



Las Virgenes – Triunfo Joint Powers Authority
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May 8, 2017

Mr. Sam Unger, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Tentative Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit – Las Virgenes Municipal Water District – Tapia Water Reclamation Facility (NPDES Permit No. CA0056014, CI-4760)

Dear Mr. Unger:

Thank you for the opportunity to comment on the tentative Order for Waste Discharge Requirements and a National Pollutant Discharge Elimination System (NPDES) Permit for the Tapia Water Reclamation Facility. We appreciate the support of your staff to prepare the tentative Order and incorporate our preliminary comments. The Las Virgenes-Triunfo Joint Powers Authority (JPA) provides the following additional comments based on its review of the final version of the tentative Order:

1. Replace Total and Fecal Coliform Receiving Water Monitoring Requirements for Floating Stations with *E. Coli* Monitoring for Consistency with Basin Plan

Replace the requirement for total and fecal coliform monitoring specified in Table E-6, Receiving Water Monitoring Requirements for Floating Stations, with *E. coli* monitoring for consistency with the bacteriological receiving water limitations described in the Fact Sheet (p. F-51) and the Water Quality Objectives specified in Chapter 3 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan) for fresh waters designated for water contact recreation (REC-1). This change would also match the bacteriological monitoring requirements to those for other receiving water stations as specified in Table E-5, Receiving Water Monitoring Requirements.

2. Reorganize Tentative Order Section V. and Modify Language for Maintaining Minimal Streamflow for Endangered Species

Reorganize Tentative Order Section V. such that the requirement for Maintaining Minimal Streamflow for Endangered Species is included in a newly-created Section V.C, rather than including the provision under Section V.B., Qualifying Storm Events, which is an unrelated topic. Also, modify the language for the requirement to more closely mirror those in Order R4-2010-0165 and reflect the existing approval process

James Wall

Chair, Las Virgenes-Triunfo
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Board of Directors

for these flow augmentation discharges. Replace the sentence "During the prohibition period, the Discharger must submit written notification to the Regional Water Board, including a discussion as to which prohibition exception applies, prior to discharging into Malibu Creek." with "**During the prohibition period, the Discharger must obtain written permission from the Executive Officer to discharge to Malibu Creek for the purpose of this provision.**" Additionally, modify the last sentence to read: "The Permittee shall submit a follow-up notification to the Regional Water Board within 15 days of ceasing discharge to Malibu Creek during the prohibition period. The notification shall include the time and length of discharge, the average flow rate **of the augmentation**, and confirmation that the **streamflow increase up to a maximum of 2.5 CFS was achieved at gauging station F-130-R.**" As stated in the tentative Order, the augmentation to the flow in Malibu Creek is to supplement flow "such that 2.5 CFS of maximum total flow is monitored." To achieve this objective, flow is released in increments that are gradually increased over time to bring the maximum flow at the gaging station up to 2.5 CFS. Background flows in Malibu Creek from other sources can vary upstream of the gaging station. Staff is careful to increase flow in stepwise manner, so the maximum flow is not exceeded and the Malibu Lagoon sandbar is not breached.

3. Modify Tentative Order Footnote 13 to Clarify that Interim Final Effluent Limitations Will Supersede those for Nitrite as Nitrogen and Nitrate + Nitrite as Nitrogen Specified in Table 5

Modify Footnote 13 to clarify that the Interim Final Effluent Limitations specified in Table 7 will supersede those for Nitrite as Nitrogen and Nitrate + Nitrite as Nitrogen specified in Table 5 after the effective date of TMDL Implementation Plan Resolution No. R16-009. Replace the last sentence of the footnote with "**This Average Monthly Effluent Limitation (AMEL) for nitrite as nitrogen and nitrate + nitrite as nitrogen will be superseded by the interim seasonal total nitrogen limitations specified in Table 7 after the effective date of TMDL Implementation Plan Resolution No. R16-009.**" Also, add reference to Footnote 13 to the final effluent limitation for nitrite as nitrogen specified in Table 5.

4. Correct Typographical Error for Reference in Fact Sheet Section IV.A.3 to Monitoring Station for Streamflow Augmentation

Correct a typographical error for the reference to the monitoring station for creek flow at the lower sites of Malibu Creek and Malibu Lagoon (p. F-39). The last sentence should of the second paragraph should read: "...monitoring of the creek flow at the lower sites of Malibu Creek and Malibu Lagoon was initiated and continued until water appeared at the Cross Creek Road Bridge (**RSW-MC004D**, formerly known as R-4)."

5. Remove Tentative Order Sections VIII.A.2.z and VIII.C.7.b.iv

Remove Tentative Order Sections VIII.A.2.z and VIII.C.7.b.iv, which require a feasibility report evaluating the feasibility of additional recycling efforts and a Pollution Minimization Program (PMP), respectively. The JPA's compliance schedule for

nutrients in Malibu Creek, as described in Tentative Order Section VIII.C.7, accomplishes the intent of these two requirements. The compliance schedule, as detailed in Table 8, outlines the measures for the JPA to maximize its beneficial reuse of the treated effluent from Tapia and effectively eliminate discharges to Malibu Creek, serving as its pollution minimization (control) strategy.

6. Modify Tentative Order Section VIII.C.1.m to Broaden the Reopener Provision

Modify the language provided in Tentative Order Section VIII.C.1.m to broaden reopener provision, as follows: "Upon the request of the Permittee, the Regional Water Board will review future studies conducted by the Permittee **such as an evaluation of** the appropriateness of utilizing dilution credits and/or attenuation factors if they are demonstrated to be appropriate and protective of the ground water recharge (GWR) beneficial use, on a pollutant-by-pollutant basis, **or the causes of watershed impairments**. Following this evaluation, this Order may be reopened to modify final effluent limitations, if at the conclusion of the necessary studies conducted by the Permittee, the Regional Water Board determines that **such modifications** are warranted."

7. Add a Reopener to Tentative Order Section VIII.C.1 to Allow for Incorporation of a Future Basin Plan Amendment for Chloride

The tentative Order is proposed together with a Time Schedule Order (TSO) to provide additional time for compliance with the application of a lower chloride limit (150 mg/L) to discharges from the Tapia Water Reclamation Facility to the Los Angeles River. The TSO involves the JPA investigating the sources of chloride in its source water, and the data is expected to support a proposed Basin Plan Amendment to change the upstream limit for the existing 190 mg/L chloride Water Quality Objective for the Los Angeles River from the Sepulveda Flood Control Basin to the point of Tapia's discharge. As a result, the JPA recommends the inclusion of the following reopener to allow for incorporation of a future Basin Plan Amendment: "**This Order will be reopened and modified three years from its effective date to incorporate changes from a proposed Basin Plan Amendment for the Los Angeles River Chloride Water Quality Objective.**"

8. Modify Tentative Order Section VIII.C.7.b to be Consistent with TMDL Implementation Plan Resolution No. R16-009

Revise the last sentence on p. 29 to read "Although some interim milestones in the Compliance Schedule are expected to change, the Discharger shall comply with the final summer WLAs **within five years after the effective date of TMDL Implementation Plan Resolution No. R16-009** and the final winter WLAs **within 13.5 years after the effective date of TMDL Implementation Plan Resolution No. R16-009.**" Also, the completion dates in Table 8 on p. 31 should be revised to reflect reference to the effective date of TMDL Implementation Plan Resolution No. R16-009, rather than effective date of Order No. R4-2017-XXXX.

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9. Revise Tentative Order Section VIII.C.7.b.i to Allow 30 Days for Notification of Compliance or Noncompliance with Interim Requirements

Increase the amount of time allowed for notification of compliance or noncompliance with interim requirement from 14 to 30 days following each interim milestone date.

10. Revise Monitoring and Reporting Program Table E-3 to Reflect Monthly Temperature Monitoring Consistent with Order R4-2010-0165

Revised the effluent temperature monitoring specified in Table E-3 of the Monitoring and Reporting Program from weekly to monthly. Currently, Order R4-2010-0165 requires monthly temperature monitoring, which has proved sufficient. Also, monthly temperature monitoring corresponds with the concurrent monitoring performed for nitrogen compounds and pH analysis as described in Footnote 16.

Conclusion:

The JPA appreciates the collaborative approach you and your staff have taken to renew of the NPDES Permit for the Tapia Water Reclamation Facility. We take great pride in the operation of all of the JPA's facilities, including the Tapia Water Reclamation Facility, Rancho Las Virgenes Composting Facility and the recycled water system. The JPA looks forward to continuing its role as a steward of the Malibu Creek Watershed and working collaboratively with the Los Angeles Regional Water Quality Control Board, Santa Monica Bay Restoration Commission and other watershed stakeholders. The implementation of our potable reuse program, called the Pure Water Project Las Virgenes-Triunfo, as described in Tentative Order Section VIII.C.7 is a game changer for the JPA and will enable us to beneficially reuse nearly all of our treated effluent and effectively eliminate discharges to Malibu Creek. We are eager to implement the project with support from you and other key stakeholders.

If you have any questions on our comments, please contact me at (818) 251-2122 or Brett Dingman at (818) 251-2330.

Sincerely,



David W. Pedersen, P.E.
Administering Agent/General Manager

BD:DWP:dwp

cc: Board of Directors