

Response to Comments

City of Los Angeles
Los Angeles-Glendale 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 #	Comment	Response	Action Taken
Comments received from City of Los Angeles on February 6, 2017				
City of Los Angeles	1	<p>Order, Table 2 and Attachment F, Section II.B.1, Paragraph 2, Page F-5</p> <p><u>Coordinates for Discharge Point 001</u></p> <p>LASAN requests to correct the coordinates for Discharge Point 001 in the Order and Fact Sheet to:</p> <p>Latitude (North) 34.13707, Longitude (West) - 118.27524</p>	The latitude and longitude were replaced in the appropriate sections as requested.	Revisions were made to the permit.
City of Los Angeles	2	<p>Order, Section IV.A.1.a, Table 4, Page 4</p> <p><u>Retain Temperature narrative language</u></p> <p>The tentative permit removed the narrative language on temperature when it was placed in Table 4.</p> <p>LASAN requests to place a footnote on Temperature and retain the narrative language as the footnote:</p> <p><i>"The temperature of wastes discharged shall not exceed 86 F except as a result of external ambient temperature."</i></p>	The change was made, as requested, to include the mentioned footnote in Table 4.	Revisions were made to the permit.

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City of Los Angeles	3	<p>Order, Section IV.A.1.a, Table 4, Page 5</p> <p><u>Radioactivity annual average</u></p> <p>According to the tentative permit, radioactivity limits are “specified in Title 22, chapter 15, article 5, sections 64442 and 64443, of the California Code of Regulations (CCR), or subsequent revisions.” Accordingly, compliance with radioactivity should be based on running annual average or annual average.</p> <p>LASAN requests that radioactivity limits be changed from monthly average to annual average.</p>	<p>Federal NPDES regulations contained in 40 CFR part 122.45 states that all permit limitations, standards, and prohibitions, including those to achieve water quality standards, shall unless impracticable be stated as maximum daily and average monthly discharge limitations for all Permittees other than POTWs.</p> <p>In addition, the Technical Support Document for Water Quality-based Toxic Control (TSD) does not recommend that effluent limitations be expressed as yearly averages. The convention is daily maximums and monthly averages. The Basin Plan, which lists some of the MCLs, does not contain any implementation instructions directing staff to apply the MCLs as yearly maximums, therefore the effluent limitations will remain as monthly averages.</p>	None necessary.
City of Los Angeles	4	<p>Order, Section IV.A.1.a, Table 4, Page 6</p> <p><u>Effluent limits for metals reduced</u></p> <p>Cadmium effluent limits have decreased significantly in this tentative compared to the 2011 permit.</p> <p>LASAN requests to review the basis for the calculations of this limit.</p>	<p>The only metal effluent limitations that had “significant change” are the cadmium limitations. The proposed cadmium effluent limitations are 2.8 µg/L and 8.9 µg/L as average monthly and maximum daily, respectively. The current average monthly effluent limitation is 4.3 µg/L. The current maximum daily stays the same at 8.9 µg/L.</p> <p>Regional Water Board staff discussed the revision with the City of Los Angeles staff. The primary reason for the change in the cadmium effluent limitation is due to the change in value of the coefficient of variation (CV) of the effluent data evaluated during this permit cycle. According to the <i>Policy for Implementation of Toxics Standards for Inland Surface Water, Enclosed Bay and Estuaries of California</i> otherwise known as State Implementation Plan or SIP, whenever there is a change in the CV value, the corresponding “multipliers” according to SIP calculation procedures, will also change. The CV drives the calculated effluent limitation. In the case of cadmium, the resulting average monthly effluent limitation was decreased to 2.8 µg/L.</p>	None necessary.

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City of Los Angeles	5	<p>Order, Section V.A.19, Page 9</p> <p><u>Chronic toxicity in receiving waters</u></p> <p>LASAN noticed that some of the language contained in the previous permit has been moved around, including the language on “Chronic Toxicity Narrative Receiving Water Quality Objective”.</p> <p>LASAN requests that the letters “c” and “d” from the previous 2011 permit be added back into the 2017 tentative permit:</p> <p><i>c. If the chronic toxicity median monthly threshold in the receiving water at the monitoring station(s) immediately downstream of the discharge is not met and the toxicity cannot be attributed to upstream toxicity, as assessed by the Permittee, then the Permittee shall initiate accelerated monitoring.</i></p> <p><i>d. If the chronic toxicity median monthly threshold of the receiving water at upstream and downstream stations is not met, but the effluent chronic toxicity median monthly effluent limitation was met, then accelerated monitoring need not be implemented.</i></p>	<p>The commenter is correct that the language has been rearranged. It was previously on page E-19 of the MRP as footnote #26. For clarity, staff agrees to include that same language on page 9 of the tentative Order, section V.A.19 - Chronic Toxicity Narrative Receiving Water Quality Objective and will appear as sections “c” and “d.”</p>	Revisions were made to the permit.
City of Los Angeles	6	<p>Order, Section VI.A.2.z, Page 12</p> <p><u>Requirement to submit feasibility study on water recycling</u></p> <p>The tentative permit requires permittee to “<i>investigate the feasibility of additional recycling, efforts to reduce the amount of treated effluent discharged via this NPDES Order... the permittee shall submit this feasibility study as part of the submittal of the Report of Waste Discharge (ROWD) for the next permit renewal.</i>”</p> <p>LASAN supports water recycling projects in all of its</p>	<p>The Regional Water Board does not agree that the feasibility study should be a recommendation, rather than a requirement of the order. The study requirements are consistent with state policy regarding recycled water. Staff has proposed some revisions to the proposed language.</p> <p>Order, Section VI.A.2.z has been revised as follows:</p> <p>“State Water Board Resolution 2009-0011, Adoption of a Policy for Water Quality Control for Recycled Water (Revised January 22, 2013, effective April 25, 2013), directs the Regional Water Board to encourage recycling. Consistent with the Policy, the Permittee shall submit a feasibility report evaluating the feasibility of additional</p>	Some revisions were made to the permit.

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		treatment plants. However, LASAN requests that the feasibility study on water recycling should not be mandatory as a requirement, but should just be recommendatory.	recycling efforts to reduce the amount of treated effluent discharged as authorized in this Order and a recycled water progress report describing any updates to the development of increased recycled water production and/or distribution. These reports shall be included in the annual report submittal, as described in the Monitoring and Reporting Program (MRP)."	
City of Los Angeles	7	<p>Order, Section VI.C.1.n, Page 14</p> <p><u>Reopener clause</u></p> <p>The tentative permit characterizes the ammonia and copper limits as water quality based effluent limits (WQBELs) even though these limits are not based on water quality objectives and are solely based on performance. Thus, these are more appropriately characterized as performance based effluent limits (PBELs).</p> <p>Although the City may be able to meet the proposed PBELs currently, the concern is that this will not be true in the future. While the City appreciates the addition of a reopener, this reopener will not protect the City from MMPs should a PBEL be exceeded for reasons beyond its control. Further, the City wants to make sure that there are no future backsliding issues related to these performance-based limits should performance differ in the future.</p> <p>To address these concerns, the LASAN requests the following minor changes be made to the reopener provisions of the permit and fact sheet.</p> <p><i>"This NPDES permit may be reopened for modification to recalculate the final water quality based effluent limitations for Ammonia as Nitrogen and/or Copper, to incorporate a revised margin of safety factor reflective of plant performance consistent with and up to the maximum limits allowed by the applicable TMDLs and SSOs, if the discharger provides new information to</i></p>	<p>When drafting a National Pollutant Discharge Elimination System (NPDES) permit, a permit writer must consider the impact of the proposed discharge on the quality of the receiving water. Water quality goals for a waterbody are defined by state water quality standards. By analyzing the effect of a discharge on the receiving water, a permit writer could find that technology-based effluent limitations (TBELs) alone will not achieve the applicable water quality standards. In such cases, the Clean Water Act (CWA) and its implementing regulations require development of water quality-based effluent limitations (WQBELs). WQBELs help meet the CWA objective of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters and the goal of water quality that provides for the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water (fishable/swimmable). WQBELs are designed to protect water quality by ensuring that water quality standards are met in the receiving water.</p> <p>The proposed effluent limitations for copper and ammonia are not TBELs. In that regard, the calculated effluent limitations for copper and ammonia are considered WQBELs because they are intended and designed to protect water quality by ensuring that water quality standards are met in the receiving water. Therefore, the "water quality based" cannot be removed in that sentence. The 2017 renewal continues the WQBELs that are reflective of plant performance.</p> <p>However, the proposed additional language in the reopener paragraph, with modifications, will be inserted as stated in your comment.</p>	Revisions were made to the permit.

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		<p><i>the Regional Board showing the flow conditions or other extenuating circumstances cause a significant change in the water reclamation plant's treatment performance."</i></p>		
City of Los Angeles	8	<p>Order, Section VI.C.6.b, Page 19</p> <p><u>Coliform analysis during spills</u></p> <p>For spills that reach marine waters, it states "<i>that the Permittee shall analyze for total coliform, fecal coliform and enterococcus.</i>"</p> <p>The US EPA's 2012 recommendations are to use enterococci as a sole indicator of REC 1 contact standards, due to numerous studies which have shown that enterococcus are the most accurate and protective of human health in marine waters. The State Water Resources Control Board also recommends that enterococci should be used as the sole indicator in marine waters. The use of total coliform and fecal coliform to assess the risk to human health in marine waters is not supported by US EPA studies and is therefore un-necessary and not as protective of human health as enterococci testing.</p> <p>Therefore, LASAN requests to remove total coliform and fecal coliform and retaining only analysis of enterococcus.</p>	<p>"The 2015 Ocean Plan, adopted by the State Water Resources Control Board (State Board), established bacterial objectives for ocean waters used for water-contact recreation. These bacterial objectives are identical to the bacteriological standards adopted by the California Department of Public Health (CDPH) for coastal waters adjacent to public beaches and public water contact sports areas in ocean waters. The State Board and CDPH objectives provide standards for three different bacteriological indicators, namely total coliform, fecal coliform, and enterococcus density. Therefore, all three indicators must be monitored following a spill that reaches marine waters to ensure protection of human health for recreational activities in ocean waters. Consequently, the monitoring requirement for marine waters will remain as stated in the tentative permit."</p>	None necessary.
City of Los Angeles	9	<p>Attachment E, Section I.H, Page E-3</p> <p><u>ML, RL</u></p> <p>The tentative permit states that "<i>When there is deviation from the method analytical procedures, such as dilution or concentration of samples, other factors may be applied to the ML depending on the sample preparation. The resulting value is the reported ML</i>".</p>	<p>The requested language changing the "ML" to "RL" will be reflected in the revised tentative permit.</p>	Revisions were made to the permit.

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		<p>The MDL and RL are the values required to be reported - as stated in the first sentence. Then it goes on to tell how to compute the RL. The resulting value is the RL.</p> <p>LASAN requests that the last sentence be changed to: <i>"The resulting value is the reported ML RL."</i></p>		
City of Los Angeles	10	<p>Attachment E, Section II, Paragraph 2, Page E-5</p> <p><u>Typo error</u></p> <p>LASAN requests the following typo correction:</p> <p><i>"The receiving water monitoring station RSW-LAGT654 is temporarily unavailable for sampling. The US Army Corps of Engineers has built a "massive 3-mile wall of sand, canvas, and wire mess-mesh" along the LA River. The Discharger shall resume monitoring at location RSW-LAGT654 when access at RSW-LAGT564 654 is restored."</i></p>	The typos were corrected.	Revisions were made to the permit.
City of Los Angeles	11	<p>Attachment E, Section III.A, Table E-2, Page E-7</p> <p><u>Ammonia-N influent monitoring frequency</u></p> <p>LAGWRP has not been required to monitor Ammonia-N in the influent before. This tentative permit is requiring monthly monitoring. Other constituents that have effluent limits are required to be monitored quarterly.</p> <p>LASAN requests that Ammonia monitoring frequency be changed from monthly to quarterly to be consistent with the other constituents.</p>	Ammonia monitoring frequency will be changed from monthly to quarterly.	Revisions were made to the permit.
City of Los Angeles	12	<p>Attachment E, Section IV.A, Page E-9</p> <p><u>Footnote 8</u></p>	MRP, section I.E., states "The Permittee shall calibrate and perform maintenance procedures on all monitoring instruments to ensure accuracy of measurements, or shall	Revisions were made to the permit

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		<p>The tentative permit states that, “<i>The Permittee shall extract the maximum daily peak, minimum daily peak, and average daily from the recorded media and shall be reported on the monthly monitoring reports....</i>”.</p> <p>The requirement of reporting the “Minimum Daily Peak” for Total Residual Chlorine (TRC) should be removed. The TRC normally runs at zero on a continuous basis all day long. If there is a single excursion, there is only a single Maximum Daily Peak and no Minimum Daily Peak. If there are multiple excursions, the Maximum Daily Peak should be reported, but it can be difficult to determine the Minimum Daily Peak. There is no common understanding of what the term means, and the value of information it provides.</p> <p>LASAN requests that the requirement of reporting Minimum Daily Peak be removed.</p>	<p>ensure that both equipment activities will be conducted.”</p> <p>Since the minimum daily peak requirement was included to verify instrumentation calibration, providing the calibration records is an acceptable substitute. The text of Footnote 8 is revised as follows.</p> <p><i>“The Permittee shall extract the maximum daily peak, minimum daily peak, and average daily from the recorded media and shall be reported on the monthly monitoring reports. <u>In addition, calibration records for the TRC analyzer shall be submitted quarterly</u>”.</i></p>	
City of Los Angeles	13	<p>Attachment E, Section V.A.7, Paragraph 2, Page E-15</p> <p><u>Ceriodaphnia test</u></p> <p>The number of days to implement the Ceriodaphnia test needs to be 7 as this is how long it takes to prepare the broodboard.</p> <p>LASAN requests to change 48 hours to seven calendar days.</p> <p>Once the Permittee becomes aware of this result, the Permittee shall implement an accelerated monitoring schedule within seven days for the Ceriodaphnia dubia test, and within 5 calendar days for both the Pimephales promelas and Selenastrum capricornutum tests.</p>	The requested accelerated monitoring schedule was changed from “48 hours” to “seven calendar days.”	Revisions were made to the permit.

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City of Los Angeles	14	<p>Attachment E, Section VIII.A.1, Table E-5, Page E-20</p> <p><u>Boron unit</u></p> <p>LASAN requests that boron in the receiving waters be reported in mg/L. Boron is specified to be reported in mg/L for the effluent in this tentative permit, and was specified in mg/L for both effluent and receiving waters in the previous 2011 permit.</p>	Staff agree to change the unit of boron to mg/L	Revisions were made to the permit.
City of Los Angeles	15	<p>Attachment E, Section VIII.A.1, Page E-20</p> <p><u>Correct footnote 28, mercury testing</u></p> <p>Table E-5 is for monitoring frequency for receiving water samples and not effluent.</p> <p>LASAN requests to correct the footnote 43 to: <i>"The mercury effluent samples shall be analyzed..."</i></p>	Staff agree to remove the word <i>effluent</i> in the sentence because that language is intended for the receiving water monitoring.	Revisions were made to the permit.
City of Los Angeles	16	<p>Attachment F, Section IV.D.1.b, Paragraph 5, Page F-59</p> <p><u>Reopener clause</u></p> <p>The permit characterizes the ammonia and copper limits as water quality based effluent limits (WQBELs) even though these limits are not based on water quality objectives and are solely based on performance. Thus, these are more appropriately characterized as performance based effluent limits (PBELs).</p> <p>Although the City may be able to meet the proposed PBELs currently, the concern is that this will not be true in the future. While the City appreciates the addition of a reopener, this reopener will not protect the City from MMPs should a PBEL be exceeded for reasons beyond its control. Further, the City wants to make sure that there are no future backsliding issues related to these performance-based limits should performance differ in the future.</p>	Please see response to comment #7. In addition, paragraph 5 was also revised accordingly.	Revisions were made to the permit.

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		<p>To address these concerns, the City requests the following minor changes be made to the reopener provisions of the permit and fact sheet.</p> <p><i>“In addition, this Order includes a reopener that allows for modification of the NPDES Order to recalculate the WQBEL limits for ammonia as nitrogen and/or copper, to incorporate a revised margin of safety factor reflective of plant performance consistent with and up to the maximum limits allowed by the applicable TMDLs, if the discharger provides new information to the Regional Board that shows the flow conditions or other extenuating circumstances cause a significant change in the water reclamation plant’s treatment performance.”</i></p>		
City of Los Angeles	17	<p>Attachment F, B, Table F-14, Pages F67-68</p> <p><u>Coliform monitoring frequency</u></p> <p>In Table F-14, Fecal coliform is listed as “daily” under the 2011 Permit column and “no change” under the 2017 Permit column for the monitoring frequency. Fecal coliform has been removed from the 2017 tentative permit.</p> <p>LASAN requests to change the monitoring frequency for fecal coliforms in Table F-14 under “2017 Permit” column as “not required”.</p>	Fecal coliform monitoring in the effluent is no longer required. Fecal coliform monitoring in Table F-14 will show “not required” under column “2017 Permit.”	Revisions were made to the permit.
Comments received from Heal the Bay on February 6, 2017				
Heal the Bay	1	<p>In order to help all three WRPs’ recycling efforts in a similar way to what was done in the Monitoring and Reporting Program in the latest permit for Hyperion Treatment Plant (effective April 1, 2017; Sec. X.C.4), we request that the Tentative WDRs include a requirement for all three WRPs to submit a “recycled water progress report” along with each NPDES Annual Summary Report to the Regional Board. As the Regional Board mentions in its response to Hyperion</p>	To encourage water recycling and to communicate progress on the Permittee’s recycling program, a requirement to submit a recycled water progress report with each NPDES Annual Report was added to section X.D.2 of the MRP of the Tentative Order	Revisions were made to the permit.

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		Treatment Plant's comments (response to Los Angeles Waterkeeper's first comment, p. 57 of "Response to Comments," January 20, 2017), it will serve the purpose to "encourage water recycling and to communicate progress on the Permittee's recycling program."		
Heal the Bay	2	Considering reporting, within Hyperion's recent WDR permit that becomes effective on April 1, 2017, the plant's supervisors were asked to report to Heal the Bay (in addition to local public and environmental health officers) if and when any unauthorized discharge of sewage occurs in an amount greater than 1000 gallons (Section VI.C.6.c.i. of all three permits). We request that a similar requirement be included in the Tentative WDRs so that Heal the Bay can continue to be an effective partner in public notification about these issues.	The Regional Water Board staff agree that LASAN should be transparent and direct with reporting sewage spills. Section VI.C.6.a.ii. of the Tentative Order was modified to include Heal the Bay in the list of notifications after a sewage spill.	Revisions were made to the permit.
Comments received from Los Angeles Water Keeper on February 6, 2017				
LA Waterkeeper	1	The three POTWs function, along with the Hyperion POTW operated by the City of Los Angeles, as part of an "integrated network" (Burbank Tentative, page 76 of 148) in which solids from the POTWs in the Los Angeles river watershed are transported to Hyperion for further treatment. All three POTWs are located in the watershed of the Los Angeles River, and discharge to the river or its tributaries. The cumulative impact of the three POTWs on the river is huge—the discharge provides the vast majority of the dry season flows in the river. The treated discharge supports a number of beneficial uses, including habitat for four rare and threatened aquatic species, and an increasingly important recreational resource for Angelinos and visitors, including a growing interest in kayaking. ¹	The Department of Fish and Wildlife has not assigned a base flow discharge for the Los Angeles-Glendale WRP. In 2015, the facility is discharging an average of 10 million gallon per day (mgd). This discharge flow has reasonably been maintained by the Discharger for several years. However, the City of Glendale, which owns 50 percent of the effluent from the LAGWRP, has already submitted a California Water Code section 1211 petition to expand its use area to include the City of Pasadena and thus reduce their portion of the flow in the Los Angeles River. This wastewater flow reduction will be addressed by the California State Water Resources Control Board Division of Water Rights.	None necessary.

¹ Water Quality Control Plan, Los Angeles Region, Basin plan for the Coastal Watersheds of Los Angeles and Ventura Counties, California Regional Water Quality Control Board, Los Angeles Region (4), Table 2-1 Beneficial Uses of Inland Surface Waters, 2-12 (adopted June 13, 1994, as amended).

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		Some level of base flow is necessary to maintaining these uses of the river, although the native aquatic species are adapted to seasonal periods of extremely low flow.		
LA Waterkeeper	2	The City of Los Angeles analyzed the relationship between base flows and beneficial uses in the Environmental Impact Report prepared for its Tillman Groundwater Replenishment project, and determined that a 27 MDG base flow in the river could support the beneficial uses. The City therefore committed to maintaining a 27 million gallon per day base flow in the Los Angeles River and several nearby ponds as a mitigation commitment, but the Tentative WDR for Tillman does not make mention of this commitment to base flows, nor include the commitment as a condition of the WDR.	This comment does not apply to LAGWRP.	None necessary
LA Waterkeeper	3	The WDR for Los Angeles-Glendale includes an express finding that the region has a need for recycled water, especially during droughts. (Glendale Tentative, page 76 of 150.) Yet all of the WDRs defer analysis of this important issue, including conditions that the plant operators investigate the feasibility of recycling treated wastewater. If found feasible, POTW operators would be required to initiate or update the process provided for in Section 1211 of the Water Code for additional analysis and application for water rights from the State Water Resources Control Board (SWRCB). These analyses would be submitted when the permits are next up for renewal. ² (Glendale Tentative, page 91 of 150; Burbank Tentative, page 89 of 148; Tillman Tentative, page 96 of 163.) Waiting at least five years, and potentially longer, is unacceptable given the need	<p>The City has been using recycled wastewater per approved uses under Title 22. Their current uses include landscape irrigation, industrial uses including cooling tower makeup, and dust control. They have delivered recycled water for irrigation and other uses to the cities of Glendale and Los Angeles, Forest Lawn, Glendale power plants, and several schools and parks. In addition, the City is exploring other recycling opportunities.</p> <p>As an example, a proposed expansion of the recycling use area is in the works for the City of Pasadena to provide recycled water to irrigate the Brookside Golf Course, Brookside Park, and stadium washing of the Rose Bowl Stadium. In this connection, an application for water rights petition under California Water Code section 1211 has already been submitted. Since the Change Petition process</p>	None necessary.

² The Section 1211 analysis is outside the scope of the Section 13889 partial CEQA exemption and thus subject to full CEQA review, as recognized by the Regional Board itself. (See http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/wastewaterchange/) Since the Section 1211 process is also outside the scope of the Water Boards' certified regulatory agency status, the documents resulting from the Section 1211 process would take the form of an EIR or Mitigated Negative Declaration.

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		for recycled water and the potential wastefulness of a lengthy delay.	is under the authority of the State Water Resources Control Board and independent of the NPDES permit renewal, it is inappropriate to include any additional requirements in the NPDES permit. Please refer to the response to LA Waterkeeper comment #5.	
LA Waterkeeper	4	The tentative WDRs all mention the Water Code exemption from Chapter 3 of the California Environmental Quality Act (CEQA). (See Water Code Section 13889 and Glendale Tentative page 86 of 150; Burbank Tentative page 84 of 148; and Tillman Tentative page 92 of 163.) Despite the facial limitation of the exemption to Chapter 3, the Tentative WDRs are all treat CEQA as wholly inapplicable. No analysis or findings are included for those parts of CEQA that apply to the project. Of particular importance is Section 21002 of the Public Resources Code, located in Chapter 1 of CEQA, which bans agencies from approving projects when feasible alternatives exist with fewer environmental impacts. Approval of the Tentative WDRs would be premature unless analysis is undertaken to allow the Regional Board to make such a finding—especially since the WDRs do not include analysis of what base flow is necessary to support beneficial uses of the river, or what potential exists for increasing recycled water. Such an analysis would necessarily include cumulative impacts of the entire “integrated system” (including Hyperion) and balancing of impacts and benefits envisioned by Section 1211 of the Water Code.	<p>The Regional Water Board does not agree that further analysis under CEQA is required for the adoption of this NPDES permit. This issue has been litigated and courts have concluded that the Regional Water Board is not required to prepare environmental documents or engage in any other form of environmental review under CEQA. See e.g., County of Los Angeles v. California State Water Resources Control Board, 143 Cal.App.4th 985, 1003-1007. In addition, the State Water Board has issued CEQA regulations that state: “Neither the state board nor the regional boards shall be required to comply with the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code prior to the adoption of any waste discharge requirement, except requirements for new sources as defined in the Federal Water Pollution Control Act or acts amendatory thereof or supplementary thereto.” Further: “Environmental documents are not required for adoption of waste discharge requirements under Chapter 5.5, Division 7 of the Water Code, except requirements for new sources as defined in the Federal Water Pollution Control Act. This exemption is in accordance with Water Code Section 13389 which does not apply to the policy provisions of Chapter 1 of CEQA.” See California Code of Regulations, title 23, section 3733.</p> <p>In addition, the commenter refers to Water Code section 1211 to support its comment that CEQA applies to adoption of the NPDES permit. Section 1211 requires the owner of a wastewater treatment plant to obtain approval from the State Water Resources Control Board prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater. The Regional Water Board does not have jurisdiction over such “change petitions”.</p>	None necessary.

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LA Waterkeeper	5	<p>Further, the tentative WDRs do not make findings or include analysis of Article X, Section 2 of the California Constitution, which prohibits waste and unreasonable use of water. Instead, as described above, the WDRs put off any Waste and Unreasonable Use analysis for at least five years. The discharge of millions of gallons of treated wastewater, beyond that essential for maintaining beneficial uses, particularly when the point of discharge is located over a groundwater aquifer, is unreasonable and a waste of that water. Permitting that continued waste via the WDRs is contrary to law. Further, compliance with the mandate of the California Constitution and the Water Code in evaluating the reasonableness of the discharges permitted under the WDRs would provide the balanced, region-wide and integrated review of water supply, wastewater discharges, and recycling that is particularly appropriate here. LAW recently commented on the issue of waste and unreasonable use at length when the Hyperion WDR was up for renewal, and is attaching those comments as a possible guide to what type of analysis would be appropriate for the POTWs in the Los Angeles River watershed. (Obviously, some important differences exist between direct ocean discharge of treated wastewater and discharge to a river system supporting beneficial uses.) LAW is also working with the City of Los Angeles to address its concerns specific to Hyperion.</p>	<p>The Regional Water Board agrees that the California Constitution sections cited set forth the intent that the State prevent the waste and unreasonable use of water and that the State Water Resources Control Board (State Water Board) has broad authority to control and condition water use. The Regional Water Board also agrees that increasing the use of recycled water is important. The State and Regional Water Boards share independent yet overlapping duties in the regulation of recycled water. The Regional Water Board is authorized to issue NPDES permits and waste discharge requirements and prescribe water reclamation requirements for individual water recycling projects and to issue master water recycling permits. See, e.g., California Water Code §§ 13263, 13377, 13523, and 13523.1. The State Water Board is directly responsible for carrying out the constitutional and statutory mandates to prevent the unreasonable use and waste of all water in California, and for administering public trust resources on behalf of the people of the State. See, e.g., California Water Code §§ 275, 1831– 1836.</p> <p>The commenter asserts that issuing the NPDES permit without a waste and unreasonable use analysis is contrary to law. The Regional Water Board disagrees. As further discussed below, the State Water Board has authority to enforce the laws to prevent waste and unreasonable use of water. The Regional Water Board has no mandatory legal duty or obligation to make waste and unreasonable use findings as a condition of issuing NPDES permits.</p> <p>The California Constitution and California Water Code enunciate the State’s core water policy that water users may not unreasonably use or waste water. (See, e.g., Cal. Const., art. X, § 2; Wat. Code, § 100.) The Legislature through Water Code section 275 authorized the State Water Board to take actions to enforce those core principles. Water Code section 275 provides, in full:</p>	None necessary.

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			<p>“The department [of water resources] and the board [State Water Board] shall take all appropriate proceedings or actions before executive, legislative, or judicial agencies to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water in this state.”</p> <p>The State Water Board may take, and has taken, “appropriate actions,” including:</p> <ul style="list-style-type: none"> • Initiating enforcement action against water right holders who the State Board has determined are unreasonably using water. (Imperial Irrigation District v. State Water Resources Control Bd. (1986) 186 Cal.App.3d 1160.) • Adopting regulations to prohibit categories of unreasonable uses of water. (Light v. State Water Resources Control Bd. (2014) 226 Cal.App.4th 1463, 1482-1483.) • Denying applications to divert surface waters. (Central Delta Water Agency v. State Water Resources Control Bd. (2004) 124 Cal.App.4th 245.) <p>In addition, Water Code section 275 does not create a mandatory duty of a regional board to prevent the waste or unreasonable use of water.</p> <p>In 2009, the State Water Board adopted Resolution 2009-0011, Adoption of a Policy for Water Quality Control for Recycled Water (Recycled Water Policy) (Revised January 22, 2013, effective April 25, 2013.) (Recycled Water Policy or Policy). The Recycled Water Policy sets forth the duties with respect to recycled water of the State Water Board, the Regional Water Boards, the California Department of Public Health (now, the Division of Drinking Water (DDW) within the State Water Board for those duties related to drinking</p>	

Commenter	Comment #	Comment	Response	Action Taken
			<p>water), the California Department of Water Resources, and the California Public Utilities Commission. As summarized in the Policy, the State Water Board's duties for recycled water projects include general oversight, review of regional water board permitting practices, and leading efforts to meet the recycled water use goals set forth in the Policy. The Regional Water Boards' duties for recycled water include protection of surface and groundwater resources and the issuance of permits that implement DDW recommendations, and the Recycled Water Policy, and other Basin Plan requirements. The Policy also directs the Regional Water Boards to use their authority to encourage the use of recycled water.</p> <p>The Recycled Water Policy also declares that pursuant to Water Code section 13550 et seq., "it is a waste and unreasonable use of water for water agencies not to use recycled water when recycled water of adequate quality is available and is not being put to beneficial use, subject to the established conditions established in section 13550 et seq." Further, the Policy states that the State Water Board shall exercise its authority pursuant to Water Code section 275 to the fullest extent policy to enforce the use of recycled water. Section 13550 authorizes the State Water Board to determine whether the use of potable water for nonpotable use is a waste and unreasonable use based on specific criteria.</p> <p>The proposed Order is consistent with the applicable law and the Recycled Water Policy. The proposed Order addresses the proper treatment of wastewater and it is consistent with the Recycled Water Policy because it sets forth requirements, including effluent limitations and prohibitions to protect surface and groundwater resources, and encourages the use of recycled water that in turn results in a reduction in wasted water. While the Regional Water Board may encourage recycling, it may not order the discharger to recycle a certain quantity of water in an NPDES permit. The Order encourages recycling by including a requirement that the permittee conduct a</p>	

Commenter	Comment #	Comment	Response	Action Taken
			feasibility study concerning recycling and make a report to the Regional Water Board.	
LA Waterkeeper	6	The discussion of public participation is quite confusing, repeatedly referring to future events in the past tense. (See, for example, Glendale Tentative page 143 of 150.) It is also unclear whether the Regional Board will consider the record to be "open" on March 2, should members of the public have additional concerns and wish to raise such issues at the hearing.	<p>The tentative draft section IX, Public Participation indicates that;</p> <p><i>Interested persons were invited to attend. At the public hearing, the Regional Water Board heard testimony pertinent to the discharge, WDRs, and permit. For accuracy of the record, important testimony was requested in writing.</i></p> <p>The tentative language is in the past tense because once the permit is adopted, it will be accurate.</p> <p>The public notice for this matter stated that written comments or testimony would be accepted until 5:00 pm on February 6, 2017. The Regional Water Board will not accept additional written comments or evidence as set forth in California Code of Regulations title 23, section 648.4. Interested persons may make oral comments at the hearing, subject to time limits imposed by the Board Chair, but additional written comments will generally not be accepted.</p>	None necessary.
LA Waterkeeper	7	LAW thanks you for the opportunity to comment on the important Tentative WDRs. The permit decisions made now will have important ramifications for the Los Angeles River and for realizing the potential of the Central Groundwater Basin to provide water for the region.	Thank you for commenting on this tentative NPDES permit.	
Comments received from Southern California Alliance of Publicly Owned Treatment Works (SCAP) on February 6, 2017				
SCAP	1	<p><u>Oppose Chronic Toxicity Limitations</u></p> <p>SCAP opposes the adoption of any permit that contains chronic toxicity requirements which they believe are unlawful and violate federal and state law. The WRP permits proposed for adoption on March 2nd continue to contain effluent limitations, monitoring</p>	The Los Angeles WRP has final effluent limitations for chronic toxicity because it has reasonable potential to cause or contribute to chronic toxicity in the receiving waters. Section II.D. of the Fact Sheet explains that the facility has exceeded the 1 TUc trigger contained in Order 2011. Thus, the permit implements 40 CFR 122.44(d)(1)(v).	None necessary.

Commenter	Comment #	Comment	Response	Action Taken
		requirements, and compliance determinations for chronic toxicity that violate both federal regulatory requirements and binding State Water Board precedent applicable to the Regional Board.	<p>Section 4 of the SIP contains toxicity control provisions, including the following on page 30:</p> <p>“A chronic toxicity effluent limitation is required in permits for all discharges that will cause, have reasonable potential to cause, or contribute to chronic toxicity in receiving waters.”</p> <p>The chronic toxicity limitations are not unlawful and are authorized by the SIP and NPDES regulations.</p>	
SCAP	2	<p><u>Concern about recycled water appeal</u></p> <p>SCAP considers the use of the TST null hypothesis as unlawful because the recycled water produced by the WRP is presumed toxic, and must be disproved. They are concerned that this presumption may make recycled water reuse less attractive in a time when water reuse is vital.</p>	<p>The demand for recycled water is high, especially during the drought and as a result of water conservation efforts. There is less recycled water available for distribution in some watersheds. For example, in the San Gabriel River watershed, one producer of recycled water has rejected a groundwater recharge project because it does not have extra water for additional projects. This increase in demand has occurred subsequent to the Regional Water Board’s use of TST in permits.</p>	None necessary
SCAP	3	<p><u>PMSD and Concentration response curves</u></p> <p>SCAP considers use of the Test of Significant Toxicity (TST) statistical procedure as unapproved and unlawful, because it only compares 100% recycled water to a control, without the use and analysis of a multi-concentration response curves and the Percent Minimum Significant Difference (PMSD).</p>	<p>This MRP does require that chronic toxicity sampling for the Facility be conducted according to the Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (USEPA 2002, EPA-821-R-02-013), which is the appropriate test method referenced in 40 CFR Part 136 for compliance purposes with the chronic toxicity final effluent limitation.</p> <p>The State permitting authority, here, the Regional Water Board, has the discretion to select the statistical approach for analyzing whole effluent toxicity (WET) test data that is most appropriate for use in a particular permit to protect the Basin Plan Water Quality Objective for toxicity. (See Section 9.4.1.2 of Short-term Methods, October 2002, EPA-821-R-02-013 (“[T]he statistical methods recommended in the manual are not the only possible methods of statistical analysis.”)) The Regional Water Board has selected the TST statistical approach for use in</p>	None necessary.

Commenter	Comment #	Comment	Response	Action Taken
			<p>this Order.</p> <p>The 2017 Order contains quality assurance measures using the Test of Significant Toxicity (TST) for conducting statistical analysis of the toxicity results. The TST statistical t-test approach is described in the National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document (EPA 833-R-10-003, 2010), Appendix A, Figure A-1, Table A-1 and Appendix B, Table B-1. Also, see National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document ((EPA 833-R-10-004, 2010).</p> <p>The Fact Sheet explains why appropriate interpretation of the measurement result from the TST statistical approach is independent from the concentration-response patterns of the toxicity tests for those samples.</p> <p>Regarding the use of variability criteria (USEPA 2000) recommended PMSD criteria are not implemented as a component of the statistical endpoint calculation for a toxicity test. Rather, the PMSD criteria are implemented as a chronic toxicity test review step for only some of USEPA's 2002 WET methods. The upper PMSD criterion is used to invalidate highly variable/insensitive tests to control within test variability as an incentive for laboratories to implement within test precision. The lower PMSD concentration is used to avoid penalizing laboratories that achieve very high within-test precision. These PMSD criteria are intended specifically for multi-concentration toxicity tests in which the NOEC-LOEC are determined by hypothesis testing. This is because a multi-concentration toxicity test's PMSD includes exactly that variability affecting determination of the NOEC and LOEC, providing control over the total within test variability.</p> <p>It is reasonable and appropriate for the Regional Water Board to conclude that the PMSD tool for evaluating test variability is not applicable to this permit because it does not include chronic toxicity limits expressed as TUC or</p>	

Commenter	Comment #	Comment	Response	Action Taken
			<p>NOEC. While section 10.2.8.2 of the WET Test Method specifies that “When NPDES permits require sublethal hypothesis testing endpoints from Methods 1000.0, 1002.0, or 1003.0 (e.g., growth or reproduction NOECs and LOECs), within-test variability must be reviewed and variability criteria must be applied as described in this section (10.2.8.2)” (emphasis added), the WET Test Method section does not always require the use of the PMSD.</p> <p>Subsection 10.2.8.2.1 describes how to calculate the PMSD and subsequent subsections describe how to compare the PMSD to see if the PMSD falls within an acceptable range; i.e. if the test’s PMSD is within the upper and lower bounds.</p> <p>Subsection 10.2.8.3 states: “To assist in reviewing within-test variability, EPA recommends maintaining control charts of PMSDs calculated for successive effluent tests (USEPA, 2000b). A control chart of PMSD values characterizes the range of variability observed within a given laboratory, and allows comparison of individual test PMSDs with the laboratory’s typical range of variability. Control charts of other variability and test performance measures, such as the MSD, standard deviation or CV of control responses, or average control response, also may be useful for reviewing tests and minimizing variability. The log of PMSD will provide an approximately normal variate useful for control charting.” (emphasis added)</p> <p>As described above, USEPA sometimes requires use of PMSD criteria when the hypothesis test has endpoints expressed in terms of growth or reproduction NOECs and LOECs. However, the Burbank WRP permit does not have endpoints expressed as NOEC/LOEC, but not in terms of Pass or Fail and Percent Effect. In addition, under this permit, within-test variability of the WET test data utilized for the TST statistics will be reviewed and variability criteria will be applied by using control charts and</p>	

Commenter	Comment #	Comment	Response	Action Taken
			<p>coefficient of variation, as allowed by Subsection 10.2.8.3 of the WET Test Method. Therefore, the permit disallows the PMSD approach to evaluate variability of the WET test data because that approach is applicable to the NOEC/LOEC statistical analysis and not the TST statistics required by the permit.</p> <p>USEPA's Method Guidance addressing concentration-response evaluations, states that an "evaluation of the concentration-response relationship generated for each sample is an important part of the data review process that should not be overlooked." This guidance was developed in 2002, well before development of the TST statistical approach. The guidance assumes that either NOEC-LOEC hypothesis testing or a point estimation analysis will be used to evaluate multi-concentration WET test data. In that circumstance, evaluation of the concentration-response relationship is important to determine whether the assumptions underlying these statistical approaches are reflected in the data. As previously discussed, these same assumptions are not relied upon by the TST statistical approach. A WET test is validated by reviewing the test acceptability criteria and quality assurance/quality control (QA/QC) measures, such as:</p> <ul style="list-style-type: none"> • Performing and evaluating reference toxicant tests. • Evaluating various test condition components, such as water quality measurements (temperature, pH, DO, light intensity, etc.) to ensure that they are within the typically accepted range. • Examining effluent sampling and handling. • Plotting control charts to track the lab's control performance and reference toxicant performance over time. 	
SCAP	4	<p><u>Chronic toxicity Limitations</u></p> <p>Use of Pass/Fail effluent limits also not prescribed by the promulgated methods, and directly contrary to precedential State Water Board orders directed at this</p>	<p>The numeric effluent limitation for chronic toxicity in this Order employs in part the TST. The TST is recommended by the most recent USEPA guidance as an appropriate test for chronic toxicity. This Regional Water Board and other regional boards are choosing to use the TST to</p>	None necessary.

Commenter	Comment #	Comment	Response	Action Taken
		<p>Regional Board to not use numeric effluent limits, and to instead use triggers for additional monitoring to confirm the existence of toxicity, and to address the underlying cause of toxicity. See SWRCB Order Nos. 2003-0012 and 2003-0013. This mandate remains in place until the State Board adopts a new policy on how to craft permit requirements for chronic toxicity.</p>	<p>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-54 through F-57.</p> <p>The commenter raises two issues regarding the effluent limitations 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 maintain compliance with water quality standards in the Basin Plan for the Los Angeles Region, which 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 of a numeric limitation 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</p>	

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			<p>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. Nearly 15 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 effluent limitations for chronic toxicity are feasible and appropriate at this time.</p> <p>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, 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 compared to other statistical approaches.</p> <p>The "trigger" approach has been criticized by USEPA in public comments (2008 and 2014 letters 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</p>	

Commenter	Comment #	Comment	Response	Action Taken
			<p>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 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 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 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. 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 limits for chronic toxicity, expressed in terms of the TST hypothesis test, unambiguously achieve the 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 Water 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., R9-2013-0026 (General NPDES Order for discharges from boatyards); R8-2012-0035 (NPDES Order for Orange County Sanitation</p>	

Commenter	Comment #	Comment	Response	Action Taken
			<p>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 Water Board has already endorsed the TST is implementing it in the Los Angeles MS4 permit, NPDES wastewater permits, and individual industrial stormwater permits. With these actions, this Regional Water Board will 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 several NPDES permits for industrial facilities (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). A numeric chronic toxicity effluent limitation utilizing the TST was also included in several NPDES permits for inland POTWs in the San Gabriel River, Santa Clara River, and Calleguas Creek Watersheds.</p>	
SCAP	5	<p><u>Alternate Test Procedure (ATP)</u></p> <p>These proposed permit requirements all represent unpermitted and unauthorized modifications to the approved regulatory test methods for determining chronic toxicity contained in the 2002 Methods formally adopted by USEPA in 40 C.F.R. Part 136. When this Regional Board initially imposed the TST-related requirements, SCAP sued USEPA over their approval of an at that time approved Alternate Test Procedure (ATP) in California allowing these modifications. As a result of that limitation, USEPA withdrew the ATP, making use of the TST-related requirements unlawful. These requirements also violated the Los Angeles Region's Basin Plan, which requires effluent limits for the constituents causing toxicity, not limits for chronic toxicity. For these reasons, the currently proposed chronic toxicity requirements should be removed from the WRPs' permits.</p>	<p>The Order is consistent with the letter dated February 11, 2015, from USEPA to the State Water Resources Control Board withdrawing approval of the alternate test procedure using a two-concentration test design. As written, the Order requires the test methods described in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (October 2002) (EPA-821-R-02-013), including a multi-concentration test design, when required.</p> <p>Use of the TST was not deemed unlawful when USEPA withdrew its ATP. What was discontinued was the sole use of a two-concentration test design for NPDES effluents evaluated for chronic toxicity using some 2002 WET methods.</p>	None necessary.

Commenter	Comment #	Comment	Response	Action Taken
	6	<p><u>Pending SCAP petition& lawsuits</u></p> <p>SCAP has appealed other NPDES permits from this region and has filed another suit against USEPA for using and approving of the use of TST-related requirements. The Regional Board should abstain from using these requirements until all of these appeals and challenges have been resolved. Otherwise, Regional Board staff resources will be wasted if the permits all need to be revised later.</p>	<p>The Los Angeles-Glendale WRP Order is consistent with other NPDES permits adopted for POTWs by this Regional Water Board. Section VI.C.1.k contains a reopener provision which would allow for the permit to be reopened and modified to revise any and all of the chronic toxicity testing provisions and effluent limitations, to the extent necessary, to be consistent with any Toxicity Plan that is subsequently adopted by the State Water Board promptly after USEPA approval of such Plan.</p>	None necessary.
Comments received from United States Environmental Protection Agency (USEPA) on February 6, 2017				
USEPA	1	<p><u>Water Quality-based Effluent Limits</u></p> <p>We agree with the reasonable potential determinations and proposed effluent limits for non-TMDL conventional, non-conventional and toxic pollutants. As with the previous permits and the U.S. EPA-approved copper and ammonia-nitrogen TMDL provisions for these POTWs, we support the proposed water quality-based effluent limits (WQBELs) for copper and ammonia-nitrogen. The fact sheets document how, during this permit term, the proposed WQBELs for copper and ammonia-nitrogen will plainly and clearly maintain and improve water quality in these reaches of the Los Angeles River watershed by protecting water quality standards (aquatic life objectives and anti-degradation) both during wet weather periods and when in-stream flows are dominated by effluent discharges from these POTWs. In conjunction, we believe that the anti-backsliding and anti-degradation analyses routinely conducted by permit writers during NPDES permit reissuance gives the Regional Water Board flexibility to consider additional information that may lead to less stringent WQBELs for these TMDL pollutants in subsequent permits.</p>	<p>The Regional Water Board staff thank USEPA for supporting this permit.</p>	None necessary.