

Response to Comments

Los Angeles County Sanitation Districts Joint Outfall System (JOS)

Whittier Narrows Water Reclamation Plant (Whittier Narrows WRP)

Tentative Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit

This table describes all significant comments received regarding the tentative permit described above. Each comment has a corresponding response and action taken.

Comments of significance received from LACSD on May 17, 2021			
#	Comment	Response	Action Taken
1	<p>Section 5.1.1, Page 14:</p> <p>The final sentence of this section states, “At no time shall these WARM designated waters be raised above 80°F as a result of waste discharge except during the term of the compliance schedule set forth in Table 8, section 6.3.7, at no time shall these WARM-designated waters be raised above 86°F as a result of waste discharge.”</p> <p>The Sanitation Districts previously submitted a request to the Regional Board for an in-permit compliance schedule to address the work required to comply with the new proposed temperature limitations (see letter to the Regional Board dated December 30, 2020 and related compliance schedule request correspondence, incorporated by reference, herein). In this request, the Sanitation Districts detailed compliance with the existing temperature limitations and requested that the current limits be continued as interim limitations for the duration of the compliance schedule. The Sanitation Districts therefore request that the permit retain the current receiving water limitations as the interim receiving water limitations</p>	<p>The Los Angeles Regional Water Control Board (Los Angeles Water Board) declines to retain the receiving water temperature limitation in the current permit (R4-2014-0213-A01). However, the Los Angeles Water Board agrees to clarify the language in the revised tentative permit by aligning the interim receiving water limitation for temperature with the interim effluent limitation for temperature. The final sentence of the section 5.1.1 will now read as follows:</p> <p>“At no time shall these WARM-designated waters be raised above 80°F as a result of waste discharge except during the term of the compliance schedule set forth in Table 8, section 6.3.7, <u>when the following interim receiving water limitation is in</u></p>	<p>Revisions have been made to the Permit.</p>

Comments of significance received from LACSD on May 17, 2021			
#	Comment	Response	Action Taken
	<p>during the term of the compliance schedule, which explicitly state that exceedances of 86°F are not violations of the permit if they are due to 1) high ambient air temperatures, or 2) high upstream water temperatures. As written, it is unclear whether receiving water exceedances of 86°F that are due to high ambient air or upstream water temperatures would be considered violations of the permit. The Sanitation Districts request that this issue be clarified by adding the language from the current permit, Section V.A.1, to the Tentative Permit: "If the receiving water temperature, downstream of the discharge, exceeds 86°F as a result of the following: a. High temperature in the ambient air; or, b. High temperature in the receiving water upstream of the discharge, then the exceedance shall not be considered a violation."</p>	<p><u>effect:</u> at no time shall these WARM-designated waters be raised above 86°F as a result of waste discharge <u>except as a result of external ambient temperature."</u></p> <p>The ambient air exception to the interim effluent and receiving water limitations only applies during the term of the compliance schedule and does not apply to the final effluent or receiving water limitations.</p> <p>It should be noted that the upstream temperature exception for the receiving water temperature limitation in the current permit is accounted for in the new language because the receiving water limitations are evaluated relative to the impact of the waste discharge.</p>	
2	<p>Monitoring and Reporting Program Section 8.1, Page E-19, Table E-5. Receiving Water Monitoring Requirements.</p> <p>The receiving water temperature monitoring frequency requirement was modified from weekly to monthly with adoption of the 2009 Whittier Narrows NPDES permit to be consistent with the findings from the San Gabriel River Regional Monitoring Program (SGRRMP) technical work</p>	<p>The Los Angeles Water Board agrees to revise the temperature monitoring frequency from weekly to monthly.</p>	<p>Revisions have been made to the Permit.</p>

Comments of significance received from LACSD on May 17, 2021			
#	Comment	Response	Action Taken
	<p>group's 2008 Program Design Document. After careful consideration and review of historical data, the stakeholders determined that "monthly data provided just as much insight into patterns in the receiving water chemistry as weekly did." The 2009 permit also states that the change from weekly to monthly would "improve coordination and efficiency of receiving water monitoring...by streamlining monitoring efforts and reducing redundancies." These streamlined monitoring efforts allowed the Sanitation Districts to offset the cost of the SGRRMP. Increasing the receiving water temperature monitoring requirement from monthly to weekly will provide no additional benefit, as determined by the SGRRMP technical work group, will rescind the benefits described in the 2009 permit, and will significantly reduce agreed upon funding tradeoffs for the SGRRMP.</p> <p>Furthermore, if additional data are needed for the temperature assessment and studies that will occur during implementation of the Technical Workplan, we anticipate that data gathering that is targeted to those needs will occur. Specifically, Task 7 of the proposed Temperature Project Milestones is anticipated to include additional seasonal data gathering and analysis that will be designed for utility in that process (see letter to the Regional Board dated December 30, 2020).</p>		
3	Section 6.3.7 (Page 30, Table 8) and Fact Sheet Section 6.2.7 (Page F-69, Table F-14): Compliance Schedule and Milestone Dates.	The Los Angeles Water Board agrees to make the suggested schedule revisions.	Revisions have been made to

Comments of significance received from LACSD on May 17, 2021											
#	Comment	Response	Action Taken								
	<p>The Sanitation Districts request modification to the tasks and completion dates outlined in the compliance schedule in Tables 8 and F-14, as set forth below. These modifications will provide additional detail to Regional Board staff on the milestones and allow for more time and focus on specific tasks, without extending the overall schedule beyond 10 years. The Sanitation Districts propose that an additional milestone be added: “Begin Preliminary Design” on July 31, 2026, and that the completion dates for subsequent milestones be changed from May 1 to July 31 for each corresponding year (i.e., for Complete Preliminary Design, Complete Environmental Review, Design Preferred Project, Issue Notice to Proceed, and Complete Preferred Project). The suggested revisions for Tables 8 and F-14 are shown in the table below (revised text in red).</p> <p>Suggested Revisions for Tables 8 and F-14: Compliance Schedule and Milestone Dates.</p> <table><tr><th>Task</th><th>Completion Date</th></tr><tr><td>Submit and Begin Implementation of Pollution Prevention Plan (PPP) for Source Control</td><td>October 1, 2021</td></tr><tr><td>Release the Request for Proposal to Retain Consultant to Evaluate Temperature Impacts in the Watershed and Management Options</td><td>July 31, 2022</td></tr><tr><td>Finalize the Technical Workplan</td><td>July 31, 2023</td></tr></table>	Task	Completion Date	Submit and Begin Implementation of Pollution Prevention Plan (PPP) for Source Control	October 1, 2021	Release the Request for Proposal to Retain Consultant to Evaluate Temperature Impacts in the Watershed and Management Options	July 31, 2022	Finalize the Technical Workplan	July 31, 2023		the Permit.
Task	Completion Date										
Submit and Begin Implementation of Pollution Prevention Plan (PPP) for Source Control	October 1, 2021										
Release the Request for Proposal to Retain Consultant to Evaluate Temperature Impacts in the Watershed and Management Options	July 31, 2022										
Finalize the Technical Workplan	July 31, 2023										

Comments of significance received from LACSD on May 17, 2021				
#	Comment		Response	Action Taken
	Prepare a Technical Workplan Progress Report	July 31, 2024		
	Complete Implementation of Technical Workplan	July 31, 2025		
	Select Preferred Project and Begin Potential Regulatory Approval Process	May 1, 2026		
	Begin Preliminary Design	July 31, 2026		
	Complete Preliminary Design	July 31, 2027		
	Complete Environmental Review	July 31, 2028		
	Design Preferred Project	July 31, 2029		
	Issue Notice to Proceed for Project Work	July 31, 2030		
	Complete Preferred Project	July 31, 2031		
4	Monitoring and Reporting Program Sections 3.1 (Page E-8, Table E-2) and 4.1 (Page E-11, Table E-3): The sample type for bis(2-ethylhexyl) phthalate is listed as grab. In the Tentative Permit, the sample type for bis(2-ethylhexyl) phthalate was changed from composite to grab sampling to mitigate potential contamination, as noted by Regional Board staff. However, the Sanitation Districts have no history of contamination occurring from composite sampling for bis(2-ethylhexyl) phthalate. Additionally, all bis(2-ethylhexyl) phthalate samples have been non-detect for the last three years. The lab staff collects the samples in glass containers using Teflon tubes, so leaching of plasticizers such as bis(2-ethylhexyl) phthalate should not be an issue. The Sanitation Districts request the option to collect a 24-hour composite or		The Los Angeles Water Board agrees and has revised Table E-2 and Table E-3 of the Permit with the following changes: 1. Revised the Sample Type of Remaining USEPA priority pollutants excluding asbestos to “24-hour composite; grab for VOCs, Cyanide; and <u>grab or composite for bis(2-ethylhexyl)phthalate</u> ”; 2. Created footnote f and footnote m to Table E-2 and Table E-3, respectively with the following note:	Revisions have been made to the Permit.

Comments of significance received from LACSD on May 17, 2021			
#	Comment	Response	Action Taken
	grab for compliance with bis(2-ethylhexyl) phthalate monitoring.	<p><u>"The 40 CFR Part 136 method for phthalate esters including bis (2-ethylhexyl) phthalate requires samples to be collected in glass sample containers to avoid interference, which can lead to artifacts and/or elevated baselines in gas chromatograms. Sample collection must be done using glass sample containers for all phthalate esters including bis (2-ethylhexyl) phthalate unless analytical methods for these pollutants in 40 CFR Part 136 specify that other means of sample collection are approved. Grab sample type is recommended, but an automatic sampler (composite sample) can be used to collect samples for all phthalate esters including bis (2-ethylhexyl) phthalate as long as the sample bottles are glassware."</u></p>	
5	<p>Monitoring and Reporting Program Section 5.5.3, Page E-15: This section states, "If the effluent toxicity test does not meet all test acceptability criteria (TAC) specified in the referenced test method Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (USEPA</p>	<p>The Los Angeles Water Board declines to include the table, but agrees to revise section 5.5.3 as follows:</p> <p>"5.5.3. If the effluent toxicity test does not meet all test acceptability criteria (TAC) <u>and all required test conditions specified in the referenced test method Short-term Methods for Estimating the</u></p>	<p>Revisions have been made to the Permit.</p>

Comments of significance received from LACSD on May 17, 2021			
#	Comment	Response	Action Taken
	<p>2002, EPA-821-R-02-013) (See Table E-4, below), then the Permittee must re-sample and re-test within 14 days.”</p> <p>The Sanitation Districts request that this statement be revised to clarify that the effluent toxicity test must also meet specific test conditions, such as those listed in the table in Attachment 2 of this letter, or the Permittee must re-sample and re-test within 14 days. The Sanitation Districts request the above statement is revised to state: “If the effluent toxicity test does not meet all test acceptability criteria (TAC) specified in the referenced test method Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (USEPA 2002, EPA-821-R-02-013) (See Table E-4, below) and the required test conditions in Table XX, then the Permittee must re-sample and re-test within 14 days.” The Sanitation Districts have provided a list of these required test conditions for inclusion into the permit. The list is shown in the table in Attachment 2 of this letter.</p>	<p><i>Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms</i> (USEPA 2002, EPA-821-R-02-013) (See Table E-4 <u>for TAC</u> below), then the Permittee must re-sample and re-test within 14 days. <u>Deviations from recommended test conditions, specified in the referenced test method <i>Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms</i> (USEPA 2002, EPA-821-R-02-013), must be evaluated on a case-by-case to determine the validity of test results. The Discharger shall consider the degree of the deviation and the potential or observed impact of the deviation on the test results in consultation with Los Angeles Water Board staff before rejecting or accepting a test result as valid, and shall report the results of the validity determination with supporting evidence for that decision in their monthly report.”</u></p>	

Comments of significance received from LACSD on May 17, 2021			
#	Comment	Response	Action Taken
6	<p>Monitoring and Reporting Program Section 2, Page E-6, Table E-1: Receiving Water Monitoring Station RSW-004</p> <p>The Sanitation Districts request a stipulation be added to RSW-004 to specify that monitoring is only required when there is discharge from Outfall 003. As stated in Attachment F, Section 2.2, Discharge Point 003 was originally used for a recycled water study and has not been used since July 31, 1981. There are no plans to use this discharge point in the near future, but monitoring is currently required on a monthly basis at the receiving water station downstream from this point irrespective of discharge. It is not feasible or representative of the Sanitation Districts' operations to collect samples at RSW-004 because it is in a test basin and the discharge point is not used; therefore, we request that the following text be added to this table: "Monitoring for RSW-004 as outlined in this permit is only required when there is discharge from Discharge Point 003."</p>	<p>The Los Angeles Water Board agrees and added the following to the description of RSW-004 in Table E-1:</p> <p><u>"Monitoring for RSW-004 as outlined in this permit is only required when there is discharge from Discharge Point 003."</u></p>	<p>The revision has been made to the permit.</p>

Comments on Errata received from LACSD on May 17, 2021			
#	Comment	Response	Action
1	<p>Attachment E. Table E-3 on Page E-9:</p> <p>Request effluent pH monitoring be changed from daily to weekly, consistent with the NPDES permits for the Sanitation Districts' other facilities. Footnote d</p>	<p>The Los Angeles Water Board agrees to revise the monitoring</p>	<p>The revision has been made to the permit.</p>

Comments on Errata received from LACSD on May 17, 2021			
#	Comment	Response	Action
	also should be removed to reflect the previous change in monitoring for total coliform.	frequency from daily to weekly.	
2	Attachment E. Section 10.4.7 on Page E-30: Request to modify the language to clarify the meaning: "A report upload confirmation from the GeoTracker data system, or other indication of completed submittals, shall be included in the annual report, which shall be submitted into CIWQS, by the annual volumetric report due date , to demonstrate compliance with this reporting requirement."	The Los Angeles Water Board agrees to clarify the language.	The revision has been made to the permit.
3	Attachment F. Section 1.3 on Page F-4: Request to add 1211 petition information in this section: To be consistent with other permits, the section should reference the applicable wastewater change petition. Suggested language: "Applicable state law requires dischargers to file a petition with the State Water Resources Control Board (State Water Board), Division of Water Rights (DWR) and receive approval for any change in the point of discharge, place of use, or purpose of use of treated wastewater that decreases the flow in any portion of a watercourse. On December 2018, the State Water Board Division of Water Rights approved wastewater change petition Number WW0098, which allows the Discharger to reduce treated effluent discharge from the Whittier Narrows WRP to the Rio Hondo and San Gabriel River by approximately 72-acre feet per year for irrigation and municipal purposes. The State Water Board retains separate jurisdictional authority to enforce any applicable requirements under Water Code	The Los Angeles Water Board agrees to add a reference to the State Board's decision.	The revision has been made to the permit.

Comments on Errata received from LACSD on May 17, 2021			
#	Comment	Response	Action
4	Attachment F. Section 2.2 on Page F-6: Outfall coordinates are incorrect and should match table 2 of the WDR.	The Los Angeles Water Board agrees to correct the table.	Revisions have been made to the permit.
5	Attachmen F. Section 9.3 on Page F-76: Public Hearing date is incorrect; it should be June 10, 2021.	The Los Angeles Water Board agrees to correct the hearing date.	The revision has been made to the permit.