

**State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

**ORDER NO. R4-2010-XXXX
Amending Order No. R4-2006-0092**

NPDES NO. CA0053953

**WASTE DISCHARGE REQUIREMENTS
FOR
CITY OF LOS ANGELES
(Los Angeles-Glendale Water Reclamation Plant)**

The California Regional Water Quality Control Board, Los Angeles Region (hereafter Regional Board) finds:

PURPOSE OF ORDER

1. City of Los Angeles (hereinafter City or Discharger) discharges tertiary-treated wastewater from its Los Angeles-Glendale Water Reclamation Plant (Los Angeles-Glendale WRP or Plant) under waste discharge requirements contained in Order No. 98-047, adopted by this Regional Board on June 15, 1998. Order No. 98-047 also serves as a permit under the National Pollutant Discharge Elimination System (NPDES No. CA0053953), which regulates the discharge of treated wastewater to the Los Angeles River, a water of the State of California and of the United States.
2. Order No. 98-047 has an expiration date of May 10, 2003. Section 122.6 of Title 40, Code of Federal Regulations (40 CFR), and Section 2235.4 of Title 23, California Code of Regulations (CCR), state that an expired permit continues in force until the effective date of a new permit, provided that the permittee has made a timely submittal of a complete application for a new permit. On July 1, 2002, City filed a report of waste discharge (ROWD) and applied to the Regional Water Quality Control Board (Regional Board) for reissuance of waste discharge requirements (WDRs) and an NPDES permit to continue discharge of tertiary-treated wastewater. Therefore, the Discharger's permit has been administratively extended until the Regional Board acts on the new WDR and permit.
3. This Order is the reissuance of WDRs that serves as a NPDES permit for Los Angeles-Glendale WRP.

LITIGATION HISTORY

4. **1998** – In 1998, the City of Los Angeles filed a petition with the State Water Resources Control Board (State Board) for a stay of Order No. 98-047. The State Board dismissed the City's petition for review and its request for stay without review for the Los Angeles-Glendale WRP's NPDES permit.

December 14, 2006

1 Amended: January 28, 2010 and March 2, 2010

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effluent limitation were reviewed by the State Water Resources Control Board (State Board) in SWRCB/OCC Files A-1496 & A-1496(a) [Los Coyotes/Long Beach Petitions]. On September 16, 2003, the State Board adopted Order No. WQO 2003-0012, deferring the numeric chronic toxicity effluent limitation issue until the adoption of Phase II of the SIP, and replaced the numeric chronic toxicity effluent limitation with a narrative effluent limitation for the time being.

2. Nitrate plus nitrite as nitrogen and other constituents with non-CTR based limits/limitations – RPA was conducted for Nitrate plus Nitrite as Nitrogen and other constituents (Table R2 of the accompanying Fact Sheet) using the Discharger’s effluent data from their self monitoring reports. The effluent data for Non-priority pollutants is summarized in Table D2 of the accompanying Fact Sheet. The TSD RPA procedure compares the effluent data with the Basin Plan water quality objectives (WQOs) and other applicable criteria, and uses statistics to predict a receiving water concentration. Based on information submitted to the Regional Board by the Discharger, and using the TSD RPA procedure, the Regional Board has determined that there is a reasonable potential that the discharge will cause or contribute to an exceedance of the applicable criteria for: Nitrate plus Nitrite as Nitrogen, nitrite nitrogen, nitrate nitrogen, ~~tetrachloroethylene~~,—and bis(2-ethylhexyl)phthalate. During the settlement negotiations preceding the January 25, 2010 settlement agreement, a new reasonable potential analysis was conducted in February 2009, using available data that was representative of the treated effluent following the NDN upgrade and the ammonia add-back process change (Table D1r of the accompanying Fact Sheet). In response to comments received, the dataset was expanded to include data from 2009; spreadsheets in the accompanying Fact Sheet were revised; and an updated reasonable potential analysis was conducted on March 1, 2010, yielding similar results. Therefore, the Order contains numeric effluent limitations for Nitrate plus Nitrite as Nitrogen, nitrite nitrogen, nitrate nitrogen, ~~tetrachloroethylene~~,—and bis(2-ethylhexyl)phthalate, as reasonable potential continues to exist for the discharge to cause or contribute to excursions above criteria for these constituents.

- B. Using the method described in the SIP, the Regional Board has conducted Reasonable Potential Analyses (RPA) for priority pollutants using the discharger’s effluent data contained in Table D1 and receiving water data contained in Table D3. The RPA compares the effluent data with water quality objectives in the Basin Plan and CTR.

1. **Reasonable Potential Determination** - The RPA (per the SIP) involves identifying the observed maximum pollutant concentration in the effluent (MEC) for each constituent based on the effluent concentration data. There are three tiers to determining reasonable potential. If any of the following three tiers is triggered, then reasonable potential exists:

- a. For the first tier, the MEC is compared with the lowest applicable Water Quality Objective (WQO), which has been adjusted for pH, hardness and

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representative of the treated effluent following the NDN upgrade and ammonia add-back process change. Effluent monitoring data was collected between June 1, 2007 and December 31, 2008 (see Table D1r). In response to comments received, the dataset was expanded to include data from 2009; spreadsheets in the accompanying Fact Sheet were revised; and an updated reasonable potential analysis was conducted on March 1, 2010, yielding similar results. Effluent limitations for cyanide, tetrachloroethylene, benzo(a)anthracene, chrysene, and N-Nitrosodi-n-Propylamine are removed in this Order for constituents that no longer have reasonable potential, as required by the State Board Order WQ 2003-0009. Table R1 of this Fact Sheet summarizes the RPA, lists the constituents, and where available, the lowest, adjusted WQO, the MEC, the "Reasonable Potential" result, and the ~~limits~~ limitations from the previous permit.

- i. **Metals Water Quality Objective** – For metals, the lowest applicable Water Quality Objective (WQO) was expressed as total recoverable, and where applicable, adjusted for hardness. A spreadsheet (Table R3) was used to calculate the total recoverable CTR criteria. Hardness values from samples collected in the receiving water upstream of the discharge point were averaged and used to determine the appropriate CTR WQO for those hardness-dependent metals. A hardness value of 261 mg/L, which is an average value of hardness data collected from November 1998 to August 2005, was used to calculate CTR WQO. In the determination of criteria for metals TMDL constituents, the hardness was set at the hardness determined by the TMDL. This is consistent with the preamble to the CTR, contained in federal register Section E.f. *Hardness* (p.31692), 40 CFR Part 131.
- ii. **Interim Monitoring Requirements** – In accordance with the SIP, the Regional Board may impose interim monitoring requirements upon the Discharger, so that the Discharger obtains adequate ambient, background water data for priority pollutants upstream of the discharge point as well as suitable effluent data. On June 5, 2001 letter, the Executive Officer directed the Discharger to begin an interim monitoring program for the duration of 18 months, beginning July 2001. The Discharger collected samples on a monthly basis for all priority pollutants, with the exception of asbestos and 2,3,7,8-TCDD that were sampled semiannually, and reporting the results quarterly to the Regional Board. Section 1.3, Step 8, of the SIP authorizes the Regional Board to use the gathered data to conduct RPA, as outlined in Steps 1 through 7, and determine if a water quality-based effluent limitation is required.

A reopener provision is included in this Order that allows the permit to be reopened to allow the inclusion of new numeric limitations for any constituent that exhibits reasonable potential to cause or contribute to exceedance of applicable water quality objectives.

developed in coordination with Regional Board staff and the Discharger, and the proposed schedule is as short as practicable. The five-year compliance schedule is based on the maximum allowable compliance schedule. However, the Discharger anticipates it will take longer than five years to achieve the final ~~limits~~limitations.

CEQA AND NOTIFICATION

64. The action to adopt a NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (Public Resources Code §21100, et. seq.) in accordance with California Water Code §13389.
65. The Regional Board has notified the Discharger and interested agencies and persons of its intent to renew waste discharge requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.
66. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
67. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Clean Water Act, or amendments thereto, and is effective ~~530~~50 days (~~February 2, 2007~~May 1, 2010~~May 21, 2010~~) from the date of its adoption because of significant public comment, in accordance with federal law, provided the Regional Administrator, USEPA has no objections.
68. Pursuant to California Water Code Section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, P.O. Box 100, Sacramento, California, 95812, within 30 days of adoption of the Order.

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Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order, endangerment to human health or the environment resulting from the permitted activity, or acquisition of newly obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the District for an Order modification, revocation and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

5. This Order may be modified, in accordance with the provisions set forth in 40 CFR, Parts 122 to 124, to include new MLs.
6. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, such as an update of a water quality objective, or the adoption of a TMDL for the Los Angeles River Watershed.
7. This Order may be reopened and modified, to revise effluent limitations as a result of the delisting of a pollutant from the 303(d) list.
8. This Order may be reopened and modified to revise the chronic toxicity effluent limitation, to the extent necessary, to be consistent with State Board precedential decisions, new policies, new laws, or new regulations.
9. This Order may be reopened to modify final effluent ~~limits~~limitations, if at the conclusion of necessary studies conducted by the Discharger, the Regional Board determines that dilution credits, attenuation factors, water effects ratio, or metal translators are warranted.

VI. EXPIRATION DATE

This Order expires on November 13, 2011.

The Discharger must file a Report of Waste Discharge in accordance with Title 23, CCR, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

VII. RESCISSION

Order No. 98-047, adopted by this Regional Board on June 15, 1998, ~~is hereby rescinded~~was superseded upon the effective date of Order No. R4-2006-0092, except for enforcement purposes. ~~This rescission is dependent upon and relative to the issuance and enforceability of this Order.~~ To the extent any provisions, limitations, or requirements set forth in this Order that supercede analogous provisions, limitations, or requirements in Order No. 98-047, are stayed or deemed to be unenforceable, the relevant provisions, limitations, or requirements of Order 98-047 shall remain enforceable.