

October 11, 2017

Ms. Veronica Cuevas
Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Comments Regarding the Tentative Amendment of Waste Discharge Requirements (WDRs)/National Pollutant Discharge Elimination System (NPDES) Permit—City of Thousand Oaks, Hill Canyon Wastewater Treatment Plant

Dear Ms. Cuevas:

The City of Thousand Oaks (City) has reviewed the September 11, 2017, Tentative Amendment issued by your office amending effluent limitations for total copper contained in the WDRs/NPDES permit for our Hill Canyon Wastewater Treatment Plant (Order No. R4-2014-0064). We first want to express our appreciation for the incorporation of changes to the *Total Maximum Daily Load (TMDL) for Metals and Selenium in the Calleguas Creek, its Tributaries and Mugu Lagoon* adopted in 2016 (Amended Metals TMDL) into the permit. We support the changes to the Maximum Daily Effluent Limitations (MDELs) for total copper contained in the Tentative Amendment. However, we have concerns regarding the application of the State Implementation Policy (SIP) effluent limit calculation procedure to the concentration-based monthly average waste load allocation (WLAs) to derive an Average Monthly Effluent Limitation (AMEL) for total copper.

The application of the SIP procedure to derive an AMEL from the concentration-based average monthly waste load allocation is neither necessary nor appropriate for three reasons: (1) the TMDL WLA is already expressed as an average monthly concentration, therefore the SIP procedure to derive a monthly average limit from water quality criteria is unnecessary, (2) the TMDL WLA is based on the 95th percentile concentration-based on available discharge data, and therefore is already based on long term effluent conditions, and (3) the TMDL Basin Plan Amendment footnote that discusses using the SIP only applies to the maximum daily concentration waste load allocation for total copper, not the AMEL. The City requests that the Tentative Amendment be changed as follows: the final AMEL for total copper should be revised from the existing concentration of 5.2 mg/L to the 6 mg/L, equivalent to the WLA presented in the Amended Metals TMDL. The City's justification for this change is presented in detail below.

(1) The TMDL WLA is already expressed as an average monthly concentration

The SIP procedure for calculating effluent limitations is used to adjust applicable water quality criteria (such as those contained in the California Toxics Rule or Water Quality Control Plans), which are thresholds for the protection of beneficial uses, into average monthly and maximum daily limits that account for effluent variability. This adjustment is based on long term average conditions determined by statistical analyses of effluent data. As an average monthly allocation is already calculated in the TMDL, the SIP procedure is not necessary to translate water quality criteria to an appropriate limit for the monthly averaging period.

(2) The TMDL WLA is already based on long term effluent conditions

The monthly average concentration-based WLAs in the TMDL for publicly owned treatment works (POTWs) are performance based allocations calculated as the 95th percentile concentrations of available discharge data, and already account for long term treatment plant performance and variability in discharge concentrations. Therefore, using the SIP procedure to determine effluent limitations based on long term average conditions according to discharge data is a redundant consideration of long term performance conditions.

(3) The Amended Metals TMDL Basin Plan Amendment statement that the MDEL will be calculated in NPDES permits does not apply to the AMEL

The Fact Sheet (Attachment F) to the Tentative Amendment states in footnote 7 to Table F-8 that:

“The Amended Metals TMDL...contains a concentration-based numeric Monthly Average WLA and a Daily Maximum WLA that is expressed in terms of a footnote, which indicates that the concentration-based final limits will be included in the permits in accordance with NPDES guidance and requirements, but are not calculated as part of the TMDL.”

The Fact Sheet is referencing footnote (a) on Page 5 of the Amended Metals TMDL Basin Plan Amendment, noting that concentration-based final limits will be included in permits but are not included in the TMDL. However, this applies only to the final daily maximum allocations, and not to the monthly average allocations. Accordingly, the SIP procedure was used to determine an MDEL for total copper, however, as the concentration-based monthly average WLA for total copper was explicitly expressed as 6 mg/L in the TMDL, the determination of the AMEL for total copper using the SIP procedure is unnecessary.

Additionally, taking into consideration the permit in general, for the reasons set forth in the comments on our last NPDES permit, the City of Thousand Oaks continues to



object to the use of the Test of Significant Toxicity (TST) to monitor chronic toxicity in the Hill Canyon Wastewater Treatment plant's final tertiary effluent.

Thank you for the opportunity to provide these comments on the Tentative Amendment. It was a pleasure working with RWQCB staff on this matter and we truly appreciate the incorporation of changes to the *Total Maximum Daily Load (TMDL) for Metals and Selenium in the Calleguas Creek, its Tributaries and Mugu Lagoon* into the permit.

If you have any questions regarding the City's comments, please contact me at jminkel@toaks.org or (805)491-8121 or Ashli Desai of Larry Walker Associates at ashlid@lwa.com or 310-394-1036.

Sincerely,



John Minkel
Utilities Superintendent / Chief Plant Operator

