



CITY OF SIMI VALLEY

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October 17, 2019

Renee Purdy, Executive Officer
Watershed Regulatory Section
Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Comments on Simi Valley Water Quality Control Plant Tentative NPDES Permit

Dear Ms. Purdy,

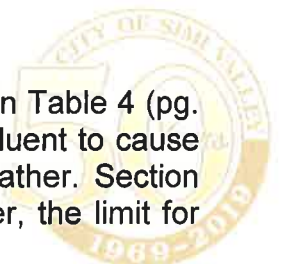
Thank you for the opportunity to comment on the Tentative NPDES Permit. The City of Simi Valley (City) has reviewed the September 18, 2019, Tentative Order issued by your office for our Water Quality Control Plant (WQCP). We have a number of concerns as discussed in more detail herein. The City requests the following revisions be made to the Tentative Order:

- The requirement for Wet Weather concentration limits for salts be removed.
- Provisions be made for complying with salt limits during drought conditions from climate change.
- Effluent limits for MBAS should be deleted because there is no reasonable potential for this constituent.
- Numeric effluent limits for Toxicity be changed to a trigger to be consistent with the toxicity TMDL.
- Requesting reduction to Monitoring Program frequency for selected constituents.
- Receiving Water Monitoring Program to align with Gov. Newsom's Water Resilience Portfolio, and with the regulatory requirements of Ventura County MS4 permit.

The reasons and justifications for these requests are detailed below. In addition, Attachment A provides further comments regarding corrections and clarifications to permit language.

1. Wet weather limits for Salts

The wet weather effluent limitations for TDS, sulfate, boron and chloride in Table 4 (pg. 6) should be deleted because there is no reasonable potential for the effluent to cause or contribute to a water quality exceedance for chloride during wet weather. Section F.IV.C.2.b.vi and F.VI.C.2.b.vii, (pg. F-28) states that, during wet weather, the limit for



TDS, sulfate, boron, and chloride is based on the water quality objectives found in Basin Plan for the Calleguas Creek Watershed (CCW). However, as noted in the wet weather definition found in Section VII.O. (pg.29), "Any discharges from the Facility during wet weather would be assimilated by these large storm flows and would not cause exceedances of water quality objectives." Therefore, no reasonable potential exists during wet weather for the chloride water quality objective to be exceeded and no effluent limitation for chloride is required in wet weather. 40 C.F.R. §122.44(d)(1)(i) and (iii).

Additionally, the CCW Salts TMDL specifically identified that only dry weather allocations were needed to address any identified impairments. Therefore, only dry weather chloride effluent limitations are needed to implement the Salts TMDL WLAs.

2. Impact of climate change and drought on ability to comply with effluent limits for Salts

Section IV.A.2.c (pg. 8) of the Tentative Order states that the WQCP can meet final effluent limits for TDS, sulfate and boron. However, as a result of the drought conditions from climate change, salts levels in the water supply and the effluent have increased and are expected to increase further. Therefore, it is likely that the City will have difficulty complying with effluent limits while these conditions persist. This was recognized in previous drought resolutions, and must be recognized now in the Tentative Order.

The California Water Code allows for interim effluent limits and compliance schedules if unanticipated changes in the water supply are the cause of unavoidable changes in the composition of wastewater effluent. Specifically, §13385(j)(3)(B) (iii) states that interim requirements are allowed if:

'Unanticipated changes in the quality of the municipal ... water supply available to the discharger are the cause of unavoidable changes in the composition of the waste discharge, the changes in the composition of the waste discharge are the cause of the inability to comply with the effluent limitation, no alternative water supply is reasonably available to the discharger, and new or modified measures to control the composition of the waste discharge cannot be designed, installed, and put into operation within 30 calendar days'

One of the goals of the CCW Salts TMDL was to establish a procedure to address drought conditions and to reasonably protect beneficial uses while still accounting for the increased salt loads in the incoming water supply. The process allows for the POTWs to offset increased effluent concentrations by removing salt load from another source (like groundwater desalting) and the wasteload allocations include an adjustment factor that allows for consideration of this process. However, implementing this process requires the development of watershed infrastructure and projects that are not yet in place. The CCW Salts TMDL provided a compliance schedule that would allow time to

implement these projects and develop a watershed solution to bring the watershed into a salt balance. The POTW discharges cannot be considered independently of the watershed solutions in determining the need for a compliance schedule. Until the full watershed solution is implemented, climate change and drought conditions will cause increased concentrations in POTW effluent that cannot be predicted or be reasonably addressed through actions conducted at the wastewater treatment plant. The purpose of the TMDL was to provide the time and structure necessary to develop the watershed solutions and POTWs should be given the time provided in the TMDL to ensure they do not exceed effluent limitations during drought conditions prior to the construction of watershed solutions to offset increased loads and reasonably protect beneficial uses.

3. Effluent limit for MBAS

An effluent limit for MBAS is included in Table 4 (pg. 6) that is set equal to the drinking water Maximum Contaminant Level (MCL) of 0.5 mg/L. During ten years of monitoring MBAS, neither the effluent nor ambient data exceed the MCL, with a maximum observed effluent concentration of 0.21 mg/L and a maximum ambient concentration of 0.39mg/L. Therefore, there is no reasonable potential for the effluent to exceed the MCL. Section IV.C.2.b.viii. of the Fact Sheet (pg. F-30), states that this effluent limitation “was developed based on the Basin Plan incorporation of Title 22 Drinking Water Standards... to protect the surface water MUN beneficial use.” However, MUN is not applicable to the surface receiving waters as is stated in footnote 1 of Table F-4 (pg. F-13) of the Tentative Order. MBAS is discussed in Chapter 3 of the Basin Plan in the section covering Regional Objectives for Inland Surface waters, which clearly states that this objective only applies to [surface] waters designated MUN. Title 22 MCLs are also referenced under the Groundwater objectives. However, even though groundwater recharge is not considered an acceptable justification to apply these objectives to the Simi Valley discharge, MBAS is not specifically listed in the Tables referenced from Title 22 in Chapter 3 of the Basin Plan in the section under Groundwater – Chemical Constituents and Radioactivity (Basin Plan, pg. 3-18). Furthermore, Groundwater Recharge (GWR) is not a recognized or mandatory Clean Water Act use, so protection of this use is not required by federal law and requires additional analysis under Water Code sections 13263 and 13241 prior to imposing such an effluent limitation that is more stringent than required by federal law. *City of Burbank v. SWRCB*, 35 Cal. 4th 613, 618, 628 (2005). Further, application of MCLs at end of pipe ignores dilution in receiving waters and removal through soil aquifer treatment. No evidence has been presented that there is a lack of assimilative capacity in local aquifers that would justify an end-of-pipe effluent limit for MBAS equal to the MCL.

In addition, Attachment F, Section IV.C.2.b.viii. (pg. F-30) goes on to say that “given the nature of the Facility which accepts domestic wastewater into the sewer system and treatment plant, and the characteristics of the pollutants discharges, the discharge has reasonable potential...” This is not an adequate justification for requiring an effluent limit for MBAS (or any other pollutant without reasonable potential). The fact that a pollutant may be present in domestic wastewater in no way correlates with its potential for that pollutant being discharged at a level that impacts the beneficial uses of the receiving water or causes an exceedance of an applicable water quality standard. This

same reasoning would apply to *any* constituent that is regularly detected in wastewater treatment plant effluent and, unless the concentration of the constituent exceeds water quality criteria, the constituents are not assigned effluent limits. 40 C.F.R. §122.44(d)(1)(iii).

Therefore, given that the water quality criteria is not applicable and that, if it were, effluent and ambient concentrations never exceed the criteria, the City requests that the effluent limit for MBAS be removed.

4. Toxicity effluent limits and provisions

Numeric effluent limitation for chronic toxicity are listed in Table 4 (pg. 7) of the Tentative Order as 'Pass' as a Median Monthly Effluent Limitation (MMEL) and 'Pass or <50% effect' as a Maximum Daily Effluent Limitation (MDEL). These limitations are consistent with the aquatic toxicity provisions in the State Water Resources Control Board (SWRCB) First Revised Draft Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (First Revised Draft ISWEBE)¹. However, these limits are not consistent with Toxicity TMDL (Resolution No. R4-2004-009) which states that

"WLAs would be implemented as a trigger for initiation of the TRE/TIE process as outlined in EPA's 'Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program' (2000) and current NPDES permits held by dischargers to the CCW."

Therefore, the City requests that the numeric effluent limits be changed to a trigger to be consistent with the Toxicity TMDL.

In addition, there are two aspects of the toxicity implementation in the Tentative Order that are not consistent with the toxicity provisions in the First Revised Draft ISWEBE including:

- sensitive species screening,
- triggering of toxicity reduction evaluations (TRE).

The Tentative Order specifies accelerated monitoring on an exceedance of the effluent limitations with an additional four toxicity tests at approximately two-week intervals, and if any of the tests fail, a TRE would be initiated and accelerated monitoring ended. Per the First Revised Draft ISWEBE, there is no accelerated monitoring after an exceedance of the effluent limitations², and a TRE would only be triggered³ if two or

¹https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/toxicity_2019_provisions_1strevdraft.pdf

²If routine monitoring is a longer frequency than monthly and an effluent limitation is exceeded, monitoring is required in the concurrent month.

more effluent limitations are exceeded within two concurrent months (two in one month, or two or more over two concurrent months).

In Section V.A.22.c (pg. 10), the Tentative Order receiving water limitations require accelerated toxicity testing for the effluent if downstream receiving water toxicity cannot be attributed to upstream receiving water toxicity⁴. The First Revised Draft ISWEBE does not contain accelerated monitoring and there is no discussion of linking receiving water results to actions for the effluent in the toxicity provisions.

Therefore, the City requests that the requirement to conduct accelerated testing be removed to be consistent with the Statewide Toxicity Provision.

As discussed below under Clarification and Corrections, if accelerated testing is required, the City is requesting that language be added to state that accelerated testing under this circumstance would not be required if the effluent results could not be linked to the downstream receiving water toxicity.

5. Monitoring Program Modifications

Consistent with State Board Resolution 2013-0029 regarding 'Reducing Costs of Compliance while Maintaining Water Quality Protection' and in support of Gov. Newsom's Water Resilience Portfolio, Water Board staff should work with Permittees to identify duplicative or unnecessary monitoring during reissuance of NPDES permits.

We request the following changes to the monitoring program to reduce unnecessary monitoring:

- Monitoring under the approved Calleguas Creek Watershed TMDL monitoring program has established quarterly as the necessary monitoring frequency for determining compliance with the TMDL requirements. It is requested that the monitoring frequencies for effluent (Table E-3) and receiving water (Table E-7) for all nitrogen and phosphorus compounds, copper, mercury, and nickel be reduced from monthly to quarterly consistent with the approved TMDL monitoring program.
- Receiving Water toxicity and priority pollutant monitoring data under Ventura County MS4 permit be used to comply with monitoring requirements on Table E-7.
- Because chlorinated pesticides and PCBs have not been measured at concentrations above detection limits, the monitoring frequencies listed in Tables E-3 (Effluent Monitoring) and E-7 (receiving water monitoring requirements) for all these constituents should be reduced from quarterly to semi-annually. Based on historic data, more frequent monitoring is unnecessary. Specifically, this change is requested for 4,4-DDD, 4,4-DDE, 4,4-DDT, Dieldrin, Chlordane, Heptachlor epoxide, PCB (congeners and arochlors), and 2,3,7,8-TCDD.

³ A TRE may be required if there is evidence of toxicity (e.g. fish kills), or recurring intermittent toxicity.

⁴ "...if toxicity is observed upstream and downstream of the discharge, but effluent passes toxicity no accelerated monitoring is triggered."

- The requirement to test for PCB congeners in the influent (Table E-2) should be removed. PCB congener concentrations in receiving waters and effluent are always below detection limits so there is no reason to measure influent levels.
- For the last ten years, MBAS has below the water quality objective. It is requested that effluent and receiving water monitoring frequency for MBAS be reduced from monthly to quarterly.

As noted above, additional comments, clarifications and corrections are provided in Attachment A to this letter. Thank you for the opportunity to provide these comments. If you have any questions regarding the District's comments, please contact me at MMoise@simivalley.org or 805-583-6443.

Sincerely,



Mark Moise,
Plant Operations Supervisor

Attachment A - Comments on Tentative Order Dated 09/18/19 for the Simi Valley Water Quality Control Plant

COMMENT NUMBER	TO PAGE #	TO SECTION	COMMENTS
1	6	IV. A. 1. Table 4	The wet weather effluent limitations for TDS, sulfate, and chloride in Table 4 should be deleted because there is no reasonable potential for the effluent to cause or contribute to a water quality exceedance for salts during wet weather.
2	6	IV. A. 1. Table 4	For clarification of Ammonia Limit - Why is the factor of 2.9 used when calculating the Maximum Daily limit in lbs/day when the Maximum Daily concentration limit is 3.3 mg/L?
3	7	IV. A. 1. Table 4	The TST is the comparison of 100 percent effluent to a control without the use of a multi-concentration dose response, and without the Percent Minimum Significant Difference (PMSD) used to determine the effect of toxicity. These all represent unpermitted and unauthorized modifications to the approved regulatory test methods for determining chronic toxicity contained in the 2002 Methods formally adopted by the USEPA in 40 C.F.R. Part 136. Because there is no longer an approved Alternative Test Procedure (ATP) in California allowing these modifications, their use is unlawful and should not be included in the Simi Valley Water Quality Control Plant (SWQCP) permit.
4	7	IV. A. 1.	Effluent Limitations - Footnote 12 describes a TUC limit based on the Calleguas Creek TMDL. However, the effluent limitation in the Table is described as a TST Pass/Fail and % effect result. Please clarify whether toxicity test data should be reported as TUC in addition to TST.
5	8	IV. A. 1. Table 4	Limits for 4,4, DDE, 4,4, DDD, and 4,4, DDT cannot be met with current test methods. Permit limits are 0.00059 ug/L, 0.00084 ug/L, and 0.00059 ug/L respectively. MDL's are 0.0029 ug/L, 0.0038 ug/L, and 0.0038 ug/L respectively.
6	8	IV. A. 1. Table 4	Limits for Dieldrin, Chlordane, and Toxaphene cannot be met with current test methods. Permit limits are 0.00014 ug/L, 0.00059 ug/L, and 0.00016 ug/L respectively. MDL's are 0.0019 ug/L, 0.076 ug/L and 0.24 ug/L respectively.
7	8	IV. A. 1. Table 4	Limits for PCBs cannot be met with current test methods. Permit limit is 0.00017 ug/L. MDL is 0.24 ug/L.

Attachment A - Comments on Tentative Order Dated 09/18/19 for the Simi Valley Water Quality Control Plant

8	9	V. A. 1.	Simi Valley temperatures in summer months can exceed 100°F and the limit of 80°F will be difficult to meet. The last sentence should state: "At no time shall these WARM-designated waters be raised above 80°F as a result of waste discharge except as a result of external ambient temperature."
9	28	VII. 0.	USGS gauge station 11106550 is no longer operational. The Ventura County Watershed Protection District currently reports mean daily flows and other flow parameters for Station 805 Calleguas Creek at CSUCI. Rainfall is monitored at Station 505 Camarillo - CSUCI (Type B). References to these stations should replace references to USGS Gauge Station 11106550 throughout the Tentative Order.
10	30	VII. R.	Based on 10 years of data not exceeding 50 pCi/L for Gross Beta, we recommend removing requirements for Photon Emitters and monitoring for Potassium-40.
11	E-10	IV. B. 1. Table E-3	Based on 10 years of data that have not exceeded the permit limit for MBAS, we recommend reducing monitoring frequency from Monthly to Quarterly.
12	E-10	IV. B. 1. Table E-3	Based on 10 years of data being not detected (ND) for Chlordane, we recommend reducing monitoring frequency from Quarterly to Semi-Annual.
13	E-11	IV. B. 1. Table E-3	Based on 10 years of data being not detected (ND) for Toxaphene, we recommend reducing monitoring frequency from Quarterly to Semi-Annual.
14	E-11	IV. B. 1. Table E-3	Based on 5 years of data being not detected (ND) for PCBs as Arochlors, we recommend reducing monitoring frequency from Quarterly to Semi-Annual.
15	E-13	IV. B. 4.	The requirement for sediment monitoring in Section E.IV.4. (pg. E-13) should be deleted. Sediment monitoring is not required by the metals TMDL.
16	E-13	V. A. 2.	Clarification - Why is Receiving Water in this section?

Attachment A - Comments on Tentative Order Dated 09/18/19 for the Simi Valley Water Quality Control Plant

17	E-14	V. A. 4.	Species Sensitivity Screening - This should be re-worded: "Species sensitivity screening shall be conducted during this permit's first required sample collection, or within 24 months of the prior species sensitivity screening event."
18	E-15	V. A. 5. f.	Generally, the EC50 is reported with reference toxicant results. This should be re-worded to: "results should be reported as EC25 or EC50".
19	E-16	V. A. 5. e.	Toxicity laboratories measure all of the parameters in here as part of routine laboratory procedures and they are included in the current costs for the bioassay tests, with the exception of the major geochemical ions. Removal of the statement "as well as major geochemical ions" is warranted since this is not typical for routine toxicity testing and the increased costs associated with the extra analysis.
20	E-16	V. A. 7.	Accelerated Monitoring Schedule – For clarification, this should be re-worded to state, "Accelerated testing shall be conducted when the Monthly Median Effluent limitation results in a "Fail" or the Maximum Daily Effluent Limitation of Fail and ≥50% effect is exceeded."
21	E-19	VIII. A. 1.	Based on Governor Gavin Newsome's California Water Resilience Portfolio program, the City recommends using data from the MS4 program to meet Receiving Water requirements. The MS4 currently monitors the Receiving Water. This would result in reduction of Receiving Water monitoring and be a significant cost savings to the City.
22	E-19	Table E-7	There is no basis to increase monitoring E.coli for Receiving Water from monthly to weekly. Upstream monitoring data for E.coli is consistently higher than downstream Receiving Water and Effluent E.coli concentrations, we request to keep the frequency of E.coli for Receiving Waters to Monthly.
23	F-20	III. E.1.	The City is committed to protecting the treatment facility from the impacts of climate change but would appreciate some additional explanation of what is expected to be included in this plan. The City is currently part of a TMDL group that is involved with climate issues.
24	G-1	Attachment G	This section seems to be missing information.