REVISED RESPONSE TO COMMENTS
CITY OF LOS ANGELES
DONALD C. TILLMAN WATER RECLAMATION PLANT
TENTATIVE ORDER NO. R4-2022-XXXX
NPDES NO. CA0056227

Comment Letter dated November 16, 2022 from City of Los Angeles

No.	Comment	Response	Action Taken
D1	**Permit Section 2.3, page 5, Fact Sheet Section 3.3.7, page F-18** Add the following sections to section 2.3 since they are only state requirements, not federal: Add Sections 3.3 (flow), 3.5 (based on Water Code §13050(l) and (m)), Table 4 mass limits, toxicity limits, and Title 22-based limits, 5.1 (receiving water limits), 6.1.2 (LA Standard Provisions), 6.3.3.c (PMP), 6.3.4, 6.3.6, 7.10, Monitoring and Reporting Program sections 9.1, 9.2, 9.3, 10.4.5, 10.4.6, and 10.4.8	Although the requirements discussed in this comment are required by State Law, they are also required by federal law as discussed below: **Subsection 3.3 of the Tentative Order:** The regulations at 40 CFR 122.45(b)(1) require effluent limits to be based on the design flow, therefore the flow must be limited to the design flow in the NPDES permit to ensure the effluent limits are protective of the receiving water. See also 40 CFR Part 127, App. A, Table 2 (cross-referencing 122.21, 122.28(b)(2)(ii) and 403.10(f) [design flow] and 122.21, 122.28(b)(2)(ii), 122.41 and 403.10(f) [total actual average flow].) **Table 4 mass limits:** The regulations at 40 CFR 122.45(f) require all pollutants in NPDES permits to have limitations, standards, or prohibitions expressed in terms of mass, with limited exceptions. **Table 4 toxicity limits and subsection 7.10 of the Tentative Order:** The regulations at 40 CFR 122.44(d)(1)(iv) require effluent limits for toxicity	None necessary.

		when there is reasonable potential for the discharge to cause or contribute to an exceedance of the narrative prohibition on toxicity in the Basin Plan. (See also Basin Plan, Ch. 3, Toxicity and Clean Water Act § 101(a)(2)(3) [no toxics in toxic amounts].) **Table 4 Title 22-based limits:** The regulations at 40 CFR 122.44(d)(1)(i) and 301(b)(1)(C) of the CWA require limitations to control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality. Since these limits are based on maximum contaminant levels in Title 22 of the CCR and/or narrative criteria in the Basin Plan (which are both State standards) and the Los Angeles Water Board has determined there is reasonable potential for the discharge to cause or contribute to an exceedance of these State standards used to protect beneficial use of the surface water, Title 22-based limits are also required under the federal regulations. **Subsection 3.5 and 5.1 of the Tentative Order:** The prohibition on pollution or nuisance and the receiving water limits in the Tentative Order are based on the water quality standards contained in the Los Angeles Region's Basin Plan, which are federally approved standards	

		under Clean Water Act (CWA) section 303, so the regulations at 40 CFR 122.44(d)(1)(i) apply. These regulations do not specify that the requirements to achieve water quality standards are limited to effluent limitations. **Subsection 6.3.3.c, 6.3.4, 6.3.6 of the Tentative Order, and section 9.2 and 10.4.5 of the MRP:** The regulations at 40 CFR 122.44(k) require NPDES permits to include Best Management Practices, which is defined in 40 CFR 122.2 to include schedules of activities , prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States." The Pollutant Minimization Program is a schedule of activities the Discharger is required to complete to prevent or reduce the pollution of the Los Angeles River, which is a water of the United States. Requiring treatment plant operators to be certified, requiring the Discharger to plan for the impacts of climate change, requiring alternate power supplies, and requiring routine maintenance and operational testing for emergency infrastructure and equipment, are also considered BMPs because they are management practices to prevent or reduce the pollution of the Los Angeles River, a water of the United States. Spill reporting requirements and requirements for tertiary filter bypasses are also considered BMPs because they are management practices to prevent or reduce the pollution of the Los Angeles River, a water of the United States.	

		(See also 40 CFR § 122.41 (e) [proper operation and maintenance].) **Subsection 6.1.2 of the Tentative Order:** The Los Angeles Water Board Standard Provisions either implement State Standards (authority granted by the regulations at 40 CFR 122.44(d)(1)(i)) or are BMPs (authority granted by regulations at 40 CFR 122.44(k)). **Section 9.1. of the MRP, Watershed Monitoring**: The required monitoring is necessary to determine whether water quality standards are being met in the receiving water, pursuant to federal authority. 40 CFR 122.44(d) require NPDES permits to include requirements more stringent than promulgated effluent limitation guidelines or standards under sections 301, 304, 306, 307, 318, and 405 of the CWA necessary to achieve water quality standards established under section 303 of the CWA. Under section 303(d) of the CWA, and the TMDLs cited in and applicable to this Order, states are required to develop lists of impaired waters, or waters for which technology-based regulations and other required controls are not stringent enough to meet the water quality standards set by states. Assessing compliance with watershed monitoring is necessary to identify waters with degraded water quality so the Los Angeles Water Board can determine whether the discharges in the watershed are achieving WLAs in the TMDLs and complying with the CWA. Since watershed monitoring is	

		conducted to assist in determining the state of waters in the region and this information is used to determine if waters are impaired, watershed monitoring is consistent and no more stringent than required in the federal regulations. In addition, federal law requires this monitoring. See, e.g., 40 CFR § 122.48; 33 USC § 301(b)(1)(C); 33 USC § 1318 subd. (a); and it is a policy endorsed by USEPA for both stormwater and POTWs (see, Integrated Municipal Stormwater and Wastewater Planning Approach Framework (epa.gov).) See, also, State Water Resources Control Board Order No. 98-01, amended by WQO 99-05 Own Motion Review of the Petition of ENVIRONMENTAL HEALTH COALITION to Review Waste Discharge Requirements Order 96-03, NPDES Permit No. CAS0108740, for Storm Water and Urban Runoff from the Orange County Flood Control District and the Incorporated Cities. In addition to the foregoing, this monitoring program is not new; it was approved in 2008 and has been in prior permits governing this Facility. Finally, Water Code section 13383, designed to implement the CWA, has broad authority to require this monitoring. **Section 9.3 and 10.4.6 of the MRP:** Volumetric monitoring is not a new requirement, nor is it more stringent than federal law. First, this Facility has had to report volumetric monitoring to the State Water Resources Control Board	

		since 2019, in response to issuance of Order No. 2019-0037-EXEC, and the Dischargers never challenged this Order. Second, the Code of Federal Regulations requires influent and effluent volumetric monitoring. See, 40 CFR 122.41(j)(2) and (l)(4); 122.44(i)(1)(ii) and (iii); and Part 127, App. A, Table 2 (cross-referencing 122.21, 122.28(b)(2)(ii) and 403.10(f) [design flow] and 122.21, 122.28(b)(2)(ii), 122.41 and 403.10(f) [total actual average flow]. Finally, Water Code section 13383, designed to implement the CWA, has broad authority to require this monitoring. **<u>Section 10.4.8 of the MRP</u>:** Section 2.3 notes that Section 4.3 is a provision that implements State law only. Section 4.3 then cross-references to Section 10.4.8. Accordingly, no revisions are required. In Summary, with the exception of Section 10.4.8, none of the above sections, are based on State law only. Additionally, the statement in the Fact Sheet that the restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA and the applicable water quality standards for purposes of the CWA is factual. Even if specific pollutant limits were more stringent than available USEPA recommended water quality criteria for those pollutants, the CWA authorizes states when establishing water quality standards to develop more stringent standards where necessary to	

		protect beneficial uses. Furthermore, the standards on which the effluent limitations are based have all been reviewed and approved by USEPA and serve as federal water quality standards under the CWA for the state, region, and/or specific waterbodies to which they apply. (See, 33 U.S. Code §1313.)	
D2	**Permit Section 4.1.1.a, Table 4, page 6-10, Section 4.1.2., page 11, and Section 5.1.1, page 11.** The new temperature limit based on a new interpretation of the water quality objectives in the Basin Plan is too stringent and ignores other sources of temperature change. The limit should be 80°F unless the upstream temperature is above 80 and then the limit can float up to 5 degrees above the upstream temperature. If used as proposed, then the temperature objectives in the Basin Plan lack adequate implementation provisions to justify the limits imposed in violation of Water Code section 13242, and the new interpretation ignores the provision of Water Code section 13241 that recognizes that "it may be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses" and the requirement to consider economics and water quality conditions that can be reasonably achieved. The proposed limits are not reasonable as the cost of cooling effluent will be high and will come with high energy	As an initial matter, the established water quality objectives for temperature that are protective of the beneficial uses of the receiving water have been in effect since 1994 when the Basin Plan for the Los Angeles Region was comprehensively updated. It is not possible to change water quality objectives through an NPDES permit, and the permit must implement the water quality objectives as adopted in the Basin Plan. Because the temperature limit is a new interpretation of the temperature water quality objective, a compliance schedule is allowed per the statewide Policy for Compliance Schedules in [NPDES] Permits (Compliance Schedule Policy, State Water Board Resolution No. 2008-0025). The Compliance Schedule Policy states, "Under section 301(b)(1)(C) of the Clean Water Act, not later than July 1, 1977, National Pollutant Discharge Elimination System (NPDES) permits must include effluent limits as stringent as necessary to achieve water quality standards." The Compliance Schedule Policy also states "The State Water Board recognizes that a compliance schedule may be appropriate, in	None necessary.

	costs and greenhouse gas impacts that were not previously considered. The limits from the existing Order should be carried over into the new Order.	some cases, when a discharger must implement actions to comply with a more stringent permit limitation, such as designing and constructing facilities or implementing new or significantly expanded programs and securing financing, if necessary, to comply with permit limitations implementing new, revised, or newly interpreted water quality objectives or criteria in water quality standards." Effluent data showed that the Tillman WRP would exceed the new limitation, especially during the summer months. The Discharger submitted an application requesting inclusion of a compliance schedule in the new Order. The Compliance Schedule Policy provides guidance on developing a time schedule and program of implementation that will achieve the water quality objectives. The proposed Compliance Schedule includes a temperature study to better understand temperature ranges that are protective of aquatic life and identify necessary treatment controls. It is expected that this study will show what the natural receiving water temperature is as well. The receiving water limitation for temperature in section 5.1.1 is also still relevant to protect the receiving water temperature from being altered above the natural temperature. Even at 80°F, the discharge could increase the temperature of the receiving water more than 5°F, depending on the receiving water temperature and flows of both the receiving water and the effluent. The	

		Los Angeles Water Board will consider modifying the receiving water limitation for temperature only if the Discharger demonstrates to the satisfaction of the Los Angeles Water Board that an alteration of the temperature of the receiving water will not adversely impact the beneficial uses. Finally, the Basin Plan is an adopted regulation which includes water quality objectives such as this one for temperature. California Water Code Section 13241 requires the Los Angeles Water Board to consider factors such as beneficial use and economic considerations when establishing a water quality objective. These objectives were in fact considered during the comprehensive update of the Basin Plan in 1994. In summary, the temperature water quality objective in Chapter 3 of the Basin Plan for waters designated WARM (which is applicable to the Los Angeles River) states "…water temperature shall not be altered by more than 5°F above the natural temperature. <u>At no time shall these WARM-designated waters be raised above 80°F as a result of waste discharges</u>." The new temperature effluent limitation of 80°F is based on a new interpretation of this water quality objective for the purposes of establishing requirements in this NPDES permit to achieve the temperature water quality standards, and it will ensure protection of the beneficial uses of the receiving water. The end-of-pipe 80°F limitation also ensures temperatures above 80°F	

		in the receiving water are not due to POTW discharges.	
D3	**Permit Section 4.1.1.a, Table 4, page 6-10, Fact Sheet Section 4.3.5.b.ii-iv, page F-50-51** LASAN requests that the Regional Water Board revise the effluent limitations for lead during dry weather and for cadmium, lead, and zinc during wet weather using the SIP calculations presented in the Tentative Order instead of PBELs. The Los Angeles Metals TMDL was first amended by the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) in 2010 to incorporate a copper Water Effect Ratio (WER) developed for the three Water Reclamation Plants (WRP) in the LA River watershed through R10-003. During the TMDL amendment process, USEPA raised concerns in a March 11, 2010 letter about the application of the copper WER to WRP effluent limitations. To address this concern, the revised Staff Report supporting the 2010 TMDL amendment discussed establishing requirements such that effluent limitations would not exceed the levels of water quality that could be reasonably attained based on performance in the context of the copper WER. Those requirements are incorporated into the 2010 TMDL amendment and were slightly revised when the TMDL was amended again in 2015 to incorporate	As a practical matter, the Discharger is able to meet the performance-based limits in the Tentative Order. Chapter 7 of the Basin Plan states, “Regardless of the WER, for discharges regulated under this TMDL with concentrations below WER-adjusted allocations, effluent limitations shall ensure effluent concentrations do not exceed the level of water quality that can be reliably maintained by the facility’s applicable treatment technologies existing at the time of permit issuance, reissuance, or modification unless anti-backsliding requirements in Clean Water Act section 402(o) and antidegradation requirements are met. Permit compliance with anti-degradation and anti-backsliding requirements shall be documented in permit fact sheets.” (See Table 7-13.1, Los Angeles River and Tributaries Metals TMDL.) These anti-backsliding and antidegradation requirements are not met. This statement is included for both the wet and dry weather waste load allocations for cadmium, copper, lead, and zinc and therefore applies to all four metals. The statement is not only limited to copper because the intention of this requirement is to ensure the discharge maintains the same level of treatment if the discharge can achieve concentrations below the assigned waste load allocations. In addition, each metal is assigned a WER of 1.0 in the Basin Plan, unless a site-specific WER is	None necessary.

	additional copper WERs developed in the LA River Watershed. USEPA's comments were solely based on the adoption of a copper WER and were not related to any of the other metals addressed by the TMDL as those metals did not have site-specific WERs. As such, the performance-based limit requirements currently only apply to copper and no other metals as no other metals have a site-specific WER. Because of this, the PBELs contained in the Tentative Order for lead, cadmium and zinc are inappropriate, unauthorized, and unsupported. Because the TMDL contains no WER for lead, cadmium or zinc, it is inconsistent with the assumptions of the TMDL waste load allocations (WLAs) to apply PBELs. See 40 CFR §122.44(d)(1)(vii)(B). The 2017 Permit reflected this interpretation of the TMDL, but the current Tentative Order does not.	approved. So, although all three metals do not include a site-specific WER, they are still assigned WERs. Since the intention of this requirement in the Basin Plan is to ensure the quality of the discharge is maintained, the Tentative Order implemented performance-based limits appropriately for copper, cadmium, lead, and zinc.	
D4	**Permit Section DCT, Table 4, page 6-10, Fact Sheet Section 4.3.5.b.ii-iii, Page F-50** Regarding the use of Maximum Effluent Concentration (MEC) in lieu of WQO/CTR in calculating the effluent limits for Cadmium (wet) and Lead: The process developed to calculate the performance-based AMEL included stakeholder participation, workshops, and established transparency for the AMEL calculation methodology. A similar process was not utilized to identify an appropriate method for calculating the	As noted in the comment, a working group was formed that included the Los Angeles Water Board, the Discharger, and other stakeholders to discuss a methodology for determining performance-based limits as described in the LA River Nitrogen Compounds and Related Effects TMDL and Metals TMDL included in Chapter 7 of the Basin Plan. This process led to the development of a procedure to determine a performance-based AMEL equal to the maximum effluent concentration (MEC) + (2 x standard deviation), and the established MDEL	The MDELs for cadmium, lead, and zinc have been revised in Table 4 of the Order, and Tables F-10 and F-11 of the Fact Sheet. Section 4.3.5. of the Fact Sheet has also been revised to

	performance-based MDEL and the choice to utilize the MEC as the water quality objective for MDEL calculation does not consider the variability in effluent quality. LASAN requests that the Regional Board utilize the MDEL calculation method used in the 2017 Permit for the ammonia limitation (MDEL as the TMDL WLA * 90%). LASAN would also appreciate the opportunity to work with the Regional Board and other stakeholders to refine the MDEL calculation for PBELs (Performance Based Effluent Limitations), akin to the process utilized to develop the method for the PBEL AMEL calculations.	was the more stringent of either the WLA-derived limit or the effluent limit in the previous permit. Since effluent data from the past five years show that the Tillman WRP can consistently meet concentrations of cadmium and lead lower than the Waste Load Allocations in the Metals TMDL, the Los Angeles Water Board established limits based on POTW performance at the time of permit reissuance, as required by the TMDL. The Tentative Order includes AMELs for cadmium and lead (per the LA River Metals TMDL) established using the methodology developed during working group discussions; however the procedure established for the MDELs was not used. Since the AMELs for lead and cadmium are based on performance, the AMELs will ensure the effluent concentrations do not exceed the levels of water quality that can be reliably maintained by the facility's applicable existing treatment technologies. To be consistent with the established procedure used to determine performance-based limits, the previous Order, and the NPDES permits for other dischargers to the Los Angeles River, the Los Angeles Water Board agrees to revise the MDELs for cadmium and lead using the previously-established procedure. The MDELs calculated using the WLAs for cadmium (8.4 µg/L) and lead (139 µg/L) are less stringent than the MDELs in the 2017 Order (6.9 µg/L and 16 µg/L, respectively), so the MDELs from the 2017 Order have been included in the Revised Tentative Order. To be	reflect these changes.

		consistent with this methodology, the MDEL for zinc was revised since this MDEL was also a performance-based limit calculated using the MEC. The Revised Tentative Order includes an MDEL translated from the WLA for zinc (wet weather), which is 212 µg/L, since it is lower than the MDEL in the 2017 Order (236 µg/L).	
D5	**Permit Section DCT, Table 4, page 6-10, Fact Sheet Section 4.3.5.b.iv, Page F-50** The Los Angeles Water Board (Board) has determined that Zinc (dry) has Reasonable Potential (RP) following the procedures stated in the State Implementation Policy (SIP) Section 1.2. According to the Fact Sheet of the Tentative Order (Section 4.3.4, page F-45), RP was demonstrated when the Maximum Effluent Concentration (which is 160 ug/l) was equal to the WQO/CTR. However, the Board used the effluent hardness concentration to adjust the WQO/CTR rather than the receiving water hardness as prescribed in the SIP below: "When implementing the provisions of this Policy, the RWQCB shall ensure that criteria/objectives are properly adjusted for hardness or pH, if applicable, using the hardness or pH values for the receiving water, and that translators are appropriately applied (in accordance with section 1.4.1), if applicable." The Los Angeles Water Board used the effluent hardness (i.e., 140 mg/l) because the Los Angeles River is effluent	Since the State Implementation Policy specifically states that the receiving water hardness be used when adjusting the metals criteria, the Los Angeles Water Board accepts LASAN's request to use the downstream receiving water hardness when adjusting the metals criteria. Since zinc is a hardness-dependent metal, using the downstream hardness of 208 mg/L changes the criterion to 220 µg/L, therefore the maximum effluent concentration of 160 µg/L does not trigger reasonable potential, so the dry-weather effluent limitation for zinc in Table 4 has been removed and the Order has been updated to reflect this change.	Revisions have been made to Table 4 of the Order, Tables F-8, F-10, and F-11 and section 4.3.5.b.iv of the Fact Sheet. Attachment I was also updated to reflect this change.

	dominated. However, a more representative hardness concentration data that factors in the effluent can be measured in the downstream receiving water monitoring location (RSW-LATT630), which is just located 1,980 feet downstream of the DCTWRP effluent outfall (Outfall 008). This location captures both the river stream and the effluent stream, completely mixed. When the hardness concentration of Station RSW 630 (i.e., 208 mg/l) is used, the adjusted WQO/CTR criteria will be 222 ug/l. If the WQO/CTR is 222 mg/l, then there is no RP because the MEC (160 mg/l) is less than the criteria (222 mg/l). Since there is no RP, LASAN requests that the limit on Zinc (dry) be removed. Maintaining the current Zinc (dry) AMEL limits of 117 ug/l in this Tentative Order (TO) presents compliance issues as DCTWRP had one effluent concentrations (160 ug/l) above the limit and six are within 10% below the limit ranging from 105 ug/l to 112 ug/l.		
D6	**Permit Section 4.1.1.a, Table 4, page 6-10, Fact Sheet Section 4.3.5b page F-48-F-49** As noted in the Fact Sheet (F-48), the Metals TMDL states (**emphasis added**): "Regardless of the WER, for discharges regulated under this TMDL with concentrations below WER-adjusted allocations, effluent limitations shall ensure that effluent concentrations do not exceed the	Chapter 7 of the Basin Plan includes WLAs for the POTWs to protect the receiving waters and a WER for copper based on a site-specific study. However, to be the most protective of receiving waters, the TMDL requires that effluent limitations be based on performance at the time of permit reissuance as LASAN noted in their comment. See the Los Angeles Water Board's response to the previous comment D3. The	Revised effluent limits for selenium in Table 4, revised section 4.4, and Tables F-10 and F-11 of the Fact Sheet.

	levels of water quality that can be reliably maintained by the facility's applicable treatment technologies **existing at the time of permit** issuance, **reissuance**, or modification unless anti-backsliding requirements in Clean Water Act section 402(o) and antidegradation requirements are met. Permit compliance with antidegradation and anti-backsliding requirements shall be documented in permit fact sheets." (See TO at F-28 to F-29 ("[R]egardless of the WER, the WRPs must perform at a level that can be attained by existing treatment technologies *at the time of permit issuance, reissuance or modification*…. The anti-backsliding provision ensures that effluent concentrations do not increase above levels that can be maintained by wastewater facilities *at the time of permit reissuance.*") (emphasis added).) No language in the TMDL states that the effluent limits should only be reduced or retained. Basing limits on performance means that those limits can go down, stay the same, or go up so long anti-backsliding and (if applicable) anti-degradation requirements are met. Allowing for variations in the metals limits based on performance is similar to changing limits based on the SIP calculations (e.g., in the instance of a larger coefficient of variation for recent data). As discussed above, the TO's discussion of antibacksliding (F-60) noted Heptachlor no longer has reasonable potential based on the recent	language cited by LASAN from the Tentative Order on pages F-28 to F-29 indicates that the effluent limits must not exceed the level of water quality that can be reliably maintained by the facility's applicable treatment technologies existing at the time of permit issuance, reissuance, or modification unless anti-backsliding and antidegradation requirements are met. Carrying over the effluent limits for copper from the 2017 Order to the proposed Tentative Order is consistent with Chapter 7 of the Basin Plan because the treatment processes have not significantly changed at the facility since the issuance of the 2017 Order, which means the water quality achieved when developing the 2017 Order should still be able to be reliably maintained by the facility now. In addition, recent data shows the facility can consistently meet the current limits, further supporting the fact that the effluent limits for copper in the 2017 Order still represent the level of treatment that can be reliably maintained by the facility. The effluent data shows the Tillman WRP can consistently meet the proposed effluent limits except for one data point that exceeded the daily limit in July 2019. Because only one sample was taken that month, the monthly limit was also exceeded. In the monitoring report, the Discharger noted that collecting more samples during the month would likely lower the monthly average results and instructed analysts to compare sample results to effluent limits to prevent recurrence of a similar	

	monitoring and was removed. Additionally, selenium effluent limitations were increased based on monitoring data (F-61) and because a statutory exception for backsliding was met. Because the approved site-specific objective (SSO) set the acceptable water quality based standard, which is not being changed in this permit, modifying and even increasing the PBEL is expressly authorized as long as below the SSO level. This modification falls under one or more exceptions to anti-backsliding and is also authorized by the SSO itself. (See 33 U.S.C. §1342(o)(2)(B)(i), (C), and (E).) New information such as new effluent data can justify a less stringent limit at permit issuance. (See DCT TO at F-61.) Antidegradation is also not an impediment to these changes as the fluctuations based on effluent quality were contemplated in the TMDL and SSO. Monitoring data collected over the current permit term indicates an increase in PBELs over the 2017 levels is appropriate and warranted. The TO (Page F-48) presents an analysis of the recent performance data, which results in a calculated AMEL that is higher than the TMDL-established WLAs. Because PBELs cannot be greater than limitations based on the TMDL, the TMDL-established WLAs should be used as the basis for the copper limitations. Instead, the TO suggests maintaining the old 2017 limits even though it	issue. Based on a review of all monitoring data, the next highest effluent concentration in the five years of data was 23.4 µg/L, which is below the copper effluent limitations in the Tentative Order. An increase to the copper effluent limitation from the 2017 Order is also not consistent with the anti-backsliding provisions because an increase in the effluent limitation will not result in a decrease in the mass of copper discharged, as required in Section 402(o)(2)(E) of the Clean Water Act. The removal of effluent limitations without reasonable potential may be consistent with the anti-backsliding provisions if the removal of the effluent limit is accompanied by a reduction in mass of the pollutant. There would no longer be reasonable potential only if the effluent concentrations did not exceed the water quality objectives, which indicates a lower mass of pollutants being discharged. However, copper continues to have reasonable potential so this same rationale is not applicable to copper. The increase in the effluent limitation for selenium referenced in the comment was also not consistent with section 402(o)(2) of the Clean Water Act because the increase in the effluent limit will not result in a decrease in the mass of selenium discharged. Since this effluent limitation is not consistent with the anti-backsliding provisions, the effluent limitation for selenium has been revised back to the effluent limitation in the 2017 Order.	

	is acknowledged that these levels were exceeded in recent data (F-48). LASAN requests that the AMEL and MDEL for copper be revised to 81 and 178 ug/L, respectively, as presented in Table F-8 of the Fact Sheet (F-49).		
D7	**Permit Section 4.1.1a, Table 4, page 6-10, Fact Sheet 4.3.2.h, page F-35-41** The Discharger reiterates the same comment used for copper in Comment D6 in this comment for ammonia since similar language is included in Chapter 7 of the Basin Plan for nutrients regarding performance-based limits. Maintaining the current limits presents compliance issues as DCTWRP had two effluent concentrations above the current AMEL of 3.0 mg/L (TO at page F-37.) Both concentrations were below the TMDL WLA protective of beneficial uses. Monitoring data collected over the current permit term indicates an increase in PBELs is appropriate and warranted. As presented in the TO (Page F-41), the analysis of the recent performance results in a PBEL that is greater than the SSO and WLA-based limitations. Because PBELs cannot be greater than limitations based on the TMDL, the TMDL-established WLAs should be used as the basis for the ammonia limitations. LASAN requests that the Los Angeles Water Board revise the AMEL and MDEL to 4.7 and 9.0 mg/L,	See response to comment D6. Chapter 7 of the Basin Plan includes provisions for both metals and nitrogen compounds to base effluent limitations on the level of water quality that can reliably be maintained by the facility's applicable treatment technologies at the time of permit reissuance. The two effluent concentrations that LASAN refers to in the comment occurred on April 4, 2021 (4.31 µg/L) and December 3, 2021 (4.26 µg/L). Neither of those samples exceeded the MDEL (6.4 µg/L). In addition, the average monthly effluent ammonia concentrations did not exceed the AMEL in April or December 2021. Tillman WRP effluent ammonia concentrations have consistently met the current effluent limits, which are lower than the WLAs based on the SSO. Carrying over the effluent limitations for ammonia from the 2017 Order is also consistent with Chapter 7 of the Basin Plan because the treatment processes have not significantly changed at the facility since the issuance of the 2017 Order, which means the water quality achieved when developing the 2017 Order	None necessary.

	respectively, as presented in Table F-7 of the Fact Sheet (Page. F-41).	should still be able to be reliably maintained by the facility now. An increase to the ammonia effluent limitation from the 2017 Order is also not consistent with the anti-backsliding provisions because an increase in the effluent limitation will not result in a decrease in the mass of ammonia discharged, as required in Section 402(o)(2)(E) of the Clean Water Act. The removal of effluent limitations without reasonable potential may be consistent with the anti-backsliding provisions if the removal of the effluent limit is accompanied by a reduction in mass of the pollutant. There would no longer be reasonable potential only if the effluent concentrations did not exceed the water quality objectives, which indicates a lower mass of pollutants being discharged. However, ammonia continues to have reasonable potential, so this same rationale is not applicable to ammonia.	
D8	**Permit Section 4.1.1a, Table 4, page 6-10, Fact Sheet 4.3.4, page F-46** The Los Angeles Water Board (Board) has determined that Benzo(a)pyrene, Benzo(b)Fluoranthene, and Benzo(k)Fluoranthene have Reasonable Potential (RP) following the procedures stated in the State Implementation Policy (SIP) Section 1.2. According to the Fact Sheet of the Tentative Order (Section 4.3.4, page F-46), RP were demonstrated when	There were a number of exceedances for other constituents that are considered PAHs, including indeno(1,2,3-cd)pyrene and dibenzo(a,h)anthracene, that were linked to enforcement actions. Most of those violations were dismissed because evidence suggested they were due to the wildfires that occurred in the area and were outside of the Discharger's control. A violation for indeno(1,2,3-cd)pyrene occurring on May 6, 2018 was not dismissed, however, which indicates that there was not enough evidence to attribute the violation to a	None necessary.

	their Maximum Effluent Concentrations on sample collected on 5/6/2018 (which is 0.15 ug/l, 0.12 ug/l, and 0.14 ug/l, respectively) exceeded the WQO/CTR of 0.049 ug/l. According to the State Implementation Policy (Section 1.2): "When implementing the provisions of this Policy, the RWQCB shall use all available, valid, relevant, representative data and information, as determined by the RWQCB. The RWQCB shall have discretion to consider if any data are inappropriate or insufficient for use in implementing this Policy. Instances where such consideration is warranted include, but are not limited to, the following: evidence that a sample has been erroneously reported or is not representative of effluent or ambient receiving water quality; questionable quality control/quality assurance practices; and varying seasonal conditions." Based on ten years of historical data from 2012 to 2021, these constituents were detected only twice on 11/5/2017 and 5/6/2018. The Los Angeles Region has experienced wildfires during the last ten years. Prior to 2017, there were only six wildfires from 2012 to 2016. However, from 2017 to 2021, there were fifteen, including the years when these constituents were detected in 2017 (four wildfires) and 2018 (three wildfires). These constituents belong to the PAH (Polycyclic Aromatic Hydrocarbon)	wildfire. The exceedances of the water quality objectives for benzo(a)pyrene, benzo(b)fluoranthene, and benzo(k)fluoranthene also occurred on May 6, 2018, which also indicates there was not enough evidence to attribute these exceedances to a wildfire. Therefore, the Los Angeles Water Board finds there is reasonable potential for the constituents and effluent limitations are necessary.	

	group which according to studies are produced and mobilized on soil and water by wildfires. It is reasonable to conclude that the two detections are directly attributable to the seasonal wildfires. Based on the SIP guidance above, the Los Angeles Water Board should use its discretion to disregard the result of the sample collected on 5/6/2018 because it is not representative of the effluent due to the seasonal influence of wildfires in the Los Angeles Region. If the results are disregarded then there is no RP because the MECs of Benzo(a)pyrene (0.039 ug/l), Benzo(b)Fluoranthene (0.036 ug/l), and Benzo(k)Fluoranthene (0.036 ug/l) are less than the WQO/CTR criteria (0.049 ug/l). Since there is no RP, LASAN requests that the limits for these three constituents be removed.		
D9	**Permit Section 4.1.1a, Table 4, page 6-10 Fact Sheet Section 3.5.3, page F20-26, Attachment I (Summary of RPA)** LASAN requests the numeric effluent limitations for carbon tetrachloride, pentachlorophenol, TTHMs, radioactivity, and MBAS be removed from the TO unless and until an RPA is performed using groundwater data for ambient (C). In addition, reopener language in the current permit related to the Los Angeles Water Board reviewing information developed by the Permittee	The Los Angeles Water Board applied the Title 22 MCLs as effluent limitations for TTHMs, carbon tetrachloride, pentachlorophenol, MBAS and radioactivity for the protection of the beneficial use of surface water for groundwater recharge (GWR) since the Tillman WRP discharges to an unlined portion of the Los Angeles River impacting the San Fernando Groundwater Basin. The rationale for requiring effluent limitations for each of these pollutants is included in section 4.3.2 of the Fact Sheet and summarized below:	None necessary.

	evaluating the appropriateness of utilizing dilution credits and/or attenuation factors and modifying the permit if they are demonstrated to be appropriate and protective of the GWR beneficial use, on a pollutant-by-pollutant basis, should be retained. Maintaining the current limits on Carbon Tetrachloride and Pentachlorophenol in this TO presents compliance issues in DCTWRP. Carbon Tetrachloride had one effluent concentration (0.67 mg/l) above the current AMEL of 0.5 mg/L. Pentachlorophenol had one effluent concentration (2.6 mg/l) above the current AMEL of 1.0 mg/L.	**MBAS** The prohibition on foaming substances in the Basin Plan was translated into an effluent limitation for MBAS in the Tentative Order to protect the receiving water from foaming substances that may be present in the discharge. The prohibition states, "Waters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses." The Los Angeles Water Board determined the discharge has reasonable potential for MBAS because Section 1.3 of the SIP states that reasonable potential may be determined based on the type of discharge. Because the discharge accepts domestic wastewater (which is known to contain foaming substances), the discharge has reasonable potential to contribute to or exceed the narrative prohibition in the Basin Plan for foaming substances. **Radioactivity** Similarly, the prohibition in the Clean Water Act on radioactive substances was translated into effluent limitations in the Tentative Order to protect the receiving water from radioactive substances that may be present in the discharge. The narrative objective for radioactivity in the Clean Water Act states, "Notwithstanding any other provisions of this Act, it shall be unlawful to discharge any radiological, chemical, or biological warfare agent, any high-level radioactive waste, or any	

		medical waste, into the navigable waters." The Los Angeles Water Board determined the discharge has reasonable potential for radioactivity because Section 1.3 of the SIP states that reasonable potential may be determined based on the type of discharge. Because the discharge accepts industrial waste and waste from hospitals (which are potential sources of radioactivity depending on the industry), the discharge has reasonable potential to contribute to or exceed the narrative prohibition in the CWA for radioactivity. **<u>TTHMs</u>** The Los Angeles Water Board determined the discharge has reasonable potential for TTHMs because Section 1.3 of the SIP states that reasonable potential may be determined based on the type of discharge. Since the discharge is disinfected prior to discharge and TTHMs are potential byproducts of the chlorine disinfection process used at the facility, the discharge has reasonable potential to cause or contribute to an exceedance of the Title 22 MCLs. Since an exceedance of a Title 22 MCL could impact the surface water beneficial use of GWR, an effluent limitation for TTHMs based on the Title 22 MCL is appropriate. While an effluent limitation for TTHMs is appropriate where there is reasonable potential, as noted in comment D11 below, the finding of reasonable potential was based on a reporting error by the Discharger. The reporting error was	

		identified and corrected, and the new analysis shows there is not reasonable potential. Therefore, the effluent limitations for TTHMs have been removed on the basis of no RP. See response to comment D11, below. **<u>Pentachlorophenol and Carbon Tetrachloride</u>** The Los Angeles Water Board determined the discharge has reasonable potential to cause or contribute to an exceedance of the most stringent water quality objective for pentachlorophenol and carbon tetrachloride because the maximum effluent concentration exceeded the most stringent applicable water quality objective (Title 22 MCL). The Title 22 MCL is used as the water quality objective to protect the surface water beneficial use of groundwater recharge in the unlined portion of the Los Angeles River downstream of the discharge, which overlays the San Fernando Basin. Historical data noted in the existing permit and the Tentative Order shows carbon tetrachloride and pentachlorophenol readings have mostly been non-detect except for the recent two readings that triggered RP. Although only a single sample was collected for these pollutants after the exceedance of the AMEL, the Discharger may collect additional samples to comply with the AMEL. Since the effluent limitation for these pollutants is an AMEL and the Discharger typically does not detect these pollutants in the discharge, the Los Angeles Water Board finds that the Discharger will be	

		able to comply with the effluent limits for these pollutants. The reopener provision cited in the comment was also not included in the Tentative Order because the reopener provision in section 6.3.1.e of the Tentative Order already states that the Order may be reopened if information is obtained which would have justified the application of different conditions if known at the time of Order adoption. The Los Angeles Water Board will consider reopening the permit if the Discharger submits information regarding dilution credits and/or attenuation factors if the Los Angeles Water Board finds that they are appropriate and protective of beneficial uses.	
D10	**Permit Section 4.1.1a, Table 4, page 6-10, Fact Sheet Section 4.3.2.k, page F-42, Section 4.3.2.k, page F-44** The Los Angeles Water Board inappropriately applied Title 22 Recycled Water Regulations on Total Coliform and Turbidity. According to the Fact Sheet on bacteria (page F-17), "This Order also includes effluent limitations based on Title 22 disinfected tertiary recycled water requirements for the protection of human health" and on turbidity (page F-40), "The effluent limitation for turbidity is based on the Basin Plan (page 3-46) and section 60301.320 of Title 22, Chapter 3, "Filtered Wastewater" of the CCR…"	The rationale for requiring effluent limitations for turbidity and total coliform is included in section 4.3.2 of the Fact Sheet and is summarized below: **<u>Turbidity</u>** The Los Angeles Water Board translated the water quality objective in the Basin Plan for turbidity to numeric effluent limitations consistent with section 60301.320 of Title 22, Chapter 3, "Filtered Wastewater" of the California Code of Regulations. The water quality objective for turbidity in the Basin Plan states, "Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses." This effluent limitation ensures the effluent will	None necessary.

	Total coliform effluent limits should be removed as inapplicable to the LA River since no applicable total coliform objectives are set in the Basin Plan for bacteria. In addition, the Title 22 recycled water regulations for disinfected tertiary requirements related to coliform and turbidity are for recycled water regulation, not CWA effluent limitations. Other permits in the State set these requirements for adequate disinfection more appropriately as Recycled Water Specifications (i.e. Section 4.3) so the requirements encourage recycled water and are not subject to MMPs or citizen suits. (See e.g., Order No. R5-2017-0113 at IV.C. and also proposed Order No. R4- 2022-XXXX). LASAN requests the Total Coliform and Turbidity limits be removed as inapplicable as water quality objectives to the LA River.	meet the water quality objective and will protect the water contact recreation beneficial use. **<u>Total Coliform</u>** Using the procedures in section 1.3 of the SIP, the Los Angeles Water Board determined that the discharge has reasonable potential to cause or contribute to an exceedance of total coliform since the Discharger accepts municipal waste, which is likely to have concentrations of total coliform that could negatively impact the beneficial uses of the receiving water. Effluent limitations for total coliform are established in the Tentative Order based on the Title 22 definition of disinfected tertiary recycled water to protect the surface water beneficial use of groundwater recharge since the effluent is discharged to an unlined portion of the Los Angeles River. Since both the turbidity and total coliform effluent limits were established to ensure the water quality objectives in the receiving water are met and the discharge is able to meet these requirements, the effluent limitations are applicable to the discharge.	
D11	**Permit Section 4.1.1a, Table 4, page 6-10** **Fact Sheet Section 4.3.2m, page F-44** Total trihalomethanes (TTHMs) is defined as the sum of bromodichloromethane, bromoform, chloroform, and dibromochloromethane, each of which is a priority pollutant regulated in the CTR. (40	The Los Angeles Water Board has updated calculations to include the corrected data and analysis shows there is no longer reasonable potential for the discharge to cause or contribute to an exceedance of the water quality objective for TTHMs. Therefore, the limitation for TTHMs has been removed in the Revised Tentative	Effluent limitations for TTHMs have been removed from Table 4 of the Order. Accordingly, the

	CFR §131.38(b)(1).) However, as an operational sum, TTHM is not specifically listed as a priority pollutant and is only included as part of Title 22 (see above comment). Review of the disinfection by-product dataset revealed the results for the November 10, 2021 is incorrectly reported in CIWQS. After checking with the City's laboratory, there was a mix up between the results of the effluent and the travel blank. What was reported in CIWQS is the travel blank, which is why the result is Non-Detect. The correct values are as follows: Bromoform, ND Chloroform, 23.16 µg/L Bromodichloromethane 8.44 µg/L Dibromochloromethane 2.45 µg/L The correct value for TTHM on November 10, 2021 is 34.05 µg/L. The City will correct the information in CIWQS as soon as possible. Notwithstanding the previous comment regarding the inappropriate application of Title 22 MCLs, LASAN requests that the Los Angeles Water Board utilize the corrected Nov 10, 2021 measurements of the disinfection by-products in the RP analysis, which should result in no reasonable potential, and thus remove the TTHMs limit from the TO.	Order. The Los Angeles Water Board contacted the Discharger to confirm the data in CIWQS for TTHMs for this particular sample prior to releasing the Tentative Order and it was confirmed to be valid. In the future, the Discharger must ensure correct data is reported in CIWQS and corrected as soon as possible when errors are discovered.	frequency of influent, effluent, and receiving water monitoring for TTHMs and each individual pollutant that make up the sum has been reduced to semiannually in Tables E-2, E-3 and E-5 of the MRP, because each of these individual constituents were detected at levels below the CTR. Revisions were made to section 4.3.2 of the Fact Sheet and Attachment I.

D12	**Permit Section 4.1.1a, Table 4, page 6-10** The TO includes a chronic toxicity limit of "Pass" based on unpromulgated 2010 EPA guidance related to the Test of Significant Toxicity ("TST") as a AMEL and "Pass or % Effect <50 (survival endpoint)" as an MDEL. Notwithstanding that similar limits were in the past permit, these limits violate four currently binding precedential orders issued by the State Water Resources Control Board that specify a narrative toxicity effluent limitation stating: "There shall be no chronic toxicity in the effluent discharge." The permit can contain a toxicity trigger that would trigger a TIE/TRE, and should contain a reopener that states: "This permit may be reopened to include effluent limitations for pollutants found to be causing chronic toxicity and to included numeric chronic toxicity effluent limitations based on direction of the State Board [once the Toxicity Provisions are approved by USEPA] or failure of the City to fully comply with the TIE/TRE requirements." (See SWRCB Order Nos. 2003-0012, 2003-0013, 2008-0008, and 2012-0001.) Because the Toxicity Provisions have not yet been adopted, the Regional Board cannot rely on those new regulations to justify the proposed limits. In addition, the limits proposed are not the same as those in the Toxicity Provisions and would need to be modified anyway once the Toxicity Provisions are finally effective as	The Los Angeles Water Board has the discretion to select the statistical approach for analyzing WET test data that is most appropriate for use in a particular permit. (See section 9.4.1.2 of Short-term Methods, October 2002, EPA-821-R-02-013 ("[T]he statistical methods recommended in the manual are not the only possible methods of statistical analysis.")) The Los Angeles Water Board has selected the TST statistical approach for use in this Order, consistent with the 2017 Order. The comment contends that the referenced orders set a precedent for the toxicity requirements in all NPDES permits in the Los Angeles Region; however, only two of the referenced orders apply to facilities within the Los Angeles Region, Order 2003-0012 for the Los Coyotes and Long Beach WRPs, and Order 2003-0013 for the Whittier Narrows WRP. Since the other two orders are outside the jurisdiction of the Los Angeles Water Board, the requirements in the NPDES permits for those facilities may not be consistent with the Los Angeles Basin Plan and the requirements therefore may not be protective of the watersheds in the Los Angeles region. The Tentative Order includes toxicity requirements consistent with the current rendition of the Toxicity Provisions. These requirements have been included in all recently adopted municipal NPDES permits in the Los Angeles region, including each of the facilities included in Order	None necessary.

	the proposed limits do not include any percent effect for the AMEL, contrary to the Toxicity Provisions requirement for Fail and 25% effect. Thus, a reopener would be required either way. For the reasons above and all the reasons being litigated in City of Thousand Oaks, et al, v. California Regional Water Quality Control Board – Los Angeles Region, Ventura Sup. Ct. Case No. 56-2021-00549601, LASAN requests that the TST-based chronic toxicity effluent limits be removed and replaced with a narrative effluent limit and numeric trigger plus reopener as mandated by the four SWRCB Orders cited above.	2003-0012 (Los Coyotes WRP and Long Beach WRP) and Order 2003-0013 (Whittier Narrows WRP). The NPDES permits for the Long Beach Water Reclamation Plant (adopted on February 10, 2022), Los Coyotes Water Reclamation Plant (adopted on December 9, 2021), Whittier Narrows Water Reclamation Plant (adopted on June 10, 2021), and Pomona Water Reclamation Plant (adopted on June 10, 2021) all have the same toxicity effluent limitations discussed in the comment including an AMEL of "Pass" and an MDEL of "Pass" or "Percent effect >50" using the TST statistical approach for the most sensitive species at the time of permit reissuance. In 2010, the USEPA finalized the *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document*, which provides guidance to regulatory authorities regarding how to implement the Test of Significant Toxicity statistical approach. Since the available guidance has changed since the adoption of Order No. 2003-0012 and 2003-0013, and 40 CFR 122.44(d)(1) requires NPDES permits to include numeric effluent limitations for chronic toxicity if there is reasonable potential, the NPDES Orders for those facilities now include numeric effluent limits using the TST statistical approach. The Los Angeles Water Board has further determined that numeric effluent limitation for chronic toxicity are necessary, feasible, and appropriate for all NPDES permits in the Los Angeles region where there is	

		reasonable potential. In addition, the new limits are incorporated in the Tentative Order based on 40 CFR 122.44(d)(1)(iv), which requires NPDES permits to include effluent limitations for toxicity if there is reasonable potential and based on the characteristics of the discharge, the Tillman WRP has reasonable potential to exceed the water quality objective for chronic toxicity. The Los Angeles Water Board has discretion as to how to implement the effluent limitations and has decided to be consistent with the Toxicity Provisions since, although not yet approved by the USEPA, the Toxicity Provisions have gone through the public review process and include requirements based on input from multiple agencies around the State. The City admits that the last iteration of its NPDES permit contained substantively the same provisions as the tentative Order. To the extent that the City wished to have the State Water Board consider those provisions in the context of the other orders the City cites, the time to do so has expired. (Wat. Code § 13320.)	
D13	**Fact Sheet Section 3.3.12, page F-20** Without a mandate from the State, on February 21, 2019, Los Angeles' Mayor Garcetti pledged that Los Angeles will recycle 100% of its wastewater by 2035 — a major step to expand water recycling and reduce reliance on imported water. The DCTWRP is already producing high levels of recycled water for irrigation and industrial purposes.	The Tentative Order does not include a description of all the recycled water projects the City of LA is pursuing for the facility because this is an NPDES permit for wastewater discharges to the Los Angeles River. However, to make the Fact Sheet more complete, the Los Angeles Water Board agrees to add more of these facts and the suggested language (using the average	Revisions were made to the Order.

	However, limitations exist on the amount that can be recycled as further proposed reductions in wastewater to the LA River may be conditioned (limited) as necessary to support instream beneficial uses, including new uses that rely on continued wastewater discharges, such as kayaking. LASAN requests that more of these facts be incorporated into the permit to Section 3.3.12, Water Recycling: "about 20 MGD is discharged to the Los Angeles River, which is not properly characterized as a waste or unreasonable use of water since that water protects instream beneficial uses. Moreover, the maximum currently authorized amount of recycled water, which equals about 5.3 MGD is reused for non-potable recycled water applications, covering irrigation, parks and recreational, and industrial uses."	flow rate from the past 5 years) to section 4.7 of the Fact Sheet.	
D14	**Permit Section 6.3.6.f, page 27, Fact Sheet Section 3.5.6, page F-26** These sections discuss the SSS WDR, but inappropriately include language that seems to incorporate the requirements of the SSS WDR into the TO. To avoid this misinterpretation, LASAN requests the following edits be made at page 27: "The Permittee must separately comply with the SSS WDRs (State Water Board Order Number 2006-0003-DWQ, Statewide General	The Los Angeles Water Board agrees with the addition since complying with the SSS WDRs is a separate requirement from this Order. Permit section 6.3.6.f was revised to "… The Permittee must <u>separately</u> comply with the SSS WDRs (State Water Board Order No. 2006-0003-DWQ, …" Fact Sheet section 3.5.6 was revised as "…The Permittee must <u>separately</u> comply with State	Revisions were made to the Order.

	Waste Discharge Requirements for Sanitary Sewer Systems, as amended by State Water Board Order No. WQ 2008-0002-EXEC and No. WQ 2013-0058-EXEC).”; and at pages F-21 to F-22: “The Discharger must separately comply with State Water Board Water Quality Order Number 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (SSS WDRs), as amended by State Water Board Order Number WQ 2008-0002-EXEC and WQ 2013- 0058-EXEC and any subsequent order updating these requirements.” These changes are consistent with the language of other NPDES permits in the State that recognize that the SSS WDR is not federally required or part of an NPDES permit.	Water Board Water Quality Order Number 2006-0003-DWQ, …”	
D15	**Permit Section 4.1.1, page 6** According to permit section 4.4.1, page 6, “The discharger shall maintain compliance with the following effluent limitations for Discharge Points 002, 003, 008.” LASAN requests to remove discharge points 002 and 003, but maintain 008. Otherwise, it seems that if there is an exceedance, there is a violation in three locations. LASAN requesting to change to: “The Discharger shall maintain compliance with the following effluent limitations in Table 4 for Discharge Points 008, with compliance measured at Monitoring Locations EFF-001A and EFF-001B as described in the Monitoring	The Tillman WRP discharges effluent directly to surface waters at three locations: Lake Balboa (002), Wildlife Lake (003), and the Los Angeles River (008). However, compliance is determined at EFF-001A and EFF-001B, which are located prior to the three discharge points. If monitoring results at EFF-001A or EFF-001B indicate there is an exceedance of an effluent limitation, it would be a discharge violation at each effluent monitoring location from which the effluent is discharged.	None necessary.

	and Reporting Program (MRP), Attachment E: Table 4. Effluent Limitations for Discharge Point 008"		
D16	**Permit Section 4.1.1.a, Table 4, page 8; Section 7.10, page 32; Monitoring and Reporting Program Section 4.1, Table E-3 page E-11; Monitoring and Reporting Program Section 4.1, Table E-3, Footnote i., page E-14; Monitoring and Reporting Program Section 5.8.1, page E-20; Monitoring and Reporting Program Section 8.1.1, Table E-5, page E-23; Monitoring and Reporting Program Section 8.1.1 Table E-5 Footnote d., page E-24; Fact Sheet Section 4.4.3 Table F-11, page F-65** LASAN requests the removal of *Ceriodaphnia dubia* that is used throughout the DCTWRP TO. Chronic Toxicity is the parameter that is measured and *C. dubia* is one of 3 species that can be used to conduct the Chronic Toxicity test. The species that is used is determined by a 3 species screening which that process is described in the draft permits in Section 5.4 of the MRP and is consistent with Section III.C.2. of the Toxicity Provisions. Since the species should be determined by the species screening, one of the species should not be written/identified in numerous places in the TO and therefore should be	The most sensitive species from the last species sensitivity screening on the Tillman WRP effluent was used in the Tentative Order as the test species for Chronic Toxicity. The Discharger is required to run a species sensitivity screening for chronic aquatic toxicity prior to Order reissuance, but no later than 18 months prior to the expiration date of this Order (reduced from every 24 months in the 2017 Order). These modifications to the species sensitivity screening process are consistent with the most recent rendition of the Toxicity Provisions and have been applied to all recently adopted municipal NPDES permits in the region. The most recent species sensitivity screening for the discharge was conducted between March 3, 2021 and May 7, 2021, and *C. dubia* was selected as the most sensitive species. Since then, *C. dubia* has been used for the chronic toxicity tests and will continue to be used as required in this Order until the Order is reissued.	None necessary.

	removed and reverted to the current 2017 Permit language.		
D17	**Permit Section 4.1.1.a Table 4 footnote l, page 10; Permit Section 7.10, page E-32, Fact Sheet Section 4.4.3 Table F-11 Footnote k., page F-66** LASAN requests reverting back to the current 2017 Permit language. The current language identifies/explains the MMEL and MDEL, however, the current 2017 permit language is much more clear in stating that "up to three independent toxicity tests may be conducted in the calendar month when one test results in 'Fail". The proposed language in the TO is confusing referring to tests as MMEL tests when MMEL is the compliance that is trying to be met.	The language used in the Tentative Order is clear. Section 7.10 refers to the routine monitoring tests and MMEL compliance tests. The routine monitoring test is the first test conducted in a given month and MMEL compliance tests are those tests that are conducted if the routine monitoring test results in a “Fail” for any endpoint. The Tentative Order also includes similar language regarding the number of tests that may be conducted to comply with the MMEL: *The MMEL for chronic toxicity is exceeded and a violation will be flagged when the median of no more than three independent chronic toxicity tests, initiated in a calendar month and analyzed using the TST statistical approach result in “Fail” for any endpoint.* The Tentative Order further states, “If a chronic aquatic toxicity routine monitoring test results in a “Fail” at the IWC, the Permittee may complete a maximum of two MMEL compliance tests.” This means that three independent toxicity tests may be conducted in the calendar month (one routine monitoring test and two MMEL compliance tests). Since the suggested language has just been rephrased in the Tentative Order and is meant to be consistent with the Toxicity Provisions, no revisions to the language are necessary.	None necessary.

D18	**Permit Section 5.1.4, page 12** According to permit section 5.1.4, page 12, "The total residual chlorine shall not persist in the receiving waters at any concentration that causes impairment of beneficial uses as a result of the wastes discharged." LASAN requests to reinstate the old language to the tentative permit according to the basin plan which states that: "Chlorine residual shall not be present in surface water discharges at concentrations that exceed 0.1 mg/L and shall not persist in receiving waters at any concentration that causes impairment of beneficial uses".	The Tentative Order refers to the water quality objective stated in the Basin Plan that is the basis for the effluent limitation in Attachment F, section 4.3.2.d: "Chlorine residual shall not be present in surface water discharges at concentrations that exceed 0.1 mg/L and shall not persist in receiving waters at any concentration that causes impairment of beneficial uses." Section 5.1.4 of the Tentative Order is a receiving water limitation based on this Basin Plan water quality objective. The Tentative Order also includes an effluent limitation for total residual chlorine of 0.1 mg/L in Table 4, so the 0.1 mg/L water quality objective for discharges was translated to an effluent limitation and the receiving water quality objective was included in section 5.1.4 as a receiving water limitation. Therefore, both water quality objectives described in this comment have been properly incorporated into the Tentative Order.	None necessary.
D19	**Permit Section 5.1.21, page 13** LASAN requests reverting back to a modified version of the current 2017 Permit language for the chronic toxicity receiving water quality objectives with a minor edit to remove the accelerated monitoring of the current permit language to be consistent with the Toxicity Provisions Chronic Toxicity Narrative Receiving Water Quality Objective listed in the 2017 permit:	The suggested language in item b includes additional instructions for monitoring and the language is included as a footnote for receiving water monitoring requirements in Table E-5 and E-6. Since this is a monitoring requirement and not a receiving water limitation, the current location of this statement is appropriate. The Los Angeles Water Board will determine the origin of toxicity on a case-by-case basis, after reviewing self-monitoring reports submitted by	Revisions were made to section 5.1.21. of the Order.

	a. There shall be no chronic toxicity in ambient waters as a result of the wastes discharged. b. Receiving water and effluent toxicity testing shall be performed on the same day or as close to concurrently as possible. c. If the chronic toxicity median monthly threshold of the receiving water at both upstream and downstream stations is not met, but the effluent chronic toxicity median monthly effluent limitation was met, then chronic toxicity is not a result of the wastes discharged.	the Discharger. Nonetheless, the suggested language was added to the Order.	
D20	**Permit Section 6.3.4.b, page 21; Monitoring and Reporting Program Section 10.4.5, page E-39; Fact Sheet Section 3.5.1, page F-25** According to Permit Section 6.3.4.b, page 21; Monitoring and Reporting Program Section 10.4.5, page E-39; Fact Sheet Section 3.5.1, page F-25, "As such the Plan shall also identify steps being taken or planned to address greenhouse gas emissions attributed to wastewater treatment plants, solids handling, and effluent discharge process." LASAN requests for "solids handling" to be removed from the requirements as DCTWRP does not have solids treatment.	The language added for the Climate Change Effects Vulnerability Assessment and Mitigation Plan is standard language intended to be general guidance for all dischargers. Dischargers develop individual Climate Change Plans with content that is applicable to their facilities. Since the Tillman WRP does not treat solids, the Climate Change Plan is not required to include an assessment of how greenhouse gas emissions from solids handling are being addressed. Information on greenhouse gas emissions and solids handling will be addressed in the Hyperion WRP Climate Change Plan, so the term, "solids handling" has been removed.	Removed "solids handling" from section 6.3.4.b. of the Order, Attachment E, section 10.4.5., and Attachment F, section 3.5.1.

D21	**Permit Section 6.3.4.b, page 21; Monitoring and Reporting Program Section 10.4.5, page E-39; Fact Sheet Section 3.5.1, page F-25** LASAN respectfully requests the following changes to the Climate Change Plan: - Lowering the proposed 50 year planning horizon to 20 years per typical facility plan cycle. LASAN utilizes a standard 20 year planning horizon for effective and accurate long-term service level project planning and implementation - Increasing the proposed reporting timeline from 12 months to 24 months due to the additional inventory, data collecting, planning, and staffing needed to fulfill a larger scope. The additional time extension compares to a similar study with a smaller defined scope that required over 18 months to complete that utilized data sources and toolsets that were already available	Since the Discharger's typical long-term facility planning cycle is 20 years in duration, the Climate Change Plan should also use the same duration for consistency. The language in section 6.3.4.b of the Order, 10.4.5 of the MRP, and 3.5.1 of the Fact Sheet was revised. Considering the City of Los Angeles' prior experience with a similar study with a more limited scope, Los Angeles Water Board staff agree to modify the submittal due date for the Climate Change Plan from 12 months to 24 months in section 6.3.4.b of the Order, section 10.4.5 of the MRP, and section 3.5.1 of the Fact Sheet.	Revisions have been made to the Order.
D22	**Permit Section 7.16, page 36** LASAN requests to change Cs-134 to Cs-134m in the sample calculation presented in the table. The conversion from table (pCi/4 millirem) is 20,000 pCi/l which is Cs-134m under the Nuclide section found in the	The Los Angeles Water Board has corrected the typographic error by replacing Cs-134 with Cs-134m.	Revision made to section 7.16.

	Derived Concentrations (pCi/l) of Beta and Photon Emitters in Drinking Water (page 35).		
D23	**Permit Section 7.18.1, page 37** LASAN requests to revert back to the old language. This would include adding "The geometric mean values should be calculated based on a statistically sufficient number of samples and should not be less than 5 samples equally spaced over a 30-day period," after the end of the permit section 7.18.1 paragraph. In order to calculate the geometric mean, we need the minimum of 5 samples.	The Los Angeles Water Board agrees with LASAN's request to clarify the amount of samples that will be statistically sufficient to calculate the geometric mean. The suggested language has been added to the Revised Tentative Order.	Added suggested language to section 7.18.1.
D24	**Permit Section 7.18.4, page 37** Regarding Permit Section 7.18.4, page 37 - Per the Bacteria Provisions, *Enteroccous* is the indicator for marine waters, and as DCTWRP is an inland plant as well as it discharges to freshwater, the indicator should be changed to *E. Coli*. In the method title Test Methods for *Escherichia coli* and *Enterococci* in Water By Membrane Filter Procedure - both *Escherichia* should be italicized.	The Tentative Order already has *E. coli* described in the referenced section, but since *Enterococcus* is still required to be monitored if a spill from the facility reaches marine waters, the language in Section 7.18.4 was revised as follows: "Detection methods used for *E. coli* and *Enterococcus* shall be those presented in Table 1A of 40 CFR part 136 or in the USEPA publication EPA 600/4-85/076, "Test Methods for *Escherichia coli* and *Enterococci* in Water By Membrane Filter Procedure or any improved method determined by the Executive Officer and/or USEPA to be appropriate."" The revision was also made to section 1.14.2 since this same language is included in section 1.14.2 of the MRP.	Revisions have been made to the Order.

D25	**Definitions Section, page A-5** LASAN recommends removing the definition for Statistical Threshold Value. Although the State and LA Regional Board adopted USEPA's water quality objective (WQO) for E. coli, Statistical Threshold Value (STV) of 320 (CFU or MPN)/100mL, in REC-1 freshwaters, this WQO did not supersede the existing LA River Bacteria TMDL WQO and numeric site-specific objectives. The use of Statistical Threshold Value (STV) is not used in any other part of the draft permits other than in the definition section (attachment A).	Since the bacteria requirements in the Tentative Order are based on the more stringent Basin Plan WLAs instead of the Bacteria Provisions, the Statistical Threshold Value (STV) is not required to be calculated, therefore the definition of Statistical Threshold Value (STV) on Page A-5 was removed.	Change made to Attachment A.
D26	**Standard Provisions Section 5.5, page D-7** According to the Standard Provisions Section 5.5, page D-7, "Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances." LASAN requests that the tentative permit be revised to include contact information (contact person and phone number) when orally reporting non-compliance issues. LASAN also suggests to consider email notification as another option for reporting non-compliance issues.	Non-compliance issues unrelated to spills must be reported orally to the Manager of the Watershed Regulatory Section, which is currently Jeong-Hee Lim at (213) 576-6616. Noncompliance issues related to spills must be reported according the requirements in section 6.3.6. of the Tentative Order. To clarify the contact for noncompliance unrelated to spills, additional language was added to section 5.5.1 of Attachment D.	Revision was made to the Order.
D27	**Standard Provisions Section 5.5, page D-7** According to the Standard Provisions Section 5.5, page D-7, "A report shall also be	Section 5.5.1 of Attachment D states, "…A report shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances…" The five days is intended to	None necessary.

	provided within five (5) days of the time the Discharger becomes aware of the circumstances." LASAN requests to add "business" days of the time the discharger becomes aware of the circumstances.	include holidays and weekends. This ensures the notification of any noncompliance to the Los Angeles Water Board will be expedited so that the Los Angeles Water Bord can take any necessary actions to protect human health or the environment. No change is needed.	
D28	**Monitoring and Reporting Program Section 2 Table E-1, page E-6** LASAN requests for discharge points 002, 003, 008 be removed from the row pertaining to EFF-001B. EFF-001B is chlorinated effluent. It does not directly discharge to points 002, 003, and 008. EFF-001B has to go further down the treatment process for it to be dechlorinated to be identified as EFF-001A and then reach discharge points 002, 003, 008.	The Los Angeles Water Board agrees that the dechlorination treatment step has not been applied at monitoring location EFF-001B and therefore is not representative of the dechlorinated effluent that is discharged at Discharge Points 002, 003, and 008. The requested change has been made.	002, 003, and 008 are removed from the "Monitoring Location Name" column EFF-001B in Table E-1.
D29	**Monitoring and Reporting Program Section 2 Table E-1, page E-7** LASAN requests that the monitoring station RSW-W4 coordinates be corrected. The correct coordinates are Latitude 34.17280°, Longitude -118.47203°. The current coordinates are slightly off.	The Los Angeles Water Board agrees.	Coordinates have been changed in Attachment E, Section 2, Table E-1.
D30	**Monitoring and Reporting Program Section 3.1 Table E-2, page E-9** LASAN requests that "pg/L" be changed to "ug/L" for PCBs as Aroclors to match the way DCTWRP results that have always been	The Los Angeles Water Board agrees to revise the units for PCBs as aroclors to µg/L in Table E-2 of the MRP. The units for PCBs as congeners was also modified in Table E-3 and E-5 to pg/L since PCBs as congeners are	Revisions were made to the Order.

	reported in the past, to standardize with DCTWRP requirements, and for consistency and continuity of our data management.	reported at a lower concentration and to be consistent throughout the Order.	
D31	**Monitoring and Reporting Program Section 4.1 Table E-3, page E-12; Fact Sheet Section 7.2 Table F-12, page F-75** LASAN requests that the monitoring frequency for total trihalomethanes be changed from “monthly” to “semiannually” as total trihalomethanes is a calculated sum of Bromoform, Chloroform, Dibromochloromethane, and Dichlorobromomethane. To be able to calculate total trihalomethanes, the monitoring frequency should be semiannually since Bromoform’s, Chloroform’s, Dibromochloromethane’s, and Dichlorobromomethane’s monitoring frequency is semiannually.	See Comment D11. Since the effluent limitation was removed, the monitoring frequency for total trihalomethanes has been changed to semiannually to be consistent with the methodology used for determining monitoring frequency for other pollutants.	None necessary.
D32	**Monitoring and Reporting Program Section 4.1 Table E-3 footnote l, page E-14** LASAN requests that test method “USEPA 8270B” be updated to test method “USEPA 8270M”. EPA 8270M is not a CWA Method. It will be appropriate to call it EPA Method 8270C-M, if minor modification to the method 8270C is permitted to determine 1,4-Dioxane with enhanced sensitivity. "M" stands for modification. EMD is certified to use EPA	The Los Angeles Water Board agrees.	Revised method for 1,4-dioxane in footnote in Attachment E, Table E-3 from 8270B to 8270M.

	Method 8270C by ELAP. EPA Method 8270B is an old method. Therefore, LASAN requests test method "USEPA 8270B" be updated to test method "USEPA 8270M".		
D33	**Monitoring and Reporting Program Section 5.4, page E-16** LASAN requests further clarification from the Regional Board regarding the timeline for when the species screening is to be conducted. LASAN also requests the continued use of the word "valid" to be deleted, "the results of all 12 valid tests" should be the results of all 12 tests. The stipulation of all valid tests is not coming from the Toxicity Provisions and as the tests are conducted with larval animals, invertebrates, and an algal species the requirement is unrealistic and out of the control of the analyst.	The frequency for conducting the 3-species screening has been reduced from the frequency in the 2017 permit (every 24 months). Section 5.4 of the Monitoring and Reporting Program describes when the 3-species screening is required. The Tentative Order requires a 3-species screening once during the 5-year permit term, but the 3-species screening must be initiated no later than 18 months prior to the expiration date of the Order. In order to properly assess the sensitivity of the three species being tested, all 12 tests conducted to determine species sensitivity must be valid. If a test is deemed invalid, there is no way to determine if the species used in that test can be considered more or less sensitive than any other species used in the screening. Requiring that all tests used in the screening process to be valid ensures that each species will be fairly represented in the screening process.	None necessary.
D34	**Monitoring and Reporting Program Section 5.5.2, page E-17** LASAN requests to revert back to the current 2017 permit language. The current language	The language in the Tentative Order is appropriate for continuous dischargers. The LAG WRP is considered a continuous Discharger because the facility discharges without interruption throughout its operating	Modified language in Attachment E, Section 5.5.2.

	is more streamlined, short and to the point. Suggested language: "The Median Monthly Effluent Limit (MMEL) for chronic toxicity only applies when there is a discharge on more than one day in a calendar month period. During such calendar months, up to three independent toxicity tests may be conducted when one toxicity test results in 'Fail'". If the Regional Board disagrees with reverting the language back to the current permit language as requested above, then LASAN requests removing the phrase "in the beginning of" from the sentence "If the initial toxicity test, conducted in ~~the beginning of the month~~, results in “Fail” at the IWC,". LASAN's EMD toxicity testing unit conducts all of the toxicity tests for all 4 water reclamation plants that the City owns and operates. Due to the size of the laboratory, the amount of chamber space, the number of staff, and the availability of organisms from vendors it is not possible to conduct all of the 4 plants tests at "the beginning of" the month.	hours, except for infrequent shutdowns for maintenance, process changes, or other similar activities, and discharges throughout the year. The Discharger’s proposed language is not appropriate since the discharge is continuous. The Los Angeles Water Board understands the Discharger has several facilities to monitor and limited resources and it may be difficult to conduct the first test in the beginning of the month. In addition, “the beginning of the month” is undefined, so this section should be clarified. The language in section 5.5.2 on page E-16 has been modified as follows: If the initial toxicity test, conducted in a given ~~the beginning of the~~ month, results in a “Fail” at the IWC, then the Discharger shall initiate up to two additional chronic aquatic toxicity tests in the remainder of the month to determine compliance with the MMEL.	
D35	**Monitoring and Reporting Section 5.5.5, page E-18** LASAN understands that the WET methods manual should be followed when preparing samples for toxicity testing. However, LASAN seeks clarification and asks for additional information as to what specific WET methods manual should be used.	The WET Methods Manual referenced throughout the permit is the Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (USEPA 2002, EPA-821-R-02-013), as described in section 5.5.3 of the MRP. Section 5.5.3 was revised to clarify the short-hand terminology for the manual.	Revision was made to section 5.5.3 of the MRP.

D36	**Monitoring and Reporting Program Section 8.1.1 Table E-5, page E-22** LASAN requests that the sample type for RSW-LATT630 Total Flow be changed to "estimated", as the characteristics of the channel only allow for an estimated flow to be retrieved.	The Los Angeles Water Board agrees to change the Sample Type in the Tentative Order from "calculated" to "estimated" which is the language used in the existing permit.	Revised language in Attachment E, Table E-5.
D37	**Monitoring and Reporting Program Section 8.1.1 Table E-5, page E-23; Monitoring and Reporting Program Section 8.1.2 Table E-6, page E-26; Monitoring and Reporting Program Section 8.1.3 Table E-7, page E-29** LASAN requests that the sample types for Nitrate+Nitrite (as nitrogen), Organic Nitrogen, Total Nitrogen be changed from "grab" to "calculated" as those two constituents have calculated values.	Since nitrate and nitrite are each individually quantified, the Los Angeles Water Board agrees to modify the sample type to calculated in Tables E-3, E-5, and E-6 of the MRP. Since total nitrogen and organic nitrogen can be calculated using the results from analyzing other nitrogen species, the Los Angeles Water Board agrees to modify the sample type for total and organic nitrogen to calculated in Tables E-3, E-5, and E-6 of the MRP.	Revisions were made to the Order.
D38	**Monitoring and Reporting Program Section 8.1.2, page E-25** LASAN requests that flow meters 5A, 5B, 5C, and 5D be removed from this section. Flow meters 5A-5D are located in the plant and are not receiving water station flow meters. Flow meters 5A-5D are identified in the process flow diagram.	The Los Angeles Water Board's response to a previous LASAN comment regarding the current Order R4-2017-0062 stated "The receiving water analytical requirements are specified in Tables 5, 6, 7 and 8. The flow measurement requirements in Table E-6 are per the flow meters 5A, 5B, 5C and 5D in Attachment B. This clarification was added to VIII.A.2." To be consistent with the intent of the 2017 Order and previous direction by the Los Angeles Water Board, the flow meters will continue to be used to determine flow measurements.	None necessary.

D39	**Monitoring and Reporting Program Section 8.1.2 Table E-6, page E-25** Currently, the flow at the receiving water stations RSW-LATT 612, 614, 616, 622, and 628 are estimated and not measured by a flowmeter. Because of the soft bottom nature of the LA River along the DCTWRP stretch, it is difficult and dangerous to determine and estimate the flow. LASAN requests for the flow measurement requirements be removed since the downstream RSW-LATT630 already provides a reliable flow measurement. There is a USGS gage meter near RSW-LATT630, which can be accessed online with the following link: https://waterdata.usgs.gov/monitoring-location/11092450/?agency_cd=USGS#parameterCode=00060&period=P7D	Flow information is necessary for the receiving waters because effluent is distributed to multiple locations and then conveyed through the lakes before being discharged to LA River. Having flow information at the receiving water stations RSW-LATT 612, 614, 616, 622, and 628 will provide additional information as to which discharge points the flow is conveyed. In addition, water flow readings provide information on flow conditions in the sampling area and can confirm low water flows that impact sampling as reported by the discharger. Considering the conditions of the receiving water, the Los Angeles Water Board has changed the sample type from “calculation” to “estimated” in Tables E-5 and E-6 of the MRP.	Revisions were made to the Order.
D40	**Monitoring and Reporting Program Section 8.1.2 Table E-6 footnote j, page E-28** LASAN requests consistency between the DCTWRP and LAGWRP permits. LAGWRP does not include footnote j for Diazinon and effluent chronic toxicity sample concurrency. We ask that either this comment be added to LAG as well or removed as it is for the LAGWRP tentative permit to maintain consistency.	It is the intention of the Los Angeles Water Board to have consistency between the Tillman WRP and LAGWRP permits when possible. The footnote will be added to the LAGWRP permit.	Changes included in LAGWRP permit.

D41	**Fact Sheet Section 1 Table 1, page F-3** LASAN requests for the Plant Manager to be changed from “Michael Ruiz” to “Fernando Gonzalez” and Phone from “(818) 778-4108” to “(818) 778-4120”.	The Los Angeles Water Board agrees to update the Plant Manager and the authorized person to sign and submit reports, as requested.	Revisions made to Attachment F, Table F-1.
D42	**Fact Sheet Section 2.2.1, page F-4** Chatsworth, Granada Hills, Mission Hills, Northridge, Pacoima, Tarzana, Van Nuys, Sylmar, Woodland Hills, and Canoga Park are not contract Cities. Veterans Memorial Park is not a contract agency under DCTWRP.	Contract cities and agencies include those that are outside of the City of Los Angeles that convey wastewater to the Tillman WRP under contract; however, the communities identified in the comment are all within the City of Los Angeles. The Los Angeles Water Board agrees to exclude those entities, as requested.	Change made to Attachment F, Section 2.1.1.
D43	**Fact Sheet Section 2.1.3, page F-5** According to Fact Sheet Section 2.2.3, page F-5, “Solids returned to the sewer consist of grit, primary and secondary sludge and skimmings, and filter backwash.” LASAN request that “screenings” also be added to the solids that are returned to the sewer.	The Los Angeles Water Board agrees to add “screenings” to the list of solids returned to the sewer as requested.	Change made to Attachment F, Section 2.1.3.
D44	**Fact Sheet Section 2.2.1, page F-6** According to Fact Sheet Section 2.2.1, page F-6, “The Tillman WRP discharges tertiary-treated wastewater from monitoring point EFF-001 (shown as EFF-001A and EFF-001B in the map of sample points in Attachment B3) to the Los Angeles River directly (Type 1 Discharge, Discharge Points	The Los Angeles Water Board agrees to change the language in section 2.2.1 of the Fact Sheet to “The Tillman WRP discharges tertiary-treated wastewater from monitoring point EFF-001 ~~(shown as EFF-001A and EFF-001B in the map of sample points in Attachment B3)~~ to the Los Angeles River directly (Type 1 Discharge, Discharge Points 002, 003, and 008) and	Revision was made to the Order.

	002, 003, and 008) and indirectly (Type 2 Discharge, Discharge Points 004, 005, 006, and 007) through numerous outfalls in nearby waterways and lakes." LASAN recommends revising the paragraph to, "The Tillman WRP discharges tertiary-treated wastewater from monitoring point EFF-001 to the Los Angeles River directly (Type 1 Discharge, Discharge Points 002, 003, and 008) and indirectly (Type 2 Discharge, Discharge Points 004, 005, 006, and 007) through numerous outfalls in nearby waterways and lakes." because EFF-001B does not discharge directly to 002, 003, and 008.	indirectly (Type 2 Discharge, Discharge Points 004, 005, 006, and 007) through numerous outfalls in nearby waterways and lakes." See response to Comment D28.	
D45	**Fact Sheet Section 2.4, page F-12** According to Fact Sheet Section 2.4, page F-12, "The Discharger did not provide reasoning for the maximum daily limitation but commented in the monthly report that the analyst did not notice the exceedance and missed opportunities to collect extra samples during the month." LASAN requests to add the word "exceedance" after "limitation" as this section for copper is referring to discharger exceedance.	The Los Angeles Water Board agrees to add LASAN's suggested language to section 2.4 of Attachment F.	Revisions were made to the Order.
D46	**Fact Sheet Section 4.1, page F-29** According to Fact Sheet Section 4.1, page F-29, "This order authorizes the discharge of	The Tentative Order includes language in Attachment F in Section 4.7 specifying other Orders that authorize the use of wastewater	Revisions have been made to the Order.

	tertiary-treated wastewater from Discharge Points 002, 003, and 008. It does not authorize any other type of discharges." LASAN requests that the words "to receiving water" be added after "type of dischargers" as LASAN discharges recycled water. The current statements sounds like no other types of discharges are allowed overall.	from Tillman WRP for recycling. Because this Order only authorizes the discharge of tertiary-treated wastewater to receiving waters, the Los Angeles Water Board agrees to add the suggested language to section 4.1 of the Fact Sheet.	
D47	**Fact Sheet Section 8.1, page F-77** LASAN requests the removal of the section "The only requirement in this Order that is based on state law is an investigation of the feasibility of recycling, conservation, an/or alternative disposal methods for wastewater (such as groundwater injection), and/or capture and treatment of dry-weather urban runoff and stormwater on a permissive basis for the beneficial reuse. This investigation will allow the Los Angeles Water Board to determine if and how to prevent nuisance or pollution from any recycling or conservation program that might be implemented in the future." This section does not have anything to do with prevention of pollution or nuisance. If this section was intentionally added, LASAN seeks clarification as to why the following provision was added under the "Need to prevent pollution or nuisance" section.	The California Water Code, State Water Board Policy and the Basin Plan require the Los Angeles Water Board to prevent pollution and nuisance, and Section 8.1 in Attachment F specifies that the feasibility reports will help the Los Angeles Water Board determine potential sources for pollution and nuisance in recycled water programs and how to prevent them.	None necessary.

D48	**MRP Section 4.1, page E-10-13** LASAN requests the following monitoring frequencies be changed from monthly to quarterly: a. Carbon Tetrachloride and Pentachlorophenol – Based on Comment 9 above, these constituents were requested to have no limit. b. TTHM – Based on Comment 11 above, TTHM was requested to have no limit. c. Benzo(a)pyrene, Benzo(b)Fluoranthene, and Benzo(k)Fluoranthene – Based on Comment 8 above, these constituents were requested to have no limit. 2. LASAN requests Heptachlor monitoring frequency changed from monthly to semi-annually because the effluent data are all non-detect.	**Carbon Tetrachloride and Pentachlorophenol** See the response to Comment D9. The proposed limits for carbon tetrachloride and pentachlorophenol are appropriate. Since reasonable potential is triggered for these pollutants, they are required to be monitored monthly, consistent with how the monitoring frequency was determined for other pollutants. **TTHMs** See response to Comment D11. Since TTHMs no longer has reasonable potential, after the data reporting error was corrected, the monitoring frequency for TTHMs and the individual pollutants that make up the sum of TTHMs has been decreased to semiannually. **Benzo(a)pyrene, Benzo(b)Fluoranthene, and Benzo(k)Fluoranthene** See Response to Comment D8. The limits for Benzo(a)pyrene, Benzo(b)Fluoranthene, and Benzo(k)Fluoranthene are appropriate since the discharge has reasonable potential for these pollutants. The monitoring frequency for these pollutants is monthly, consistent with how the monitoring frequency was determined for other pollutants. **Heptachlor** Since there were no detections of heptachlor during the previous permit term, the Los Angeles Water Board agrees to reduce the monitoring frequency to semiannually. Table E-3 of the	Revisions have been made to the Order.

		MRP, and Table F-12 and section 7.2 of the Fact Sheet, were revised to reflect this change.	
D49	**Section 1.14.2, page E-5** LASAN requests for Escherichia to be italicized in the document title: “Test Methods for Escherichia coli and Enterococci in Water By Membrane Filter Procedure”.	See response to comment D24.	None necessary.
D50	LASAN noted some typographical errors and requested that they be corrected.	The typographical errors pointed out by LASAN have been corrected unless otherwise noted in the responses above.	Revisions have been made to the Order and Attachments in various places.

Comment Letter dated November 9, 2022, from Los Angeles WaterKeeper and Heal the Bay

No.	Comment	Response	Action Taken
LH1	The Water Boards must evaluate and prevent waste and unreasonable use when reissuing the POTW permits.	The question of what the water boards “must” do with respect to waste and unreasonable use is the subject of ongoing litigation. As a practical matter, however, the Los Angeles Water Board strongly encourages water recycling, water conservation, and use of stormwater and dry-weather urban runoff, consistent with the Water Quality Control Policy for Recycled Water (Recycled Water Policy) and Resolution Nos. 2017-0012 and R18-004 that the LA Water Board and State Water Board have adopted on these subjects – recycling, climate change, etc. The current	None necessary.

		permit requires the Discharger to evaluate the feasibility of recycling, conservation, and/or alternative disposal methods for wastewater, and/or capture and treatment of dry weather urban runoff and stormwater. The Tentative Order carries over this requirement in section 4.3. Section 4.7 of the Fact Sheet of the Tentative Order also briefly discusses the Discharger's future plans for reusing final effluent from Tillman WRP. In addition to continually expanding its nonpotable reuse system, the Discharger plans to divert up to 4,820 acre-feet per year (4.3 million gallons per day) of effluent (that currently flows to the Japanese Garden Lake and then to the Los Angeles River) for additional treatment before being conveyed to spreading grounds to recharge the San Fernando Groundwater Basin. In addition, the recycled water discharged from the Tillman WRP provides habitat along the Los Angeles River and maintains flow in the river to support other beneficial uses. So, although the effluent is discharged to the Los Angeles River, the discharge is not considered a waste and unreasonable use of water since it is providing a benefit to the environment and neighboring communities. Because the effluent discharged to the river helps maintain the beneficial uses of the river, the Discharger would also need to go through the 1211 petition process with the State Water Board's	

		Division of Water Rights to ensure the beneficial uses of the Los Angeles River are maintained with any reduction in discharge flow.	

Comment Letter dated November 9, 2022 from LA Waterkeeper

No.	Comment	Response	Action Taken
L1	The Regional Board did not analyze or consider minimum flows for the LA River to support beneficial uses as part of the Tentative Permits, nor did the Regional Board consider the potential environmental impacts of discharging millions of gallons of treated wastewater into the ocean every day. There are numerous ongoing efforts to identify minimum flows for the LA River, including a study by the Southern California Coastal Water Research Project.4 Other regulatory processes have ramped up wastewater recycling activities at the Tillman, LA-Glendale, and Burbank POTWs. The Tentative Permit for Tillman mentions the Tillman Groundwater Replenishment Project and the anticipated proposal for Tillman to recycle an additional 30,000 acre-feet per year ("AFY") of advanced treated wastewater for groundwater recharge. In 2016, LA-Glendale received permission from the State Water Resources Control Board ("State Board") to reduce its discharges by 3,500	The primary purpose of NPDES permits is to regulate the discharge of pollutants to a water of the United States, not to govern in-stream flows. The mechanism for evaluating whether a wastewater discharger must maintain a minimum flow is through the Water Code section 1211 petition process with the State Water Board. A 1211 petition is required whenever a project proposes to reduce flow to an inland surface water, so whenever the Discharger proposes to reduce flow to the LA River for other beneficial reuse, they must first file a 1211 petition with the State Water Board. Through the 1211 petition process, a determination is made regarding whether the change in the wastewater discharge is appropriate considering the minimum flows required to maintain the beneficial uses of the river. In addition to the 1211 petition process, additional studies and monitoring may also be required to determine the appropriate minimum flows.	None necessary.

	AFY. But the Tentative Permits do not mention any commitments to minimum flows in the LA River to support beneficial uses as all of these wastewater recycling initiatives ramp up.	Finally, it bears mentioning that the State Water Board and the Los Angeles Water Board, in cooperation with local municipalities, are wrapping up the Los Angeles River Flows Project to better evaluate the cumulative impacts of potential flow reductions. The Southern California Coastal Water Research Project is leading the project to evaluate flows and establish a framework to develop flow criteria. That effort will inform future decisions regulating flows. This study was initiated, in part, in response to the State Water Board's order on 1211 petitions related to the Los Angeles River.	
L2	The tentative permit is subject to Chapter 1 of CEQA and is legally required to make findings as to whether the project has significant and unavoidable impacts, including cumulative impacts resulting from multiple approvals of WDRs for POTWs. If applicable, it should identify feasible alternatives or mitigation measures that would substantially lessen those impacts. Such an analysis will ensure that permitting decisions made now will make important progress toward maximizing wastewater recycling in the Los Angeles region while preserving minimum flows in the LA River.	Under California Water Code section 13389, the action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of CEQA, which states: "Neither the state board nor the regional boards shall be required to comply with the provisions of chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code prior to the adoption of any waste discharge requirement, except requirements for new sources as defined in the Federal Water Pollution Control Act or acts amendatory thereof or supplementary thereto." The Federal Water Pollution Control Act defines new sources as:	None necessary.

		“any building, structure, facility or installation from which there is or may be the discharge of pollutants, the construction of which commenced after the publication of proposed regulations prescribing a standard of performance under this section which will be applicable to such sources, if such standard is thereafter promulgated in accordance with this section.” Since the Tillman WRP is not considered a new source, the action to adopt the NPDES permit is exempt from CEQA. Furthermore, the California Environmental Quality Act defines a project as “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment…”. The Tillman WRP is currently discharging tertiary-treated water to the Los Angeles River under the current permit and has been discharging for years under previous permits. The renewal of the permit to allow continued discharge would not cause a direct or indirect physical change to the Los Angeles River. However, since the Tillman WRP discharge provides a significant source of flow to the Los Angeles River, if a permit were to significantly decrease the discharge flow, a physical change to the flow of the river could occur. Dischargers that wish to decrease the amount of water they discharge to waterways must file a	

		wastewater change petition with the State Water Board's Division of Water Rights if the diversion will result in decreased flow in those waterways. Non-exempt wastewater change petitions are subject to CEQA and the State Water Board must either undertake CEQA review as a lead agency or review CEQA documents before making a decision. Certain factors considered before decisions are made include whether the change can be made without injuring other legal users of water including the environment and if the petition is in the public interest.	

Comment Letter dated November 16, 2022 from Heal the Bay

No.	Comment	Response	Action Taken
H1	**The Regional Board must enforce that instream water temperature shall not exceed 80°F, or be raised by more than 5°F, as a result of waste discharge.** Section 4.2 of the Tentative Permit provides an interim temperature effluent limitation for the duration of the compliance schedule, stating that "[t]he temperature of wastes discharged shall not exceed 86°F except as a result of external ambient temperature." A compliance schedule and interim effluent limitation for temperature of 86°F was requested because the facility cannot consistently comply with the final 80°F limitation. However, warmer water temperatures negatively affect the beneficial uses for humans as well as the organisms that rely on these water sources for survival, and we are concerned about the	The Tentative Order contains a temperature effluent limit of 80ºF to better ensure attainment of the permit's receiving water limits. The Discharger will be subject to a compliance schedule and an 86°F interim effluent limit because the Tillman WRP cannot consistently comply with the following Basin Plan temperature water quality objectives: *The natural receiving water temperature of all regional waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not adversely affect beneficial uses. Alterations that are allowed must meet the requirements below.*	None necessary.

	negative impacts if these warmer effluent conditions are allowed to persist. Water temperature influences the types of aquatic life that are able to survive and reproduce in the river. An increase in temperature also increases the rate of decaying organic matter, which then depletes the supply of oxygen. This could lead to hypoxic conditions, as warm water also holds less dissolved oxygen. In general, increases in water temperature will lead to an increase in water pollution problems. The Regional Board should remove the interim effluent limitations for water temperature currently allowing effluent water temperature up to 86°F, and instead enforce the final effluent limit of 80°F, as required under the Clean Water Act. At a minimum, we request that the compliance schedule to meet the final effluent limit of 80°F be shortened to 8 years. We understand that the need for a site-specific study may cause the need for a longer compliance schedule, and do not wish to reduce the study time in a way that may compromise the quantity and quality of data necessary to complete such a study. However, we believe there are areas where the timeline can be safely and effectively shortened as follows: Task / Completion Date Submit and Begin Implementation of Pollution Prevention Plan (PPP) for Source Control — April 1, 2023	*For waters designated WARM, water temperature shall not be altered by more than 5 °F above the natural temperature. At no time shall these WARM-designated waters be raised above 80 °F as a result of waste discharges.* The interim limit provided in the Tentative Order is established consistent with Resolve 7.b of the State Water Board's Resolution 2008-0025, Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits (Compliance Schedule Policy), which reads as follows: "If the compliance schedule exceeds one year, the Water Board shall establish interim numeric limitations for the pollutant in the permit; and may also impose interim requirements to control the pollutant, such as pollutant minimization and source control measures. Numeric interim limitations for the pollutant must, at a minimum, be based on current treatment facility performance or on existing permit limitations, whichever is more stringent. If the existing permit limitations are more stringent, and the discharger is not in compliance with those limitations, the noncompliance under the existing permit must be addressed through appropriate enforcement action before the permit can be reissued, unless the anti-backsliding provisions in Clean Water Act section 402(o) are met." The compliance schedule and the interim limit in section 6.3.7 of the Tentative Order are also authorized under section 1.e of the Compliance Schedule Policy, for the newly interpreted temperature final effluent limitation. Since the discharger is unable to immediately comply with	

	Select members for the Technical Advisory Committee and Stakeholder Committee and regularly convene the committee members to initiate the development of a Technical Workplan that includes a temperature study that identifies the potential impacts of the WRP's effluent temperature and potential control measures (including nature-based solutions) that can be implemented to protect beneficial uses.	July 1, 2023	the new final effluent limitation, the interim limit is necessary to give the discharger additional time to complete tasks that will bring the discharge into compliance with the final effluent limitation. The Technical Work Plan will include a site-specific study in the Los Angeles River, which the Discharger is planning to conduct over the course of 2 years to collect enough data to capture the seasonal and annual variations in water temperature of the receiving water. Since this study will need to be completed over the course of two years, the suggested reduction in the time schedule to complete the study is not appropriate. Once the final technical report is submitted, the Los Angeles Water Board staff also needs several months to review and discuss the report and next steps with the Discharger, so we have included six months for this to take place. In addition, the Discharger will need the proposed timeframe between notifying the Los Angeles Water Board of the selected preferred project and starting the preliminary design to accommodate their bidding process and other required internal approval processes. The Discharger's internal review and approval process will also require approximately a year from the time the designs for the selected project are completed to when they are able to issue a Notice to Proceed to start work on the preferred project. Since the Discharger has proposed a schedule based on previous experience with similar projects, the Los Angeles Water Board is not proposing changes to the Discharger's schedule.	
	Finalize and submit a Technical Workplan for the Los Angeles Water Board Approval, secure the necessary permits for Los Angeles River Channel access and deployment of in-situ monitoring devices, and initiate bidding and procurement for any necessary equipment and/or services.	May 1, 2024		
	Workplan, initiate testing and deployment of any necessary equipment, and continue securing the necessary permits for Los Angeles River Channel access and deployment of in situ monitoring devices.	May 1, 2025		
	~~I~~Complete implementation of the Technical Workplan and begin drafting a Final Technical Report.	~~May 1, 2026~~ December 31, 2025		
	Complete and submit the Final Technical Report.	~~February 1, 2027~~		

		August 1, 2026		
	Notify Los Angeles Water Board of Selected Preferred Project and Identify Regulatory Approval Process (if appropriate given the study findings), Present Results of Technical Workplan at Next Scheduled Los Angeles Water Board Meeting	~~August 1, 2027~~ March 1, 2027		
	Begin Preliminary Design and Environmental Review	~~April 30, 2028~~ April 30, 2027		
	Complete Preliminary Design	~~April 30, 2029~~ April 30, 2028		
	Complete Environmental Review	~~April 30, 2030~~ April 30, 2029		
	Complete Design of Preferred Project	~~April 30, 2031~~ April 30, 2030		
	Issue Notice to Proceed for Project Work	~~April 30, 2032~~ July 31, 2030		

	Complete Preferred Project	~~February 1, 2033~~ July 31, 2031		
H2	The Regional Board should include a definition of “dry weather” in the Tentative Permit to ensure that there are no gaps in WQBEL coverage.		The TMDL defines the trigger for wet weather in Chapter 7 of the Basin Plan on page 7-141 as: “The dry-weather targets apply to days when the maximum daily flow in the River is less than 500 cfs. The wet-weather targets apply to days when the maximum daily flow in the River is equal to or greater than 500 cfs,” which is consistent with the definition in the Tentative Order in footnote “g” of Table 4, footnote “a” of Table F-10, and footnote “o” of Table F-11 of the Fact Sheet. Any flow conditions outside of the trigger will be considered dry-weather conditions. Language has been added to footnote “h” of Table 4 of the Order, and footnote “f” of Table F-10 and footnote “o” of Table F-11 of the Fact Sheet.	Revisions have been made to the Order and Fact Sheet.
H3	We request that the Regional Board disclose if and how often the influent exceeds the plant design flow rate, and what actions are taken when this occurs.		During the past five years, there were no instances when the peak daily influent flow rate to the Tillman WRP exceeded its design capacity during wet weather and the Los Angeles Water Board does not anticipate that the daily influent flow rate will exceed the design capacity within the next five years because the plant is only running at approximately 53% capacity. Since the Tillman WRP is part of the Hyperion Treatment System (as specified in section	None necessary.

		2.1.1 of the Fact Sheet), any influent flow in excess of the Tillman WRP's design capacity of 80 MGD is conveyed to the Hyperion Water Reclamation Plant for treatment and disposal. In the event the influent flow rate exceeds the design capacity of the Tillman WRP and the flow is not able to be conveyed to the Hyperion WRP, the enforcement unit at the Los Angeles Water Board will review the monitoring data to determine if there are any exceedances of any effluent limitations. In addition, if a spill occurs as a result of the influent flow exceeding the design capacity, the Order includes monitoring and reporting requirements for spills in section 6.3.6 of the Order. In terms of compliance with the effluent limits for copper, lead, cadmium, and zinc during wet weather events, even if the influent flow rate exceeds the design capacity, the Discharger is still required to meet the concentration-based effluent limits and is subject to enforcement action if the discharge exceeds any of the concentration-based limits.	
H4	**Regional Board must enforce all permit violations.** The Facility discharges to Reach 5 of the L.A. River, via water features that provide recreation and habitat (e.g., Lake Balboa, Wildlife Lake), just upstream of the Sepulveda Basin recreation section of the river which provides critical habitat	CIWQS lists all reported violations and any violations that are dismissed also remain in CIWQS with a note indicating why the violation was dismissed. In Section 2.4 of the Fact Sheet, it is noted that there were multiple monitoring and reporting requirement violations during the	None necessary.

	adjacent to a designated floodplain area. The Fact Sheet of the Tentative Permit includes a compliance summary explaining exceedances for indenopyrene, copper, total coliform, and turbidity. We appreciate the explanations provided for action taken by the Regional Board in response to these exceedances, and for the work completed by LASAN to address the underlying issues. However, we have remaining concerns about the 49 monitoring violations reported. If a sampling event is missed without reasonable justification, we lose data that are necessary to understand the potential impacts of Facility discharge on local water quality. More importantly, missing that sampling event can allow a potential water quality exceedance to go undetected, and therefore unresolved, prolonging the negative impacts of the water quality exceedance. We appreciate the actions taken by LASAN to correct this issue, and we request that the Regional Board consider monitoring violations as a serious violation of permit requirements, subject to mandatory minimum penalties.	current permit term. Enforcement staff investigate violations of permit requirements and take appropriate enforcement action as required by and consistent with the California Water Code and State Water Resources Control Board's Water Quality Enforcement Policy. Any unresolved violations of Order No. R4-2017-0063 can still be addressed as appropriate after permit renewal. The Tentative Order states that "Order Number R4-2017-0063 is rescinded upon the effective date of this order except for enforcement purposes…"	