into account critical conditions in the receiving water, and mass based limits are not necessarily based upon the design flow of a POTW. In the case of the mass TMDL WLA-based limits for metals, the mass based limitation is set to protect the sensitive habitat in Mugu Lagoon taking into account the site specific water effects ratio. If conditions and assumptions change in the future, after a TMDL has been established, the TMDL should be reopened to account for changes in those conditions.	None necessary.

Commenter	#	Comment	Response	Action Taken
		citing 40 C.F.R. 122.45(b) and 122.44(d)(1)(vii)(approving the use of design flow rather than the number referenced in the TMDL because although the regulations require consistency with the WLAs in a TMDL, “they do not require that the permit limitations that will be finally adopted in a final NPDES permit be identical to any of the WLAs that may be provided in a TMDL.”	In the NPDES Appeal cited by the commenter, the Environmental Appeals Board concluded that “TMDLs are by definition maximum limits; permit-specific limits like those at hand, which are more conservative than the TMDL maxima, are not inconsistent with those maxima, or the WLA upon which they are based.” Here, increase in the mass based limit would exceed the TMDL “maxima” and therefore be inconsistent with the WLAs upon which it is based.	
Camarillo Sanitary District	A1-4	Page 8, Table 4, and footnotes 15-17 The proposed Chronic Toxicity Effluent Limitation must be changed back to the language in the last permit regarding a trigger and the footnotes need to be modified accordingly.	Refer to response to Comment C5. The 2003 toxicity permit language cannot be retained because the Toxicity TMDL language needs to be incorporated into the renewed NPDES permit.	None necessary.
Camarillo Sanitary District	A1-5	Page 8, Table 4, footnote 15 The first sentence needs to include the following changes: “which is required to be implemented in accordance with <u>laws and regulations binding on USEPA, State Water Board and Regional Water Boards as implemented by resolutions, guidance and policy at the time of permit issuance or renewal.</u> ”	The requested change was not made since it was inconsistent with the language contained in the Implementation Plan portion of Resolution No. R4-2005-009, the <i>Toxicity TMDL</i> . Refer to response to Comment C6.	None necessary
Camarillo Sanitary District	A1-6	Page 9, Section IV.A.2.c. The interim WLAs in the CCW Salts TMDL should not have been set at the 95th percentile of historic discharge data as that is not enough of an allowance to take into account recent water conservation and drought conditions. As applied, these interim limits are unreasonable and unsupportable given current facts. Therefore, new interim limits should be incorporated into the TMDL and the permit based on newer data.	Task number 7 of the <i>Salts TMDL</i> allowed POTWs to request re-evaluation of the interim WLAs for boron, chloride, sulfate, and TDS based on new data 3 years after the effective date of the TMDL (December 2, 2008 + 3 years = 12/2/2011). However, the POTWs did not take advantage of that opportunity and did not submit such a request for re-evaluation of interim WLAs.	None necessary.
Camarillo Sanitary District	A1-7	Page 9, Table 5 Interim effluent limitations need to be included in the	Refer to response to Comment C2.	None necessary.

Commenter	#	Comment	Response	Action Taken
		Permit, not a separate TSO. There is adequate state law to support such provisions. Water Code §13050(j)(3), §13242.		
Camarillo Sanitary District	A1-8	Page 10, Section V.A.1. Prohibiting effluent from altering water temperature by more than 5 degrees may be an unachievable. When upstream flow conditions are extremely low, the District's temperature can alter stream by more than 5 degrees. A statement should be added either in this section or under compliance determination that "When upstream flow is <6 cfs, the upstream temperature is not representative of natural conditions."	The receiving water temperature limitation, prohibiting the discharge from changing the receiving water temperature by more than five degrees, cannot be removed because it is an existing receiving water limitation contained in the current 2003 Order and is based on the Basin Plan objective. However, the current limitation already allows flexibility: "Natural conditions shall be determined on a case-by-case basis. If the receiving water temperature, downstream of the discharge, exceeds 86°F as a result of the following: <ul style="list-style-type: none"> a. High temperature in the ambient air; or, b. High temperature in the receiving water upstream of the discharge, then the exceedance shall not be considered a violation." The permit already contains provisions to consider site specific conditions because information will be evaluated on a case-by – case basis.	None necessary.
Camarillo Sanitary District	A1-9	Page 10, Section IV.C. This section states that Recycling Requirements are "Not Applicable" yet includes language about recycling and references to WRRs. This paragraph should be included in the Fact Sheet as background information, not in the body of the Permit.	The Regional Water Board agrees. This information will be moved to the Fact Sheet.	Information moved to Fact Sheet.
Camarillo Sanitary District	A1-10	Page 12, Section V.A.15. These Receiving Water Limitations for insect control are inappropriate to this highly treated recycled water discharge, and must be removed.	The same requirement is contained in Section I.D.13 of the current NPDES permit Order R4-2003-0079.	None necessary.
Camarillo Sanitary District	A1-11	Page 13, Section V.B. The Groundwater Limitations should be deemed "Not Applicable" since there are no direct discharges to	This Order functions as both an NPDES permit under the federal Clean Water Act and WDRs under the Porter-Cologne Water Quality Control Act. This portion of the Order is pursuant to the Regional Water Board's authority under state law.	None necessary.

Commenter	#	Comment	Response	Action Taken
		groundwater and all potential incidental discharges are adequately protected by the effluent and receiving water limitations. Groundwater requirements are strictly state law requirements only and do not belong in a federal NPDES permit that does not directly regulate groundwater.	A similar requirement is contained in Section I.B.8 of the current NPDES permit Order R4-2003-0079, "To protect underlying ground water basins, pollutants shall not be present in the wastes discharged at levels that pose a threat to ground water quality."	
Camarillo Sanitary District	A1-12	Page 19, Section VI.C.2.b. The Special Study for CECs should be removed. Since no "approved" analytical methods exist for the testing of these constituents, language should be included in the permit that says results from these unapproved methods are estimations and cannot be considered for compliance purposes. Language contained in E.IV.A.3 should be added here or in E.IX.B.1. stating: "Analysis under this section is for monitoring purposes only. Analytical results obtained for this study will not be used for compliance determination purposes, since the methods have not been incorporated in 40 CFR part 136."	The special study for CECs will not be removed. In recent years, the Regional Water Board has incorporated monitoring of a select group of man-made chemicals, particularly pesticides, pharmaceuticals and personal care products, known collectively as CECs, into permits issued to POTWs to better understand the propensity, persistence, and effects of CECs in our environment. Based on feedback we have received from permittees and our review of the results of a recent CEC-related study by the Southern California Coastal Water Research Project (SCCWRP) and the State Water Board, we have modified our CEC monitoring program to respond to feedback while proceeding to fill identified data gaps without overly burdening any one permittee. The Regional Water Board has considered the burden, including costs, of the required monitoring and reporting and has determined that there is a reasonable relationship to the need for and benefits to be obtained from collection of information regarding the presence of CECs in POTW discharge. However, the language suggested by the City was inserted in the MRP section IX.B.1, for compliance determination purposes.	Added language to WDR section VI.C.2.b.i & MRP section IX.B.1.
Camarillo Sanitary District	A1-13	Page 19, Section VI.C.2.d. Recycled Water Study. This study is unnecessary given the current recycling program and projects under development.	Refer to response to comment C10. The State Water Board's Recycled Water Policy requires the Regional Boards to encourage the use of recycled water. The purpose of the Study is to provide permitting staff have incorporated the requirement for POTWs to investigate information regarding the feasibility of maximizing the beneficial reuse of tertiary treated effluent in order to encourage the use of recycling.	None necessary.
Camarillo	A1-14	Page 19, Section VI.C.2.d.; F-16, Fact Sheet III.C.11.	The language will be modified slightly as follows:	Changed

Commenter	#	Comment	Response	Action Taken
Sanitary District		<p>Camarillo Sanitary District is not a city. Therefore, the District has no jurisdiction or ability to control or reuse “storm water and dry-weather urban runoff” besides that on its site that is directed to the WRP’s headworks. Furthermore, water recycling is regulated under state law, not federal law, and belongs in Water Recycling Requirements (WRRs), not a federal NPDES permit. If maintained, this mandate language needs to be changed as follows: “Therefore, the Permittee shall <u>has investigated and will continue to explore</u> the feasibility of recycling... The Permittee shall submit this <u>any prepared</u> feasibility study to the Regional Water Board 180 <u>30</u> days after the effective date of this Order <u>completion of that study.</u>”</p>	<p>“Therefore, the Permittee shall <u>has investigated and will continue to explore</u> the feasibility of recycling... The Permittee shall submit this <u>a report summarizing its plans for recycled water expansion efforts feasibility study</u> to the Regional Water Board 180 days after the effective date of this Order and a separate report 30 days after <u>completion of a major project.</u>”</p>	language
Camarillo Sanitary District	A1-15	<p>Page 29, Section VII.J.</p> <p>The paragraph related to compliance with Chronic Toxicity limits must be removed since chronic toxicity is to be regulated as narrative effluent limit and a trigger, not a numeric pass/fail limit.</p>	Refer to response to Comment C5.	None necessary.
Camarillo Sanitary District	A1-16	<p>MRP, IV.A.3.; Table E-3</p> <p>Inadequate justification has been provided for additional PCB monitoring using an unapproved method. This appears to be monitoring “strictly for monitoring purposes” with no other purpose. In accordance with State Water Board direction in its Resource Alignment/Cost of Compliance Initiative to minimize excessive monitoring on municipalities, this should be removed from the final version of the Permit.</p>	<p>The proposed permit includes final effluent limitations for PCBs. It is imperative to include monitoring requirements for PCBs in order to verify compliance with the final effluent limitations. As stated in the proposed permit, USEPA recommends that until USEPA proposed method 1668c for PCBs is incorporated into 40 CFR 136, Permittees should use for discharge monitoring reports/State monitoring reports: (1) USEPA method 608 for monitoring data, reported as arochlors results, that will be used for assessing compliance with WQBELs established using the WLAs, and (2) USEPA proposed method 1668c for monitoring data, reported as 41 congener results, that will be used for informational purposes for the established TMDL.</p> <p>USEPA Method 608 yields relatively high detection limits when arochlors are analyzed. Due to this high detection limits, method</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
			<p>608 was not able to quantify the actual results at low concentration. In order to provide the data gap at the low range concentration, USEPA Method 1668c will be used because this method will provide a much lower detection limits. Lower concentrations that we have not detected when analyzed by method 608 will now be detected and quantified using method 1668c.</p> <p>Further, USEPA's letter dated April 14, 2014, recommends that PCB monitoring be added to the Facility's monitoring and reporting program. The purpose of the monitoring is to be able to determine all possible concentrations of PCBs present, including aroclors and congeners.</p> <p>A similar approach is recommended in more recent PCBs TMDLs issued for San Francisco Bay by the San Francisco Bay Regional Water Board, and Santa Monica Bay by USEPA. The San Francisco Bay and Los Angeles Regional Water Boards NPDES permits issued to implement these TMDLs incorporate this approach.</p>	
Camarillo Sanitary District	A1-17	<p>Page E-8, MRP, Table E-3a.</p> <p>The units for Chronic Toxicity should not be "Pass/Fail, % effect" and need to be based on TUC in accordance with the objective and Toxicity TMDL, and footnote 11 needs to be modified accordingly.</p>	<p>Refer to response to Comment C5.</p> <p>In the TST approach, results are expressed in simpler terms of pass/fail and percent effect.</p>	None necessary.
Camarillo Sanitary District	A1-18	<p>Page E-10, Section IV.4</p> <p>This requirement for sediment monitoring is unnecessary, inadequately justified, and confusing. Additionally, such monitoring is not required for evaluating compliance with the Metals TMDL. As such, these requirements should be deleted.</p>	Refer to response to Comment C7.	None necessary
Camarillo Sanitary District	A1-19	<p>Page E-11 to E-15, MRP Section V.</p> <p>The Chronic Toxicity testing requirements should remain the same as required in the last permit since no changes have occurred in the law or regulations to</p>	Refer to response to Comment C5.	None necessary

Commenter	#	Comment	Response	Action Taken
		authorize these modifications.		
Camarillo Sanitary District	A1-20	<p>Page E-17, 18, Section VIII.B.1.</p> <p>The gauge for flow measurement was incorrectly identified as gauge 805. Current CFS and rainfall data for this gauge is not available on line. Last available data was in 2011. The USGS gauge at this location provides more reliable and current flow data. Please, change the reference to 'USGS 11106550' here and elsewhere in the permit.</p>	The gauge description will be changed from number 805 to "USGS 11106550."	The requested change was made.
Camarillo Sanitary District	A1-21	<p>Page E-21, Section IX.D.2.</p> <p>This paragraph seems to be out of place. Would appear it is referring to a spill of untreated sewage and not secondary treated effluent. It is unnecessary to contact OES if the District needs to bypass tertiary filters for maintenance purposes, but remains in compliance with all effluent limits. See page D-2 at G.2.</p>	The paragraph in section IX.D.2 of the MRP will be deleted since it does not have anything to do with filter bypass.	The language will be deleted from MRP page E-21
Camarillo Sanitary District	A1-22	<p>Page F-6, Fact Sheet, II.B.</p> <p>There is no evidence to support the allegation that "underlying sediments are highly transmissive to water as well as pollutants." This finding needs to be adequately supported with evidence in the record, or removed.</p>	<p>The language will be modified as requested in Camarillo SD's comment number A2-18:</p> <p>"Groundwater recharge <u>may</u> occur incidentally in these unlined areas of Conejo Creek, and Calleguas Creek, where the underlying sediments are <u>may be</u> highly transmissive to water as well as pollutants"</p>	The language was modified in response to a subsequent comment in Attachment A2
Camarillo Sanitary District	A1-23	<p>Page F-15, Fact Sheet, III.C.3.</p> <p>The last sentence in this section on the SIP is incorrect since this permit is not properly implementing the SIP provisions for chronic toxicity, as interpreted by State Board orders cited previously. This sentence would be correct if the permit included a narrative effluent limitation for chronic toxicity and a numeric trigger as requested and legally authorized by the State Board.</p>	<p>Refer to response to comments C5.</p> <p>The last two sentences in Section III.C.3 of the Fact Sheet read as follows: "The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP."</p> <p>That is consistent with the introduction section of the SIP (page</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
			<p>3); which states “This Policy establishes: (1) implementation provisions for priority pollutant criteria promulgated by the U.S. Environmental Protection Agency (U.S. EPA) through the National Toxics Rule (NTR) (promulgated on December 22, 1992 and amended on May 4, 1995) and through the California Toxics Rule (CTR), and for priority pollutant objectives established by Regional Water Quality Control Boards (RWQCBs) in their water quality control plans (basin plans); (2) monitoring requirements for 2,3,7,8-TCDD equivalents; and (3) chronic toxicity control provisions.</p> <p>Section 4 of the SIP - TOXICITY CONTROL PROVISIONS states: “This section establishes minimum toxicity control requirements for implementing the narrative toxicity objectives for aquatic life protection in RWQCB basin plans. These provisions are intended to supplement basin plan requirements and do not supersede existing RWQCB toxicity requirements. The SIP provides a minimum standard for chronic toxicity effluent limitations to determine compliance with chronic aquatic life toxicity objectives. To the extent that this Order incorporates a more stringent standard, that is not inconsistent with the SIP. The SIP does not prohibit the imposition of a numeric effluent limitation for chronic toxicity.</p> <p>The Toxicity TMDL for the Calleguas Watershed establishes a water column toxicity target of 1.0 TUc to address toxicity in reaches where the toxicant has not been identified through a TIE. The TMDL establishes a WLA of 1.0 TUc for POTWs in the watershed. The 1.0 TUc WLA is protective of the aquatic life beneficial use and implements the narrative standard for toxicity in the Basin Plan. The narrative effluent limits with accelerated monitoring and toxicity reduction evaluation triggers that have been used in NPDES permits in this Region have not adequately addressed the impairment in significant portions of the Calleguas Creek watershed from toxicity. The narrative approach is an oversight-driven model that essentially requires the Regional Water Board to manage dischargers’ efforts to reduce and control toxicity. USEPA has strongly criticized this type of permitting approach, because in the most practical</p>	

Commenter	#	Comment	Response	Action Taken
			<p>sense, it results in a regulatory practice which authorizes toxic effluent discharges under an NPDES permit as long as the discharger follows a series of steps to address the toxicity. Numeric WQBELs for toxicity not only prompt proactive efforts by dischargers to comply with the effluent limits, but also are clear to the discharger, the permitting authority, and the public, and are the most effective and efficient CWA regulatory tool used to protect water quality standards because the measurement of compliance is clearly defined. The Toxicity TMDL grants the Regional Water Board flexibility to determine the appropriate method to implement the WLAs based on USEPA, State Board, and Regional Board resolutions, guidance, and policy at the time of permit issuance. While the Regional Water Board agrees that one step to achieving compliance with a water quality-based WET requirement can be a toxicity reduction evaluation to identify the constituents of concern, on its own, it is not enough to serve as the required NPDES WQBEL. This Order requires numeric chronic toxicity WQBELs and the TIE/TRE process if the numeric effluent limit is exceeded.</p> <p>Please see staff response to comment C-5 above.</p> <p>Aside from the fact that the Camarillo WRP was assigned a TMDL WLA for chronic toxicity, Camarillo effluent data showed that it had reasonable potential to cause an exceedance for chronic toxicity since the 1 TUc trigger was exceeded several times (three times since 2010).</p>	
<p>Comments received from the Camarillo Sanitary District on April 14, 2014</p> <p>Submitted as Attachment A2</p>				
Camarillo Sanitary District	A2-1	<p>Page 4, Section II.C, F-3, Fact Sheet I.A.</p> <p>Since permit almost uniformly refers to the Permittee, the word "Discharger" should be removed from the definition for consistency with federal regulations.</p>	<p>The Porter-Cologne Water Quality Control Act uses the term "discharger" in provisions that are applicable to this Order, as do other applicable state plans and policies. Therefore, Regional Water Board staff declines to remove the term "Discharger" from the Order.</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
Camarillo Sanitary District	A2-2	Page 4, II.D. The first sentence of this section should be clarified as follows: "The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the <u>permit requirements for this discharge.</u> "	The first sentence has been clarified as follows: "The Regional Water Board, in a public meeting, heard and considered all comments pertaining to this Order."	Made modification.
Camarillo Sanitary District	A2-3	Page 4 III.B. Provision I.H. (upset) should also be referenced in this paragraph in addition to I.G. (bypass) since both are included in the federal regulations (40 C.F.R. §122.41(m) and (n)) and the standard provisions as potential affirmative defenses.	The Regional Water Board disagrees. Section III.B. of the Order is specific to bypass. Bypass is defined as intentional diversions of waste streams, while upset is an exceptional incident in which there is unintentional and temporary noncompliance. Section I.H. in Attachment D already provides the conditions under which the affirmative defense for upset would apply.	None necessary.
Camarillo Sanitary District	A2-4	Page 17, VI.C.1.i. The language in this section should not be limited to the Conejo Creek Algae TMDL, but should include all TMDLs on which permit requirements are based	The reopener was modified as follows: "Order may be reopened and modified, to add or revise effluent limitations as a result of future Basin Plan Amendments, such as an update of a water quality objective, or a revision of the Conejo Creek TMDL <u>any of the Calleguas Creek TMDLs.</u> "	Changed language
Camarillo Sanitary District	A2-5	Page 30, VII.E. There are two periods at the end of the last sentence, so one should be removed.	The extra punctuation mark was deleted.	Changed language
Camarillo Sanitary District	A2-6	Page 29, VII.F. and G. The term "a violation" should be changed to "an alleged violation" consistent with the other sections, such as VII.H, which states: "an alleged violation will be flagged."	The term "alleged violation" has been substituted to be consistent with other sections.	Modified language.
Camarillo Sanitary District	A2-7	Page 30, Section VII.O The last line of the first paragraph needs the following addition: "available WLAs <u>if reasonable potential is</u>	Limits based on WLAs will be included in the NPDES independent of reasonable potential analysis, since section 1.3 of the SIP allows it:	None necessary

Commenter	#	Comment	Response	Action Taken
		<p><u>demonstrated under the federal regulations at 40 CFR §122.44(d)(1).</u></p> <p>The first sentence in the second paragraph needs to be modified as follows: “and interim effluent limitations may be provided in the permit where authorized, or in a separate amended Time Schedule Order.” In order to comply with 40 C.F.R. §122.45(d)(2), another sentence in this paragraph needs to be modified to read: “A daily maximum effluent limitation is not <u>practicable or</u> required because...”</p>	<p>“The RWQCB shall conduct the analysis in this section for each priority pollutant with an applicable criterion or objective, excluding priority pollutants for which a Total Maximum Daily Load (TMDL) has been developed, to determine if a water quality-based effluent limitation is required in the discharger’s permit.” (emphasis added).</p> <p>Moreover, under 40 CFR section 122.44(d)(1), there is reasonable potential for a discharge, if a CWA section 303(d)-approved TMDL WLA has been assigned.</p>	
Camarillo Sanitary District	A2-8	<p>Page 32, Section VII.O.</p> <p>In the second to last paragraph of this section on page 32, the reference to “a TSO” should be changed to “a compliance schedule” since the compliance schedule for salts pursuant to the TMDL should be included in the permit.</p>	See Response to Comment C2.	None necessary.
Camarillo Sanitary District	A2-9	<p>Page E-3, MRP, I.I. and J.</p> <p>Change the word “Discharger’s” to “Permittee’s” to be consistent with the rest of the permit.</p>	The term Discharger was not changed in sections I and J because these sections refer to section 2.4.3 of the SIP (page 24) which uses the term “Discharger.”	None necessary
Camarillo Sanitary District	A2-10	<p>Page E-4, MRP, I.M.b</p> <p>References to detection methods for enterococcus should be removed because there are no requirements to monitor for this form of bacteria. Alternatively, this should reference E. Coli, which are the appropriate bacteria for fresh waters.</p>	Enterococcus was replaced with E coli.	Clarified language.
Camarillo Sanitary District	A2-11	<p>MRP, Table E-3a</p> <p>The sampling requirements for 2,3,7,8-TCDD are more than is required by the SIP, which only required one wet and one dry season sample annually for three years. Instead, the Permit requires quarterly sampling.</p>	The Regional Water Board exercised its discretion granted by Section 3 of the SIP (page 29) pertaining to 2,3,7,8-TCDD: “Based on the monitoring results, the RWQCB may, at its discretion, increase the monitoring requirement (e.g., increase sampling frequency) to further investigate frequent or significant detections of any congener. At the	None necessary

Commenter	#	Comment	Response	Action Taken
		Additional justification is needed for this sampling as these samples are very expensive.	<p>conclusion of the three-year monitoring period, the SWRCB and RWQCBs will assess the data (a total of six samples each from major POTWs and industrial dischargers, and a total of two samples each from minor POTWs and industrial dischargers), and determine whether further monitoring is necessary." (emphasis added).</p> <p>The Facility's effluent data showed reasonable potential to exceed the CTR criteria for 2,3,7,8-TCDD, as documented on Table F-7 of the Fact Sheet, therefore the frequency of monitoring was set as quarterly in the effluent and in the receiving water.</p>	
Camarillo Sanitary District	A2-12	<p>Page E-8, E-9, E-17, MRP, Footnotes 11, 14, 15, 23, 24</p> <p>Change the word "Discharger" to "Permittee" to be consistent with EPA regulations, and the rest of the Permit.</p>	The word was changed from "Discharger" to "Permittee" in footnotes 11, 15 and 24, but not in the remaining footnotes since the SIP uses Discharger in its discussion of 2,3,7,8-TCDD.	The term was changed in three footnotes
Camarillo Sanitary District	A2-13	<p>Page E-10, Section IV.A.1.</p> <p>At the top of page E-10, there is what seems to be a continuation of Table E-3a with a parameter of asbestos, however no indication of limits? This should be removed from the table.</p>	The cell in the table was reformatted so that the word "asbestos" would not be separated onto the next page.	Reformatted the table
Camarillo Sanitary District	A2-14	<p>Page E-10, MRP IV.A.4.</p> <p>There is a period missing from the end of the paragraph after "Section 13176".</p>	The correction was made.	The punctuation mark was added
Camarillo Sanitary District	A2-15	<p>Page E-22, Section E-22</p> <p>Change "POTWs discharger" to "POTW's discharge"</p>	The correction was made.	Correction was made
Camarillo Sanitary District	A2-16	<p>Page F-5, Fact Sheet, I.I.</p> <p>In order to be chronological and flow more logically, the last two sentences should be switched.</p>	The sentences were rearranged chronologically.	Rearranged the two sentences

Commenter	#	Comment	Response	Action Taken
Camarillo Sanitary District	A2-17	Page F-6, Fact Sheet, II.A.3. The definition of tertiary filtration should change “suare” to “square.”	The typographical error was corrected.	Correction made
Camarillo Sanitary District	A2-18	Page F-6, Fact Sheet, II.B. The last full sentence should be changed as follows: “Groundwater recharge <u>may</u> occurs incidentally in these unlined areas of Conejo Creek, and Calleguas Creek, where the underlying sediments are <u>may be</u> highly transmissive to water as well as pollutants” since there is no evidence to support the statement that recharge is actually occurring or that the sediments are highly transmissive.	The language on page F-6 of the Fact Sheet will be modified.	The requested change was made
Camarillo Sanitary District	A2-19	Page F-13, Fact Sheet, III.C.1. Thank you for the additional clarification in this paragraph, however, the date “December 18, 2011” should be “December 18, 2001.”	The typographical error was corrected.	Correction made
Camarillo Sanitary District	A2-20	Page F-14, Fact Sheet, Table F-4a, footnote 1 The phrase “effluent limitation in this footnote should be “effluent limitations.”	The grammatical error was corrected.	Correction made
Camarillo Sanitary District	A2-21	Page F-17, Fact Sheet. III.D. This section identifies “pollutants impacting the receiving water.” “Toxicity” and “sediment toxicity” are not pollutants, but demonstrate the effect of a pollutant. Similarly, sedimentation and siltation are not pollutants; those are actions, so it should be “sediment/silt” listed as pollutants.	The Clean Water Act 303(d) List includes “Pollutant” as the heading in column that lists the cause of impairment for Calleguas Creek and its tributaries. The language will remain unchanged since it is consistent with the wording used in the Clean Water Act 303(d) List.	None necessary
Camarillo	A2-22	Page F-18, Fact Sheet, III.E.5.	The following sentence was added: “General <i>NPDES Permit</i>	Language

Commenter	#	Comment	Response	Action Taken
Sanitary District		This paragraph needs to be updated since the State Water Board adopted a new version of the Industrial Stormwater General Permit on April 1, 2014, which has an effective date of July 1, 2015.	No. CAS000001 was revised on April 1, 2014 and becomes effective on July 1, 2015."	will be updated
Camarillo Sanitary District	A2-23	Page F-36, Table F-7 Heptachlor epoxide has no detected effluent data. Table F-7 of the Fact Sheet (page F-36) shows heptachlor epoxide as having detected effluent and ambient data, this should be corrected.	Heptachlor epoxide has reasonable potential to cause or contribute to an exceedance of the CTR criteria, as documented in the Fact Sheet. Data submitted by the Permittee showed that heptachlor epoxide was detected but not quantified (DNQ) in the effluent with values of 0.0034 µg/L, 0.0069 µg/L, and 0.0043 µg/L on May 2007, August 2007, and November 2007, respectively; and in the receiving water with two DNQ values of 0.0013 µg/L on August 2007 and 0.0025 µg/L on November 2007. As stated in section VI.C.3.c, Reporting protocols in MRP section X.B.4 regarding sample results that are to be reported as Detected but Not Quantified (DNQ) or Not Detected (ND) are used in determining the need to conduct a PMP. The Facility has reported sampling results as DNQ and ND.	None necessary.
Comments received from the Camarillo Sanitary District on April 14, 2014				
Submitted as Attachment A3				
Camarillo Sanitary District	A3-1	Page 1; First Sentence Make the following change: "The following Discharger entity is subject to waste discharge requirements (WDRs) set forth in this Order:	This change has been made.	Replaced Discharger with Permittee
Camarillo Sanitary District	A3-2	Page 1, Table 3 Please note that in accordance with the Memorandum Of Agreement between the U.S. EPA and State Water Board, this permit's effective date should be 50 days after the adoption date. (See NPDES Memorandum of Agreement between the U.S. Environmental Protection	In USEPA's draft Program Quality Review (2014), USEPA expressed concern that some NPDES permits contained terms greater than five years in duration, contrary to the federal requirements. Therefore, Regional Board staff and USEPA agreed to address the issue by making the effective date fall on the first of the month following the 50 day period post NPDES permit adoption. However, USEPA has not made an issue of	None necessary.

Commenter	#	Comment	Response	Action Taken
		<p>Agency and the California State Water Resources Control Board at 22, section I.F.2.a. (Sept. 22, 1989)(NPDES permits adopted by the Regional Water Board “shall become effective on the 50th day after the date of adoption, if EPA has made no objection to the permit; if there has been significant public comment”).) Therefore, the Regional Water Board should ensure that the permit includes a 50-day delay in the effective date. To be consistent with the SWRCB’s 1989 MOU with EPA on NPDES permitting, the permit must be effective 50 days from the adoption date, or June 27th, not July 1st.</p>	<p>permit effective dates that comply with applicable NPDES regulations (generally, 30 days).</p> <p>USEPA issued a new guideline on “effective date” of permits. The guideline states that staff shall make all permit effective date and expiration date the first day of the month, no less than 30 days following Board adoption. For example, if an order is adopted on November 7, 2013, it should become effective on January 1, 2014 and expire on December 31, 2018. This practice has been agreed upon by USEPA and the State Water Board and helps prevents permits issued for five years plus one day.</p>	
Camarillo Sanitary District	A3-3	<p>Page 4, Section II.A.</p> <p>The last sentence needs to be modified as follows: “† The legal requirements mandated by federal law shall serve as an National Pollutant Discharge Elimination System (NPDES) permit for point source discharges from this facility to surface waters.”</p>	<p>In California, an NPDES permit also serves as waste discharge requirements under state law. Therefore no change is necessary.</p>	None necessary.
Camarillo Sanitary District	A3-4	<p>Page 4, Section II.</p> <p>To be consistent with other permits in the state, add new finding that states:</p> <p>“Provisions and Requirements Implementing State Law. Many of the provisions/requirements in this Order and the MRP are included to implement state law only. These provisions/requirements are not mandated or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies available for NPDES violations.”</p> <p>Specific provisions implementing state law may be identified or the above text can be inserted.</p>	<p>The following provision has been added to address this comment:</p> <p>“Provisions and Requirements Implementing State Law. Some of the provisions/requirements in this Order and the MRP are included to implement state law only. These provisions/requirements are not mandated or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies available for NPDES violations.”</p>	Added language.
Camarillo Sanitary District	A3-5	Page 5, Section III.E.; Page 13, Section VI.A.2.a.	While the requirements look similar they are not. Section II.E discusses disposal of waste and is more encompassing, while	None necessary.

Commenter	#	Comment	Response	Action Taken
		This Discharge Prohibition is unnecessary as it duplicates VI.A.2.a. on page 12. Duplicative provisions should be avoided because it can create two violations of the permit for a single act. For this reason, and to streamline the permit, all instances of duplication should be removed.	Section VI.A.2.a refers to discharge of pollutants. Further, the prefacing paragraph clarifies that in the event there is any conflict, duplication, or overlap between provisions specified in the Order, the more stringent provision shall apply. To the extent that any terms prohibit identical violations, only one of the provisions will apply to avoid duplication.	
Camarillo Sanitary District	A3-6	Page 5, Section III.F.; Page 11 Section V.A.7. This prohibition is unnecessary as there is already a parallel receiving water limitation in Provision V.A.7. The duplicative discharge prohibition should be removed as unnecessary.	Refer to response to Comment A3-5.	None necessary.
Camarillo Sanitary District	A3-7	Page 5, Section IV.A.1.a -Table 4 There is no justification for daily limits for BOD, TSS, oil & grease or settleable solids. These limits are inconsistent with federal law (40 C.F.R. §122.44(d)(if no reasonable potential) , 122.45(d)(2)(no daily limits generally for POTWs) and Part 133) and cannot be justified by the aquatic life protection portions of the SIP. Thus, these limits need to be removed. (See accord Order No. R1-2013-0001 at 8 (no daily limits for conventionals).) The Fact Sheet at F-23 states “daily maximum limits cannot be removed because none of the anti-backsliding exceptions apply.” This is incorrect because several provisions would justify removal of these daily limits, including but not limited to CWA, 33 U.S.C. §1342(o)(1)(compliance with 1314(d)(4)(B)), or (o)(2)(A)(substantial alterations to plant since last permit), or (o)(2)(B)(ii)(mistake of law).	Page F-22 of the Fact Sheet explains that the limits for BOD, TSS, pH are consistent with the State Water Board precedential decision, State Water Board Order No. WQ 2004-0010 for the City of Woodland. Conclusion III.5 of WQO 2004-0010 held that the “Regional Board properly exercised its discretion in requiring Woodland to meet tertiary treatment requirements.” Here, tertiary treatment requirements are necessary to achieve compliance with water quality standards and prevent degradation of the receiving waters. The following language has also been added to the Fact Sheet: “The principal design parameter for wastewater treatment plants is the daily BOD and TSS loading rates and the corresponding removal rate of the system. In applying 40 CFR Part 133 for weekly and monthly average BOD and TSS limitations, the application of tertiary treatment processes results in the ability to achieve lower levels for BOD and TSS than the secondary standards. In addition to the average weekly and average monthly effluent limitations, a daily maximum effluent limitation for BOD and TSS is included in the Order to ensure that the treatment works are not organically overloaded and operate in accordance with design capabilities.” Page F-24 of the fact sheet contains justification for the daily	None necessary.

Commenter	#	Comment	Response	Action Taken
			<p>maximum effluent limitation for oil and grease. The numeric limits are empirically based on concentrations at which an oily sheen becomes visible in water. It is impracticable to use a 7-day average limitation, because spikes that occur under a 7-day average scheme could cause a visible oil sheen. A 7-day average scheme would not be sufficiently protective of beneficial uses. The monthly average and the daily maximum limits cannot be removed because none of the anti-backsliding exceptions apply. Both limits were included in the previous permit (Order No. R4-2003-0079 (as revised by Order No. R4-2004-0121)) and the Camarillo WRP has been able to meet both limits.</p>	
Camarillo Sanitary District	A3-8	<p>Page 5-7; 9; F-40, Section IV.A.1.a -Table 4; IV.A.3.a.; Fact Sheet IV.C.4.e.</p> <p>No need exists for both mass limits and 85% removal requirements as both are not required by either federal or state law. Under federal law, mass limits are specifically <i>not required</i> for Technology-Based Limits, such as BOD and TSS. The federal regulations only require concentration-based effluent limits and 85% removal requirements. (See 40 C.F.R. §133.102(a)(1)-(3) and (b)(1)-(3); see e.g., Order No. R2-2012-0051, Table 6 (monthly and weekly conventional pollutant limits only with no mass limits required).)</p> <p>The only way that mass limits for BOD and TSS are authorized by the federal regulations is where substituting the percent removal requirements with a mass loading limit for less concentrated influent wastewater for separate sewers. (40 C.F.R. §133.103(d).) Since the Regional Water Board is <i>not</i> substituting mass limits for percent removal requirements that are contained in Provision IV.A.3.a., the mass limits in Table 4 are not justified under federal law.</p>	<p>The use of mass limits is legally justified by 40 CFR section 122.45(f)(1), which requires that, except under certain conditions, all permit limits, standards, or prohibitions be expressed in terms of mass units. Pursuant to 40 CFR section 122.45(f)(2), pollutants may also be limited in terms of other units of measurement (e.g., concentration units). Where limits are expressed in more than one unit, the permittee must comply with both. Furthermore, USEPA supports the use of mass-based effluent limits in this permit.</p>	None necessary.
Camarillo	A3-9	Page 5-7; 9; F-40, Section IV.A.1.a -Table 4; IV.A.3.a.;	The Regional Water Board may include daily maximum effluent	None

Commenter	#	Comment	Response	Action Taken
Sanitary District (Mass-based limits)		<p>Fact Sheet IV.C.4.e.</p> <p>The Fact Sheet at page F-40 states that “40 CFR §122.45 (f)(1) requires that except under certain conditions, all permit limits, standards, or prohibitions be expressed in terms of mass units. 40 CFR § 122.45(f)(2) allows the permit writer, at its discretion, to express limits in additional units (e.g., concentration units).” This statement ignores that 40 C.F.R. section 122.45(f)(1) <i>does not require</i> and exempts mass-based effluent limitations for: i) pH, temperature, radiation, or other pollutants which cannot be appropriately expressed by mass, and ii) <u>“when applicable standards and limitations are expressed in terms of other units of measurement.”</u> (Emphasis added.) Further, Table 4 includes all limits expressed initially in concentration; therefore, additional mass limits are not needed or required. Because the technology-based limits and most water quality-based limits and criteria are expressed in concentration (i.e., “other units of measure” besides mass), the exception to the requirement for mass limits has been met and mass limits are not required under federal law. (See accord Order No. R1-2013-001 at F-26 (“Because secondary treatment standards for BOD¹ and TSS are expressed in terms of concentration and percent removal, mass-based effluent limitations for these parameters are not required. Mass-based effluent limitations for BOD⁵ and TSS were included in the previous Order, but have been removed from this Order...”).)¹</p>	<p>limitations in the permit to protect against acute water quality effects and may impose both concentration and mass interim limits for the same pollutant.</p> <p>The inclusion of mass limitations is necessary to ensure that the discharge of pollutants will not exceed the level that has been deemed necessary for a particular situation. Since compliance with mass limits can be achieved by reducing flow while increasing the concentration of a pollutant, it is also necessary to limit concentrations to prevent toxic effects from occurring. Conversely, mass limits prevent dischargers from meeting their concentration limits by diluting their effluent. The federal regulations express a preference for mass limitations, but do not expressly preclude the imposition of both to ensure the attainment of water quality objectives. The State Water Board has affirmed this approach. (State Water Board Order WQO 2002-0012 (East Bay Municipal Utility District)).</p>	necessary.

¹ See *id.* at F-53 and F-54 (“The previous Order contained mass-based effluent limitations for BOD⁵ and TSS that applied when the Permittee was discharging treated effluent to any of its authorized surface water discharge points. The draft Order removes mass limitations for discharges of treated wastewater because Regional Water Board staff misinterpreted the exception in 40 CFR 122.45(f)(2), which states that mass limitations are not required for (1) pH, temperature, radiation, or other pollutants which cannot be appropriately expressed by mass, and (2) when applicable standards and limitations are expressed in terms of other units of measure.” Staff should have granted exception No. 2, because secondary treatment standards for BOD⁵ and TSS in 40 CFR 133.102, on which the effluent limitations in previous permits were based, are expressed in concentration and percent removal (i.e., “other units of measure”). The relaxation of effluent limitations for BOD⁵ and TSS in this Order is permissible under CWA section 402(o)(2)(B), because Regional Water Board staff has determined that mass limitations for BOD⁵ and TSS were applied in the previous permit as a result of a mistaken interpretation of law when issuing the previous permit.”) (emphasis added).

Commenter	#	Comment	Response	Action Taken
Camarillo Sanitary District (Concurrent mass-based and concentration-based limits)	A3-10	<p>Page 5-7; F-40, Section IV.A.1.a -Table 4; Fact Sheet IV.C.4.e.</p> <p>All mass limits should be removed since not required by federal law, or additional analysis under Water Code section 13263/13241 must be undertaken for these limits more stringent than federal law. If being imposed under state law, or the discretionary ability to include mass limits in addition to concentration based limit under section 122.45(f)(2), then these requirements are <u>more stringent</u> than <i>required</i> by federal law and have not been adequately justified and nor have all of the considerations under Water Code section 13263 and 13241 been satisfied. (See <i>City of Burbank v. State Water Resources Control Board</i>, 35 Cal. 4th 613, 629 (2005).)</p> <p>No evidence has been cited that mass-based limits are necessary ensure to ensure proper treatment of a tertiary treatment plant, or that Thousand Oaks has potable or other water available to dilute its effluent in order to comply with the final effluent concentration limits as suggested on page F-40. In fact, Thousand Oaks meets concentration-based limits much more stringent than those proposed under federal secondary treatment requirements. Without evidence to support the findings of necessity for these limits and without the Water Code section 13241 analysis required for these limits that are more stringent than required by federal law, including the mass limits for BOD and TSS, must be removed.</p>	<p>The use of both concentration- and mass-based effluent limits in the tentative permit is recommended by USEPA and consistent with NPDES regulations at 40 CFR section 122.45(f) which govern the use of mass-based effluent limits. The mass-based limits are necessary to achieve compliance with water quality standards and prevent degradation of the receiving waters. To the extent that these mass-based limits were included in the prior permit, the anti-backsliding provision in section 402(o) of the Clean Water Act and 40 C.F.R. section 122.44, prevent removal of these provisions without adequate justification. The Regional Water Board has determined that none of the exceptions to the rule against backsliding apply for these constituents.</p> <p>The effluent characteristics of the Camarillo WRP, as reported in their Report of Waste Discharge (ROWD) is consistently meeting the effluent limitations for BOD and TSS. The maximum BOD discharged was 4.2 mg/L, and the average BOD discharged was 2.68 mg/L. The maximum TSS discharged was 3.6 mg/L, and the average TSS discharged was 2.19 mg/L. The Facility can clearly meet the BOD limit of 20 mg/L and the Suspended solids daily maximum limit of 15mg/L. The facility is not expected to have to install any capital improvement project in order to comply with the effluent limitations for BOD and suspended solids.</p>	None necessary.
Camarillo Sanitary District	A3-11	<p>Page 10, Section IV.A.3.c.</p> <p>An effluent limitation for general radioactivity is not warranted as there is no demonstrated reasonable potential and this unnecessarily duplicates the discharge prohibition for radiological waste in III.G. In</p>	<p>Page F-32 of the fact sheet contains adequate justification for retaining the radioactivity limitation which is currently contained in the Facility's 2003 permit and was also contained in the previous permit, Order No. 96-042. Section 301(f) of the CWA contains the following statement with respect to effluent limitations for radioactive substances: "Notwithstanding any of</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
		<p>addition, if maintained, the words “or subsequent revisions” must be removed as these would unlawfully modify the permit’s requirements without compliance with the state and federal notice and comment requirements. See 40 C.F.R. §122.62(a)(3) and §124.5(c). In addition, prospective incorporation by reference has been held to be “of dubious validity.” (See May 10, 1995, Office of Administrative Law, Notice of Approval and Disapproval, and Reasons for Approval and Disapproval of Parts of a Rulemaking Action on the 1994 Basin Plan Amendments (OAL File No. 95-0328-01) at pg. 10, which determined that “[a] prospective incorporation-by-reference (one that automatically incorporates future changes to an incorporated document) is of dubious validity”; see also <i>California Assn. of Nursing Homes v. Williams</i> (1970) 4 Cal.App.3d 800, 813-815 (court recognized that prospective incorporation by reference necessarily would have “dubious validity.”))</p>	<p>other provisions of this Act it shall be unlawful to discharge any radiological, chemical, or biological warfare agent, any high-level radioactive waste, or any medical waste, into the navigable waters.” Chapter 4.4 of the CWC contains a similar prohibition under section 13375, which reads as follows: “The discharge of any radiological, chemical, or biological warfare agent into the waters of the state is hereby prohibited.” The effluent limitation for radioactivity of the discharge applies more broadly than the prohibition on radiological warfare agents and high-level radioactive waste. Radioactivity was detected in the effluent, therefore it has reasonable potential to contribute to an exceedance, and none of the anti-backsliding exceptions apply.</p> <p>The limit is based on the Basin Plan incorporation of Title 22, CCR, <i>Drinking Water Standards</i>, by reference, to protect the surface water GWR beneficial use and the groundwater MUN beneficial use. Therefore, the accompanying Order will retain the limit for radioactivity to protect the GWR beneficial use. An additional notice and comment period is not necessary to incorporate future revisions to the Maximum Contaminant Levels as effluent limitations in this Order. Adequate notice has been provided that these limits are to be incorporated prospectively. A California Appellate Court rejected the argument against prospective incorporation of MCLs into the Basin Plan in <i>Cal. Ass’n of Sanitation Districts v. State Water Resources Control Board</i> (2012) 208 Cal.App.4th 1438. The Court explained that the Legislature had granted to the California Department of Public Health the responsibility to administer “all ... provisions relating to the regulation of drinking water to protect public health,” and the MUN beneficial use designation is inextricably tied to California drinking water standards. And unlike the prospective incorporation at issue in <i>California Assn. of Nursing Homes</i>, the drinking water standards adopted by CDPH must be adopted pursuant to the Administrative Procedures Act, which provides for public participation. Prior to any change in an MCL that would affect this Order, the discharger would have an opportunity to participate in the public process in which CDPH determines whether the limit is necessary to protect the public health.</p>	

Commenter	#	Comment	Response	Action Taken
			<p>USEPA's letter dated February 15, 2002, fully approved the Basin Plan's criterion for Chemical Constituents, which states, "Surface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated use. Waters designated for use as Domestic or Municipal Supply (MUN) shall not contain concentrations of chemical constituents in excess of the limits specified in the following provisions of Title 22 of the California Code of Regulations which are incorporated by reference into this plan: Table 64431-A of Section 64431 (Inorganic Chemicals), Table 64431-B of Section 64431 (Fluoride), and table 64444-A of Section 6444 (Organic Chemicals). This incorporation by reference is prospective including future changes to the incorporated provisions as the changes take effect. (See Tables 3-5, 3-6, and 3-7)". USEPA's letter states, "This Chemical Constituents criterion functions as a numeric criterion which relies on MCLs in the State's Title 22 regulations to protect waters with the MUN use designation. Consequently, no further information is required under 40 CFR 131.11(a)(2) and this criterion is fully approved."</p>	
Camarillo Sanitary District	A3-12	<p>Page 10, Section V.A.</p> <p>Clarification of the need for and purpose of Receiving Water Limitations should be added as follows: <u>"Receiving water limitations are based on site-specific interpretations of water quality objectives contained in the Basin Plan and are a required part of this Order. However, a receiving water condition not in conformance with the limitation is not necessarily a violation of this Order. The Regional Water Board may require an investigation to determine cause and culpability prior to asserting a violation has occurred.</u> The discharge shall not cause the following in Conejo Creek: (See e.g., Order No. R2-2013-0042 at 17, Section V; R5-2011-0005 at 30, Section C.1.)</p>	<p>Regional Board staff does not believe that the suggested language clarifies the need for and purpose of Receiving Water Limitations. No change is necessary.</p>	None necessary.
Camarillo Sanitary District	A3-13	<p>Page 5-11, Section IV.A.1.a -Table 4, IV.A.3.b. and A.4.e.; V.A.1., 2., and 6.</p>	<p>As stated previously, effluent and receiving water limits are not duplicative. Even though there are effluent limitations for</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
		<p>Both an effluent limitation and a receiving water limitation for temperature, pH, total residual chlorine, and turbidity are not required. If the discharge has a reasonable potential for any constituents for which receiving water limitations are proposed, then the appropriate regulation is an effluent limit. If there was no reasonable potential, then no regulation of these substances is required. Similarly, where an effluent limit is being proposed, as in the case of temperature, pH and turbidity, a duplicative receiving water limitation is unnecessary. A similar comment would apply to the receiving water limitations for toxicity, ammonia, and chlorine.</p>	<p>temperature, pH, total residual chlorine, and turbidity in the tentative Order, a receiving water limit is still needed to ensure that the Basin Plan WQO is met in the downstream receiving water. Once the effluent and the ambient receiving waters mix, the water quality of the resulting mixture must meet the Basin Plan WQO. Changes in the quantity of downstream flow may affect the quality of the receiving water even when effluent limitations are being met.</p>	
Camarillo Sanitary District	A3-14	<p>Page 13-16, Section VI.A.2.</p> <p>The Regional Board's "Standard Provisions" implement state law and many are inappropriate for inclusion in a federally enforceable NPDES permit. In particular, sections t. through z. merely restate state law or the Enforcement Policy, which are independently applicable, and do not need to be inserted in the permit. Subsection bb. , related to Water Code section 1211 compliance, is also independently applicable and should not be included as a permit requirement since this is separately required by law and enforceable by the Water Boards. Section 1211 can be referenced in the Fact Sheet, but should not be a provision in an NPDES permit.</p>	<p>Refer to response to comments A3-4.</p> <p>The provision relating to Water Code section 1211 will be removed from the Order, but will remain in the Fact Sheet.</p>	None necessary.
Camarillo Sanitary District	A3-15	<p>Page 13, Section VI.A.2.c.</p> <p>There is no authority listed for this 100 year storm protection requirement under state or federal law. Without such authority, the inclusion of this and other unjustified "Standard Provisions" constitutes an abuse of discretion.</p>	<p>The 100 year storm is commonly used as a requirement for this standard provision.</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
Camarillo Sanitary District	A3-16	<p>Page 13, Section VI.A.2.d.</p> <p>This provision states: "Collection, treatment, and disposal systems shall be operated in a manner that precludes public contact with wastewater." Taken to the extreme, this provision could mandate that all manhole covers be locked to prevent public access, which could be a large and largely unnecessary expense. Thus, this language should be removed, or modified as follows: "Collection, treatment, and disposal systems shall be operated in a manner that precludes or impedes public contact with wastewater."</p>	<p>The Standard Provision was modified as follows:.</p> <p>"Collection, treatment, and disposal systems shall be operated in a manner that precludes <u>or impedes</u> public contact with wastewater."</p>	Revisions were made to the permit.
Camarillo Sanitary District	A3-17	<p>Page 13, Section VI.A.2.h.</p> <p>This provision should clarify that section 311 of the CWA relates to "Oil and hazardous substance liability" so it is not confused with section 1311.</p>	<p>The provision has been revised to state:</p> <p>"Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities or penalties to which the Permittee is or may be subject to under section 311 of the CWA, related to oil and hazardous substances liability."</p>	Added clarifying language.
Camarillo Sanitary District	A3-18	<p>Page 13, Section VI.A.2.i.</p> <p>It is inappropriate in a separate NPDES permit, unrelated to stormwater discharges, to mandate compliance with local rules and ordinances. If applicable to the Permittee, it will be separately required to comply with those laws and it does not need to be included in an NPDES permit for those requirements to be separately enforceable. These local rules do not belong in a federally enforceable NPDES permit and must be removed. Further, section A.2.i. should cover this requirement to comply with other laws without making it a mandate under this permit.</p>	This provision has been removed from the permit.	Provision removed.
Camarillo Sanitary District	A3-19	<p>Page 4, 14, Section III.A.; VI.A.2.j.</p> <p>This section unnecessarily duplicates the requirements in Provision III.A. and must be removed. This section</p>	The two sections are not duplicative because they are slightly different. Section III.A prohibits discharge of "treated wastewater" (to which final effluent limitations apply) at a different location from what is described in the Order, while	None necessary.

Commenter	#	Comment	Response	Action Taken
		also determines what will constitute a “violation” without a hearing and due process or consideration of potential defenses (e.g., upset/bypass).	Section VI.A.2.j. prohibits any “discharge,” which could be referring to raw sewage, or partially-treated effluent. The language has been modified to read: “Discharge of wastes to any point other than specifically described in this Order is prohibited.”	
Camarillo Sanitary District	A3-20	Page 16, Section VI.B. Remove reference to “, and future revisions thereto,” from this sentence since the MRP cannot be modified without a formal permit modification (40 C.F.R. §122.63, §124.5(c); <i>S.F. Baykeeper v. SFRWQCB</i> , San Francisco Superior Court Case No. 500527, Order Granting Petition for Writ of Mandate and Statement of Decision (Nov. 14, 2003)(“Because these are changes to the Permit[], the notice and comment requirements must be complied with”), and once modified, the new requirements will be applicable. Thus, this extra language is unnecessary.	The Regional Water Board has delegated some authority to the Executive Officer which allows him to make some modifications to the MRP without having to take the permit before the Board for future modification. 40 C.F.R. § 122.63 allows minor modifications of permit, including a requirement for more frequent monitoring or reporting by the permittee, without a public notice and comment period.	None necessary.
Camarillo Sanitary District	A3-21	Page 17, Section VI.C.1.d. This provision needs several qualifiers added, as follows: “The Board may modify, or revoke and reissue this Order if present or future investigations demonstrate that the discharge(s) governed by this Order will cause, have the <u>reasonable</u> potential to cause, or will <u>substantially</u> contribute to adverse impacts on water quality and/or beneficial uses of the receiving waters.	This provision has been revised to state: “The Board may modify, or revoke and reissue this Order if present or future investigations demonstrate that the discharge(s) governed by this Order will cause, have the reasonable potential to cause, or contribute to adverse impacts on beneficial uses or degradation of the quality of the receiving waters.	Language revised.
Camarillo Sanitary District	A3-22	Page 17, Section VI.C.1.h. The first sentence, which states a prohibition “The discharge shall not cause a violation of any applicable water quality standard for receiving waters” is not appropriate to include in this section related to reopeners and must be removed.	The first sentence was removed from the reopener section as follows: “The discharge shall not cause a violation of any applicable water quality standard for receiving waters. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the CWA, or amendments, thereto, the Regional Water Board will revise and modify this Order in	Deleted sentence

Commenter	#	Comment	Response	Action Taken
			accordance with such standards.”	
Camarillo Sanitary District	A3-23	<p>Page 18, Section VI.C.1.i.</p> <p>This section should just state “effluent limitations” and not be limited to just toxicity and chlorine residual. This should cover any limits that should be revised based on new precedential decisions, laws or regulations. The phrase “new policies” should be removed as new guidance should not be enough to reopen a permit.</p>	<p>Added language to include the long awaited state-wide plan as follows: “This Order may be reopened and modified to revise the chronic toxicity effluent limitation and/or total residual chlorine limitations, to the extent necessary, to be consistent with State Water Board precedential decisions, new policies, <u>a new state-wide plan</u>, new laws, or new regulations.”</p>	Modified language.
Camarillo Sanitary District	A3-24	<p>Page 18, Section VI.C.2.</p> <p>The language related to the TMDL monitoring requirements should be moved to the Fact Sheet and only substantive requirements, relevant to this Permit, should remain in this section.</p>	The Order includes an appropriate discussion of all applicable monitoring in order to provide context for the requirements.	None necessary.
Camarillo Sanitary District	A3-25	<p>Page 20, Section VI.C.3.b.</p> <p>This Spill Clean-up Contingency Plan duplicates the requirements of the SSMP and the burden of preparing this duplicative report has not been justified under Water Code section 13267. Alternatively, this could be modified to only relate to non-sewage spills to avoid duplication.</p>	<p>The tentative NPDES SCCP requirement is slightly different and more encompassing than the SSMP, in that the tentative NPDES permit pertains to both spills in the collection system and at the facility.</p> <p>Within 90 days of the effective date of this Order, the Permittee is required to submit a SCCP, which describes the activities and protocols to address clean-up of spills, overflows, and bypasses of untreated or partially treated wastewater from the Permittee’s collection system or treatment facilities (emphasis added) that reach water bodies, including dry channels and beach sands.</p>	None necessary.
Camarillo Sanitary District	A3-26	<p>Page 20-21, Section VI.C.3. and 4.</p> <p>Both of these sections relate to state law requirements related to the preparation of PMP/PPP as required by the Water Code, spill prevention plans, operator certification, and alternative electrical supply. None of these should be federally enforceable requirements under an NPDES permit and must be identified as state law only requirements.</p>	As stated in section VI.C.3.c, Reporting protocols in MRP section X.B.4 regarding sample results that are to be reported as Detected but Not Quantified (DNQ) or Not Detected (ND) are used in determining the need to conduct a PMP. The Facility has reported sampling results as DNQ and ND.	None necessary.

Commenter	#	Comment	Response	Action Taken
Camarillo Sanitary District	A3-27	<p>Page 22, F-17, Section VI.C.5.a.ii. and iii.; Fact Sheet, III.C.13.</p> <p>These sections appear to make biosolids compliance part of this NPDES permit when there are separate regulatory documents that control and regulate those activities. Therefore, the following edits should be made to section ii: “The Permittee shall ensure compliance is separately required to comply with the requirements in State Water Board Order No. 2004-10-DWQ,...”; and iii) “The Permittee shall <u>separately</u> comply, if applicable,...”</p> <p>The Regional Board and third parties in a citizen suit should not be allowed to challenge compliance with these separate state permits through this federal NPDES permit, particularly when the Fact Sheet recognizes that the “state has not been delegated the authority to implement this program.” For these reasons, biosolids related items should be pared down or removed from the Permit entirely.</p>	<p>Page F-17 of the Fact Sheet explains: The state has not been delegated the authority to implement this program; therefore, USEPA is the implementing agency. This Order contains sewage sludge/biosolids requirements pursuant to 40 CFR part 503 that are applicable to the Permittee.</p> <p>Pursuant to 40 C.F.R. 122.44(b), an NPDES permit must contain standards for sewage sludge use or disposal. Because the State is not delegated the authority to implement the program, these provisions must be included in the permit. However, the suggested wordings by the Discharger have been added to the paragraph mentioned in the comment.</p>	Added language.
Camarillo Sanitary District	A3-28	<p>Page 23-26, Section VI.C.6.</p> <p>It should be made clear that this section on spills only relates to non-sewage spills, since sewage spills are regulated by the State Water Board’s Sanitary Sewer Overflow (SSO) WDRs, which discourages Regional Boards from issuing different requirements in NPDES permits. Therefore, the last sentence in section a. should state: “For certain spills, overflows and bypasses, <u>not including sewage spills,</u> the Permittee shall make notifications as required below:” Then all other references to sewage in this section should be removed, as follows:</p> <p>a.i. “unauthorized release of sewage or other waste <u>other than sewage</u>”</p> <p>a.ii. – This section is unnecessary and should be removed as it is implemented through the SSO WDR.</p> <p>a.iii. “The Permittee shall notify the Regional Water</p>	<p>This section applies to sewage spills both at the POTW and in the collection system.</p> <p>As stated on page F-19 of the Fact Sheet, the requirements of the SSO WDR are considered the minimum thresholds (see Finding 11 of State Water Board Order No. 2006-0003-DWQ). Although it is the State Water Board’s intent that the SSO WDRs be the primary regulatory mechanism for sanitary sewer systems statewide, Regional Water Boards may issue more stringent or more prescriptive WDRs for sanitary sewer systems. As directed by the State Water Board in the SSO WDRs, this Order coordinates its requirements with the requirements in the SSO WDRs and provides consistency with reporting. The Order clarifies that the Regional Board will accept documentation prepared by the Permittee under the SSO WDR for compliance purposes as satisfying certain requirements in section VI.C.3.b, VI.C.4, and VI.C.6 provided the more stringent provisions are also addressed. The</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
		<p>Board of any unauthorized release or spill at of sewage from its POTW...</p> <p>a.iii.(3) "An estimate of the amount of sewage or other waste released..."</p> <p>c.i. "As soon as possible, but not later than twenty-four hours after becoming aware of an unauthorized discharge of sewage or other waste..."</p> <p>c.ii. "Submission to the Regional Water Board of the California Integrated Water Quality System (CIWQS) Sanitary Sewer Overflow (SSO)-event number shall satisfy this requirement. Within 30 days after submitting the preliminary report, the Permittee shall submit the final written report to this Regional Water Board. (A copy of the final written report, for a given incident, already submitted pursuant to a statewide General WDRs for Wastewater Collection System Agencies (SSO WDR), may be submitted to the Regional Water Board to satisfy this requirement.)..."</p> <p>d. "The Permittee shall develop and maintain a record of all spills, overflows or bypasses of raw or partially treated sewage from its collection system or at its treatment plant or from its operations.</p> <p>Remove section 6.d.viii as unrelated to non-sewage spills.</p>	<p>provisions of this Order superseded those of the SSO WDR for all purposes, including enforcement, to the extent the requirements may be duplicative. The permit makes it clear in Section VI.C.6.c.ii that a "copy of the final written report, for a given incident, already submitted pursuant to a statewide General WDRs for Wastewater Collection System Agencies (SSO WDR), may be submitted to the Regional Water Board to satisfy this requirement."</p> <p>Regardless of the coverage obtained under the SSO WDRs, the Permittee's collection system is part of the POTW that is subject to this NPDES permit. As such, pursuant to federal regulation, the Permittee must properly operate and maintain its collection system (40 C.F.R. § 122.41(e)), report any non-compliance (40 C.F.R. 122.41(l)(6) and (7)), and mitigate any discharge from the collection system in violation of the NPDES permit (40 C.F.R. § 122.41(d)).</p> <p>The Regional Board has discretionary authority in enforcement actions and therefore it will choose the appropriate course of action as authorized by the CWA and CWC.</p>	
Camarillo Sanitary District	A3-29	<p>Page 26, Section VI.C.6.e.</p> <p>This paragraph about the Water Board's "expectations" should be moved into the findings to avoid it being interpreted as a requirement for coordination.</p>	<p>Stakeholders in the Calleguas Creek Watershed work collaboratively and the Regional Water Board would like to encourage continued collaboration to make more efficient use of limited resources. The following has been added prior to this provision to clarify that the expectation is not a requirement of this Order: "Although not required by this Order..."</p>	Modified language.
Camarillo Sanitary District	A3-30	<p>Page 26, F-18, Section VI.C.6.f.; Fact Sheet, III.E.5.</p> <p>Paragraph 9 of the SSO WDR states: "Both <u>uniform SSO reporting</u> and a centralized statewide electronic database are needed to collect information to allow the State Water Board and Regional Water Quality Control</p>	<p>The following language was added to the Fact Sheet to justify the SSO Spill Reporting Requirements:</p> <p>In the past, the Los Angeles Regional Water Board has experienced loss of recreational use in coastal beaches and in Arroyo Conejo as a result of major sewage spills. The SSO</p>	Revisions were made to the permit.

Commenter	#	Comment	Response	Action Taken
		<p>Boards (Regional Water Boards) to effectively analyze the extent of SSOs statewide and their potential impacts on beneficial uses and public health.” Paragraph 11 also states that “it is the <u>State Water Board’s intent that this Order be the primary regulatory mechanism for sanitary sewer systems statewide.</u>” Regional Water Boards would need to include findings of necessity for more stringent or differing requirements than the SSO WDR, supported by substantial evidence. The Los Angeles Regional Board has failed to demonstrate why its region needs more stringent requirements. Therefore, the requirements from other regions should be used in lieu of the proposed section 6. f., as follows:</p> <p>“The Permittee has coverage under, and is separately subject to, the requirements of State Water Board Order No. 2006-003-DWQ, Statewide General WDRs for Sanitary Sewer Systems. As such, the Permittee provides notification and reporting of SSOs in accordance with the requirements of Order No. 2006-003-DWQ and WQ 2008-0002-EXEC and any revisions thereto for the operation of its wastewater collection system.”</p> <p>See <i>accord</i> Order No. R2-2013-0042 at 27, section VI.A.5.a.i.; R5-2012-0115 at 29, section VI.C.5.d.</p>	<p>requirements are intended to prevent or minimize impacts to receiving waters as a result of spills. This rationale was included in page F-54 of the Fact Sheet under section VI.B.5.c. Spill Reporting Requirements.</p>	
Camarillo Sanitary District	A3-31	<p>Page 21, 27, Section VI.C.4.b. and c.; VI.C.6.g</p> <p>There are duplicative requirements related to standby or emergency power. In fact, sections 4.c. and 6.g. are exactly the same:</p> <p>“The Permittee shall provide standby or emergency power facilities and/or storage capacity or other means so that in the event of plant upset or outage due to power failure or other cause, discharge of raw or inadequately treated sewage does not occur.”</p> <p>The duplicative requirements should be removed and the requirements should be streamlined since this is</p>	<p>The requirement on page 27 of section VI.C.6.g will be removed since it is already included in a previous section.</p>	Deleted language.

Commenter	#	Comment	Response	Action Taken
		another state law only requirement.		
Camarillo Sanitary District	A3-32	<p>Page 27-28, Section VII.C.</p> <p>The word “violation” in this section should be changed to “exceedance.” Violations are only determined after hearing and adequate due process.</p>	<p>The purpose of this provision is to provide assurance to the Permittee that an exceedance of the AMEL for a given parameter over a calendar month will represent a single violation for purposes of assessing penalties, including mandatory minimum penalties. Because penalties are imposed for violations, this language will be retained to provide adequate assurance that multiple penalties will not be assessed.</p>	None necessary.
Camarillo Sanitary District	A3-33	<p>Page A-4, Definitions</p> <p>The definition of “Source of Drinking Water” should read “Any water <u>unconditionally</u> designated...” Due to litigation many years ago, the conditionally designated MUN waters in the Basin Plan are not considered to fall under this definition.</p>	<p>Additional clarification is not necessary since the conditionally designated potential municipal and domestic water supply beneficial use (p*MUN) has already been explained on Fact Sheet page F-13 in section III.C.1 and on page F-14 in Footnote 1.</p>	None necessary.
Camarillo Sanitary District	A3-34	<p>Page D-1, Provision I.A.1.</p> <p>As previously stated, the Permit needs to recognize that many of its requirements are based on State law, not the Clean Water Act. Thus, a finding to this effect needs to be included in the Permit, such as those from the North Coast region that state: “Provisions and Requirements Implementing State Law. The provisions/requirements in subsections ... of this Order, and sections ... of the MRP are included to implement state law only. These provisions/requirements are not required or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations.”</p> <p>Then, this Provision I.A.1. needs to be modified to say “Any noncompliance may constitute a violation of the Clean Water Act” since not all non-compliance would violate federal law. Further, some non-compliance may</p>	Refer to response to Comment A3-3.	None necessary.

Commenter	#	Comment	Response	Action Taken
		be excused (e.g., upset or bypass).		
Camarillo Sanitary District	A3-35	Page D-5, Section IV.C. The following change needs to be made to be consistent with the regulatory language: "The name and address of any permit applicant or <u>Permittee Discharger</u> (40 CFR § 122.7(b)(1));..."	The change will be made consistent with 40 CFR § 122.7(b)(1).	Replaced Discharger with Permittee
Camarillo Sanitary District	A3-36	Page E-24, Section MRP, X.C.8.b. The phrase "clearly identify violations" should be changed to "clearly identify <u>instances of non-compliance or exceedances of effluent limitations.</u> " Violations are only determined after a hearing and due process, and considering any defenses. The last sentence should also be modified to read: "A description of all identified instances of non-compliance should be included in the cover letter, including a discussion of the particular permit requirement at issue."	Suggested language was included in the MRP.	Revisions were made to the permit.
Camarillo Sanitary District	A3-37	Page E-26, MRP, X.E.4. This technical report is just another version of the spill prevention plan, SSMP, and other reports already required. The Regional Water Board should avoid requiring duplicative and overlapping reporting requirements that have not been adequately justified under Water Code section 13267 or section 13225(c).	Section X.E.4 of the MRP requires that the Permittee file /submit the technical report to the Regional Water Board prior to having a spill take place. While the SSO only requires that agencies develop sanitary sewer management plans (SSMPs) not that the plan be submitted, as discussed on page F-54 of the Fact Sheet.	None necessary
Camarillo Sanitary District	A3-38	Page F-7 to F-8, Fact Sheet, Table F-2 From the data provided, there does not appear to be reasonable potential for many constituents. A reasonable potential analysis is required for <u>all</u> pollutants, whether conventional, nonconventional, or toxic pollutants (see 40 C.F.R. §122.44(d)(1)(i)), so the Fact Sheet must contain data demonstrating that a reasonable potential analysis was conducted for all	Reasonable potential analysis does not have to be done for pollutants with a TMDL, as indicated in section 1.3 Determination of Priority Pollutants Requiring Water Quality-Based Effluent Limitations of the SIP: "The RWQCB shall conduct the analysis in this section for each priority pollutant with an applicable criterion or objective, excluding priority pollutants for which a Total Maximum Daily Load (TMDL) has been developed , to determine if a water quality-based effluent limitation is required in the discharger's permit."	None necessary

Commenter	#	Comment	Response	Action Taken
		pollutants and that only those pollutants with demonstrated reasonable potential have associated effluent limitations. All pollutants without reasonable potential should not have effluent limitations.	(emphasis added). Reasonable potential does not have to be conducted for technology-based limits either.	
Camarillo Sanitary District	A3-39	<p>Page F-15, Fact Sheet, III.C.5.</p> <p>There are no promulgated TBELs for oil and grease, settleable solids, pH, and turbidity so the statement in the first paragraph is legally inaccurate. There are TBELs for BOD, TSS, and percent removal contained in the secondary treatment regulations at 40 C.F.R. Part 133, but those are not being used in this permit. The permit includes more stringent water quality based effluent limitations for these constituents and yet fails to address the holding in the case of <i>City of Burbank v. State Water Resources Control Board</i>, 35 Cal. 4th 613 (2005). Although the permit contains limits “more stringent than the minimum,” and the Fact Sheet at F-22 states that the “Regional Water Board has considered the factors specified in CWC section 13241,” such an analysis was not evident. Without express findings supported by evidence in the record, the findings are legally insufficient. C.C.P. §1094.5(c); 40 C.F.R. §124.8(b)(4); <i>Topanga Association for a Scenic Community v. County of Los Angeles</i>, 11 Cal.3d 506, 515 (1974); <i>California Edison v. SWRCB</i>, 116 Cal. App. 751, 761 (4th Dt. 1981); see also <i>In the Matter of the Petition of City and County of San Francisco, et al.</i>, State Board Order No. WQ-95-4 at 10 (Sept. 21, 1995).</p> <p>This section should recognize the other numerous effluent limitations more stringent than required by federal law, including numeric limits (40 C.F.R. §122.44(d) and (k)(3); <i>Communities for a Better Environment v. State Water Resources Control Board</i> (2003) 109 Cal. App. 4th 1089, 1104-5; <i>In the Matter of the Petition of Citizens for a Better Environment, Save San Francisco Bay Association, and Santa Clara Valley Audubon Society</i>, Order No. WQ 91-03, May 16, 1991),</p>	<p>The limits imposed in the WDR/NPDES permit are required in order to protect the beneficial uses designated in the Basin Plan for the given waterbodies. They are not more stringent than federal law requires, insofar as federal law requires protection of beneficial uses. Clean Water Act section 301(b)(1)(C) requires permits to contain “any more stringent limitation, including those necessary to meet water quality standards, treatment standards, or schedules of compliance, established pursuant to any State law or regulations. . . .” (33 U.S.C. § 1311(b)(1)(C)). The statement in the Order that “Collectively, this Order’s restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA,” is accurate.</p> <p>To the extent that this permit includes terms or provisions that are authorized or required by state rather than federal authority, the Regional Water Board considered the factors specified in Water Code section 13241. Additional information has been provided in the Fact Sheet regarding the Board’s consideration of these conditions.</p> <p>Refer to response to Comment A3-7.</p>	None necessary

Commenter	#	Comment	Response	Action Taken
		<p>mass in addition to concentration-based limits (40 C.F.R. §122.45(f)(ii)), daily maximum limits without adequate impracticability analysis (40 C.F.R. §122.45(d)(2)), and tertiary treatment requirements (40 C.F.R. Part 133). Since this paragraph is legally and factually flawed, it and its conclusion that “Collectively, this Order’s restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA” should be removed or corrected prior to adoption of the final permit.</p>		
Camarillo Sanitary District	A3-40	<p>Page F-16, Fact Sheet, III.C.9.</p> <p>As previously stated, state Water Rights provisions are not appropriate for inclusion in a federally enforceable NPDES permit. Water Code 1211 applies to all discharges whether or not that code section is mentioned here. Therefore, this provision needs to be removed from the Permit.</p>	<p>Refer to response to comment A3-14. This provision has been removed from the Order, but remains in the Fact Sheet.</p>	<p>Deleted finding from WDR, but kept in Fact Sheet.</p>
Camarillo Sanitary District	A3-41	<p>Page F-18, Fact Sheet, III.E.2.</p> <p>Nowhere in the Basin Plan are MCLs applied to the Groundwater Recharge (GWR) use. Application of MCLs end of pipe is <i>ultra vires</i> and more stringent than necessary to protect groundwater since there is dilution, dissipation, and adsorption of pollutants in the surface water and underground soils and aquifer. Further, there is no evidence whatsoever to indicate that Hill Canyon WWTP’s discharge contains “substances in concentrations that cause nuisance or adversely affect beneficial uses.” Without that evidence, it is beyond the Regional Board’s authority to impose MCLs on any use besides a surface water MUN use.</p>	<p>Clean Water Act section 301(b)(1)(C) states that permits must contain “any more stringent limitation, including those necessary to meet water quality standards, treatment standards, or schedules of compliance, established pursuant to any State law or regulations. . . .” (33 U.S.C. § 1311(b)(1)(C), [emphasis added].) The final effluent limits are necessary to meet water quality standards and serve to protect the designated beneficial uses. Table F-4a on page F-14 of the Fact Sheet lists all of the beneficial uses of the receiving waters, among which GWR is included.</p> <p>The issue of using MCLs as the basis for establishing final effluent limitations in an NPDES permit, to protect the GWR beneficial use of surface waters and the MUN beneficial use of the groundwater basins, has been addressed by the State Board in its WQO No. 2003-0009, in the <i>Matter of the Petitions of County Sanitation District No. 2 of Los Angeles and Bill Robinson for Review of Waste Discharge Requirements Order No. R4-2002-0142 and Time Schedule Order No. R4-2002-0143</i></p>	<p>None necessary.</p>

Commenter	#	Comment	Response	Action Taken
			<p>for the Whittier Narrows Water Reclamation Plant. The Regional Board is legally required to include any effluent limitations in the permit that are necessary to protect the GWR use of surface waters. The groundwater recharge (GWR) beneficial use is premised on a hydrologic connection between surface waters and groundwater, where the groundwater in this case is designated with an existing MUN beneficial use. Since there are no criteria or objectives specific to the GWR beneficial use, the Los Angeles Regional Water Board's Basin Plan, staff based effluent limitations for the GWR use on the groundwater MUN objectives. By doing so, the Regional Water Board ensures that the use of surface waters to recharge groundwater used as an existing drinking water source is protected. The fact that there are no criteria or objectives specific to the GWR beneficial use does not deprive the Regional Water Board the ability to protect the use. The CWA contemplates enforcement of both beneficial uses as well as criteria in state water quality standards. In California, an NPDES permit also serves as waste discharge requirements under state law.</p> <p>The Permittee has not submitted necessary data and studies for the Regional Board to give credit for dilution and attenuation in the underlying groundwater in establishing the effluent limitations. The Regional Board would consider such information if submitted.</p>	
Camarillo Sanitary District	A3-42	<p>Page F-23 to F-36, Fact Sheet, IV.C.</p> <p>Many of the justifications for effluent limitations state that there are no backsliding exceptions, which ignores that each of these plants has been upgraded since the last permit (see Fact Sheet, II.E), which qualifies as an exception to the general rule against backsliding along with lack of reasonable potential. 33 U.S.C. §1342(o)(2)(A) or (B).</p>	<p>Regional Water Board staff did not ignore the fact that the POTW underwent the nitrification/denitrification (NDN) upgrade or the chloramination process change. However, those upgrades were not designed to remove all pollutants from the effluent. NDN was intended to convert ammonia N to nitrate and nitrite nitrogen and then reduce inorganic nitrogen concentrations present in the effluent. The chloramination process change was intended to reduce the formation of disinfection byproducts such as total trihalomethanes (bromoform, bromodichloromethane, chloroform, and chlorodibromomethane). Moreover, backsliding considerations were evaluated one parameter at a time. The Commenter has not identified the parameters for which the plant upgrades or</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
Camarillo Sanitary District	A3-43	<p>Page F-32, Fact Sheet, IV.C.3.</p> <p>The section on “Determining the Need for WQBELs” erroneously states that where there was a TMDL, “effluent limitations... were established regardless of whether or not there is reasonable potential...” This finding is contrary to the federal regulations requiring a reasonable potential analysis to determine if limits are necessary. 40 C.F.R. §122.44(d)(1)(i) and (iii). Only after reasonable potential is determined do you reach the portion of this section requiring that “when developing water quality based effluent limits under this paragraph the permitting authority shall ensure that: (B) Effluent limits ... are consistent with the assumptions and requirements of any available wasteload allocation...” The Regional Board’s interpretation that TMDL-based limits are automatic whether or not the pollutants are detected or have RP is not logical and is unsupported by the plain language of the regulations. Furthermore, the SIP does not provide automatic RP, it merely states that the SIP RPA does not apply – the federal RPA does.</p>	<p>new information would justify relaxation of effluent limitations.</p> <p>The section is not erroneous as it is consistent with the SIP, the Clean Water Act, and federal regulations.</p> <p>Limits based on WLAs will be included in the NPDES independent of reasonable potential analysis, since section 1.3 of the SIP allows it: “The RWQCB shall conduct the analysis in this section for each priority pollutant with an applicable criterion or objective, excluding priority pollutants for which a Total Maximum Daily Load (TMDL) has been developed, to determine if a water quality-based effluent limitation is required in the discharger’s permit.”</p> <p>Refer to response to comment A2-7.</p>	None necessary.
Camarillo Sanitary District	A3-44	<p>Page F-47, Fact Sheet, Table F-9</p> <p>The fact that an effluent limitation is existing is not adequate authority for maintaining that limit. A new reasonable potential analysis must be run to justify inclusion of the effluent limitations. 40 C.F.R. §122.44(d)(1)(i) and (iii).</p>	<p>According to Chapter 7 of the USEPA NPDES Permit Writers’ Manual (EPA-833-K-10-001, September 2010), “the permit writer must determine the final effluent limitations that will be included in the National Pollutant Discharge Elimination System (NPDES) permit for each pollutant or pollutant parameter. For reissued permits, that determination must also include an assessment of whether the revised effluent limitations are consistent with the Clean Water Act (CWA) requirements and NPDES regulations related to anti-backsliding.”</p> <p>Existing effluent limitations were retained where none of the anti-backsliding exceptions applied.</p>	None necessary.
Camarillo Sanitary District	A3-45	<p>Page F-50, Section V.B</p> <p>The Basin Plan provides no authority for imposing</p>	Refer to response to Comment A3-41.	None necessary.

Commenter	#	Comment	Response	Action Taken
		MCLs as end-of-pipe effluent limitations to protect a Groundwater Recharge (GWR) use, which is not a use mandated by the Clean Water Act. If the Regional Board would like to apply MCLs to this use, in addition to the MUN use, then a Basin Plan amendment or new implementation plan under Water Code section 13242 is required to provide the proper legal authority to do so.		
Camarillo Sanitary District	A3-46	<p>Page F-53, Section VI.B.7.</p> <p>The Compliance Schedule section erroneously claims that compliance schedules for TMDL pollutants cannot be included in the permit because these schedules have not been approved under 303(c). Implementation is a state obligation under the Continuing Planning process of CWA section 303(e), which requires EPA approval upon submittal. 33 U.S.C. 1313(e). Further, California possesses adequate compliance schedule authority as discussed elsewhere to justify inclusion of time schedules in the permit. Water Code §13242.</p>	<p>Refer to response to comments C3A and C4.</p> <p>The language has been revised to state that the City has not submitted sufficient information to justify the inclusion of a compliance schedule for chloride pursuant to the Compliance Schedule Policy or federal regulations.</p>	None necessary.
Comments received from the California Association of Sanitation Agencies (CASA) on April 14, 2014				
CASA	1	<p>The Proposed Effluent Limitations are Not Consistent with the Toxicity TMDL</p> <p>Federal regulations require that effluent limitations “be consistent with” adopted TMDLs. In citing guidance as the justification for the limitations, the Fact Sheet for the tentative order ignores the language of the Basin Plan Amendment incorporating the TMDL for Toxicity, which states that the WLAs are to be “implemented as a trigger for initiation of the toxicity identification evaluation/toxicity reduction evaluation (TIE/TRE) process.” 1 The adopted resolutions and policies at the time of this Permit issuance all mandate narrative effluent limitations for chronic toxicity and a trigger for initiation of the TIE/TRE process. These cannot be overruled by EPA guidance in determining an</p>	See Response to Comment C-4.	None necessary.

Commenter	#	Comment	Response	Action Taken
		<p>effluent limitation.</p> <p>As cited in the City's comments, the current policy in effect for toxicity effluent limitations specifies inclusion of narrative effluent limitations with triggers for initiation of TIE/TRE procedures. This policy has been established in no less than three precedential orders and in the 2003 permit for Hill Canyon. The 2003 permit adopted by the regional board contained numeric effluent limitations for chronic toxicity. In 2004, these permits were amended to replace the numeric chronic toxicity limits with narrative limits to be consistent with the precedential State Water Board Order WQO 2003-0012. The State Water Board order recognized that the applicability of final numeric effluent limitations in permits for wastewater treatment plants discharging to inland waters, bays and estuaries is an issue of statewide importance that should be addressed in the statewide implementation plan (SIP). The State Water Board has been developing revised toxicity provisions for inclusion in a statewide water quality control plan through a public process, and release of a revised draft is expected soon for public comment. A main driver for this plan is to replace the current patchwork of regional water board practices with a consistent and standardized approach to toxicity. The precise relationship of the plan requirements to waters where a toxicity TMDL is in place not yet determined. However, at a minimum the permits must implement the adopted TMDL. If the final statewide plan establishes new or different requirements applicable to the Calleguas watershed, the TMDL can be reopened and the effluent limitations revised as appropriate.</p>		
CASA	2	<p>The Test of Significant Toxicity is not an Approved Method</p> <p>The permit requires the use of the test of significant toxicity (TST) test method is also inconsistent with existing policies and regulations. The Regional Water Board lacks authority to impose the TST until that method has been promulgated</p>	<p>Regional Board staff disagrees. In 2014, in response to a request by the State Water Board, USEPA Region IX determined that the TST is an acceptable equivalent under the ATP process, in lieu of the NOEC-LOEC hypothesis testing approach, recommended in</p>	<p>None necessary.</p>

Commenter	#	Comment	Response	Action Taken
		<p>as an approved method under Part 136. The proposed Monitoring and Reporting Program for the tentative order provides that, for specific constituents (i.e., PCBs, MRP and E.IV.3.), analytical results obtained by running a nonpromulgated method will not be used for compliance determination purposes, since that method has not been incorporated in 40 CFR part 136.</p>	<p>CFR 136.5. It is available for use in California's NPDES permits and complies with 40 CFR 136.3 and 136.5.</p> <p>See Response to Comment C-4.</p>	
CASA	3	<p>Narrative Effluent Limitations for Toxicity Are Protective of Beneficial Uses</p> <p>Toxicity is not a pollutant, but an effect. Toxicity tests are diagnostic tools designed to identify toxicity and allow a discharger to investigate and, in the best case, ultimately identify the toxicant. The current approach of using narrative effluent limits with prescriptive accelerated monitoring and toxicity reduction evaluation (TRE) triggered by toxicity test failures has been effectively utilized in California for over a decade, including in the Los Angeles region. The USEPA Technical Support Document (TSD) recommends that a discharger conduct a toxicity identification evaluation (TIE) in response to whole effluent toxicity test failures and that chemical-specific limits on the identified constituent be applied along with continued toxicity monitoring. The TSD further recommends that if toxicity is observed subsequently, this process should be repeated. According to USEPA Regional 9 and 10 WET guidance, "the principal mechanism for bringing a discharger into compliance with a water quality based WET requirement is a toxicity reduction evaluation."²</p>	<p>The Toxicity TMDL for the Calleguas Watershed establishes a water column toxicity target of 1.0 TUc to address toxicity in reaches where the toxicant has not been identified through a TIE. The TMDL establishes a WLA of 1.0 TUc for POTWs in the watershed. The 1.0 TUc WLA is protective of the aquatic life beneficial use and implements the narrative standard for toxicity in the Basin Plan. The narrative effluent limits with accelerated monitoring and toxicity reduction evaluation triggers that have been used in NPDES permits in this Region have not adequately addressed the impairment in significant portions of the Calleguas Creek watershed from toxicity. The narrative approach is an oversight-driven model that essentially requires the Regional Water Board to manage dischargers' efforts to reduce and control toxicity.</p> <p>USEPA has criticized this type of permitting approach, in part because it authorizes the discharge of toxic effluent as long as the discharger follows a series of steps following the occurrence. Numeric WQBELs for toxicity not only prompt proactive efforts by dischargers to comply with the effluent limits, but are clear to the discharger, the permitting authority, and the public. USEPA and this Regional Water Board have found that numeric effluent limitations are the most effective and efficient regulatory tool under the Clean Water Act to protect water quality standards because the measurement of compliance is clearly defined. The Toxicity TMDL grants the Regional Water Board flexibility to determine the appropriate method to implement the WLAs based on USEPA, State Board, and Regional Board resolutions, guidance, and policies at the time of permit issuance. While the Regional Water Board</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
			agrees that one step to achieving compliance with a water quality based WET requirement can be a toxicity reduction evaluation to identify the constituents of concern, on its own, it is not enough to satisfy federal regulatory requirements. This Order requires numeric chronic toxicity WQBELS and the TIE/TRE process if the numeric effluent limit is exceeded.	
Comments received from the Heal the Bay on April 14, 2014				
Heal the Bay	1	Heal the Bay has long advocated for the development and implementation of the State Water Resources Control Board toxicity policy. Although the statewide toxicity policy has yet to be adopted, the Regional Board's inclusion of numeric water quality based effluent limits for chronic toxicity in the Permits is a necessary step to protect coastal waters and comply with the Calleguas Creek Toxicity TMDL. We support the Regional Board's inclusion of chronic toxicity effluent limits in the Permits as it is critical for NPDES permittees to ensure that their discharge does not have toxic impacts. Furthermore, we support the inclusion of the Test of Significant Toxicity ("TST") approach in the Permits. The TST method is superior to previous WET methods as it is a more powerful statistical approach resulting in greater confidence for WET conclusions.	We thank the Heal the Bay for their comments in support of the tentative permit.	None necessary.
Comments received from the United States Environmental Protection Agency (USEPA) on April 14, 2014				
USEPA	1	Chronic Toxicity EPA strongly supports the proposed numeric WQBELS for chronic toxicity, which implement the numeric toxicity wasteload allocations (WLAs) for chronic toxicity in the EPA-approved Calleguas Creek watershed toxicity TMDL	We thank the USEPA for their comments in support of the tentative permit.	None necessary

Commenter	#	Comment	Response	Action Taken
USEPA	2	<p>Permit Compliance Schedules</p> <p>We support the proposed final WQBELs implementing EPA-approved TMDL WLAs for non-California Toxics Rule constituents. For these pollutants, where compliance schedule authority can be exercised by the Regional Water Boards in accordance with 40 CFR 122.47 and the 2008 Compliance Schedule Policy, the permit fact sheets evidence that all applicable regulatory requirements to receive a compliance schedule in an NPDES permit have not been met. Therefore, based on this documentation, we agree that permit compliance schedules are not appropriate. In this light, the Simi permit (page 8, final paragraph, re. chloride) and Camarillo permit (page F-55, first paragraph, re. TDS, chloride, and sulfate) should be corrected to state that the permits do not incorporate compliance schedules because the applicable regulatory requirements are not met.</p>	<p>We thank the USEPA for their comments in support of the tentative permit.</p> <p>The paragraph was revised to include the suggested changes.</p>	<p>None necessary</p> <p>Revisions were made to the permit.</p>
USEPA	3	<p>Effluent Monitoring</p> <p>To further facilitate TMDL implementation for PCBs, mercury, and salts, we recommend the following revisions to the permit monitoring and reporting programs. Following the Simi permit, we recommend adding effluent monitoring for PCB congeners using draft EPA method 1668c to the Thousand Oaks and Camarillo permits. Also, please ensure that all three permits require EPA method 1631E for mercury effluent compliance monitoring (40 CFR 136). Lastly, we recommend explicitly requiring monthly dry and wet effluent monitoring for salts WQBELs, as this is necessary for evaluating the TMDL.</p>	<p>The mercury effluent monitoring on page E-9 of the MRP, footnote no. 9 was revised to include the EPA method 1631E.</p> <p>New Table E-4 – Salts Monitoring and Reporting Requirement was added in the MRP on page E-12.</p>	<p>Revisions were made to the permit.</p>