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May 5, 2017

ELECTRONIC MAIL

Mr. Mazhar Ali  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4th Street, Suite 200  
Los Angeles, California 90013

**Re: Comments on Revised Tentative Waste Discharge Requirements and Tentative Time  
Schedule Order – City of Redondo Beach, Seaside Lagoon (NPDES No. CA0064297)**

Dear Mr. Ali:

The City of Redondo Beach ("City") welcomes the opportunity to comment on the revised Tentative Waste Discharge Requirements for the City of Redondo Beach, Seaside Lagoon, as set forth in Tentative Order No. R4-2017-xxxx, NPDES No. CA0064297 ("Revised 2017 Order") and Tentative Time Schedule Order No. R4-2017-YYYY ("TSO"). The City appreciates the coordination and cooperation provided by the Los Angeles Regional Water Quality Control Board ("Regional Board") and its staff in developing waste discharge requirements that are both protective of water quality and allow the City to feasibly operate this truly unique public recreational asset. As discussed below, the City has several concerns regarding the Revised 2017 Order and the proposed TSO.

The Regional Board has requested that comments be confined to new modifications identified in the Revised 2017 Order, and the City accordingly has limited its comments to those modifications. Nevertheless, the City reserves and reasserts each and every comment made in its comment letter of January 26, 2017.

As you know, Seaside Lagoon has provided safe water recreation to the general public for over fifty years. It also bears reminding that Seaside Lagoon is a unique body of water that requires practical solutions. The Lagoon uses source water exclusively from the Santa Monica Bay and King Harbor, and the City generally cannot control many pollutant loads in Lagoon discharge. As a result, the City seeks fair regulatory treatment for the Lagoon to ensure its continued viability as a public recreational facility. We respectfully request the Regional Board will take our additional comments into consideration prior to adopting the Revised 2017 Order and TSO.

## 1. NEW ORDER AND TSO EFFECTIVE DATE AFTER 2017 OPERATING SEASON

The City request that the Revised 2017 Order and TSO become effective after the 2017 operating season, on September 11, 2017. The TSO requires a new effluent monitoring location further upstream and away from the tidal influence. The City will need to modify the effluent sampling location to add a monitoring station. Every potential upstream location is within the facility's footprint and therefore will require partial, if not full, closure of the facility to ensure public safety during the construction period. In addition, the new sampling and monitoring requirements require significant increased tracking and technical analysis which will require additional coordination with the laboratory and technical consultant that will take time to implement into contracts. Therefore, we request the Tentative 2017 Order and TSO be effective on September 11, 2017. In addition, we request that the Order expire following the 2022 operating season, which would be on September 11, 2022.

## 2. MONITORING OF BACTERIA LEVELS WITHIN THE LAGOON ARE NOT WITHIN THE REGIONAL BOARD'S JURISDICTION

Public safety and health, particularly for the many young persons that annually recreate at Seaside Lagoon, are issues of paramount importance to the City. At an elementary level, the Lagoon is a public swimming pool that must be maintained for the benefit and safety of its users. To that end, Seaside Lagoon is subject to robust water quality standards and monitoring requirements developed and enforced by the California Department of Public Health and the Los Angeles County Department of Public Health. While the City shares in the Regional Board's and Heal the Bay's concerns over public safety and health, these matters are required to be addressed by those public health officials statutorily charged with regulating public swimming pools. The Revised 2017 Order's Special Study (Provision VI.C.2.b) and new monitoring requirements (Section IV of Attachment E, Monitoring and Reporting Program) for bacteria levels within the Lagoon are redundant and in excess of the Regional Board's jurisdiction.

California water quality standards within public swimming pools are set forth in Title 22 of the California Code of Regulations ("Social Security"). These standards require that "every public swimming pool, including swimming pool . . . operation, source of water supply, amount and quality of water recirculated and in the pool, method of water purification, lifesaving apparatus, measures to insure safety of bathers, and measures to insure personal cleanliness of bathers shall be such that the public swimming pool is at all times sanitary, healthful and safe."

For example, Seaside Lagoon must maintain a standard bacteria plate count of no more than 200 colonies per milliliter and a total number of coliform organisms of no more than 1 colony per 100 milliliters, if the membrane filtration technique is used. Separately, the Los Angeles County Code includes, among other bacteria standards, an average coliform index limit of five coliform organisms per milliliter for all samples collected during a 30-day period. To achieve these standards, the City must maintain a chlorine residual between one and ten parts per million within Seaside Lagoon, and must conduct chlorine sampling within the Lagoon on a daily basis.



The enforcement of these public pool safety standards is properly within the jurisdiction of state and local public health officials. The Regional Board's jurisdiction, on the other hand, is primarily over discharges from the Lagoon into the King Harbor receiving water, not the contents of the Lagoon itself. The Porter–Cologne Act vests the Regional Board with the authority to “prescribe waste discharge requirements for all persons discharging waste into inland surface waters, enclosed bays and estuaries within their jurisdiction.” Similarly, the Clean Water Act authorizes the Regional Board to issue NPDES permits that include conditions for the “discharge of any pollutant, or combination of pollutants” from point sources into navigable waters of the United States. The Regional Board's authorizing statutes are triggered once water is discharged from the Lagoon into King Harbor, but not while the water is used by Seaside Lagoon in its capacity as a public swimming pool.

In this case, the Revised 2017 Order's proposed special study and monitoring requirements for bacteria are similar to requiring monitoring of process streams within a treatment facility. Just as the Regional Board cannot dictate the manner of treatment, it should not set requirements within the Lagoon. The City requests that the special study and additional bacteria monitoring requirements be removed from the Revised 2017 Order.

### 3. PROPOSED INTERIM EFFLUENT LIMITS IN THE TENTATIVE TSO MAY STILL RESULT IN NON-COMPLIANCE

The City appreciates the Regional Board staff's preparation of a TSO to allow the City time to come into compliance with final effluent limits. A comparison of the proposed interim limits to recent effluent data (i.e., 2015-2016) indicates that the Seaside Lagoon effluent may be able to consistently comply with the interim limits. However, a review of effluent data since 2011 shows considerable variability in the data which results in a lower probability of compliance as shown in Attachment A. The variability of the data is more than likely a result of the intake water quality and not a result of the Lagoon's operations.

To evaluate whether the discharge can consistently comply with proposed effluent limits, the City bases its analysis on guidance provided in the Technical Support Document for Water Quality Based Toxics Control (TSD) as discussed further in Attachment A. Specifically, consistent compliance is determined to be only exceeding the interim limit once in three years or complying with effluent limits 99.91% of the time for the Maximum Daily Effluent Limitations and 97.2% of the time for Average Monthly Effluent Limitations. Table 1 summarizes the analysis of the probability of compliance with the proposed interim limits based on recent data (after 2014) and based on the full data set (since 2011).

Statistical probabilities cannot be determined for Thallium because the data is mostly below detection limits. However, compliance is likely based on the fact that most of the values are below the detection limit. Based on recent data, consistent compliance is likely for all constituents except for the compliance with the copper interim AMEL. However, compliance with interim limits is unlikely for all constituents if the full data set since 2011 is considered.

Table 1. Compliance Probabilities with Tentative Interim Limits Proposed in TSO

	Average Monthly				Maximum Daily		
	Interim Limit	Probability of Compliance (full dataset)	Probability of Compliance (data >2014)		Interim Limit	Probability of Compliance (full dataset)	Probability of Compliance (data >2014)
Copper	15	93.62% <sup>[a]</sup>	93.10%		58	99.90% <sup>[a]</sup>	99.90% <sup>[a]</sup>
Selenium	224	87.99%	100.00%		286	92.98%	100.00%
Silver	35	91.66%	99.91%		38	92.92%	99.95%
Thallium	11	--	--		20	--	--
Zinc	616	96.49%	99.94%		933	98.67%	99.99%

[a] The outlier 80 µg/L was removed from the dataset prior to analysis.

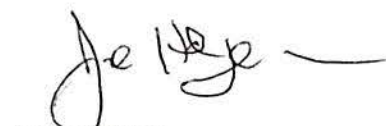
Based on this analysis and to account for the variability of the data, the City requests that a 10% margin of safety be added to the proposed interim limits.

#### 4. UPDATE OF THE LAGOON'S MAXIMUM DISCHARGE RATE

In accordance with the staff response to comments, the City is requesting a maximum daily flow rate of 3.07 MGD, which equates to a 16-hour daily run time to provide adequate pump run time for the Lagoon's normal operating hours and any other special events. The City appreciates staff's offer to modify the permit accordingly and is submitting an updated EPA Form 2E – Facilities Which Do Not Discharge Process Wastewater as Attachment B to this letter.

In conclusion, the City urges the Regional Board to take practical measures in its efforts to improve water quality in the Southern California region. The City is committed to working with the Regional Board in order to achieve our mutual goals and looks forward to continuing the constructive dialogue with Regional Board staff on these issues.

Very truly yours,



Joe Hoefgen  
City Manager

#### Attachment:

Attachment A: Analysis of Compliance with Tentative Interim Limits

Attachment B: EPA Form 2E – Facilities Which Do Not Discharge Process Wastewater

cc: Honorable Mayor and Members of the Redondo Beach City Council  
Michael W. Webb, City Attorney, City of Redondo Beach  
Mr. Samuel Unger, Executive Officer, Los Angeles Regional Water Board