Response to Comments

Los Angeles Department of Water & Power
Scattergood Generating Station
Tentative Order R4-2015-XXXX
NPDES Permit No. CA0000370, CI No. 1886

This Table (matrix) summarizes comments received. Each comment presented has a corresponding Regional Water Board staff response and corresponding action taken, if any.
(Additions are underlined, and deletions are lined over.)

Agency/ Letter	#	Comment	Reply	Action Taken
Letter dated October 5, 2015 from Los Angeles Department of Water & Power (Discharger)				
Discharger	1	**Page 5. Section III. Discharge Prohibitions, Paragraph J.** The information contained in this paragraph does not take into consideration that the repowering projects at the Scattergood Generating Station (SGS) are sequenced. Unit 3 repowering will be completed as of December 31, 2015 and Units 1 and 2 by 2024. Therefore, there may be times during an outage for Units 1 and 2 where there will not be circulating water pump flows, when there could be discharges from the Unit 3 low volume wastes. This discharge will be associated with power generation but not coincident with the circulating pump flows. LADWP requests that this paragraph be reworded to allow for Unit 1 and 2 outages, allowing for the discharge of low volume wastes from Unit 3. LADWP suggests the following language: **J.** The discharge of any in-plant waste streams from the Facility, specifically the discharge of low volume wastes, is prohibited.. unless there is an outage for Units 1 and 2. At this time low volume waste discharges from the new Unit 3 are allowed as long as all effluent limits are met.	Regional Water Board staff disagrees. The purpose of this provision is to limit the discharge of any internal waste to the ocean when the once-through cooling (OTC) water is not discharging. The reasonable potential analyses conducted on the monitoring data took into consideration the approved dilution credit that was based on the design flow of the outfall including the once-through cooling water. Effluent limitations were derived using the approved dilution credit as well. Since facility modifications to eliminate OTC water are already underway, there will be occasions when discharges of low volume waste from Unit 3 repowering units (Unit 4, 5, 6, and 7) which do not utilize OTC water will be required and Units 1 and 2 will not be operational because of maintenance or construction. During those times, the Discharger will be required to meet the water quality objectives in Table 1 of the Ocean Plan with no dilution. This will ensure that the beneficial uses of the receiving water body are protected. The monitoring frequency for discharges of low volume waste absent the OTC water will be once per month. Paragraph J in Section III of the revised tentative Order on page 5 has been revised as follows: J. The discharge of any in-plant waste streams from the Facility, including but not limited to ~~specifically~~ the discharge of low volume wastes, is prohibited unless coincident with circulating water pump flows related to	The changes noted have been incorporated.

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			power generation or critical system maintenance. This provision is not effective when Units 1 & 2 are out of operation, in which case Units 4, 5, 6, and 7 from Unit 3 repowering may discharge low volume wastes subject to all applicable water quality objectives from the Ocean Plan Table 1 with no allowance for dilution. This prohibition otherwise is effective until the Facility achieves final compliance with the OTC Policy, prior to which the terms and provisions of this Order shall be reconsidered to account for the change of operation at the Facility. Consistent modifications are included in the following sections: Tables 5 and 6 of the revised tentative Order (pages 7 and 8), Section IV.B and C of the revised tentative Monitoring and Reporting Program (pages E-9 and E-10), and Tables 24 and 25 of the revised tentative Fact Sheet (pages F-43 and F-44).	
Discharger	2 & 3	**Page 5, Section IV. Effluent Limitations Table 4. Bis 2 Ethylhexyl phthalate and DDT and** **Page 9. Table 8. Effluent Limitations for in-plant Wastestreams — Bis 2 Ethylhexyl phthalate** LADWP is concerned that parameters are being added to the effluent monitoring program where LADWP does not use or add these constituents to the effluent waste stream. The Scattergood Generating Station withdraws seawater for cooling from the Santa Monica Bay in the vicinity of 1) The Hyperion Wastewater Treatment Plant outfall, 2) Chevron El Segundo Refinery Offshore Terminal, and 3) numerous storm water outfalls. All of these other operations, in addition to extensive human uses of the area beaches and water, contribute pollutants to the local waters not found or used in the operation of Scattergood Generating Station and its cooling water system. If included in the revised Scattergood NPDES permit, some allowance for concentrations of those pollutants not used at Scattergood is warranted in acknowledgement of the likelihood that intake waters were contaminated by actions outside the control of Scattergood.	As mentioned in the Fact Sheet, the need for effluent limitations based on water quality objectives in Table 1 of the Ocean Plan was evaluated in accordance with section 122.44(d) and guidance for statistically determining the "reasonable potential" for a discharged pollutant to exceed an objective. For bis (2 ethylhexyl) phthalate, there were three detected events: May 12, 2010 (660 µg/L), May 4, 2011 (6.5 µg/L), and May 1, 2013 (5.3 µg/L), respectively. The reasonable potential analysis result indicated that an effluent limitation for this pollutant is required. When calculating the effluent limitation, the dilution credit has been included. The addition of a mass limitation of bis (2 ethylhexyl) phthalate for the in-plant wastestreams in Table 8 of the tentative permit is in compliance with the Program Implementation for powerplant dischargers in the 2012 Ocean Plan. Please refer to Section IV.C.4 (WQBEL Calculations) of the Fact Sheet for details. Therefore, effluent limitations for bis (2 ethylhexyl) phthalate will not be removed from the tentative permit. As to DDT, the effluent limitation was developed based on	None required.

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		Constituents such as fecal indicator bacteria, phthalates, etc. are not used at Scattergood and therefore are not added to the effluent discharged by the facility. LADWP requests the ability to evaluate all discharge monitoring results using concurrent sampling of intake waters. Recent events (circa 24 September 2015) in the Santa Monica Bay highlight the need for this, including the recent discharge of medical waste that forced the closure of area beaches. These events would have impacted SGS under the proposed discharge limits. In particular both DDT and Bis 2 ethylhexyl phthalate are legacy pollutants and ubiquitous to the environment. As mentioned above, the SGS does not add or use material that would contribute these pollutants. Bis 2 ethylhexyl phthalate is a ubiquitous plasticizer used in the manufacturing of plastic products. This chemical is not used or produced at the facility, but it easily contaminates samples that come into contact with any plastic surface, and even short term contact can result in positive test analyses. This chemical can be found virtually everywhere plastic is found. DDT is an organochlorine pesticide that has been banned since the 1970s. This chemical is not used or produced at Scattergood, but it is ubiquitous in the nearshore environment. LADWP respectfully requests that these parameters be removed from the monitoring program, at the very least, if the Regional Board disagrees, then intake and/or dilution credits be allowed for compliance.	the waste load allocations (WLAs) included in the *Santa Monica Bay TMDLs for DDTs and PCBs* issued on March 26, 2012. As described in section 6.2 of the TMDL (Wasteload Allocations), the WLAs are to be translated into Water Quality-Based Effluent Limitations (WQBELs) with no further adjustment for dilution credit or background concentrations. In section 8.1 of the *Santa Monica Bay TMDLs*, U.S. EPA recommends the concentration-based WLAs be implemented as an average monthly WQBEL in permits. Please refer to Section IV.C.5 (DDT and PCBs) of the Fact Sheet for details. Therefore, the effluent limitation for DDT will not be changed. Even though these pollutants are not used at the Facility, the Discharger is responsible for complying with effluent limitations for all pollutants included in the permit. The 2012 Ocean Plan does not permit the option to include intake credits.	
Discharger	4	**Page 7, Table 5 and Table 6 pH for Low Volume Wastes** The in-plant waste stream low volume wastes do not discharge directly from locations INT 001 A and 001 B, these waste streams are comingled in the settling tanks before discharging to the inverted siphon and then to the stop log chamber and finally the discharge structure to the ocean. Depending upon the regeneration process, the pH can vary substantially, but the pH from the settling tank is always within the effluent limits of 6.0 — 9.0 before discharge to the ocean. Since this is an in-plant waste	Regional Water Board staff disagrees. The pH limitation is based on Effluent Limitations, Guidelines, and Standards (ELGs) at 40 CFR part 423 as specified on page F-20 of the Fact Sheet. The regulation states: “The pH of all discharges, except once-through cooling water, shall be within the range of 6.0 – 9.0 standard units [40 CFR. § 423.12 (b) (1)]” The internal waste streams enumerated include low	None required

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		stream and will not impact the receiving water, LADWP requests that the pH limits be removed.	volume wastes. Hence, the pH limitation specified is applicable to the enumerated internal waste streams.	
Discharger	5	**Page 8, Table 7. Cooling Tower Blowdown Effluent Limitations** Due to the current construction that will be on going until 2024, for health and safety reasons to the personnel working in and around the cooling tower area, the cooling tower must be chlorinated continuously. In addition, the blow down takes two to three days in order to achieve the desired conductivity. The tentative permit does not allow for this type of operation. LADWP requests for personnel health and safety, that the footnote in Table 7 be changed to allow continuous chlorination. In addition, the tentative permit needs to be modified to allow for the extended blow down.	40 CFR section 423.13(d)(2) stipulates: "Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the Regional Administrator or State, if the State has NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination." The effluent limitation and associated requirements are implementing the applicable regulations. Hence, they will not be modified.	None required.
Discharger	6	**Page 10, Bacteria Characteristics, and page E-7 Table E-2 Final Effluent Monitoring Location EFF-001.** The SGS does not have any septic systems on site, nor are the sanitary wastes added to the waste streams that discharge to the ocean. As noted on the schematic, the domestic waste is discharged to the sanitary sewer. SGS does not have an activity that would add bacteria. In addition, for safety reasons, LADWP does not allow shell fish harvesting at the SGS intake, By contrast, indicator bacteria are likely to be present in the intake to the generating station, and detections of indicator bacteria occur frequently at the beaches and in ocean water offshore of the Southern California coast. In addition, the Monitoring and Reporting Program (at p, E-7) requires final effluent monitoring for indicator bacteria at EFF-001. LADWP asserts that measurements of indicator bacteria in plant effluent will be indicative only of the presence of indicator bacteria in intake water, and not of the addition of indicator bacteria by the generating station. For these reasons and as mentioned under comment #3	Regional Water Board staff acknowledges that the primary source of bacteria, the sanitary wastewater, was terminated at the Facility in 2010. The receiving water limitations for bacteria included in the tentative permit are based on the Ocean Plan water quality objectives for bacteria. In addition, the Los Angeles Water Board has adopted two TMDLs to reduce bacteria at Santa Monica Bay beaches during dry and wet weather on January 24, 2002 and December 12, 2002, respectively. Although neither TMDL assigns WLAs to the Facility, the effluent monitoring for bacteria is appropriate to ensure that discharges from the Facility are not adding to the bacteria concentrations noted in the receiving water. Therefore, semiannual monitoring for total coliform, fecal coliform, and enterococcus has been established in the Monitoring and Reporting Program (MRP) in order to generate bacteria data for the evaluation of the receiving water quality objectives. If bacteria exceedance is caused by the presence of high bacteria count in the intake water, a study of bacteria sources in the receiving water may be trigged. No changes in the tentative permit are necessary.	None required.

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		above regarding the recent incident at the Santa Monica Bay, LADWP respectfully requests that these parameters be removed from the monitoring program and that receiving water limitations for these pollutants be eliminated.		
Discharger	7	**Page 15. Section VI.C.1.e and V1.C.2.b** It is unclear to LADWP why a new dilution and mixing zone study is needed for SGS. The reduction in flow will undoubtedly reduce the mixing zone and associated potential impact upon the receiving waters beneficial uses. Furthermore, no such study was required of the El Segundo Generating Station despite a greater reduction in discharge volume at El Segundo Discharge 002 with the decommissioning of their Unit 3. Since associated impacts will be reduced, LADWP requests that at most, a new desktop calculation should be made to estimate the mixing zone and dilution credit resulting from the decommissioning of SGS Unit 3.	Regional Water Board staff disagrees. The existing dilution ratio of 9.7 to 1 for Discharge Point 001 was approved by the State Water Board based on a total discharge flow of 495.6 million gallons per day (MGD) from Generating Units 1, 2, and 3. Once Unit 3 is offline as scheduled by December 31, 2015, the once-through cooling water flow will be reduced by 55% resulting in a maximum flow of 226 MGD. Regional Water Board staff believes that the significant reduction in the effluent flow will affect the initial dilution (Dm) applicable to the once-through cooling water effluent. Computer modeling shall be conducted to determine the mixing zone and dilution ratio for the discharge at the reduced flow. A tracer study may be required to verify the computer simulation results and identify the boundary of the mixing zone. The El Segundo Generating Station will be issued a new NPDES permit if it continues to discharge waste waters through its existing outfall after the decommissioning of its Unit 3. A new dilution and mixing zone study will be required in the proposed permit.	None required.
Discharger	8	**Page 20. Section VII Compliance Determination, paragraph K — Chronic Toxicity, Page E-7 Table E-2, and page E-14 Monitoring Program Item #6 a.** LADWP has concerns regarding the use of the Test of Significant Toxicity (TST) approach to determine the chronic toxicity of the effluent samples. The TST methodology, although supported by Region IX of the Environmental Protection Agency (EPA), has not been through a federal or state rulemaking process, and is not fully approved for inclusion as part of permit testing requirements. Because of differences between the TST and traditional statistical methods for evaluating effluent toxicity, the TST has the	The protocol can only be legally binding when implemented in a permit. The TST statistical method as required in the tentative permit allows the Discharger to analyze the five concentration samples. However, only the control and the instream waste concentration (IWC) will be evaluated to determine if the chronic toxicity testing using the TST approach results in a Pass or Fail result. The TST statistical analysis is the superior approach for addressing statistical uncertainty when used in combination with U.S.EPA's toxicity test methods. EPA believes that the TST is superior to the 5 concentration NOEC-LOEC approach and the TST statistical analysis is	None required.

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		potential to return false positives for toxicity in samples at a significantly higher rate than the design failure rate of 5%. EPA, in its own document describing this methodology (June 2010 Guidance, which has not been through a formal rulemaking process), indicates in the Notice and Disclaimer section that EPA "believes" this is another statistical approach to determining toxicity but also states that the document "does not and cannot impose any legally binding requirements... on permittees...". Further, as noted in the permit Fact Sheet at p. F-38, "chronic toxicity data did not demonstrate statistical reasonable potential," and LADWP believes that it is unlikely that effluent from the generating facility will cause chronic toxicity. The Fact Sheet also notes at p. F-39 that the Ocean Plan establishes a daily maximum chronic toxicity objective of 1.0 TUc = 100/NOEC, using a 5-concentration hypothesis test. Because the TST does not require a 5-concentration hypothesis test (rather, it uses only a control and a single effluent sample at the instream waste concentration, or IWC), and because to our knowledge the Ocean Plan has not been amended to modify the toxicity objectives, LADWP believes that the use of the TST is contrary to state policy. LADWP recommends that, since the TST methodology has not yet been approved and included in the State's Toxicity Policy (which remains in development) and is also the subject of current litigation, the TST methodology requirement be removed and that the chronic toxicity testing using the *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to West Coast Marine and Estuarine Organisms* (EPA/600/R-95/136) be retained. This methodology is specific to west coast organisms and applicable to the discharges from the SGS.	implemented in federal permits issued by U.S. EPA Region 9. The rationale for the chronic toxicity limitation has been explained in Section IV.C.8. of the Fact Sheet. The Whole Effluent Toxicity Testing Requirements using the TST approach have been included in the recently issued permits by the Los Angeles Regional Water Board.	
Discharger	9	**Page E-7, Section Attachment E MRP. Table E-2.** The SGS tentative permit requires the effluent flow to be metered. This would be extremely difficult for the following reasons: 1 The effluent that discharges through the circulating water	Regional Water Board staff acknowledges the difficulty associated with the installation of a flow meter at Discharge Point 001. The requirement of metering effluent flow at Discharge Point 001 has been revised. The Discharger shall continue to implement the current methodology of estimating the daily flow at the effluent	Changes have been made.

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		outfall is buried under Vista Del Mar and the screen bay area. Placing a meter in this area would require excavating into the screen bay area, which would consist of digging down through Vista Del Mar. 2. By installing an insertion gauge (needed for desired accuracy) there is a risk of compromising the existing pipe. 3 An access vault would also need to be installed so the meter could be accessed. 4. The construction would require a shutdown of SGS in order to drain the circulating water pipe, to isolate the circulating water pipe and make it safe for work. Currently the volume in the monthly report is calculated based on the hours of run time for each pump. The operators utilize a reading sheet and are required to record when they turn on and off each pump. The nameplate flow rate for the pumps is then used in a calculation to figure out the flow. The nameplate flow rate is the highest flow rate the pump can produce in new condition. Therefore, by using this calculated method to determine the flow rate, **a** more conservative value is reported. LADWP requests that the current methodology of calculating the outfall discharge be allowed and the permit be changed to allow for the use of the current calculation methodology to calculate the daily flow.	monitoring location EFF-001.	
Discharger	10	**Page E-5, Section II Monitoring Locations, Table E-1 Monitoring Station Locations** LADWP is concerned about the monitoring locations for INT-001D and INT-001F. At INT-001D, this location will be demolished in the upcoming year and therefore will not be accessible after December 31, 2015. Location INT-001F does not have any drainage areas west above elevation 34. LADWP suggests that these locations be deleted from the permit.	As long as the monitoring location is accessible and storm water flow is available, storm water monitoring shall be conducted as proposed at the monitoring locations. When the monitoring location is no longer used, the self monitoring report must include documentation of the current status.	None required.

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Discharger	11	**Page E-12, Section Attachment E - MRP. Section V.A.5.** Only red abalone, sea urchin, and sand dollar are listed as invertebrate test species. This limits testing to animals that can be seasonal or otherwise unavailable in good, test-worthy condition. LADWP suggests that the list be expanded to include mussels and oysters to be consistent with the California Ocean Plan, the current NPDES permit, and toxicity methods, to maximize available species so seasonal or test organism supplier issues do not disrupt testing.	Regional Water Board staff agrees. The invertebrate test species will not be limited to these three species. The related statement on Page E-13, Section V.A.5. will revised as follows: "… The Discharger shall rescreen with the fish, an invertebrate ~~(the purple sea urchin, the sand dollar, or the red abalone)~~, and the algae species previously referenced and continue to monitor with the most sensitive species. …"	Changes have been made.
Discharger	12	**Page E-19, Section Attachment E- MRP, Table E-8.** Pesticides are included as a parameter for Mussel Bioaccumulation Monitoring, which differs from El Segundo Generating Station's NPDES permit (Order R4-2015-0029). Since the SGS tentative permit indicates that the Receiving Water Monitoring Requirements may *be performed as a joint effort with the El Segundo Power, LLC in connection with the receiving water monitoring program for the El Segundo Generating Station."* LADWP suggests that the receiving water monitoring requirements remain consistent across the two permits. Because the SGS does not produce or discharge pesticides, the requirement to monitor bioaccumulation of pesticides should be removed.	Regional Water Board staff agrees to remove pesticides from the monitoring list for the Bioaccumulation Monitoring. Pesticides are not listed as pollutants of concern for the Santa Monica Bay. PAHs, DDT and PCBs are already included in the Bioaccumulation Monitoring program.	Changes have been made.
Discharger	13	**Page E-20, Paragraph D. Impingement Survey Table E-9, Footnote 1.** The SGS tentative permit as written does not take into account those times when heat treats may need to be postponed due to operating needs. LADWP requests that language be inserted to allow for this adjustment. LADWP suggests the following language for footnote 1: 1. Impingement sampling... <u>may</u> be conducted at least...	Regional Water Board staff disagrees. The existing footnote does not require the impingement sampling coincide with heat treatment. It may be conducted when the heat treatment is not occurring. However, the sampling frequency should be at least once every two months.	None required.
Discharger	14	**Page E-22, Section IX. Other Monitoring Requirements, paragraph B 1. Monitoring for Discharges of Calcareous**	The provision will be retained in the permit. However, if no discharge of calcareous material to the receiving water	None required.

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		Material SGS has not performed any intake structure maintenance in the receiving water for over 10 plus years and it is unlikely that discharge of calcareous material will be performed in the receiving water any time in the foreseeable future. Therefore, LADWP requests that this provision be deleted from the permit.	occurs at the Scattergood Generating Station, no observations or measurements shall be recorded. The Self Monitoring Report should say that no discharge of calcareous material has occurred if this is true for the specified monitoring period.	
Discharger	15	**Page 16, Section VI. Provisions, C. Special Provisions, Paragraph 5. Other Special Provisions, a. Discharges of Storm Water** The General Industrial Storm water Permit may not apply to SGS after the repower of Unit 3 since there will not be any industrial point source discharges from the facility except those covered by the NPDES wastewater permit. Therefore, since the NPDES wastewater permit will address the storm water discharges, and the General Industrial Storm water Permit will not apply, LADWP suggests that the tentative permit be modified to include wording that takes into consideration the change. LADWP recommends the following language be inserted in the permit: Due to the changes to the SGS facility that eliminates the storm water point sources from the facility, and should the Permittee terminate its coverage under the General Industrial Storm water permit, the discharger shall continue to maintain and implement the Storm water Pollution Prevention Plan (SWPPP),	The SGS is required to develop and implement an updated SWPPP as specified in Section VI.C.3.a. of the tentative Order. Regional Water Board staff agrees to insert the requested language in the permit and make the minor correction in Section VI.C.5.a. as follows: "Except for storm water authorized under this Order to be discharged through Discharge Points 001~~2~~, the Discharger shall maintain coverage under General Permit No. CAS000001 and, except as otherwise authorized by this Order, shall meet the requirements of that general permit for the control of storm water discharges from the Facility. If the Discharger terminates its coverage under the General Industrial Storm water permit, the Discharger shall maintain and implement the SWPPP."	Changes have been made.