

Response to Comments

Camarillo Sanitary District (Camarillo SD)
Camarillo Water Reclamation Plant
(Camarillo WRP)

Tentative Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit

This table describes all significant comments received from interested persons regarding the tentative permit described above. Each comment has a corresponding response and action taken.

#	Comment	Response	Action Taken
Comments received from the Camarillo Sanitary District on October 17, 2019			
1-A	<p>Page 1 – Wet weather effluent limits for salts</p> <p>Wet weather effluent limits for TDS, sulfate, and chloride should be deleted because there is no reasonable potential for the effluent to cause or contribute to a water quality exceedance during wet weather, since the loading capacity in the stream is significantly increased by stormwater flows. Any discharges from the Facility during wet weather would be assimilated by these large storm flows and would not cause exceedances of water quality objectives for salts.</p>	<p>The wet- and dry-weather effluent limitations provide all-year coverage to protect the beneficial uses of the receiving water.</p> <p>The wet weather limits for TDS, sulfate, and chloride are the same as the limitations that were in the 1996 NPDES permit (Order No. 96-042), prior to the incorporation of the USEPA-promulgated TMDL WLA-based limits. The concentration-based, wet weather limitations only apply when the flow in Calleguas Creek above Potrero Road is above 31 cubic feet per second (cfs). The effluent limitations that apply under these conditions are equivalent to the water quality objectives (WQOs) for Calleguas Creek and tributaries above Potrero Road as specified in Basin Plan (Table 3-10 on page 3-36). 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 the wet weather limits for TDS, sulfate, and chloride.</p>	None necessary.
1-B	Camarillo SD's comment letter provides concentration charts that show that TDS, and	The graphs provided in the comment letter demonstrate that the effluent has reasonable potential	None necessary.

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	chloride routinely exceed the concentrations used for wet weather limits in the Tentative Order, and a statement that sulfate has a probability of compliance only 61.8%.	to cause an exceedance of the following three water quality objectives: 850 mg/L for TDS, 150 mg/L for chloride, and 250 mg/L for sulfate. Therefore, the final effluent limitations for TDS, chloride and sulfate will remain in the permit In addition, the Facility has been covered under TSO No. R4-2011-0126-A05, which has been amended five times to provide time necessary for Camarillo SD to complete the tasks they proposed to comply with the final effluent limitations.	
2	<p>An effluent limit for MBAS is included in Table 4 that is set equal to the drinking water Maximum Contaminant Level (MCL) of 0.5 mg/L. The Regional Board did not conduct Reasonable Potential Analysis (RPA) for MBAS in the Tentative Order, however Table F-2 in the Fact Sheet (p. F-7) indicates that the highest daily discharge concentration and highest AMEL for MBAS during 2014-2019 data review period were 0.1 mg/L and 0.05 mg/L, respectively (see chart of AMEL values). There is no evidence that effluent will cause or contribute to exceedances of the MCL in receiving waters.</p> <p>In addition, the MCL for MBAS is not applicable to the receiving water based on its beneficial uses. Section IV.C.2.b.ix. of the Fact Sheet (p. F-36), states that this effluent limitation “<i>was developed based on the Basin Plan incorporation of Title 22 Drinking Water Standards.</i>” MBAS is discussed in Chapter 3 of the Basin Plan in the section covering Regional Objectives for Inland Surface waters, which clearly states that this objective only applies to [surface] waters designated MUN. However, MUN is not applicable to the surface receiving waters downstream of the Camarillo WRP, as is stated in Section III.C.1. (p. F-18) and in footnote 1 of Table F-</p>	<p>The effluent limitation for MBAS is included to protect the existing GWR beneficial use that is designated for the surface receiving waters downstream of the discharge as well as the existing MUN beneficial use of the underlying groundwater basin. Water from the soft-bottomed Conejo Creek incidentally recharges the underlying Pleasant Valley groundwater basin. The Pleasant Valley aquifer is an existing source of potable water for the citizens of Camarillo and nearby communities.</p> <p>USEPA has determined that it is reasonable for the permit to include WQBELs for MBAS, as reasonable potential is determined by the Regional Water Board (letter from USEPA dated October 17, 2006, regarding the revised tentative NPDES permit to the Burbank WRP dated October 10, 2006). 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</p>	None necessary.

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	<p>4 (pg. F-19) of the Tentative Order Fact Sheet, as follows:</p> <p><i>“As described above, the receiving water was designated as Potential MUN* consistent with State Water Board Resolution No. 88-63 and Regional Water Board Resolution No. 89-003. However, when designating the receiving water as Potential MUN, the Regional Water Board only conditionally designated rather than finally designated the water body as Potential MUN as indicated by the “*”. The Basin Plan states that until the Board undertakes a detailed review of the criteria in State Water Board Resolution No. 88-63, no new effluent limitations will be placed in Waste Discharge Requirements as a result of these designations.”</i></p> <p>Title 22 MCLs are also referenced under the Groundwater objectives. However, even though groundwater recharge is not considered an acceptable justification to apply these objectives to the WRP discharge, MBAS is not specifically listed in the Tables referenced from Title 22 in Chapter 3 of the Basin Plan in the section under Groundwater – Chemical Constituents and Radioactivity (Basin Plan, pg. 3-18).</p> <p>Furthermore, Groundwater Recharge (GWR) is not a recognized or mandatory Clean Water Act use, so protection of this use is not required by federal law and requires additional analysis under Water Code sections 13263 and 13241 prior to imposing such an effluent limitation that is more stringent than required by federal law. <i>City of Burbank v. SWRCB</i>, 35 Cal. 4th 613, 618, 628 (2005). Further, application of MCLs at end of pipe ignores dilution in receiving waters and removal through soil aquifer treatment. No evidence has been presented that there is a lack of assimilative capacity in local aquifers that would</p>	<p>information and all available factors in determining whether or not a discharge has reasonable potential (RP) to cause or contribute to an exceedance. This is usually referred to Tier 3 RP. 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 detergents in its influent from multiple sources.</p> <p>The MBAS limitation also protects the recreational, aquatic life, and wildlife beneficial uses of the surface receiving water downstream of the discharge against foam and implements the Basin Plan water quality objective for floating material. Volume 44, No. 179 of the Federal Register (at page 53467) explains that foaming is a characteristic of water that has been contaminated by the presence of detergents and similar substances. The 0.5 mg/L limitation for foaming agents is based upon the fact that at higher concentration levels the water may exhibit undesirable taste and foaming properties.</p> <p>The City of Camarillo relies heavily on their groundwater as a source of potable water supply for its residents. The City received funding from Prop 1 and Prop 84 to build a regional desalter that will treat brackish groundwater so that Camarillo can serve that</p>	

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	<p>justify an end-of-pipe effluent limit for MBAS equal to the MCL. Section IV.C.2.b.viii. of the Fact Sheet (p. F-36) goes on to say that “<i>given the nature of the Facility which accepts domestic wastewater into the sewer system and treatment plant, and the characteristics of the pollutants discharges, the discharge has reasonable potential...</i>” This is not an adequate justification for requiring an effluent limit for MBAS (or any other pollutant without reasonable potential). The fact that a pollutant may be present in domestic wastewater in no way correlates with its potential for being discharged at a level that impacts the beneficial uses of the receiving water or causes an exceedance of an applicable water quality standard. This same reasoning would apply to any constituent that is regularly detected in wastewater treatment plant effluent and, unless the concentration of the constituent exceeds water quality criteria, the constituents are not assigned effluent limits. 40 C.F.R. §122.44(d)(1)(iii).</p> <p>Therefore, given that the water quality criteria is not applicable and that, if it were, effluent concentrations never exceed the criterion, the District requests that the effluent limit for MBAS be removed as unnecessary.</p>	<p>better-quality water to its citizens, while at the same time reduce its reliance on imported water from the Sacramento Delta. This is further justification for using the MCL as an effluent limitation in this case.</p> <p>Since the MBAS limitation is protective of both Waters of the US and groundwater, a 13241 analysis is unnecessary because the permit requirements do not exceed CWA requirements. In addition, Camarillo SD has been able to meet the existing MBAS limitation. So, no additional expenditures are expected to achieve compliance with the MBAS limitation.</p> <p>In addition, State Board precedent clearly rejects Camarillo SD’s argument here. Specifically, the issue of establishing final effluent limitations to protect the GWR beneficial use were raised by County Sanitation Districts in a petition to State Water Board (SWRCB/OCC Files A-1509 and A-1509(a)), where the District contended the Regional Water Board improperly included MUN-based effluent limitations in its permit to protect the GWR use. The District objected for three reasons, two of which mirror Camarillo’s objections here: (1) there were no federally adopted criteria or water quality objectives for the GWR use and (2) the federal Clean Water Act did not apply to discharges to groundwater. However, the State Water Board made the following findings in Water Quality Order No. 2003-0009:</p> <p>The Regional Water Board was legally required to include any effluent limitations in the District’s permit that were necessary to protect the GWR beneficial use of surface waters. Because the surface waters recharged a groundwater aquifer currently used for drinking water, the Regional Board reasonably based</p>	

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		<p>the effluent limitations on groundwater objectives intended to protect the MUN beneficial use. The fact that there are no criteria or objectives specific to the GWR use did not deprive the Regional Water Board of the ability to protect the use. The Clean Water Act contemplates protection of both beneficial uses as well as criteria in state water quality standards.</p> <p>In the petition, the District also argued that the Regional Water Board violated Water Code section 13263(a) in establishing these limitations. However, the State Water Board found that, "Further, the effluent limitations were retained from the District's prior permit. According to the Regional Board, over the last decade, the District has consistently complied with the limitations; thus, economic considerations were not obviously in issue." The same is true here. The 0.5 mg/L final effluent limitation for MBAS was originally included in Camarillo SD's Order No. 90-057 and the facility has been able to comply with the MBAS NPDES limitation for nearly three decades.</p> <p>Nonetheless, the Fact Sheet includes a consideration of the factors set forth in Water Code section 13241 based on the fact that the permit contains more stringent tertiary treatment requirements than the secondary treatment requirements required by federal law. A CEQA finding that the WDRs fall under the Existing Facilities exemption has been added to the Fact Sheet as well.</p> <p>Finally, as noted earlier, Camarillo SD has been able to meet the MBAS effluent limitation and none of the conditions exist that would justify removal of the limitation, under the anti-backsliding provisions.</p>	

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3	<p>. Boron also does not have reasonable potential to exceed the objective of 1 mg/L with a maximum effluent concentration of 0.6 mg/L and a maximum ambient concentration of 0.5 mg/L. Additionally, the Salts TMDL does not include a WLA for boron for the Camarillo WRP because there were no exceedances of the objective in the receiving water or effluent at the time of TMDL development (see excerpt from Salts TMDL below). Therefore, the District requests that the effluent limit for boron be removed.</p>	<p>Although the Calleguas Creek TMDL does not have a waste load allocation (WLA) assigned to the Camarillo WRP, the Basin Plan does assign a water quality objective to the reach of the Calleguas Creek Watershed (CCW) to which the Camarillo WRP discharges. The CCW is impaired by boron and other constituents. Camarillo SD discharges boron from its discharge point into the receiving water, so while the effluent may not have exceeded the boron objective, it does have reasonable potential to contribute to an exceedance of the water quality objective. This is illustrated by adding the maximum effluent concentration to the maximum receiving water concentration. The resulting 1.1 mg/L concentration exceeds the 1 mg/L WQO. Therefore, the limitation is justified.</p>	None necessary.
4	<p>Table 4 of the Tentative Order contains effluent limitations for chlordane, 4,4-DDD, 4,4-DDE, 4,4-DDT, dieldrin, PCBs and toxaphene. These effluent limitations are based on the WLAs set forth in the CCW Organochlorine Pesticides, PCB and Siltation TMDL established in 2005 by the Regional Water Board. However, DDT and DDD have been not detected in the effluent or the receiving water since January 2009. Additionally, chlordane, 4,4- DDE, dieldrin, PCBs and toxaphene were not detected at all during the time frame for which data was evaluated for this permit (July 2014-June 2019). Therefore, there is no reasonable potential the effluent to cause or contribute to a water quality exceedance and the effluent limitations should be removed from Table 4. See accord City of Woodland v. California Regional Water Quality Control Board, Central Valley Region, Alameda County Superior Court Case No. RG04-188200 (May 16, 2005) at pgs. 4, 13. To address any concern associated with the TMDL, a detected value</p>	<p>The effluent limitations for 4,4-DDD, 4,4-DDE, 4,4-DDT, dieldrin, PCBs, and toxaphene are based on the WLAs contained in the CCW Organochlorine (OC) pesticides, Polychlorinated Biphenyls (PCBs), and Siltation TMDL and cannot 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 WLA that has been assigned to the discharge. Section 1.3 of the SIP does not require a reasonable potential analysis (RPA) for any pollutant that has a TMDL waste load allocation. Removal of these limitations would not satisfy any of the backsliding exceptions. Furthermore, the State Water Resources Control Board (SWRCB) has made it clear that, if a regional board has established that discharges can cause or contribute to exceedances of water quality standards through a process of developing TMDLs and assigning wasteload</p>	None necessary.

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	<p>of one of these constituents at a level near the applicable WLA could be a trigger for a source investigation and detection at or above the applicable WLA would trigger reasonable potential and the related reopener clause.</p>	<p>allocations, the legal obligation of the regional board at the permitting stage is to develop WQBELs consistent with the assumptions and requirements of any WLA in the TMDLs, and not to reconsider reasonable potential. SWRCB Order WQ 2015-0075, <i>In the matter of Review of Order No. R4-2012-0175</i>, at p. 59.</p> <p>40 CFR section 136.3, Table ID, lists the Approved Test Procedures for Pesticides. However, many of these pollutants have method detection levels that are not as sensitive and the resulting reporting levels will almost certainly result in reported values that are orders of magnitude higher than the applicable WLA. Camarillo SD uses EPA Analytical Test Method 608 to analyze organochlorine pesticides and PCBs. Take 4,4-DDE, for example. Using EPA Method 608, the method detection level is 0.0018 µg/L, but Camarillo SD's reporting level was 0.05 µg/L. That means that Camarillo's sampling results were reported as < 0.05 µg/L. There is no way of knowing with certainty that the effluent does not contain concentrations of 4,4-DDE at concentrations between 0.05 µg/L and the effluent limitation of 0.00059 µg/L. In other words, a non-detect value does not necessarily mean that there are no concentrations of the pollutant present. Instead, that means that the laboratory analytical equipment/technology and/or procedures currently available are unable to detect the pollutants down to a low enough level to be able to know with assurance that the pollutant is not present in the sample. According to the Monitoring and Reporting Program (MRP), if the effluent limitation is lower than all the minimum reporting levels, then the Discharger must select the method with the lowest ML for compliance purposes.</p>	
5	<p>The Regional Board's RPA for selenium in the Tentative Order was based on an erroneous Maximum Receiving Water Concentration. Table F-7 in the Fact</p>	<p>The dataset contained a value of 30 µg/L, which had been the basis for proposing a final effluent limitation for selenium. However, the data point was supposed to be</p>	<p>Agreed to remove the</p>

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	<p>Sheet of the Tentative Order provides a maximum receiving water concentration of 36 µg/L, whereas the correct value based on monitoring data for 2014-2019 is 1.95 µg/L (see Attachment 1). Using the corrected values, the maximum effluent concentration (MEC) and the maximum receiving water concentration (C) are both below the water quality criterion of 5 µg/L (i.e., MEC<C, B<C; see chart below of effluent data). There is no reasonable potential for selenium, thus an effluent limitation is not necessary.</p>	<p>a non-detected value of <30 µg/L instead of a detected value of 30 µg/L. Since there is no reasonable potential for selenium, the proposed limitation will be removed from the tentative Order.</p> <p>Nonetheless, we caution the Discharger that future water quality samples be analyzed using an analytical method that provides a reporting level lower than the 5 µg/L California Toxics Rule criteria for selenium, in order to assess whether or not the discharge has reasonable potential to cause or contribute to an exceedance of the water quality objective. Future samples will need to be analyzed in accordance the Minimum Level (ML) and Analytical Method requirement, contained in section IV.A.1 of the revised tentative Monitoring and Reporting Program, on page E-10, which reads as follows:</p> <p>USEPA published regulations for the Sufficiently Sensitive Methods Rule (SSM Rule) became effective September 18, 2015. For the purposes of the NPDES program, when more than one test procedure is approved under 40 CFR part 136 for the analysis of a pollutant or pollutant parameter, the test procedure must be sufficiently sensitive as defined at 40 CFR sections 122.21(e)(3) and 122.44(i)(1)(iv). Both 40 CFR sections 122.21(e)(3) and 122.44(i)(1)(iv) apply to the selection of a sufficiently sensitive analytical method for the purposes of monitoring and reporting under NPDES permits, including review of permit applications.</p> <p>Therefore, the practice of reporting non-detects that are higher than the applicable water quality objective will no longer be allowed for future water quality analysis.</p>	<p>limitation for selenium.</p>
6	<p>This is a new limitation, and neither the 2014 permit nor 2019 Tentative Order have limitations for the component constituents (chloroform, bromodichloromethane, dibromo- chloromethane, and</p>	<p>It is not unusual to have a final effluent limitation for Total Trihalomethanes (TTHMs) when the discharge has reasonable potential to cause or contribute to an exceedance of the water quality objective. Other</p>	<p>No change to the limitation was made, but the RPA</p>

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	<p>bromoform). It is unusual to have an effluent limitation for TTHM, and effluent limitations for TTHM are not in the 2019 Tentative Orders for the Hill Canyon WWTP or Simi Valley WQCP.</p> <p>The Regional Board apparently relied on the procedures of the TSD to conduct RPA for TTHM, and assigned an effluent limitation equal to the MCL of 80 µg/L. The TSD analysis method is to calculate a projected maximum effluent concentration using 95th percentile multipliers, then apply a mass-balance using the ambient concentration and flows to determine the mixed downstream concentration. The effluent and ambient flow values used by the Regional Board in the mass balance were not presented in the Tentative Order Fact Sheet, therefore the Regional Board's TSD RPA results cannot be verified.</p> <p>In addition, the TTHM MCL should apply only to receiving waters with the MUN beneficial use. For all of the reasons provided in comment 2 for MBAS, TTHM is not an appropriate effluent limitation because MUN is not an existing beneficial use for the downstream receiving waters for the Camarillo WRP.</p> <p>Finally, time series data for effluent do not show exceedances of the MCL (see chart below). The highest effluent concentration in Table F-2 of the Tentative Order is 66 µg/L.</p> <p>The TTHM effluent limitation is unnecessary and inappropriate and the District requests that it be removed.</p>	<p>POTW NPDES permits, such as the Saugus WRP Order No. R4-2015-0072 and Valencia WRP Order No. R4-2015-0071, contain final effluent limitations for TTHMs. Camarillo SD's 1996 NPDES permit also contained a final effluent limitation for Halomethanes based on the MCL at the time, which was 100 µg/L. The Basin Plan incorporates MCLs as Water Quality Objectives prospectively, so when an MCL changes, so does the applicable Basin Plan water quality objective. The current MCL for TTHMs is 80 µg/L, therefore, the current Basin Plan WQO is 80 µg/L.</p> <p>As documented in the fact sheet, the Camarillo WRP effluent showed reasonable potential to cause or contribute to an exceedance of the water quality objective, using the technical support document (TSD). It is unclear what reasonable potential procedure Camarillo SD is referring to, but the TSD RPA procedure utilized by Regional Water Board staff in this and other permits is independent of flow information. Nor has the Camarillo SD conducted the necessary studies to warrant use of a dilution ratio for its Camarillo WRP discharge. The TSD RPA procedure, did rely on the maximum effluent detected value of 66 µg/L, a total of 18 samples collected, a 0.3 coefficient of variation, and a 1.59 multiplier to project a maximum receiving water concentration of 104.75 µg/L. Since 104.75 is greater than 80, the facility needs an NPDES permit limitation for TTHMs.</p> <p>Nowhere in the Fact Sheet or permit does it state that the TTHMs effluent limitation was developed to protect the surface water P*MUN beneficial use.</p> <p>Refer to the response to Comment 2 regarding the discussion of how final effluent limitations are established to protect the GWR and aquatic life, wildlife, and REC-1 beneficial uses of surface waters,</p>	<p>spreadsheet was shared with Camarillo SD and additional information was added to the fact sheet on page F-43.</p>

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		<p>the MUN beneficial use of groundwater, and how MCLs are the applicable Basin Plan water quality standards.</p> <p>The TTHM effluent limitation is necessary and appropriate because the Camarillo WRP creates TTHMs as a byproduct of its chlorine disinfection treatment system. In an effort to reduce the TTHMs that are formed, the plant operators add back ammonia. The chemical dosing rate may vary from day to day. If insufficient ammonia is added back the TTHM concentrations will be high. However, if too much ammonia is added back, then the facility runs the risk of violating its ammonia nitrogen final effluent limitation. For the reasons mentioned above, the TTHM limitation will not be removed.</p>	
7	<p>The Tentative Order has a concentration-based limit for iron equal to the secondary MCL (300 µg/L) and a load-based AMEL of 18 lbs/day. For the same reasons provided in Comments 2 and 6 (for MBAS and TTHM, respectively) it is improper to assign Title 22 primary or secondary MCLs to the effluent because MUN is not an existing beneficial use of the downstream receiving waters. Furthermore, iron is not listed as an MCL in the Basin Plan, and is not otherwise referred to in Chapter 3 (water quality objectives) in the Basin Plan. Finally, in Attachment F, at page F-41, the Tentative Order gives the following justification for the iron limit:</p> <p><i>“The Gold Book contains criteria for iron: 300µg/L for the protection of domestic water supply and 1000 µg/L for the protection of freshwater aquatic life. The secondary MCL for iron is also 300 µg/L. Since the discharge has reasonable potential to cause or contribute to an exceedance, a limit for iron, based on the 300 µg/L criteria, is prescribed for the Camarillo WRP.”</i> The Gold Book (Quality Criteria for Water 1986, EPA 440/5-86-001) clearly states that an iron criterion of 0.3 mg/L is “for domestic water supplies.”</p>	<p>On occasion, Camarillo WRP adds ferric chloride to the treatment process, so it introduces iron into the treatment plant. Iron was detected in the effluent at 140 µg/L In 1979, USEPA established an MCL for iron. Volume 44, No. 179 of the Federal Register (at page 53467) explains that iron is a highly objectionable constituent of water supplies. It imparts a brownish discoloration and a bitter or astringent taste to drinking water. At 1.0 mg/L, a substantial number of people will note the bitter astringent taste of iron. Also, at this concentration level the staining problems associated with iron will be pronounced, thus making the water unpleasant to the consumer and unsatisfactory for most industries. The Basin Plan incorporates MCLs as WQOs by reference prospectively.</p> <p>Camarillo WRP has reasonable potential to contribute to an exceedance of the water quality objective because the receiving water concentration was 6,500 µg/L, which exceeds the 300 µg/L MCL by more than twenty-one times, and therefore a limit is necessary. Camarillo WRP adds ferrous chloride to the treatment process, so it introduces iron into the treatment plant.</p>	The Fact Sheet was revised to discuss protection of the PROC and IND beneficial uses

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	<p>The District was not able to verify the Regional Board's RPA for iron because iron is a non-CTR constituent requiring use of the TSD, and the effluent and ambient flow values used by the Regional Board in the mass balance were not provided in the Fact Sheet. The 2014-2019 time series of effluent iron concentrations shows that effluent does not exceed the MCL. Upstream vs downstream receiving water data (see chart below) show that the Camarillo WRP effluent dilutes iron in the receiving water, confirming that the effluent does not have the potential to cause or contribute to an exceedance of the MCL in the receiving water. Therefore, the District requests the removal of the effluent limits for iron.</p>	<p>Nowhere in the Fact Sheet or permit does it state that the iron effluent limitation was developed to protect the surface water P*MUN beneficial use. Furthermore, as discussed previously in Response to Comment No. 2, Basin Plan WQOs (based on MCLs) are used to protect the existing GWR beneficial use in surface water and the MUN beneficial use in the underlying groundwater basin.</p> <p>The iron limit also protects the industrial process supply (PROC), industrial service supply (IND), recreational, aquatic life, and wildlife beneficial uses of the surface receiving water downstream of the discharge against the nuisances associated with color and undesirable tastes, and implements the Basin Plan water quality objective for color and taste.</p> <p>The reasonable potential procedures do not take flow or dilution into consideration, unless there is an approved dilution ratio for a facility such as in the case of an ocean discharge. However, Camarillo SD has not conducted the necessary studies to demonstrate that a dilution credit is warranted, a dilution ratio has not been approved by the Executive Officer, and Camarillo WRP does not discharge directly to the ocean.</p> <p>The reasonable potential procedure has three tiers. Under the first tier, reasonable potential exists when the effluent exceeds the WQO. In the second tier, reasonable potential exists when the receiving water exceeds the WQO and the effluent discharges any quantity of the pollutant and contributes to the exceedance. The third tier has already been discussed in response to Comment 2 above.</p> <p>As stated previously, Camarillo WRP has reasonable potential to exceed the WQO, therefore, the effluent limitations for iron will not be removed.</p>	

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8	<p>Starting in 2017, Camarillo WRP began having intermittent exceedances of the existing permit limit for Bis(2-Ethylhexyl) Phthalate (see chart below). The compliance discussion in Attachment F, page F-16 acknowledges the issue, and says the District is investigating the cause and considering a local limit. However, it's possible that a pretreatment approach may not be effective for bis(2-ethylhexyl) phthalate. Issues with this constituent are typically related to monitoring sample handling (using plastic tubing, storage of plastic chemical totes outside, etc.) that can be corrected. Source control monitoring might be more effective. The District requests that the Regional Board consider developing a compliance schedule or Time Schedule Order (TSO) - with District input - to provide the District time to get back into compliance.</p>	<p>In June 2003, the Regional Water Board issued a TSO to the Camarillo WRP, to allow time for the POTW to achieve compliance with bis(2-ethylhexyl)phthalate, chloride, ammonia, and other nitrogen compounds. The recent request for a time schedule order is deficient and unjustified. Additional information needs to be provided by Camarillo SD, such as: a specific plan for achieving compliance, proposed tasks, milestone dates, and an explanation as to why the facility is having problems with bis(2-ethylhexyl)phthalate again. Camarillo SD's second suggestion, to include a compliance schedule for bis(2-ethylhexyl)phthalate within the NPDES permit, is also not feasible because the State Water Board's Compliance Schedule Policy prohibits compliance schedules for existing limitations. In the meantime, the sample type in the MRP was changed from composite to grab, in an effort to minimize the introduction of bis(2ethylhexyl)phthalate into the water sample from the plastic bottles and the plastic tubing in the composite sampler equipment.</p>	<p>The TSO and an NPDES compliance schedule are denied, but the sample type was revised in the MRP.</p>
9	<p>The 2014 permit for the Camarillo WRP contained a narrative effluent temperature limit that allowed effluent temperature to exceed 86°F when the ambient temperature of the receiving water exceeds 86°F, as follows:</p> <p><i>“b. The temperature of the discharge shall not exceed 86°F except when the ambient temperature of the receiving water is higher than 86°F, in which case the temperature of the waste discharged shall not exceed the ambient temperature of the receiving waters.”</i> (Order R4-2014-0062-A01 at IV.A.3.b, p. 10) In addition, the 2014 permit contained an exception to the receiving water temperature limitation when temperature exceeded 86°F as result of (a) high temperature in the ambient air, or (b) high temperature</p>	<p>The temperature effluent and receiving water limitations are consistent with the most recently adopted NPDES permit for an inland POTW in June 2019, i.e., the Newhall Ranch WRP. The 86°F numeric effluent limitation stayed the same but the narrative explanation was dropped because it was not justified. The receiving water limitation was changed to be consistent with the Basin Plan Water Quality Objective.</p>	<p>None necessary.</p>

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	<p>in the receiving water upstream of the discharge as shown in the following excerpt (from Surface Water Limitations, Section V.A.1, p. 11, in Order No. R4-2014-0062-A01, CI-1278).</p> <p>“1. For waters designated with a warm freshwater habitat (WARM) beneficial use, the temperature of the receiving water at any time or place and within any given 24-hour period shall not be altered by more than 5°F above the natural temperature and shall not be raised above 86°F due to the discharge of effluent at the receiving water station located downstream of the discharge. 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:</p> <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, <p>then the exceedance shall not be considered a violation.”</p> <p>However, the 2019 Tentative Order includes an effluent temperature limit of 86°F in Table 4, with no qualifications regarding ambient conditions, and the associated Surface Water Limitation in the Tentative Order does not provide an exception for receiving water temperatures above 86°F when caused by ambient conditions.</p> <p>The District requests (1) that the (unqualified) effluent limit for temperature (86°F) in the Tentative Order in Table 4 be removed and replaced with a narrative effluent limit using language equivalent to that used in Order R4-2014-0062-A01 at IV.A.3.b, p. 10 (see above), and (2) that the surface water limitation in the Tentative Order be restated as it appeared in Section</p>		

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	<p>V.A.1. in the 2014 permit (as shown in the excerpt above from Surface Water Limitations, Section V.A.1, p. 11, in Order No. R4-2014-0062-A01, CI-1278).</p>		
10A	<p>Camarillo SD requested that the toxicity final effluent limitations be changed to a trigger and they commented that the toxicity pass/Fail TST effluent limitations are not consistent with the Toxicity TMDL (Resolution No. R4-2004-009) which states that:</p> <p>“WLAs would be implemented as a trigger for initiation of the TRE/TIE process as outlined in EPA’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 the CCW.”</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 Water 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 limitation is included in the fact sheet on pages F-55 through F-59.</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, the Discharger requests removal of the accelerated testing to be consistent with the Statewide Toxicity Provisions.</p> <p>This Order must include effluent limitations that will achieve and maintain compliance with water quality standards in Calleguas Creek. (Clean Water Act § 301(b)(1)(C); 40 CFR section 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 ensure that the discharge will not cause or contribute to a violation of this standard.</p> <p>A numeric effluent limitation – rather than a non-numeric limitation – is presumed unless certain</p>	None necessary.

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		<p>exceptions are met, 40 CFR section 122.44. This presumption applies to effluent limitations for toxicity: “A limitation on whole effluent toxicity refers to a numeric effluent limitation” 54 Fed. Reg. 23868, 23871. Because a numeric limitation for chronic toxicity is feasible, a numeric limitation must be included in this Order. Simi Valley WQCP’s 2014 Permit already contains numeric chronic toxicity final effluent limitations using the TST approach.</p> <p>The Implementation Plan for the Toxicity TMDL states that the WLAs for toxicity established for the major point sources, including POTWs, will be implemented through NPDES permit effluent limitations in accordance with USEPA, State Water Board, and Regional Water Board resolutions, <u>guidance and policy at the time of permit issuance or renewal</u> (emphasis added). 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 Water Board’s then-recent determination that a definite instruction regarding effluent limitations for chronic toxicity would soon be provided by the SIP. Today, fifteen years 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). Moreover, it has been</p>	

#	Comment	Response	Action Taken
		<p>criticized by USEPA in public comments (2008 letter regarding renewal of the Camarillo Water Reclamation Plant, the Simi Valley Water Quality Control Plant, and the Hill Canyon Wastewater Treatment Plant) and during quality reviews of California's NPDES program (2008 final report, 2014 final 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 limitation, USEPA stated: "EPA requires [WET] limitations 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 Great Lakes Initiative (GLI) that permits should include monitoring with a TRE trigger and any limitation 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 limitations in permits." The Regional Water 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</p>	

#	Comment	Response	Action Taken
		<p>an extensive external peer review process. This approach has undergone a “test drive” in California and been published in peer reviewed toxicological journals. USEPA explained that the TST improves understanding of the discharge condition by correctly identifying toxic and non-toxic samples more often than when using the NOEC-LOEC. The permit’s proposed numeric effluent limitations 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 limitations 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 Water Board finds that numeric effluent limitations for toxicity are both feasible and appropriate to protect water quality standards. Camarillo SD’s 2014 Permit already contains numeric chronic toxicity final effluent limitations using the TST approach. All but two of the POTW permits, within the Los Angeles Regional Water Board’s jurisdiction, currently contain numeric chronic toxicity final effluent limitations using the TST approach. This Regional Water Board has already endorsed the TST and has begun implementing it in the Los Angeles County 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 permits for industrial facilities since November 7, 2013 (Order No. R4-2013-0172, NPDES permit for the University of Southern California; and Order No. R4. 2014-0033 ,NPDES</p>	

#	Comment	Response	Action Taken
		permit for the Calleguas Municipal Water District Regional Salinity Management Pipeline).	
10B	Camarillo SD requests that the requirement to conduct accelerated chronic toxicity testing be removed and that conditions under which a TRE are initiated be revised, in order to be consistent with the State Water Board's Draft Inland Surface Water Enclosed Bays and Estuaries (ISWEBE) Toxicity Provisions.	The Statewide Toxicity Provisions in the Inland Surface Water, Enclosed Bays and Estuaries (ISWEBE) have yet to be adopted. Due to the Alaska Rule, draft water quality provisions may not be implemented by the Regional Water Boards until after they have undergone the full approval process, including approval by the Office of Administrative Law and by USEPA.	None necessary.
11	Camarillo SD requests the removal of the requirement to investigate the feasibility of increasing the amount of recycling, conservation, and/or alternative disposal methods for wastewater (such as groundwater injection), and/or beneficial use of storm water and dry-weather urban runoff and submit an update to this feasibility study as part of the submittal of the Report of Waste Discharge (ROWD) for the next permit renewal.	Although we are aware of Camarillo SD's plans to recycle 100% of their treated effluent, this is standard language that will not be removed. Camarillo SD would simply need to include a status update on their plans for recycling four and a half years from now, when they submit the ROWD.	None necessary.
12	Camarillo SD requests additional explanation as to what is expected to be included in the climate change plan required in section VI.C.4.b of the tentative permit.	Camarillo SD should conduct an assessment to identify which, if any, of its wastewater treatment plant infrastructure is vulnerable to damage due to current and future impacts, resulting from climate change, including but not limited to extreme wet weather events, flooding, storm surges, and projected sea level rise. Once the vulnerabilities have been identified, Camarillo SD should explain what measures it will take to address those issues and manage the risks.	None necessary.
13	Camarillo SD requests the removal of the receiving water limitation regarding wetlands because Camarillo WRP does not discharge to a wetland.	The receiving water limitation will be removed because there is no wetland downstream of the Camarillo WRP's point of discharge.	Removed receiving water requirements 20 and 21 in WDR section V.A.

#	Comment	Response	Action Taken
14A	Camarillo SD requests that Section IX.B. "Watershed Monitoring" be removed in its entirety from the Monitoring and Reporting Program because it is duplicative of report that is submitted to the TMDL staff by December 15 th of each year.	The watershed monitoring will remain because it is a requirement of the TMDLs and TMDLs on their own are not self-implementing. However, the July 1 st due date was changed to December 15 th of each year. Camarillo SD may submit a copy of the watershed monitoring report through CIWQS as an attachment to the monthly report due on December 15 th .	Modified the report due date.
14B	Camarillo SD requests that the monitoring frequencies be reduced for all nitrogen and phosphorus compounds, copper, mercury, and nickel for the effluent in Table E-3 and for the receiving water in Table E-4, consistent with the approved TMDL monitoring program.	The frequency of effluent monitoring will not be reduced because it is necessary in order to demonstrate compliance with the final effluent limitations. Camarillo SD has exceeded the final effluent limitations for nitrate as nitrogen and for nitrate plus nitrite as nitrogen. However, the receiving water monitoring requirements will be reduced to coincide with the TMDL monitoring program approved by the Executive Officer.	Reduced the receiving water monitoring frequency to quarterly.
14C	Camarillo SD requests that the monitoring frequencies be reduced from quarterly to semi-annually for 4,4-DDD,4,4-DDE,4,4-DDT, Dieldrin, Chlordane for the effluent in Table E-3 and for the receiving water in Table E-4 because these chlorinated pesticides have not been measured at concentrations above detection limitations.	The frequency of effluent monitoring will not be reduced because it is necessary in order to demonstrate compliance with the final effluent limitations. See also Response to Comment # 5 for the new requirement in the revised tentative Monitoring and Reporting Program regarding USEPA's Sufficiently Sensitive Methods Rule. The receiving water monitoring requirements will remain as quarterly, consistent with the TMDL monitoring program approved by the Executive Officer.	None necessary.
14D	Camarillo SD requests that the monitoring requirement be deleted from the influent in Table E-2 because the PCB concentrations in receiving waters and effluent have been below the detection level.	Priority pollutant monitoring should be at least semiannually in the influent and in the effluent, for pretreatment purposes, to be able to calculate the plant removal efficiency.	None necessary.

#	Comment	Response	Action Taken
14E	Camarillo SD requests that the monitoring requirement be deleted from the influent in Table E-2 for total phosphorus, hardness, ortho-phosphorus, and boron.	Influent monitoring is required to determine the percent removal of the treatment plant.	None necessary.
14F	Camarillo SD requests that the monitoring frequencies be reduced from monthly to quarterly for mercury, nickel, selenium, iron, and boron in the effluent and, delete the influent monitoring requirement.	The frequency of effluent monitoring will not be reduced because it is necessary in order to demonstrate compliance with the final effluent limitations. In addition, Table 2 of the Calleguas Creek Watershed Management Plan Quality Assurance Project Plan (QAPP) specifies monthly monitoring for copper, mercury, nickel, zinc and selenium. Influent monitoring is required to determine the percent removal of the treatment plant.	None necessary.
14G	Camarillo SD requests that the Total Organic Carbon receiving water monitoring requirement be removed, or that the frequency of monitoring be reduced from monthly to annually.	The use of total organic carbon monitoring is a performance measure and a surrogate for other pollutants.	None necessary.
14H	Camarillo SD requests that the sediment monitoring for mercury be removed since the Camarillo WRP does not discharge sediment into Conejo Creek and because monitoring for total mercury in effluent is sufficient to comply with the mercury limitation.	This requirement was incorporated into the 2014 permit because USEPA had commented that the permits include sediment monitoring to determine compliance with the Siltation TMDL. However, sediment monitoring is only required during a reporting period if effluent water column monitoring results for both TSS and Mercury are exceeded. If monitoring is not triggered because both TSS and Mercury limitations were not exceeded, then at a minimum, sediment monitoring must occur at least once during the five-year permit term.	None necessary.
14I	Camarillo SD requests that the description of the receiving water monitoring location RSW-003D in Table E-1 be changed so that "USGS 11106550" is replaced with "VCWPD Station 805."	Rather than replacing the language, we will insert an explanation stating that USGS station 11106550 was replaced by the Ventura County Watershed Protection station 805.	Update MRP pages E-6 and E-27; and WDR page 33

#	Comment	Response	Action Taken
			description of receiving water station.
14J	Camarillo SD pointed out a typographical error with respect to the name of the discharge point and requested clarification.	The typographical error was corrected by replacing EFF-005 with EFF-001A and EFF-001B.	Revised MRP pages E-14 and E-15.
14K	Camarillo SD commented that arsenic is not listed on Table E-3, but is listed on page F-70 with a sampling frequency moving from Quarterly to Semi-annually. Camarillo SD wants to find out what the effluent frequency of monitoring should be.	Arsenic is listed on Table E-3, on MRP page E-11. The proposed frequency of monitoring specified in the tentative permit is semiannually.	None necessary.
14L	Camarillo SD requested that the Salts TMDL be added to the list of TMDLs mentioned on MRP page E-30, under section X.B.	The Boron, Chloride, Sulfate, and Total Dissolved Solids (TDS) TMDL (Salts TMDL) was added to the list.	Added requested language.
15A	Camarillo SD requested that section C.2.a of the WDR be modified to include a discussion regarding the submittal of a proposed revision to the Calleguas Creek Watershed (CCW) TMDL Quality Assurance Project Plan (QAPP) in December 2014. Camarillo SD also requested reduced monitoring frequencies for all CCW TMDLs (Nitrogen, OCPs and PCBs, Toxicity, Salts, and Metals and Selenium).	The finding was revised to include a statement acknowledging that, in December 2014, stakeholders in the Calleguas Creek watershed submitted a proposed revision of the QAPP, for approval by the Executive Officer. However, the proposed revisions were not approved. Since the effluent monitoring is required to determine compliance with the final effluent limitations in the NPDES permit, the monitoring frequency was not modified. However, in lieu of duplicative receiving water sampling, the Discharger may submit results of the CCW monitoring in the corresponding monthly report.	Added clarifying language.
15B	Camarillo SD requested that section VII.O of the WDR refer to VCWPD Station 805 for stream flow data at CSUCI and VCWPD Station 505 for rain gage data at CSUCI.	The requested language was modified as requested.	Added requested language to WDR page 33.

#	Comment	Response	Action Taken
15C	Camarillo SD requested that the definition of average weekly effluent limitation (AWEL), in section VII.D of the WDR, be revised as follows: “If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, <u>this will represent a single violation for the purpose of calculating mandatory minimum penalties, though an alleged violation will be flagged and the Permittee will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance</u> ”	The definition of the AWEL is standard permit language and will not be changed.	None necessary.
15D	Camarillo SD requests additional corrections to what they consider to be inconsistencies and data errors in Table F-2.	The corrections to the table summarizing Camarillo WRP’s historic effluent limitation and monitoring data has been revised as requested.	Revised Table F-2 in Fact Sheet.
15E	Camarillo SD requests additional corrections to what they consider to be inconsistencies and data errors in Table F-7.	Most of the corrections to the table have been made, except for the applicable WQO for mercury.	Revised Table F-7 in Fact Sheet.
15F	Camarillo SD requests the deletion of the effluent limitations for boron, iron, and total trihalomethanes in Table F-9.	All three pollutants showed reasonable potential to cause or contribute to an exceedance of the water quality objective, so the limitations cannot be removed..	None necessary.
Heal the Bay Comment Letter dated October 17, 2019 ¹			
1	Heal the Bay (HtB)commented that the Facilities should transition from chlorination to ultraviolet water purification and requested that the Regional Board work with the Facilities to investigate the feasibility of	Section 13360(a) of the California Water Code prohibits the Regional Water Board from specifying the design, location, type of construction, or particular manner in which compliance may be had with waste discharge requirements or other order issued by the Regional	None necessary.

¹ HtB submitted one comment letter for two different sets of tentative WDRs – one for Camarillo SD, and one for Thousand Oaks Hill Canyon Treatment Plant. The letter makes the same comments for both of the facilities and refers to them jointly as the “Facilities.” The reference to Facilities is retained above in the summary of the comments, but refers herein only to Camarillo SD.

#	Comment	Response	Action Taken
	converting from chlorination to ultraviolet water purification.	Water Board. The Camarillo WRP had occasional exceedances of the total residual chlorine final effluent limitation, but they were due to instrumentation malfunctions and a power outage. However, they are not recurring violations.	
2	HtB commented that sources of chronic toxicity in receiving waters must be identified and remediated. HtB further explains that if a permittee is able to determine that the discharge from their Facility is not causing or contributing to the in stream chronic toxicity, the HtB agrees that the permittee shall not be responsible for the identification of the source of the toxicity. However, HtB recommends that the Regional Board clearly identify, in the permit, the entity that shall be responsible for such testing to ensure that the chronic toxicity is addressed.	<p>Note #4 below MRP Table E-7 already contains the following language which addresses the concern:</p> <p>The Permittee shall conduct whole effluent toxicity monitoring as outlined in section V. Please refer to section V.A.7 of this MRP for the accelerated monitoring schedule.... If the chronic toxicity median monthly threshold at the immediate downstream receiving water location is not met and the toxicity cannot be attributed to upstream toxicity, as assessed by the Permittee, then the Permittee shall initiate accelerated monitoring.</p>	None necessary.
3	HtB commented that the permittees must be liable for any and all effluent limitation exceedances, even during the event of a Single Operational Upset.	<p>Single operational upsets are addressed in the permit in accordance with Section 13385(f) of the California Water Code which reads:</p> <p>(1) Except as provided in paragraph (2), for the purposes of this section, a single operational upset that leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.</p> <p>(2) (A) For the purposes of subdivisions (h) and (i), a single operational upset in a wastewater treatment unit that treats wastewater using a biological treatment process shall be treated as a single violation, even if the operational upset results in violations of more than one effluent limitation and the violations continue for a period of more than one day, if all of the following apply:</p>	None necessary.

#	Comment	Response	Action Taken
		<p>(i) The discharger demonstrates all of the following:</p> <p>(I) The upset was not caused by wastewater treatment operator error and was not due to discharger negligence.</p> <p>(II) But for the operational upset of the biological treatment process, the violations would not have occurred nor would they have continued for more than one day.</p> <p>(III) The discharger carried out all reasonable and immediately feasible actions to reduce noncompliance with the applicable effluent limitations.</p> <p>(ii) The discharger is implementing an approved pretreatment program, if so required by federal or state law.</p> <p>(B) Subparagraph (A) only applies to violations that occur during a period for which the regional board has determined that violations are unavoidable, but in no case may that period exceed 30 days.</p> <p>All effluent limitation exceedances including a single operational upset will be addressed through enforcement actions by the Regional Water Board's Enforcement Unit.</p>	
4	<p>For any one calendar month during which no sample (daily discharge) is taken and no reasonable justification is provided, HtB believes that an AMEL violation should be determined for that calendar month.</p> <p>If reasonable justification is provided in the absence of a sampling event (i.e. unsafe sampling conditions, no discharge, etc.), no compliance determination will be made. If no reasonable justification is provided in the absence of a sampling event for a calendar month, an</p>	<p>A violation of the AMEL occurs when the reported value exceeds the AMEL specified in the permit. However, if a sample is not collected during a given month, that constitutes a monitoring violation, not an AMEL violation. A reporting violation would occur if the Discharger failed to include a statement in the monthly report explaining why the sample was not collected within the specified monitoring period..</p>	None necessary.

#	Comment	Response	Action Taken
	AMEL violation will be determined for that calendar month.”		
5	HtB commented that the Tentative WDR must clearly explain that in the absence of Interim Effluent Limitations, Final Effluent Limitation are applicable. HtB requested that clarifying language be included in the discussion of the Metals TMDL-based Interim limitations; the Toxicity, Chlorpyrifos, and Diazinon TMDL-based Interim limitations; and, the Nitrogen Compounds TMDL-based Interim limitations	<p>The following clarifying language was added to the WDR section IV.A.2, as requested:</p> <p>Therefore, no interim effluent limitations are included in this Order for these pollutants “, <u>and only the final effluent limitations for these pollutants are applicable in this Order.</u>”</p>	Added requested language to WDR on page 9.
6	<p>HtB commented that reporting an anticipated non-compliance should not lead to an unenforced violation of water quality standards. HtB recommended the following language modifications:</p> <p>“The Permittee shall give advance notice to the <u>submit a plan for public review and Regional Water Board approval</u> of any planned changes in the permitted facility or activity that may result in noncompliance with this Order’s requirements. (40 CFR section 122.41(l)(2).) <u>Reporting anticipated noncompliance does not preclude enforcement action by the Regional Water Board in the event of effluent limitation violations under this permit during the period of anticipated noncompliance.</u>”</p>	<p>The following permit requirement is taken verbatim from the anticipated non-compliance reporting requirement in 40 CFR 122.41(l)(2), where the Regional Water Board acts as the Director:</p> <p>The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may ay result in noncompliance with permit requirements.</p> <p>The statute does not require submittal of a plan for public review, nor approval by the Regional Water Board of such a plan. Any enforcement action would be carried out consistent with the California Water Code and with the State Water Board’s Enforcement Policy.</p>	None necessary.

