

Response to Comments

City of Los Angeles
Terminal Island Water Reclamation Plant (TIWRP)
Tentative NPDES Permit

This Table describes all significant comments received from interested persons with regard to the above-mentioned tentative permit. Each comment has a corresponding response and action taken.

Commenter	#	Comment	Response	Action Taken
Comments received from the City of Los Angeles on May 15, 2015				
City of Los Angeles	1	Title Page, Table 2 <u>Effluent Description is Incorrect</u> The discharge will include brine during this permit term. Please identify brine waste under the column heading of "Effluent Description." <i>Tertiary treated effluent and brine</i>	Staff agreed.	Revisions were made to the permit
City of Los Angeles	2	Section IV, A, Table 4 <u>Dioxin Final Effluent Limitation</u> The effluent limits for 2, 3, 7, 8-TCDD (Dioxin) should be removed for two reasons. First, the Regional Board conducted the Reasonable Potential Analysis (RPA) using the TCDD Equivalent (TCDD TEQ) approach instead of using only 2, 3, 7, 8-TCDD (Dioxin). The TCDD TEQ approach used concentrations from several dioxin and dioxin like compounds and converted them to TCDD TEQ and compared them to the water quality criteria. Since TIWRP discharges to an enclosed bay, the water quality criteria is based on the California Toxic Rule (CTR), which is applicable to discharges to inland surface waters, enclosed bays and estuaries. According to the CTR Final Rule, the water quality criteria for 2, 3, 7, 8-TCDD (dioxin) applies to one compound alone, which is 2, 3, 7, 8-TCDD (Dioxin).	TIWRP discharges to an enclosed bay so the <i>Water Quality Control Plan, Los Angeles Region</i> (Basin Plan) and the <i>Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California</i> (SIP), both apply. The Basin Plan includes a narrative toxicity limitation, "All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life." These narrative Basin Plan objectives were used to develop the numeric Water Quality Based Effluent Limitations (WQBELs) for dioxin (2,3,7,8-TCDD) and its congeners in this Tentative Order. This TCDD TEQ approach is consistent with previously adopted State Water Board Order WQO 2002-0011 for Chevron, which includes numeric	Revisions were made to the permit

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		<p>Although the CTR preamble and State Implementation Policy (SIP) encouraged the use of TCDD TEQ as the best approach to deal with the toxicity associated with dioxins, the only dioxin compound promulgated by the CTR Final Rule is the single congener 2,3,7,8-TCDD. First, the preamble has no regulatory authority and cannot overrule the Final Rule, which promulgated only a single congener. Secondly, the SIP only required monitoring of the 17 dioxin congeners but has retained the implementation of the CTR's 2, 3, 7, 8-TCDD criteria only. In Order WQ 2001-06, the State Water Resources Control Board (Board) stated in its background information that the Board "<i>considered implementing the CTR criteria 2, 3, 7, 8-TCDD as TCDD equivalents. Instead, the Board decided to implement the 2, 3, 7, 8-TCDD criteria and to require only monitoring for the remaining 16 dioxin and furan congeners.</i>" (WQ 2001-06, Page 47, line 11 – see Attachment #1).</p> <p>The City believes that using the TCDD TEQ approach is the wrong interpretation of the CTR Final Rule. An example where a Regional Board corrected the interpretation of the CTR similar to this case is WDR Order R9-2010-0057 (see Attachment #2) issued by San Diego Regional Water Quality Control Board to the US Department of Navy on September 8, 2010. The Order modified the previous Order No. R9-2009-0081, which established effluent limits and monitoring requirements for TCDD TEQ for discharges into San Diego Bay. The modified Order states, in part, the following (Page 9, Line 31-33):</p> <p>...31. The State Board and USEPA have not provided guidance on the discrepancy between the CTR preamble and the lack of criteria for TCDD</p>	<p>effluent limitations for dioxin and its congeners based on Reasonable Potential and the narrative limits for toxic pollutants in the Basin Plan. This Order states:</p> <p>"Authority for the Regional Board's regulation of 2,3,7,8-TCDD equivalents is contained in the Basin Plan narrative toxicity objective for bioaccumulation."</p> <p>The SIP requires monitoring of 2,3,7,8-TCDD and its equivalents, which are converted using Toxicity Equivalence Factors (TEFs). Most congeners, although highly toxic, are less toxic than 2,3,7,8-TCDD. The toxic equivalence of all dioxins present in a sample is determined by multiplying the measured concentration of each detected congener by its respective factor, and then summing the total of all results. This approach translates the TCDD congeners to an equivalent concentration of 2,3,7,8-TCDD, making it feasible to compare the combined toxic effect of several congeners to the concentration of 2,3,7,8-TCDD that is considered harmful to aquatic life (California Toxics Rule (CTR) criteria). Even though 2,3,7,8-TCDD has not been detected in the effluent from TIWRP, there is reasonable potential because, when converted to TCDD equivalents, TCDD congeners (OCDD and OCDF) were present at levels that exceeded the CTR criteria for 2,3,7,8-TCDD (0.014 pg/L). This method for determining reasonable potential for dioxin is consistent with section 2.4.5 of the SIP. The 2012 annual monitoring report submitted by the City of Los Angeles also states:</p> <p>"Reasonable potential for Dioxin TEQ, analyzed by method EPA-5 1613B, was triggered by one result of 0.035 pg/L in a sample collected on April 1, 2012. This Dioxin TEQ result was greater than the lowest</p>	

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		<p>Equivalents in the table for paragraph (b)(1) of the CTR, except for the single dioxin compound, 2, 3, 7, 8-TCDD.</p> <p>32. The CTR does not require effluent limitations for TCDD equivalents, dioxins and dioxin like compounds, for discharges to San Diego Bay because the CTR preamble does not have regulatory authority.</p> <p>33. To correct a mistaken interpretation of the CTR, this Order contains a new RPA for 2, 3, 7, 8-TCDD for discharges to San Diego Bay...</p> <p>Secondly, the effluent limits for 2, 3, 7, 8-TCDD (Dioxin) should be removed because the two congeners (i.e. OCDD and OCDF) that were detected in the April 2012 effluent sample are possibly contaminated and not consistent with historical data. Prior to April 2012, OCDF had never been detected in the effluent. Attachment #3 shows the concentrations of the four congeners that were detected in the influent, effluent, and biosolids between January 2008 to July 2012. As shown in Attachment #3, the detection of OCDF on April 2012 effluent sample is highly unusual since OCDF is neither detected in the influent nor in the biosolids. This is not consistent with the usual fate of dioxin in the wastewater treatment plants where dioxins are generally removed from the liquid stream (influent) and passed through to the solid stream (biosolids). Dioxin is not expected in the effluent since most bind with the biosolids.</p> <p>The presence of OCDD in the April 2012 effluent sample is also a suspect and likely a result of</p>	<p>applicable water quality objective criterion of 0.014 pg/L (California Toxics Rule, human health criteria).”</p> <p>There have been occasions when either the State Water Board or a Regional Water Board removed the final effluent limitations for dioxin and its congeners from an NPDES permit after considering various factors; however, those factors are not applicable to this Order.</p> <p>The State Water Board Order WQ 2001-06 referenced by the commenter only states the State Water Board’s actions pertaining to the implementation of CTR criteria for 2,3,7,8-TCDD as TCDD equivalents in the SIP. It does not preclude a Regional Water Board from implementing a final effluent limitation for dioxin and its congeners based on the narrative limit in the SIP for toxic pollutants. In fact, it specifically stated in Order 2001-06:</p> <p>“Although EPA did not itself promulgate criteria for the dioxin and furan compounds, EPA expressed its expectation that the state would use the TEF scheme to regulate the discharge of dioxin and furan compounds if their discharge has reasonable potential to cause or contribute to violation of a narrative objective.”</p> <p>Also stated in Order 2001-06, the Regional Water Board adopted Order No. 00-056 with limits for dioxin using the TEF approach:</p> <p>“It includes an interim, performance-based concentration limit, using the TEF approach, for 5 dioxin and furan congeners. These five are the only compounds measured in the effluent.”</p>	

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		<p>contamination. The contract laboratory (i.e. Test America) hired by the City to perform Dioxin analysis had reported OCDD contamination in Method Blank, not only in TIWRP, but in Hyperion Treatment Plant (HTP) as well, which is a direct evidence of laboratory contamination. In December 2009, the City requested the Los Angeles Regional Water Quality Control Board (LA Regional Board) not to include the HTP July 2005 TCDD TEQ data in the RPA Study because OCDD was detected in the Method Blank and Travel Blank. In January 2010, the City requested the LA Regional Board to invalidate the TCDD TEQ results of the HTP April 2007 sample due to OCDD contamination in the method blank (See Attachment #4). Furthermore, OCDD was detected in the January 2012 TIWRP travel blank sample with a concentration of 170 pg/l (see Attachment #5). The City is currently in the process of summarizing all the OCDD contamination issues in TIWRP and HTP during the last 10 years.</p> <p>Based on the two reasons cited above, the City requests that the effluent limits for 2, 3, 7, 8-TCDD (dioxin) should be removed. Maintaining and not removing the effluent limits will be cost prohibitive for the City since dioxin analysis is very expensive and also demands a lot of sample preparation and handling. Changing the effluent monitoring alone from quarterly to monthly will triple the cost of analysis in view of the minimal useful knowledge that can be gained from the data. The City requests that all the language related to 2, 3, 7, 8-TCDD (dioxin) effluent limits and requirement referenced in the tentative permit be removed accordingly.</p> <p>If the Regional Board does not remove the effluent limits for 2, 3, 7, 8-TCDD (Dioxin), the City requests that a dilution credit of 61 be granted. Dilution credit is</p>	<p>The SIP requires the monitoring of dioxin and its congeners, and does not preclude a Regional Water Board from establishing final effluent limitations for dioxin and its congeners using the TEF approach based on the narrative toxicity objectives in the Basin Plan.</p> <p>The Commenter also referenced San Diego Water Board Order No. R9-2010-0057 which used the CTR and the CTR preamble as a basis for incorporating an effluent limitation for TCDD equivalents. The limitation was removed because the CTR preamble does not require final effluent limitations for TCDD equivalents and the CTR preamble does not have regulatory authority. The Basin Plan, on the other hand, does have regulatory authority and this Tentative Order uses the narrative objectives for toxic constituents in the Basin Plan as a basis for including the final effluent limitations.</p> <p>Based on the Commenter's presented arguments regarding lab contamination, the presence of OCDF in the effluent may be the result of lab contamination since it has not been detected in the influent. Although it may be speculated that the presence of OCDF is due to contamination, there is no mention of possible contamination or lab error in the monthly or annual monitoring reports for OCDF, or Attachment 3, and no lab report documenting contamination on TIWRP final effluent samples collected on April 1, 2012 has been submitted.</p> <p>OCDD has been detected in the influent and final effluent once in 2011 and once in 2012. Because OCDD was detected in the influent, effluent, and biosolids, the presence of OCDD does not appear to be due to contamination or lab error. The effluent</p>	

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		<p>granted if the ambient background concentration is less than the water quality criteria. CLAEMD collected dioxin samples from two sampling sites (HW 23 and HW 33) on April 2, 2015 and April 9, 2015 and analyzed for all 17 TCDD congeners using EPA Method 1613B. The dioxin data (see Attachment #6) were all non-detect and less than the Reporting Level, which ranges from 10 pg/l to 100 pg/l. Since the dioxin data were all non-detect in the Los Angeles Harbor, the dilution credit of 61 should be granted when calculating the 2,3,7,8 –TCDD (dioxin) final effluent limitations.</p>	<p>concentration is also lower than that of the influent concentration, so it appears the OCDD entered the plant from some unknown source and a portion was removed during the treatment process as would be expected since the biosolids remove a portion of the pollutant from the wastewater stream. In addition, there was no mention of contamination or lab error in the July 2011 or April 2012 monthly or annual monitoring reports, or Attachment 3, and no lab report indicating the presence of contamination for samples collected on those dates has been submitted for OCDD.</p> <p>Although there has been evidence of contamination with test method EPA 1613B with the contracted lab in the past, no information has been provided to the Regional Water Board specifying there was contamination in the method blank that was analyzed with the TIWRP dioxin samples for July 2011 or April 2012.</p> <p>Given the authority of the narrative limit in the Basin Plan, the Reasonable Potential for Dioxin TEQ and the lack of justification that the OCDD and OCDF concentrations are due to lab contamination, the effluent limits for TCDD are retained in the permit.</p> <p>Since increasing the monitoring frequency from semiannually to monthly would result in significant costs to the Permittee, the monitoring frequency for dioxin has been changed back to quarterly. A footnote was added to Table 4 in section IV.A. of the Revised Tentative Order to indicate that the Regional Water Board will also consider applying dilution to the dioxin final effluent limitations if the Permittee submits quarterly receiving water data for dioxin for a year.</p>	

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City of Los Angeles	3	<p>Section IV A., pg.6, Table 4. <u>2, 3, 7, 8-TCDD effluent limit is lower than the available detection limit.</u> The City contracts out dioxin analysis to Test America. The readily available detection limit using high resolution GCMS method for the 17 dioxin congeners showed RL ranging from 10 pg/l to 100 pg/l.</p> <p>The City requests approval to use an MDL higher than effluent limit in accordance to MRP Section 1.H, "The Permittee shall select the analytical method that provides a ML lower than the permit limit established for a given parameter, unless the permittee can demonstrate that a particular ML is not attainable, in accordance with procedures set forth in 40 CFR part 136, and obtains approval for a higher ML from the Executive Officer, as provided for in section J, below "</p>	<p>The Permittee may use a Method Detection Limit (MDL) greater than the permit limit as long as the MDL is less than or equal to the Minimum Levels defined for each constituent in Appendix 4 of the State Implementation Policy (SIP). As stated in section I.J.4. of the MRP, since EPA Method 1613 is not included in the SIP, the Permittee, the Regional Water Board and the State Water Board shall agree on the lowest quantifiable limit and that limit will substitute for the ML for reporting and compliance determination purposes. Section VIII.O. lists the MLs that have been approved by both the Regional Water Board and the State Water Board. As long as these MLs are met, the permittee will be in compliance with monitoring for dioxin.</p>	None necessary.
City of Los Angeles	4	<p>Section IV A., pg.6, Table 4. <u>Ammonia Nitrogen Final Effluent Limitations</u> The effluent limit has changed drastically from the 2010 NPDES Permit from 195 mg/l to 81 mg/l for the Maximum Daily and from 29 mg/l to 26 mg/l for Average Monthly.</p> <p>The City requests for a clarification in the change of approach in calculating the ammonia limit.</p>	<p>The Water Quality Based Effluent Limitations (WQBELs) for ammonia are based on receiving water data from 2014 and final effluent data from 2010 through 2014. The procedure used to calculate the ammonia WQBELs is outlined in the Water Quality Control Plan – Los Angeles Region, and its associated amendments.</p>	None Necessary.
City of Los Angeles	5	<p>Section IV A., pg.6, Table 4. <u>Provide mechanism for changing copper, cyanide, MBAS, and ammonia limits when revised dilution study is approved.</u> When the 12/14/15 dilution study is approved, effluent limits for copper, cyanide, MBAS, and ammonia will increase based on a dilution credit of 65. The City requests alternate effluent limits be provided in footnote that will become effective upon notification of approval from the Executive Officer.</p>	<p>The dilution study update was submitted by the City on 12/14/14 and was reviewed by the Regional Water Board in consultation with the State Water Board staff using the State Water Board-approved Visual Plumes Model.</p>	Revisions were made to the permit

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		<p>⁴<i><u>This constituent is granted with the dilution credit of 61. The following alternate effluent limits will go into effect upon notification from the Executive Officer that the December 15, 2015 dilution study update was approved by the State Water Board.</u></i> <i><u>Copper - 101 µg/L and 25 lbs/day (AMEL), 225 µg/L and 56 lbs/day (MDEL)</u></i> <i><u>Ammonia Nitrogen – 28 mg/L and 7,000 lbs/day (AMEL), 85 mg/L and 21,000 lbs/day (MDEL)</u></i> <i><u>Cyanide - 10 µg/L and 2.6 lbs/day (AMEL), 21 µg/L and 5.2 lbs/day (MDEL)</u></i> <i><u>MBAS - 33 mg/L and 8,300 lbs/day (AMEL)</u></i></p>	<p>Since the dilution study update suggests a greater dilution in the Harbor and suggests application of less stringent effluent limits, antibacksliding was considered. The dilution study update constitutes information which was not available at the time of the previous permit issuance (other than revised regulations, guidance, or test methods) and justifies the application of less stringent effluent limitations for constituents not included in the Harbor TMDL. This constitutes an exception to the anti-backsliding regulations in the Clean Water Act so the near-field dilution credit of 65 has been applied to those constituents that previously had a dilution credit of 61. To address this issue, an anti-backsliding discussion was added to the Fact Sheet (I.F)</p> <p>Refer also to response to comment #11.</p>	
City of Los Angeles	6	<p>Section IV.A., pg. 6-7, Table 4. Table footnotes The City requests that Footnotes 5 and 6 should be as they are the same as footnote 2, and the table should include footnote 2 instead of references to footnotes 5 and 6 for streamlining and clarity.</p>	<p>Footnotes 2, 5, and 6 in Table 4 are similar but they contain different conversion factors depending on the constituent.</p>	None necessary
City of Los Angeles	7	<p>Section IV.A., pg. 7, Table 4. Chronic Toxicity Limit and Footnote The City believes that only 40 C.F.R. Part 136 methods may be used for permit compliance purposes. See <i>accord</i> Permit at p. 18, Provision VII.C.2.b.; Standard Provision III.B., p. D-4; 40 CFR part 122.41(j)(4); part 122.44(i)(1)(iv); Permit at p. E-11, fn 2, and p. E-35 USEPA's promulgated methods include four (4) specified statistical methods to be used with hypothesis tests: Dunnett's Procedure; T-test with the Bonferroni Adjustment; Steel's Many-One Rank Test; and Wilcoxon Rank Sum Test with the Bonferroni Adjustment. See <i>accord</i> USEPA, <i>Short-</i></p>	<p>The Order requires the test methods described in <i>Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms</i> (October 2002) (EPA-821-R-02-013), including a multi-concentration test design, when required, and review of the concentration-response pattern. The Order is also consistent with the letter dated February 11, 2015, from USEPA to the State Water Board withdrawing approval of the alternate test procedure using a two-concentration test design.</p>	None necessary

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		<p><i>term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms</i> (Fourth Ed., Oct. 2002) (“2002 Methods”) at pp. 44-45. Each of these statistical methods is used for hypothesis tests resulting in the endpoint estimates of NOEC or LOEC (Lowest Observable Effect Concentration). <i>Id.</i> at p. 43 (Figure 2 - Flowchart for statistical analysis of test data). The Test of Significant Toxicity’s (TST) “Pass/Fail” or “Greater than 50% Effect” are not approved endpoints and the TST is not an approved statistical method. City understands that this issue will be eventually resolved at the SWRCB and would like to have reopener language to include the final outcome in the permit.</p>	<p>The State permitting authority, here, the Regional 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 <i>Short-term Methods</i>, 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 Regional Water Board has selected the TST statistical approach for use in this Order.</p> <p>The Method Guidance and Recommendations for Whole Effluent Toxicity (WET) Testing (40 CFR part 136), July 2000, identifies common patterns of WET test data and provides guidance on using the concentration-response relationship to review WET test results. Some of these response patterns were identified as requiring further review if a toxic result is obtained depending on the statistical approach used. Since the statistical approach is based on assumptions concerning the data set, if the concentration response pattern of the data set does not comply with those assumptions, then the calculated NOEC/LOEC endpoints may not be valid. But these anomalous results would not occur with the TST statistical approach because the results of the instream waste concentration are compared directly to the control, and do not rely upon the same statistical assumptions as the NOEC-LOEC hypothesis testing and point estimation approaches. The TST statistical approach will produce reliable results in these circumstances.</p> <p>The remaining concentration-response patterns identified in the guidance as warranting further review suggested evaluation of factors such as test acceptance criteria, test conditions, and reference</p>	

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			<p>toxicant testing. These factors can and should be evaluated and are accounted for in the draft permit. Evaluation of these factors and application of the TST approach, which accounts for the inherent variability in WET test data, will produce reliable test outcomes for purposes of permit compliance.</p> <p>A reopener provision for chronic toxicity testing provisions is already included in the permit (VII.c.1.k):</p> <p><i>“This Order will be reopened and modified to revise any and all of the chronic toxicity testing provisions and effluent limitations, to the extent necessary, to be consistent with the Toxicity Plan that is subsequently adopted by the State Water Board promptly after USEPA-approval of such Plan.”</i></p>	
City of Los Angeles	8	<p>Section IV. C.3., pg. 7.</p> <p><u>Turbidity</u> The turbidity effluent limitations in the tentative permit are based on Title 22 Recycled Water Standards. The City requests that the turbidity effluent limit should be based on the Basin Plan Objective (Page 3-17) and not based on Title 22 Recycled Water Standards.</p>	<p>The final effluent limitations for turbidity in the Tentative Order are based on section 60301.320 of Title 22, Chapter 3, “Filtered Wastewater” of the California Code of Regulations. The Basin Plan Objectives for turbidity require information on the turbidity of the receiving water and are stated below:</p> <p><i>Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in natural turbidity attributable to controllable water quality factors shall not exceed the following limits:</i></p> <ul style="list-style-type: none"> - <i>Where natural turbidity is between 0 and 50 NTU, increases shall not exceed 20%.</i> - <i>Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.</i> - <i>Allowable zones of dilution within which higher concentrations may be tolerated may be defined for each discharge in specific Waste Discharge Requirements.</i> 	Revisions were made to the permit.

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			<p>The final effluent limitations for turbidity in the Tentative Order include:</p> <p><i>For the protection of the water contact recreation beneficial use, the wastes discharged to water courses shall have received adequate treatment, so that the turbidity of the wastewater does not exceed any of the following: (a) an average of 2 Nephelometric Turbidity Units (NTUs) within a 24-hour period; (b) 5 NTUs more than 5 percent of the time (72 minutes) within a 24-hour period; and (c) 10 NTU at any time.</i></p> <p>The City of Los Angeles is working toward eliminating the discharge of tertiary-treated effluent from the Los Angeles Harbor by 2020; however, the discharge of brine waste to the Harbor will continue. The current final effluent turbidity limits will not be feasible as the ratio of brine to final effluent increases, since the current limits were based on what is feasible with tertiary treatment.</p> <p>Since the Basin Plan Objectives for turbidity require the natural turbidity of the receiving water, the Regional Water Board requires more information to assess the most appropriate final effluent limitations for turbidity. Language has been added to this section of the permit to clarify that the final effluent limitation for turbidity may be amended after the City submits the necessary information.</p>	
City of Los Angeles	9	<p>Section IV.C.4., pg.8. <u>No Reasonable Potential for Acute Toxicity</u> The SIP sets the procedures for determining whether an effluent limitation is required and the method to calculate those limits. The City has conducted a RPA for acute toxicity (2010-2014) for TIWRP's effluent</p>	<p>Regional Water Board staff re-evaluated the Reasonable Potential Analysis for acute toxicity in the final effluent and staff agrees that there is no reasonable potential. There have been no</p>	<p>Revisions were made to the permit</p>

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		<p>monitoring data. The results of the TIWRP RPA analysis indicated no RP for acute toxicity; yet the tentative TIWRP NPDES permit incorrectly includes an acute toxicity limitations. If a constituent does not have RP, by definition it does not threaten to cause or contribute to exceedances of Water Quality Objectives. Therefore, effluent limits for constituents with no RP are not necessary.</p> <p>The City requests that the acute toxicity effluent limit be removed from TIWRP's NPDES Permit since there is no RP. <i>"The chronic toxicity final effluent limitation is protective of both the numeric acute toxicity and narrative toxicity Basin Plan water quality objectives."</i></p>	<p>exceedances of acute toxicity in the final effluent since the adoption of the 2010 NPDES Order for TIWRP. In addition, the final effluent limitation for chronic toxicity is protective of both chronic and acute toxicity objectives in the Basin Plan. The acute toxicity final effluent limitation and monitoring has been removed from the Revised Tentative Order since chronic toxicity is also protective of acute toxicity.</p>	
City of Los Angeles	10	<p>Section IV. C.4.a., pg. 8. No Reasonable Potential for Acute Toxicity The SIP provisions for reasonable potential do not apply to toxicity, because toxicity is not a pollutant, and therefore not a "priority pollutant." Thus, the SIP cannot be used to determine reasonable potential. Because there is no reasonable potential, there should be no limit for acute toxicity.</p> <p>Thus, Provision IV.C.4.a. should be removed, and only Provision IV.C.4.b. should be maintained. That will allow continued monitoring for acute toxicity and if reasonable potential is ever triggered, then an effluent limitation could be put into the permit under the reopener contained in Provision VII, C.b. or d.</p> <p>Language from the Ocean Plan supports this request. The Ocean Plan does not require the inclusion of acute toxicity testing when the dilution credit is less than 100:1, as is the case here. Only when the dilution factor is greater than 100:1 does the Ocean Plan provide the Regional Board with discretion to include acute toxicity testing. Thus, the Regional</p>	<p>See response to comment #9.</p> <p>Provision IV.C.4. has been removed since the chronic toxicity final effluent limitation is protective of both chronic and acute toxicity.</p>	Revisions were made to the permit

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		Board's actions to include acute toxicity limits without reasonable potential and testing when dilution is less than 100:1 is not appropriate.		
City of Los Angeles	11	<p>pgs.8, 11, 12, 17, 31, E-31, E-36, F-25, F-26, F-43, F-52.</p> <p><u>Los Angeles Harbor Toxics TMDL</u></p> <p>There are several references in the TIWRP Permit to the Los Angeles Harbor Toxics TMDL. There may be overlap and duplication of monitoring requirements between TIWRP and the CLA Harbor Department.</p> <p>The City requests clarification on monitoring conditions and requirements of the TIWRP Permit that are the responsibility of TIWRP versus the requirements of Los Angeles Harbor Toxics TMDL which is the responsibility of the City of Los Angeles Harbor Department. Please clarify if there are specific receiving water and sediment monitoring requirements under this NPDES Permit.</p>	<p>Revisions have been made to the permit to clarify the TMDL requirements. Since the concentration based WLAs were not assigned to TIWRP in the Harbor Toxics TMDL, the receiving water limitations for copper, lead, zinc, 4,4'-DDT, and total PCBs have been removed as well as the Los Angeles Harbor Sediment Limitations, section VI. The mass-based Waste Load Allocations (WLAs) in the Harbor Toxics TMDL for copper, lead, zinc, 4,4'-DDT, PAHs and total PCBs have been incorporated into the final effluent limitations.</p> <p>The monitoring outlined in the Coordinated Compliance Monitoring and Reporting Plan (CCMRP) developed as a result of the Harbor Toxics TMDL does not need to be duplicated as a result of this permit; however, the monitoring results outlined in the Monitoring and Reporting Program of this NPDES Order do need to be reported with the corresponding NPDES monitoring reports.</p> <p>Language has been added to section IX of the MRP to clarify that monitoring does not need to be duplicated if it is already being conducted as part of the CCMRP required by the Harbor Toxics TMDL:</p> <p><i>If any of the monitoring requirements listed below are conducted during the same season and location as the monitoring requirements in the Coordinated Compliance Monitoring and Reporting Plan required under the Harbor Toxics TMDL, then those monitoring requirements do not need to be duplicated. In lieu of duplicative</i></p>	Revisions were made to the permit

Commenter	#	Comment	Response	Action Taken
			<p><i>sampling, the permittee may submit the monitoring data, a report interpreting the data, and related QA/QC documentation in the corresponding monitoring report required under this Order.</i></p>	
City of Los Angeles	12	<p>Section V A., pg.8, Table 5. <u>Total PCBs Receiving Water Limitations is lower than the available detection limit.</u> Total PCBs Receiving Water Limitations is lower than the available detection limit. The City requests approval to use an MDL higher than effluent limit in accordance to MRP Section 1.H, "The Permittee shall select the analytical method that provides a ML lower than the permit limit established for a given parameter, unless the permittee can demonstrate that a particular ML is not attainable, in accordance with procedures set forth in 40 CFR part 136, and obtains approval for a higher ML from the Executive Officer, as provided for in section J, below "</p>	<p>The proposed permit includes a receiving water limitation for Total PCBs; however the limitation should have been applied to the final effluent. See response to comment #11.</p> <p>The Permittee may use a Method Detection Limit (MDL) greater than the permit limit as long as the MDL is less than or equal to the Minimum Levels defined for each constituent in Appendix 4 of the State Implementation Policy (SIP). These MLs have been approved by both the Regional Water Board and the State Water Board. As long as these MLs are met, the permittee will be in compliance with monitoring for PCBs.</p> <p>Monitoring requirements for PCBs are necessary to verify compliance with the final effluent limitations and the Harbor TMDL, and to be consistent with previous permits adopted by this Regional Water Board facilitating TMDL implementation for PCBs. Monitoring for PCBs as arochlors shall be semi-annually in the influent and quarterly for the final effluent. Monitoring for PCBs as congeners shall only be annually for the final effluent. \ The monitoring of PCB congeners in the effluent is only required annually for three years and may be discontinued if none of the PCB congeners are detected using method EPA 1668c.</p> <p>To clarify the methods required for monitoring, a footnote has been included under the PCB monitoring requirements. The USEPA recommends that until</p>	Revisions were made to the permit

Commenter	#	Comment	Response	Action Taken
			<p>USEPA proposed method 1668c for PCBs is incorporated into 40 CFR 136, Permittees should use for discharge monitoring reports/State monitoring reports: (1) USEPA method 608 for monitoring data, reported as arochlor results, that will be used for assessing compliance with WQBELs established using the WLAs, and (2) USEPA proposed method 1668c for monitoring data, reported as 41 congener results, that will be used for informational purposes for the established TMDL.</p> <p>USEPA Method 608 yields relatively high detection limits when arochlors are analyzed. Due to this high detection limit, method 608 was not able to quantify the actual results at low concentration. In order to provide the data gap at the low range concentration, USEPA Method 1668c will be used because this method will provide a much lower detection limit. Lower concentrations that have not been detected when analyzed by method 608 will now be detected and quantified using method 1668c.</p>	
City of Los Angeles	13	<p>Section V.A.6., pg. 11. <u>Receiving Water Limitations</u> Because there is no reasonable potential for toxicity, the receiving water limitations will protect beneficial uses against toxicity issues. The permit need only include effluent limitations OR receiving water limitations, not both. The same level of testing is required under the MRP, so the Regional Board will have adequate information to ensure uses are protected, and if reasonable potential is triggered, the Regional Board can put limits in at that time.</p>	<p>Even though there were no exceedances of the chronic toxicity trigger in the final effluent, there is reasonable potential for chronic toxicity because toxicity has been detected in the receiving water. The receiving water objective for chronic toxicity ensures protection of the beneficial uses of the harbor and accounts for the combined toxic effects of the effluent and the receiving water.</p>	None necessary
City of Los Angeles	14	<p>Section VII C 5a. iv., pg. 21, <u>Biosolids Hauler Jurisdiction and Liability</u> The City utilizes independent contractors to haul biosolids, and requires biosolids haulers to adhere to biosolids spill response procedures established as part</p>	<p>The City should only be liable for sludge hauling within its jurisdiction; however, the City must also make sure that the independent contractors being used to haul</p>	Revisions were made to the permit

Commenter	#	Comment	Response	Action Taken
		<p>of the City's biosolids EMS system. The City is responsible for spills of biosolids that occur in the plant as well as spills outside the plant that are within the City's jurisdiction. The City's jurisdiction outside the plant starts when a truck leaves the plant to just before entering the Vincent Thomas Bridge in Long Beach. The City's biosolids spill clean-up jurisdiction is determined via contract with independent contractors, and spills outside the City's established jurisdiction are the responsibility of the independent contractor. Consequently, the permit should acknowledge this arrangement and make it clear that the permittee is liable only for spills within its jurisdiction.</p>	<p>the sludge adhere to a sludge clean-up plan. The language has been revised as follows:</p> <p><i>The Permittee shall ensure that haulers transporting sludge <u>within the City's jurisdiction</u> for treatment, storage, use, or disposal take all necessary measures to keep the sludge contained. The Permittee shall maintain and have haulers adhere to a spill clean-up plan. Any spills shall be reported to USEPA and the Regional Water Board or state agency in which the spill occurred. All trucks hauling sludge shall be thoroughly washed after unloading at the field or at the receiving facility.</i></p>	
	15	<p>Section VII.C.5.b.iv., pg. 22. Typo Provide the correct reference location for the requirement to evaluate local limits.</p> <p><i>The Permittee shall evaluate whether its pretreatment local limits are adequate to meet the requirements of the Order and shall submit a written technical report as required under section II.D.4 of Attachment I.</i></p>	Staff agreed.	Revisions were made to the permit
	16	<p>pg. 22, Section VII.C.5.c., pg 22. Clarify location of reporting requirements Additional information is needed to clarify location of requirements for collection system spill reporting.</p> <p><i>See Order at Attachment D, subsections I.D, V.E, V.H, and I.C., and <u>section VII.C.6</u> the following section of this Order.</i></p>	Staff agreed.	Revisions were made to the permit.
	17	<p>Section VII.C.6a 6b., pg. 23-24. Language is unclear The permit requires monitoring for the following: "spills, overflows and bypasses reported under section</p>	The intent of section VII.C.6. is to protect the beneficial uses of the receiving water from	Revisions were made

Commenter	#	Comment	Response	Action Taken
		<p>VII.C.6.a, the Permittee shall monitor as required...to define the geographical extent of the spills impact..."</p> <p>The language is unclear as to whether the receiving water should be monitored or the actual spill itself.</p> <p>The City requests that the RWQCB simplify the "Monitoring" of sewage spills section to require monitoring of the sewage spill if any volume hits a water of the state or if the volume exceeds 1,000 gallons.</p>	<p>unauthorized discharges of spills, overflows, and bypasses, no matter the volume of the discharge. Any volume of unauthorized discharges has the potential to adversely affect the beneficial uses of the receiving water. This section only requires monitoring of the receiving water upstream and downstream of the spill to ensure the beneficial uses of the receiving water are not impacted by the spill. It is not necessary to monitor the spill itself since the spill would contain only partially treated sewage and will likely not meet the microbiological requirements of the treated effluent. The language has been revised to clarify this requirement.</p>	<p>to the permit.</p>
	18	<p>Section VII. C.6a 6b., pg. 23-24.</p> <p><u>Upstream downstream monitoring requirement unreasonable</u></p> <p>The requirement to monitor small spills upstream and downstream of the point of entry of the spill is an unreasonable burden on the City and should be deleted or modified. The draft permit requires that the City obtain grab samples upstream and downstream of the spill location—regardless of spill volume. This requirement is impractical and unnecessary and imposes requirement on the City that does not apply to the majority of collection systems in the State merely because the City owns and operates a treatment plant in addition to the collection system.</p> <p>The monitoring information will not be used by first responders, such as the Health Department, as determinations regarding public notification and beach closures are made as a precautionary measure without regard to water quality data. Whether the data is valuable or not depends on the distance the spill location is from the receiving water; the time elapsed before staff becomes aware of the spill, whether the</p>	<p>Any unauthorized spill, overflow, or bypass, no matter the size and dilution, has the potential to negatively impact the beneficial uses of the receiving water. The impacts these discharges have on the receiving water are unknown and must be monitored to determine if bacterial contamination is present. This requirement cannot be deleted because it provides valuable information on the extent of the discharge and its potential impact on human health and the environment. This requirement is also consistent with the spill monitoring requirements in NPDES permits for similar facilities.</p> <p>Monitoring must occur for any spill, bypass, or overflow that meets a water of the U.S. If the spill, bypass, or overflow does not meet a water of the U.S. and ends up in a concrete-lined channel or ephemeral/intermittent stream, the Permittee must provide details on where the unauthorized discharge occurred and why it will not impact the beneficial uses</p>	<p>Revisions were made to the permit.</p>

Commenter	#	Comment	Response	Action Taken
		<p>receiving water is a storm channel, river, ocean, or bay; whether there are sources of pollutants upstream; and the volume of the spill</p> <p>Due to dilution from runoff and response time limitations, small spills do not impact the receiving water such that bacterial contamination can be recorded. Past analysis of upstream/downstream monitoring results have indicated no elevated bacterial contamination within the receiving water except for very large spills; thus, monitoring upstream and downstream of spills within the TIWRP provides no benefit at considerable cost. The City requests that this requirement be deleted because it does not generate information relevant to receiving water quality, it does not contain information valuable to spill response, and it is not required of collection systems statewide.</p> <p>If the requirement is not removed, the City requests that upstream and downstream monitoring of the receiving water only be required for sewage spills that exceed 1,000 gallons. The permit should also make it clear that the upstream/downstream sewage spill monitoring requirement is only required if the spill occurs within a flowing river or storm drain channel – not for spills that reach ephemeral/intermittent streams or for spills that ultimately reach the ocean or bay. In addition, the Regional Water Board should make clear that the sampling requirement is intended to be reasonable in light of all the circumstances. The following language change is recommended:</p> <p>The City recommends the following language: <i>To define the geographical extent of the spill's impact, the Permittee shall obtain grab samples (if feasible, accessible, safe, and reasonable) for (1) the sewage</i></p>	<p>of a water of the U.S. or groundwater. If the unauthorized discharge meets a water of the U.S. but the upstream receiving water location is dry, the upstream receiving water location need not be monitored.</p> <p>Clarifying language concerning the source of the grab samples and the purpose of the grab samples was added to VII. C. 6b.</p>	

Commenter	#	Comment	Response	Action Taken
		<p><i>spill, overflow, or bypass itself if any volume reaches a water of the state or has significant public exposure and (2) the receiving water for spills, overflows, or bypasses of 1000 gallons or more. The Permittee shall analyze the samples for total coliform, E. coli (if fecal coliform tests positive), enterococcus, and relevant pollutants of concern, upstream and downstream of the point of entry of the spill (if feasible, accessible, and safe). This monitoring shall be done on a daily basis from the time the spill is known until the results of two consecutive sets of bacteriological monitoring indicate the return to the background level or the County Department of Public Health authorizes cessation of monitoring.</i></p>		
	19	<p>Section VII.C.7, pg. 26 Typo Correct the section numbering. <i>7. Compliance Schedules</i></p>	Staff agreed.	Revisions were made to the permit
	20	<p>VIII J., par., pg.29. <u>Effluent toxicity tests shall be run using a multi-concentration test design when required by Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms (EPA/600/R-95/136, 1995).</u> IWC and negative control (dilution water where no effect is expected) results are analyzed with TST, but the test must be run with multiple concentrations only where required by method protocol. The City requests further clarification on the definition of multi-concentration testing, the necessity of conducting it, and when it will be required.</p>	<p>The Order is consistent with the letter dated February 11, 2015, from USEPA to the State Water Resources Control Board withdrawing approval of the alternate test procedure using a two-concentration test design. As revised, the Order requires the test methods described in <i>Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms</i> (October 2002) (EPA-821-R-02-013), including review of the concentration-response pattern. The Permittee may pursue a limited use alternate test procedure for toxicity testing with the State Water Board if it would like to pursue two-concentration tests when the test methods require a multi-concentration test design. The procedure for applying for a limited use ATP is located in Title 40 of the Code of Federal Regulations,</p>	None necessary

Commenter	#	Comment	Response	Action Taken
			section 136.5.	
	21	Section VIII.J., pg. 29. Typo The closing parentheses are missing.	Staff agreed.	Revisions were made to the permit
	22	<p>Section VIII.O., pg. 31. <u>Include Bioaccumulation Equivalency Factors (BEFs) for calculation of 2, 3, 7, 8-TCDD equivalents.</u> The current approach for calculating 2, 3, 7, 8-TCDD equivalents involves use of toxicity equivalency factors (TEFs) that are applied to each of the 17 dioxin congeners. Just as the different dioxin congeners exhibit different levels of toxicity, they also exhibit different levels of bioaccumulation potential. To account for the different levels of bioaccumulation potential, each congener may also be assigned a bioaccumulation equivalency factor (BEFs). BEFs correspond to the differences in biological uptake from the water column through the food web for the various dioxin congeners. The BEFs were developed under the Great Lakes Water Quality Initiative and are currently utilized by the San Francisco Bay Regional Water Board to assess Reasonable Potential and evaluate permit compliance. The City requests the following changes:</p> $Dioxin\ Concentration = \sum_{i=1}^{17} (C_i)(TEF_i)(BEF_i) = \sum_{i=1}^{17} (TEQ_i)$ <p>Where:</p>	<p>BEFs are not used in the State Implementation Policy and the use of BEFs has not been approved by USEPA since site-specific BEFs are not available. The only NPDES permit in Region 4 that incorporated BEFs into the calculation of the TEQs is the Boeing permit Order No. R4-2010-0090. BEFs were only approved for this permit because of the naturally occurring dioxin congeners in stormwater due to fires that occurred on the Santa Susana property. The site-specific BEFs used in the Boeing permit are from the Great Lakes region and are not applicable in California. Since these site-specific BEFs cannot be applied to Terminal Island and there are no site-specific BEFs for the Los Angeles Harbor, BEFs cannot be applied to this Order at this time.</p>	None necessary

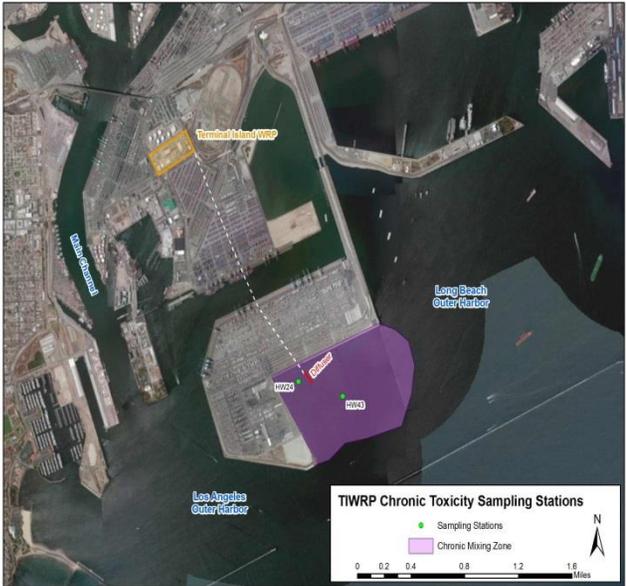
Commenter	#	Comment	Response	Action Taken																																																																								
		<p>C_i = individual concentration of a dioxin or furan congener</p> <p>TEF_i = individual TEF for a congener</p> <p><u>BEF_i = individual BEF for a congener</u></p> <p>MLs, TEFs and BEFs</p> <table border="1" data-bbox="457 522 1075 1175"> <thead> <tr> <th>Congeners</th> <th>MLs (pg/L)</th> <th>TEFs</th> <th>BEFs</th> </tr> </thead> <tbody> <tr><td>2,3,7,8-</td><td>10</td><td>1.0</td><td><u>1.0</u></td></tr> <tr><td>1,2,3,7,8-</td><td>50</td><td>1.0</td><td><u>0.9</u></td></tr> <tr><td>1,2,3,4,7,8-</td><td>50</td><td>0.1</td><td><u>0.3</u></td></tr> <tr><td>1,2,3,6,7,8-</td><td>50</td><td>0.1</td><td><u>0.1</u></td></tr> <tr><td>1,2,3,7,8,9-</td><td>50</td><td>0.1</td><td><u>0.1</u></td></tr> <tr><td>1,2,3,4,6,7,8-</td><td>50</td><td>0.01</td><td><u>0.05</u></td></tr> <tr><td>OctaCDD</td><td>100</td><td>0.0001</td><td><u>0.01</u></td></tr> <tr><td>2,3,7,8-</td><td>10</td><td>0.1</td><td><u>0.8</u></td></tr> <tr><td>1,2,3,7,8-</td><td>50</td><td>0.05</td><td><u>0.2</u></td></tr> <tr><td>2,3,4,7,8-</td><td>50</td><td>0.5</td><td><u>1.6</u></td></tr> <tr><td>1,2,3,4,7,8-</td><td>50</td><td>0.1</td><td><u>0.08</u></td></tr> <tr><td>1,2,3,6,7,8-</td><td>50</td><td>0.1</td><td><u>0.2</u></td></tr> <tr><td>1,2,3,7,8,9-</td><td>50</td><td>0.1</td><td><u>0.6</u></td></tr> <tr><td>2,3,4,6,7,8-</td><td>50</td><td>0.1</td><td><u>0.7</u></td></tr> <tr><td>1,2,3,4,6,7,8-</td><td>50</td><td>0.01</td><td><u>0.01</u></td></tr> <tr><td>1,2,3,4,7,8,9-</td><td>50</td><td>0.01</td><td><u>0.4</u></td></tr> <tr><td>OctaCDF</td><td>100</td><td>0.0001</td><td><u>0.02</u></td></tr> </tbody> </table>	Congeners	MLs (pg/L)	TEFs	BEFs	2,3,7,8-	10	1.0	<u>1.0</u>	1,2,3,7,8-	50	1.0	<u>0.9</u>	1,2,3,4,7,8-	50	0.1	<u>0.3</u>	1,2,3,6,7,8-	50	0.1	<u>0.1</u>	1,2,3,7,8,9-	50	0.1	<u>0.1</u>	1,2,3,4,6,7,8-	50	0.01	<u>0.05</u>	OctaCDD	100	0.0001	<u>0.01</u>	2,3,7,8-	10	0.1	<u>0.8</u>	1,2,3,7,8-	50	0.05	<u>0.2</u>	2,3,4,7,8-	50	0.5	<u>1.6</u>	1,2,3,4,7,8-	50	0.1	<u>0.08</u>	1,2,3,6,7,8-	50	0.1	<u>0.2</u>	1,2,3,7,8,9-	50	0.1	<u>0.6</u>	2,3,4,6,7,8-	50	0.1	<u>0.7</u>	1,2,3,4,6,7,8-	50	0.01	<u>0.01</u>	1,2,3,4,7,8,9-	50	0.01	<u>0.4</u>	OctaCDF	100	0.0001	<u>0.02</u>		
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	23	<p>Section VIII., pg 31.</p> <p><u>Table does not have identifying label in caption</u></p> <p>Consider labeling Table 8</p>	Staff agreed.	Revisions were made to the permit																																																																								

Commenter	#	Comment	Response	Action Taken
	24	Attachment E., Section I.A., pg. E-2. Typo Correct the referenced table number.	Staff agreed.	Revisions were made to the permit
	25	Attachment E., Section I.J., pg. E-3. Typo Correct the subsection numbering.	Staff agreed.	Revisions were made to the permit
	26	Attachment E., pg.E-7, Table E-1. Monitoring Station Locations <u>Incorrect coordinates for Station HW33</u> The latitude long file has 33.722100 N and 118.243400 W. That is where the sample is collected, which is 72 m distant from coordinates in draft permit. CLAEMD sample at this location as not to not interfere with the outfall structure. This is still within the 100-m radius of nominal coordinates. The City request changing the sample coordinates to avoid confusion.	Staff agreed.	Revisions were made to the permit
	27	Attachment E., pg. E-7, Table E-1. Monitoring Station Locations <u>Insufficient, incorrect, and omitted number of decimal places in latitudes and longitudes for various stations in table</u> Various Monitoring Stations are incorrectly indicated in the Tentative Permit. Of these stations; insufficient, incorrect, and omitted number of decimal places in either the latitudes, longitudes or both the latitude and the longitude are inconsistently identified. Please refer to the compiled table with the monitoring station of concern, the issue related, and the City's suggested change. The City suggests the changes noted in the detailed report. The City suggests the following Changes	Staff agreed.	Revisions were made to the permit

Committer	#	Comment	Response	Action Taken																																	
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Commenter	#	Comment			Response	Action Taken
		HM3	Incorrect latitude coordinates for Station	Should be, "33.722722 N"		
		HT7	Incorrect latitude coordinates for Station	Should be, "33.723889 N"		
		Various Stations	Insufficient number of decimal places in longitudes for various stations in table	Zeros (0) need to be added for six-decimal place consistency		
	28	<p>Section V.A.1.c., pg.9. Attachment E., pg.E-7, Table E-1. Monitoring Station Locations Attachment E., pg.E-23, paras 1 ; pg.E24 B.1., and pg.E-25, foot note #19.</p> <p><u>Remove shoreline monitoring stations CB1 and CB2, and Main Ship Channel station HW07</u></p> <p>Inner Cabrillo Beach shoreline stations CB1 and CB2 and Main Ship Channel site HW07 are monitored under the 2012 Municipal Separate Storm Sewer System (MS4), LA Harbor Bacteria TMDL and, thus, should be removed from the 2015 TIWRP Permit. In a Special Study conducted by CLA EMD (CLA EMD Special Study, 2013), more than 15 years of LA Harbor monitoring data showed that the TIWRP discharge does not significantly impact the Cabrillo Beach shoreline or station HW07 (Main Ship Channel). The study states that "the discharge from the Plant has no microbiological impact on stations outside of its immediate area." Also, according to the <i>Source Analysis</i> of the LA Harbor Bacteria TMDL (Resolution No.R12-007, Attachment C, Amendment to the WQCP for LA Region to revise the "LA Harbor Bacteria TMDL"), "While the fecal coliform counts in the wastewater field indicate a contribution of bacteria to</p>			<p>The Bacteria TMDL for the Los Angeles Harbor requires the monitoring of shoreline stations CB1 and CB2, and the Main Ship Channel Station HW07. The City of Los Angeles already monitors these sites under the 2012 Municipal Separate Storm Sewer System (MS4) permit and do not need to be repeated in the TIWRP NPDES permit. These sites will continue to be monitored under the MS4 permit; therefore this monitoring requirement has been removed from this Revised Tentative Order.</p>	<p>Revisions were made to the permit</p>

Commenter	#	Comment	Response	Action Taken
		<p>the Harbor by the TIWRP, the wastewater field is sufficiently diluted and the bacterial densities are so much lower in the Harbor than the high bacterial densities and exceedances at the sites at Cabrillo Beach and in the Main Ship Channel that it appears that the Treatment Plant is not a significant source of bacteria to the Beach or to the Ship Channel.”</p> <p>The City requests that the shoreline monitoring stations CB1 and CB2 and Main Ship Channel station HW07 should be removed</p>		
	29	<p>Attachment E., Section III., pg. E-8, Table E-1. Monitoring Station Locations <u>Move chronic toxicity monitoring locations outside the chronic mixing zone.</u> The existing receiving water chronic toxicity monitoring locations (HW24, HW43) are located within the chronic toxicity mixing zone. Samples collected at these locations may be identifying low level toxicity from the effluent plume before mixing is complete. In addition, water sampled at HW23 probably consists of water trapped within the pocket formed by Pier 400 or influenced by potentially toxic materials released from the Pier 400 structure. To eliminate these extraneous factors from the receiving water monitoring results, the City requests designation of HW20 and HW 62 as the chronic toxicity receiving water monitoring locations. The following figure shows the chronic toxicity mixing zone and the designated monitoring locations.</p>	<p>The current chronic toxicity monitoring locations are within the chronic toxicity mixing zone and the water quality at these locations may be influenced by runoff from nearby storm water outfalls, especially at HW24. In order to better represent the effect of the discharge on the receiving water without influences from other sources, it is appropriate to relocate the chronic toxicity monitoring locations. The proposed receiving water monitoring locations HW20 and HW62 are located just outside the chronic mixing zone and represent the extent of the chronic mixing zone. These locations are appropriate because they better represent the chronic mixing zone and any chronic effects the discharge may have within the mixing zone. Acute toxicity will continue to be monitored within the chronic mixing zone near the discharge point. Monitoring of both the acute monitoring locations in addition to these new chronic toxicity monitoring locations will ensure proper assessment of toxicity in the Harbor within the influence of the discharge from TIWRP.</p>	Revisions were made to the permit

Commenter	#	Comment	Response	Action Taken
				
	30	<p>Attachment E., Page E-10, Figure E-3. Caption incorrect Stated as, “Locations of Chronic Toxicity Monitoring Stations” Should state, “Locations of Acute and Chronic Toxicity Monitoring Stations.”</p>	Staff agreed.	Revisions were made to the permit
	31	<p>Attachment E., pg.E-8 (Table E-1), E-11 (Figure 5), and E-30. Station HT5 inaccessible Sampling Station HT5 (33.710833 N, 118.234667 W), located immediately outside of the Federal Breakwater and adjacent to Angel’s Gate, is frequently occupied by crab traps and not available for sampling. An alternative sampling location HT5A, 33.70742° N (33° 42.445’ N), 118.23020° W (118° 13.812’ W), has been substituted in the past for sampling when crab traps have been present. The City recommends that HT5A be permanently</p>	<p>The Regional Water Board staff understands that the receiving water sites in the Los Angeles Harbor may become obstructed from time to time due to the myriad of activities occurring in the harbor. Since there have been several occasions where site HT5 has been inaccessible due to crab traps, this receiving water location should be moved to an adjacent and parallel trawl track to make monitoring more efficient. Since HT5A has been the approved alternate sampling location to HT5 in the past and since these locations are parallel and adjacent to each other,</p>	Revisions were made to the permit

Commenter	#	Comment	Response	Action Taken
		<p>substituted in lieu of HT5 as it is an adjacent and a parallel trawl track to HT5.</p> <p>Please see the following figure.</p> 	<p>HT5A shall now replace HT5. All references to sampling location HT5 have been replaced with HT5A.</p>	
	32	<p>Attachment E., Section IV.A., pg. E-11, Table E-2. Inflow Monitoring</p> <p><u>Specify grab sampling for VOCs.</u></p> <p><i>Some priority pollutant samples (i.e., VOCs) must be collected as grabs. Please add the information from Table E-3 to ensure representative samples are collected.</i></p> <p><i>Some priority pollutant samples (i.e., VOCs) must be collected as grabs. Please add the following information to ensure representative samples are collected.</i></p> <p>Table E-3. Effluent Monitoring</p>	<p>Staff agreed.</p>	<p>Revisions were made to the permit</p>

Commenter	#	Comment				Response	Action Taken
		Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method		
		µg/L	24-hour composite; <u>grab for VOCs</u>	Semiannually	2		
	33	<p>Attachment E., Section V.A., pg.E-13,Table E-3.Effluent Monitoring <u>Acute Toxicity Limits</u> There's no reasonable potential to exceed Water Quality Objective for acute toxicity based on Reasonable Potential Analysis</p> <p>The City requests that effluent limits for Acute Toxicity be removed.</p>				Staff agreed. See response to comment #9.	Revisions were made to the permit
	34	<p>Attachment E., Section V.A., pg. E-13, Table E-3. Effluent Monitoring <u>Non-detected constituents should be monitored on a semi-annual basis.</u> Acute Toxicity, ethylbenzene, methylene chloride, chloroform, dichlorobromomethane, tetrachloroethylene, 2, 4, 6 trichlorophenol, trichloroethylene, bis (2-ethylhexyl) phthalate, and pyrene were not detected in the effluent.</p> <p>As such, the effluent monitoring frequencies should be semiannual. The organics should be included with semi-annual monitoring of the "remaining EPA priority pollutants."</p>				Section IV.C.3. and section VII.C of the Fact Sheet describe the rationale for the monitoring frequencies in the Tentative Order. If the historic effluent monitoring data have all been reported as non-detected for a particular pollutant, the monitoring frequency shall be semi-annually; however, ethylbenzene, methylene chloride, chloroform, dichlorobromomethane, tetrachloroethylene, 2,4,6- trichlorophenol, trichloroethylene, bis (2-ethylhexyl) phthalate, and pyrene, have all been detected in the final effluent and reported as "Detected but not Quantified (DNQ)" at least once during the last permit cycle. Since these	None Necessary

Committer	#	Comment	Response	Action Taken																																													
		<p>The monitoring frequency rationale is provided in Fact Sheet, IV.C.3, page F-35.</p> <p>The City requests that the following changes as shown in Table E-3.</p> <p>Table E-3. Effluent Monitoring</p> <table border="1" data-bbox="424 483 1050 1414"> <thead> <tr> <th data-bbox="424 483 562 678"><i>Parameter</i></th> <th data-bbox="562 483 667 678"><i>Units</i></th> <th data-bbox="667 483 798 678"><i>Sample Type</i></th> <th data-bbox="798 483 919 678"><i>Minimum Sampling Frequency</i></th> <th data-bbox="919 483 1050 678"><i>Required Analytical Test Method</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="424 678 562 802"><i>Acute Toxicity</i></td> <td data-bbox="562 678 667 802"><i>% Survival</i></td> <td data-bbox="667 678 798 802"></td> <td data-bbox="798 678 919 802"><i>Monthly</i></td> <td data-bbox="919 678 1050 802">6</td> </tr> <tr> <td data-bbox="424 802 562 857"><i>Chloroform</i></td> <td data-bbox="562 802 667 857"><i>µg/L</i></td> <td data-bbox="667 802 798 857"><i>grab</i></td> <td data-bbox="798 802 919 857"><i>Quarterly</i></td> <td data-bbox="919 802 1050 857">6</td> </tr> <tr> <td data-bbox="424 857 562 971"><i>Dichlorobromomethane</i></td> <td data-bbox="562 857 667 971"><i>µg/L</i></td> <td data-bbox="667 857 798 971"><i>grab</i></td> <td data-bbox="798 857 919 971"><i>Quarterly</i></td> <td data-bbox="919 857 1050 971">6</td> </tr> <tr> <td data-bbox="424 971 562 1052"><i>Ethylbenzene</i></td> <td data-bbox="562 971 667 1052"><i>µg/L</i></td> <td data-bbox="667 971 798 1052"><i>grab</i></td> <td data-bbox="798 971 919 1052"><i>Quarterly</i></td> <td data-bbox="919 971 1050 1052">6</td> </tr> <tr> <td data-bbox="424 1052 562 1140"><i>Methylene chloride</i></td> <td data-bbox="562 1052 667 1140"><i>µg/L</i></td> <td data-bbox="667 1052 798 1140"><i>grab</i></td> <td data-bbox="798 1052 919 1140"><i>Quarterly</i></td> <td data-bbox="919 1052 1050 1140">6</td> </tr> <tr> <td data-bbox="424 1140 562 1221"><i>Tetrachloro-ethylene</i></td> <td data-bbox="562 1140 667 1221"><i>µg/L</i></td> <td data-bbox="667 1140 798 1221"><i>grab</i></td> <td data-bbox="798 1140 919 1221"><i>Quarterly</i></td> <td data-bbox="919 1140 1050 1221">6</td> </tr> <tr> <td data-bbox="424 1221 562 1308"><i>Trichloroethylene</i></td> <td data-bbox="562 1221 667 1308"><i>µg/L</i></td> <td data-bbox="667 1221 798 1308"><i>grab</i></td> <td data-bbox="798 1221 919 1308"><i>Quarterly</i></td> <td data-bbox="919 1221 1050 1308">6</td> </tr> <tr> <td data-bbox="424 1308 562 1414"><i>2,4,6-Trichlorophenol</i></td> <td data-bbox="562 1308 667 1414"><i>µg/L</i></td> <td data-bbox="667 1308 798 1414"><i>24-hour composite</i></td> <td data-bbox="798 1308 919 1414"><i>Quarterly</i></td> <td data-bbox="919 1308 1050 1414">6</td> </tr> </tbody> </table>	<i>Parameter</i>	<i>Units</i>	<i>Sample Type</i>	<i>Minimum Sampling Frequency</i>	<i>Required Analytical Test Method</i>	<i>Acute Toxicity</i>	<i>% Survival</i>		<i>Monthly</i>	6	<i>Chloroform</i>	<i>µg/L</i>	<i>grab</i>	<i>Quarterly</i>	6	<i>Dichlorobromomethane</i>	<i>µg/L</i>	<i>grab</i>	<i>Quarterly</i>	6	<i>Ethylbenzene</i>	<i>µg/L</i>	<i>grab</i>	<i>Quarterly</i>	6	<i>Methylene chloride</i>	<i>µg/L</i>	<i>grab</i>	<i>Quarterly</i>	6	<i>Tetrachloro-ethylene</i>	<i>µg/L</i>	<i>grab</i>	<i>Quarterly</i>	6	<i>Trichloroethylene</i>	<i>µg/L</i>	<i>grab</i>	<i>Quarterly</i>	6	<i>2,4,6-Trichlorophenol</i>	<i>µg/L</i>	<i>24-hour composite</i>	<i>Quarterly</i>	6	<p>pollutants have been detected in the final effluent, they shall all be monitored at least quarterly.</p> <p>Although acute toxicity has not been detected in the final effluent, it has been detected in the receiving water. The acute toxicity final effluent monitoring requirement has been removed from the Revised Tentative Order (see response to comment #9) but the acute toxicity receiving water monitoring requirement is required to ensure the mixing zone conditions are being met. The acute toxicity monitoring frequency for the receiving water shall remain as quarterly since it has been detected since the adoption of the previous permit.</p>	
<i>Parameter</i>	<i>Units</i>	<i>Sample Type</i>	<i>Minimum Sampling Frequency</i>	<i>Required Analytical Test Method</i>																																													
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Commenter	#	Comment	Response	Action Taken										
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<i>Bis(2-ethylhexyl) phthalate</i>	µg/L	24-hour composite	Quarterly	6										
<i>Pyrene</i>	µg/L	24-hour composite	Quarterly	6										
	35	<p>Attachment E., Section V.A., pgs. E-13 and 14, Table E-3., footnote 8</p> <p>Typo Correct the section referenced in footnote.</p>	Staff agreed.	Revisions were made to the permit										
	36	<p>Attachment E., Section V.B.1., pg. E-14.</p> <p>Typo Remove the unnecessary reference.</p>	Staff agreed.	Revisions were made to the permit										
	37	<p>Attachment E., Section VI.A.2.c.i, par 1, pg.E-16, ... Screening does not include <i>A. bahia</i> as alternative test species An alternate mysid is allowed for routine acute testing, but not most-sensitive screening tests.</p> <p>The City recommends that <i>Americamysis bahia</i> be added as an alternate test species for acute most-sensitive species screening.</p>	<p>The west coast mysid (<i>Holmesimysis costata</i>) is the preferred mysid species for west coast dischargers; however Section VI.A.2.a. of the MRP of the Tentative Order specifies that if <i>Holmesimysis costata</i> is unavailable, then the east coast mysid (<i>Americamysis bahia</i>) can be used for test species, because <i>Holmesimysis costata</i> may not be easily cultured, tested, or available from commercial sources. Although the Regional Water Board prefers the use of <i>Holmesimysis costata</i> for the most sensitive species screening, the Permittee may use <i>Americamysis bahia</i> if the west coast mysid is unavailable. This language has been moved to section IX.C.7.a. of the Revised Tentative Order.</p>	Revisions were made to the permit										
	38	<p>Attachment E., Section VI. B. 4, par 4., pg.E-18.</p> <p>Toxicity Identification Evaluation (TIE): Only most-sensitive screening be used for T.I.E. Previous permits did not require the reporting of species sensitivity for compliance. Only the current most sensitive species was reported. Requiring all</p>	Refer to response to comment #45. The species sensitivity screening reporting is required by the permit for compliance monitoring. Any confusion from specific test results can be addressed on a case-by-case basis.	None necessary										

Commenter	#	Comment	Response	Action Taken
		<p>test species to be reported for compliance will lead to confusion regarding which species will be reported for compliance if another species is identified as the most-sensitive in subsequent testing.</p> <p>The City recommends that the most-sensitive screening be used only to identify the most sensitive species and not be used for any compliance purposes.</p>		
	39	<p>Attachment E., Section VI.B.5.a., pg. E-18.</p> <p>Quality Assurance Requirements</p> <p>Use of the prescribed null hypothesis and the TST with only two concentrations and no review of the PMSD directly contradicts with the 2002 Promulgated Methods and 40 C.F.R. Part 136. The TST method maybe preferable, but it is not an approved Part 136 test method, endpoint, or statistical procedure. This was reiterated when USEPA recently proposed amendments to the Part 136 methods, and failed to include the TST in the specific changes to the promulgated 2002 Methods proposed. See Federal Register Notice, http://www.gpo.gov/fdsys/pkg/FR-2015-02-19/pdf/2015-02841.pdf (February 19, 2015).</p>	<p>Refer to the response to comment #7.</p> <p>In USEPA's comment letter to this tentative permit, dated May 04, 2015, USEPA's position is that applying its 2000 concentration-response pattern review guidance and/or inapplicable NOEC/LOEC variability criteria (i.e., PMSDs) to the TST – an unrelated statistical approach – prior to reporting compliance will undercut the transparency of the reported toxicity result, shroud a potentially non-compliant result prior to reporting, and diminish the reliability and enforceability of the permit and its toxicity limits.</p> <p>The preamble to the WET Test Method (Federal Register/ Vol. 67, No. 223, p. 69952 (November 19, 2002)) provides valuable insight into what USEPA intended when it was updating its WET Test Method. From the underlined language below, it is clear that the PMSD was only intended for permits that had limits in terms of NOEC or LOEC.</p> <p><u>“Variability Criteria</u> Today's action incorporates mandatory variability criteria for five chronic test methods. EPA recommends the use of point estimation techniques over hypothesis testing approaches for calculating endpoints for</p>	None necessary

Commenter	#	Comment	Response	Action Taken
			<p>effluent toxicity tests under the NPDES Permitting Program. <u>However, to reduce the within-test variability and to increase statistical sensitivity when test endpoints are expressed using hypothesis testing rather than the preferred point estimation techniques, variability criteria must be applied as a test review step when NPDES permits require sublethal hypothesis testing endpoints (i.e., no observed effect concentration (NOEC) or lowest observed effect concentration (LOEC) and the effluent has been determined to have no toxicity at the permitted receiving water concentration.</u> These variability criteria must be applied for the following methods: Fathead minnow Larval Survival and Growth Test: Selenastrum capricornutum Growth Test: Mysidopsis bahia Survival, Growth and Fecundity Test: and Inland Silverside Larval Survival and Growth Test. <u>Within test variability, measured as the percent minimum significant difference (PMSD), must be calculated and compared to upper bounds established for test PMSDs...</u>" (p. 69957)</p> <p>It is reasonable and appropriate for the Regional Board to conclude that the PMSD tool for evaluating test variability is not applicable to this permit because it does not include chronic toxicity limits expressed as TUc or NOEC.</p> <p>While section 10.2.8.2 of the WET Test Method specifies that "When NPDES permits require sublethal hypothesis testing endpoints from Methods 1000.0, 1002.0, or 1003.0 (e.g., growth or reproduction NOECs and LOECs), <i>within-test variability must be reviewed and variability criteria must be applied as</i></p>	

Commenter	#	Comment	Response	Action Taken
			<p>described in this section (10.2.8.2)” (emphasis added), the WET Test Method section does not require the use of the PMSD. Subsection 10.2.8.2.1 describes how to calculate the PMSD and subsequent subsections describe how to compare the PMSD to see if the PMSD falls within an acceptable range; i.e. if PMSD is within the upper and lower bounds.</p> <p>Subsection 10.2.8.3 states: “To assist in reviewing within-test variability, EPA recommends maintaining control charts of PMSDs calculated for successive effluent tests (USEPA, 2000b). A control chart of PMSD values characterizes the range of variability observed within a given laboratory, and allows comparison of individual test PMSDs with the laboratory’s typical range of variability. Control charts of other variability and test performance measures, such as the MSD, standard deviation or CV of control responses, or average control response, also may be useful for reviewing tests and minimizing variability. The log of PMSD will provide an approximately normal variate useful for control charting.” (emphasis added)</p> <p>USEPA recommends use of PMSD when the hypothesis test has endpoints expressed in terms of growth or reproduction NOECs and LOECs. However, the Terminal Island WRP permit does not have endpoints expressed as NOEC/LOEC, but in terms of Pass or Fail and Percent Effect. In addition, under this permit, within-test variability of the WET test data utilized for the TST statistics will be reviewed and variability criteria will be applied by using control charts and coefficient of variation, as allowed by Subsection 10.2.8.3 of the WET Test Method.</p>	

Commenter	#	Comment	Response	Action Taken
			Therefore, the permit disallows the PMSD approach to evaluate variability of the WET test data because that approach is applicable to the NOEC/LOEC statistical analysis and not the TST statistics required by the permit.	
	40	<p>Attachment E., Section VI.B.4., page E-18. <u>Remove irrelevant language about intermittent discharges.</u> The discharge will occur year-round. As such, the language about intermittent discharge and dry vs. wet weather conditions is not needed. Please revise the language as follows: <i>Species sensitivity rescreening is required every <u>24 months</u>. If there has been discharge during dry weather conditions. If the intermittent discharge is only during wet weather, rescreening is not required. If rescreening is necessary, the Permittee shall rescreen with the marine vertebrate species, a marine invertebrate species, and the alga species previously referenced, and continue to monitor with the most sensitive species. If the first suite of rescreening tests demonstrates that the same species is the most sensitive then the rescreening does not need to include more than one suite of tests. If a different species is the most sensitive or if there is ambiguity, then the Permittee may proceed with suites of screening tests for a minimum of three, but not to exceed five suites.</i></p>	<p>This statement has been included in the permit to clarify that a species sensitivity rescreening is not required after 24 months if a discharge is intermittent and discharges only during wet weather. Although the TIWRP currently discharges continuously to the Harbor, the discharged flow may become intermittent as the Permittee recycles more of the final effluent. The Permittee is committed to finding recycled water users for the final effluent and plans on eliminating the discharge of final effluent from the Harbor in the future. The language has been revised to clarify that the discharge is not currently intermittent, but if it ever does become intermittent and discharges only during wet weather, a 3-species rescreening is not required every 24 months.</p>	Revisions were made to the permit
	41	<p>Attachment E., pg.E 19, Table E-4. <u>Typo error - Top smelt TAC</u> The City recommends the change from “LC50 with copper must be 205 ug/l” to “LC50 with copper must be ≤ 205 µg/L”.</p>	Staff agreed.	Revisions were made to the permit

Commenter	#	Comment	Response	Action Taken
	42	Attachment E., pg.E-19, Table E-4. Typo error - Giant Kelp TAC The City recommends that the minimum Germ-tube length in controls to be 10 µm.	Staff agreed.	Revisions were made to the permit
	43	Attachment E., Section VI. B.5., pg.E-19,Table E-4. Typo error Replace “and” with “or” in the sentence “A static non-renewal toxicity test with the purple sea urchin, <i>Strongylocentrotus purpuratus</i> , or the sand dollar, <i>Dendraster excentricus</i> (Fertilization Test Method 1008.0)”	Table E-4 describes the Test Acceptability Criteria (TAC) for the marine chronic toxicity tests required by this permit. The TAC are identical for both the Purple Sea Urchin, <i>Strongylocentrotus purpuratus</i> , and the Sand Dollar, <i>Dendraster excentricus</i> , Fertilization Test Method 1008.0. Since the TAC applies to both tests, and not one or the other, the language will remain unchanged.	None necessary
	44	Attachment E., Section VI.B.7., pg. E-20. Typo Make the following correction. <i>Once the Permittee becomes aware of this result, the Permittee shall implement an accelerated monitoring schedule within 5 calendar days of the receipt of the result. However, if the sample is contracted out to a commercial laboratory, the Permittee shall ensure that the first of four accelerated monitoring tests are initiated within seven calendar days of the Permittee becoming aware of the result.</i>	Staff agreed. All four accelerated monitoring tests should not be conducted at the same time. The language has been revised to clarify that the first of the four accelerated monitoring tests is initiated within seven days of becoming aware of the result.	Revisions were made to the permit
	45	Attachment E., Section VI. B.8, par 1, pg.E-20 Toxicity Reduction Evaluation (TRE) purpose Previous permits did not require additional monthly effluent monitoring for compliance. TRE testing was conducted in place of routine monthly testing. The Permittee should not be penalized for testing conducted while trying to determine the toxic component present in the effluent. The exceedance should be used to initiate the identification of toxic compounds, not an opportunity to issue fines. The City requests that TRE testing be used only to identify the toxic compound in the effluent and not for compliance purposes.	The intent of the TIE/TRE is to identify the source/cause of toxicity and to reduce it, not to suspend compliance requirements. Similarly, the intent of the accelerated monitoring is to establish if the toxicity is persistent in the effluent. Additionally, the public has a right to know if the effluent that is being discharged continues to be toxic, particularly within the acute and chronic mixing zones. These tests should not be suspended while accelerated monitoring and TIE/TREs are underway. Also, it is inappropriate to suspend final effluent limitations without a compliance schedule or time schedule order,	None necessary

Commenter	#	Comment	Response	Action Taken
		<p>The purpose of TRE is to find the causes of toxicity and not for enforcement or compliance monitoring.</p> <p>The City requests that the result of the accelerated testing be used only to determine the presence of toxicity and not to be used for compliance purposes.</p>	as water quality standards must be maintained throughout the permit term.	
	46	<p>Attachment E., Section IX.A.1., pg. E-23.</p> <p>Typo Correct the figure name.</p>	Staff agreed.	Revisions were made to the permit
	47	<p>Attachment E., Section IX.B.1., footnote 18, pg. E-25.</p> <p>Typo Correct the monitoring location names.</p>	Monitoring requirement has been removed. See response to comment #28.	Revisions were made to the permit
	48	<p>Attachment E., Section IX.C.1., footnote 21, pg. E-27.</p> <p>Typo Correct the section number.</p>	Staff agreed.	Revisions were made to the permit
	49	<p>Attachment E., Section IX., D.1., pg.E-2,Table E-10</p> <p><u>Harbor Bottom Monitoring Requirements: Cyanide and Selenium</u></p> <p>The City request that the monitoring requirements for constituents such as Cyanide and Selenium be removed since it is not consistent with the TMDL requirement.</p>	Cyanide and selenium have been removed from Table E-10 since they are not included in the Sediment Quality Objectives for bays and estuaries, and they are not included in sediment monitoring described in the Ocean Plan.	Revisions were made to the permit
	50	<p>Attachment E., Section IX.D.4.a., pg. E-30.</p> <p><u>Identify new trawling station number.</u> Change trawling station due to inaccessibility.</p> <p>a.Six trawling stations (HT5A HT5, HT7, HT9, HT10, HT12, and HT13, Figure E-5) shall be sampled biannually in the 3rd. quarter...</p>	Staff agreed to replace monitoring station HT5 with HT5A. See comment #31.	Revisions were made to the permit
	51	<p>Attachment E., Section IX.D., pgs. E-30 and E-31.</p> <p>Typo Change the section numbering.</p>	Staff agreed.	Revisions were made

Commenter	#	Comment	Response	Action Taken								
		<p>4 <i>Local Demersal Fish and Invertebrate Survey</i></p> <p>5 <i>Local Bioaccumulation Trends Survey</i></p> <p>6 <i>Local Seafood Safety Survey</i></p>		to the permit								
	52	<p>Attachment E, Section X.A.1.b., pg. E-32. Section X.A.2.b., pg. E-33, Section X.A.4.b., pg. E-34. Clarification requested The City requests the proposed revision to the Regional Monitoring programs text to clarify the monitoring requirement:</p> <table border="1" data-bbox="424 610 1071 1390"> <thead> <tr> <th data-bbox="424 610 655 695">Reference: Attachment E</th> <th data-bbox="655 610 1071 695">Requested Clarification:</th> </tr> </thead> <tbody> <tr> <td data-bbox="424 695 655 993">Section X.A.1.b., page E-32</td> <td data-bbox="655 695 1071 993"><i>This level of participation shall be was consistent with that provided by the Permittee during the 2013 Regional Benthic Survey. The next regional survey is expected to take place in 2018.</i></td> </tr> <tr> <td data-bbox="424 993 655 1253">Section X.A.2.b., page E-33</td> <td data-bbox="655 993 1071 1253"><i>This level of participation shall be was consistent with that provided by the Permittee during the 2013 Regional Benthic Survey. The next regional survey is expected to take place in 2018.</i></td> </tr> <tr> <td data-bbox="424 1253 655 1390">Section X.A.4.b., page E-34</td> <td data-bbox="655 1253 1071 1390"><i>This level of participation shall be was consistent with that provided by the Permittee during the 2013 Regional</i></td> </tr> </tbody> </table>	Reference: Attachment E	Requested Clarification:	Section X.A.1.b., page E-32	<i>This level of participation shall be was consistent with that provided by the Permittee during the 2013 Regional Benthic Survey. The next regional survey is expected to take place in 2018.</i>	Section X.A.2.b., page E-33	<i>This level of participation shall be was consistent with that provided by the Permittee during the 2013 Regional Benthic Survey. The next regional survey is expected to take place in 2018.</i>	Section X.A.4.b., page E-34	<i>This level of participation shall be was consistent with that provided by the Permittee during the 2013 Regional</i>	Staff agreed.	Revisions were made to the permit.
Reference: Attachment E	Requested Clarification:											
Section X.A.1.b., page E-32	<i>This level of participation shall be was consistent with that provided by the Permittee during the 2013 Regional Benthic Survey. The next regional survey is expected to take place in 2018.</i>											
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Commenter	#	Comment	Response	Action Taken								
		<table border="1"> <tr> <td data-bbox="424 272 655 396"></td> <td data-bbox="655 272 1075 396"> <i>Benthic Survey. The next regional survey is expected to take place in 2018.</i> </td> </tr> </table>		<i>Benthic Survey. The next regional survey is expected to take place in 2018.</i>								
	<i>Benthic Survey. The next regional survey is expected to take place in 2018.</i>											
	53	<p>Attachment E., Section X.B.1., pg. E-34. Typo Make the following correction. <i>The Permittee shall conduct a special study to investigate the CECs in the effluent discharged at Discharge Point Serial No. 001 as listed in the table below. The sample shall be collected at the final effluent sampling location where a representative sample of the final effluent can be obtained.</i></p>	Staff agreed.	Revisions were made to the permit.								
	54	<p>Attachment E., pg. E-36, Table E-12 Possible Typo "Las" in the last row of the table may be a typo</p>	Staff agreed to correct "Las" to "LAs" for "Load Allocations."	Revisions were made to the permit.								
	55	<p>Attachment E., Section XI.C.3., pg. E-37, Table E-13. Monitoring Periods and Reporting Schedule. Monitoring periods should be consistently defined in the permit. Please revise Table E-13 for consistency with the monitoring periods defined in Section I.A.</p> <p>Table E-13. Monitoring Periods and Reporting Schedule</p> <table border="1"> <thead> <tr> <th data-bbox="424 1240 621 1328">Sampling Frequency</th> <th data-bbox="621 1240 798 1328">Monitoring Period Begins</th> <th data-bbox="798 1240 982 1328">Monitoring Period</th> <th data-bbox="982 1240 1075 1328">SMR Due Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Sampling Frequency	Monitoring Period Begins	Monitoring Period	SMR Due Date					Staff agreed.	Revisions were made to the permit.
Sampling Frequency	Monitoring Period Begins	Monitoring Period	SMR Due Date									

Commenter	#	Comment				Response	Action Taken
		Semiannually	Closest of January 1 or July 1 following (or on) permit effective date	January 1 to March 31 January 1 to June 30 July 1 to September 30 July 1 to December 31	June 15 September 15 March 15 December 15		
		Annually	January 1 following (or on) permit effective date	July 1 to September 30 January 1 to December 31	April 15		
	56	<p>Attachment E., Section XI.E., pg. E-41.</p> <p>Typo</p> <p>Correct the section numbering:</p> <p><i>74. The Regional Water Board requires the City to submit a progress report of current and future planning for the Advanced Water Treatment Facility ...</i></p>				<p>Staff agreed. The Regional Water Board, however, still requires progress reports on the current and future planning of the Advanced Water Purification Facility to ensure that the Permittee is on track to ceasing discharge of tertiary-treated effluent into the Harbor by 2020.</p>	<p>Revisions were made to the permit.</p>
	57	<p>Attachment F., Section I.C., pg. F-4.</p> <p>Typo</p> <p>Make the following correction.</p> <p><i>The Permittee filed a report of waste discharge and submitted an application, dated January 7, 2014, for renewal of its WDRs and NPDES permit. The application was received on January 14, 2014. The application was deemed complete on August 22, 2014. A site visit was conducted on December 17, 2014, to observe operation and collect additional data to develop permit limitations and conditions.</i></p>				<p>Staff agreed.</p>	<p>Revisions were made to the permit.</p>

Committer	#	Comment	Response	Action Taken
	58	<p>Attachment F., Section I.F., pg. F-5. <u>Explain how the results of the December 15, 2014 Dilution Study will be incorporated into the permit.</u> Please add language to explain how the permit will be changed when the State Water Board approves the December 15, 2014 dilution study.</p> <p><i>A final dilution study update was received by the Regional Water Board on December 15, 2014. Based on updated information within the Harbor, a dilution credit of 65 was determined for the acute mixing zone. This dilution credit is greater than the previous dilution credit of 61 and the Regional Water Board staff has determined that the more stringent dilution credit be incorporated into this Order, while the study is under review by the State Water Board, to protect the beneficial uses of the receiving water. In addition, once the State Water Board has completed its review of the 2014 dilution study update, the Regional Water Board may consider revising the final effluent limitations in Order No. R4-2015-XXXX to reflect the State Water Board's recommendations. Alternate effluent limits are provided in Table 4 and Reopener Provision VII.C.1.m.allows the permit to be amended based on these recommendations.</i></p>	See response to comment #5.	Revisions were made to the permit
	59	<p>Attachment F., Section A.2., pg. F-7. <u>Incorrect name for AWPF</u> Should be, "Advanced Water Purification Facility"</p>	Staff agreed.	Revisions were made to the permit.
	60	<p>Attachment F., Section II., D., pg.F-15, Table F-3. List of Violations <u>Compliance Summary – List of Violations</u> Table F-3 is not accurate. The City requests the following change: <i>Violation ID 98902 should be changed from "Deficient Reporting" to "Late Report".</i></p>	Violation ID 989302 was a late report so the violation description has been revised to "Late Report."	Revisions were made to the permit.

Commenter	#	Comment	Response	Action Taken
	61	<p>Attachment F., Section III.C., footnote 9 to Table F-4, pg. F-17</p> <p>Typo Make the following correction.</p> <p>⁹ <i>These areas are engineered channels. All references to Tidal Prisms in Regional <u>Water Board</u> documents are functionally equivalent to estuaries.</i></p>	Staff agreed.	Revisions were made to the permit.
	62	<p>Attachment F., Section IV., pg. F-26.</p> <p>Toxicity reference <i>This section inaccurately states that “Chronic and acute toxicity are considered <u>pollutants</u> of concern...” Toxicity is a measured effect, not a pollutant. See 67 Fed. Reg. 69965 (“toxicity is inherently defined by the measurement system (a ‘method-defined analyte’) and toxicity cannot be independently measured apart from a toxicity test.”)</i></p>	<p>Staff agreed. Language was revised to:</p> <p><i>Chronic and acute toxicity are a concern for the protection and evaluation of narrative Basin Plan Objectives.</i></p>	Revisions were made to the permit.
	63	<p>Attachment F., Section IV.A., pg. F-26.</p> <p><u>Corrections are needed to accurately describe the type of waste that will be discharged.</u> Brine will be discharged during this permit term and should be identified in the permit. Please make the following correction.</p> <p>A. Discharge Prohibitions <i>“Effluent and receiving water limitations in this Board Order are based on the CWA, Basin Plan, State Water Board’s plans and policies, USEPA guidance and regulations, and best practicable waste treatment technology. This order authorizes the discharge of tertiary- treated wastewater <u>and brine</u> from Discharge Point 001 only.”</i></p>	Staff agreed.	Revisions were made to the permit.
	64	<p>Attachment F., Section IV.C.2.b. vii., pg. F-31</p> <p><u>Clarification is needed to describe how nitrate is regulated.</u> The City produces advanced treated product water for groundwater recharge at the Dominguez Gap Barrier. The use of the City’s recycled water for groundwater recharge is regulated by separate</p>	<p>The suggested language has been added with the exception of the last sentence, “Nitrate is not a constituent of concern for this NPDES permit.” Although this NPDES permit does not include final</p>	Revisions were made to the permit

Commenter	#	Comment	Response	Action Taken
		<p>Water Recycling Requirements that contain effluent limitations for nitrate. Nitrate is not a constituent of concern in this NPDES permit because discharge to the Los Angeles Outer Harbor does not impact ground water and municipal drinking water (MUN) is not a designated beneficial use.</p> <p>vii. <i>Total Ammonia</i> <i>Ammonia is a pollutant routinely found in the wastewater effluent of POTWs, in landfill-leachate, as well as in run-off from agricultural fields where commercial fertilizers and animal manure are applied. Ammonia exists in two forms – un-ionized ammonia (NH₃) and the ammonium ion (NH₄⁺). They are both toxic, but the neutral, un-ionized ammonia species (NH₃) is much more toxic, because it is able to diffuse across the epithelial membranes of aquatic organisms much more readily than the charged ammonium ion. The form of ammonia is primarily a function of pH, but it is also affected by temperature and other factors. Additional impacts can also occur as the oxidation of ammonia lowers the dissolved oxygen content of the water, further stressing aquatic organisms. Oxidation of ammonia to nitrate may lead to groundwater impacts in areas of recharge. There is groundwater recharge in these reaches [Recycled water produced by the Permittee is used for groundwater recharge and nitrate levels are regulated under separate Water Recycling Requirements. Nitrate is not a constituent of concern for this NPDES permit.]</i></p>	<p>effluent limitations for nitrate, monitoring is still required for all nitrogen species.</p> <p style="text-align: center;">+</p>	
	65	<p>Attachment F., Section IV.C.2.b. vii., pg. F-31. Typo Make the following correction. <i>The amendment also simplifies the implementation procedures for translating ammonia objectives into effluent limits in situation where a mixing zone has</i></p>	<p>Staff agreed.</p>	<p>Revisions were made to the permit</p>

Committer	#	Comment	Response	Action Taken														
		<i>been authorized by the Regional Water Board...</i>																
	66	Attachment F., Section IV.C.2.b. ix., pg. F-34. Remove unnecessary reference. The permit does not contain a receiving water temperature limit. Please make the following correction. <i>The above effluent limitation for temperature has been quoted in all recent NPDES permits adopted by this Regional Water Board. Section V.A.1. Of the Order explains how compliance with the receiving water temperature limitation will be determined.</i>	Staff agreed. Section V.A.1. describes bacterial limitations in the receiving water.	Revisions were made to the permit														
	67	Attachment F., pg.F-36, Table F-6.Summary of Reasonable Potential Analysis Cyanide monthly average and maximum daily limits WQBEL Calculation (on page F-41) uses the formula $ECA = C + D \times (C - B)$ when $C > B$; B is the ambient background concentration. On page F-36, cyanide (CTR. No. 14) uses 0.7 ppb based on EMD's TIWRP Special Study from 2008 and 2009. However, most of the cyanide data were <0.5 ppb. We are recommending using 0.5 ppb instead of 0.7 ppb in the WQBEL calculation for determining monthly average and maximum daily cyanide limits. The City requests that Cyanide limits should be recalculated using 0.5 ppb as ambient background concentration.	The ambient background concentration is defined in the SIP as the observed maximum ambient concentration. The final effluent limitations were calculated using the procedures defined in the SIP and therefore the 0.7 ppb is the appropriate ambient background concentration.	None necessary														
	68	Attachment F., Section IV.C.3., pg.F-36, Table F-6.Summary of Reasonable Potential Analysis Typo Make the proposed correction. Table F-6. Summary of Reasonable Potential Analysis	Staff agreed.	Revisions were made to the permit.														
		<table border="1"> <thead> <tr> <th>CTR No.</th> <th>Constituent</th> <th>WQC</th> <th>MEC</th> <th>Maximum Receiving</th> <th>RPA Result</th> <th>Reason</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	CTR No.	Constituent	WQC	MEC	Maximum Receiving	RPA Result	Reason									
CTR No.	Constituent	WQC	MEC	Maximum Receiving	RPA Result	Reason												

Commenter	#	Comment							Response	Action Taken
		14	Cyanide	1	4	ng Water Conc. 0.7 ¹⁷	<u>Yes</u> No	MEC >C		
	69	<p>Attachment F., Section IV.C.4.a., pg. F-40. <u>Provide information on dilution credits and dioxin in the WQBELs calculation description.</u> Please correct the description of WQBEL calculation options to include information about the dilution credit of 65 (pending) and dioxin. <i>Calculation Options.</i> <i>Once RPA has been conducted using either the TSD or the SIP methodologies, WQBELs are calculated. Alternative procedures for calculating WQBELs include dilution credits of 61 (or 65 pending) granted by the State Water Board for ammonia, dioxin, MBAS, copper, cyanide, lead, mercury, and silver. Of these constituents, only ammonia, copper, dioxin and cyanide had reasonable potential to exceed the criteria, but a limit for MBAS was still calculated due to the nature of the facility. The ambient background concentrations in the receiving water for these constituents were below the water quality criteria so these chemicals are granted with dilution credits of 61(or 65 pending).</i></p>							See responses to comments #2 and 5.	Revisions were made to the permit
	70	<p>Attachment F., Section IV.C.4.d., pg. F-43. <u>Typo, remove incorrect information about mercury limitations.</u> This permit does not include effluent limitations for mercury. The following corrections are requested. <i>As stated by USEPA in its long standing guidance for developing WQBELs, average alone limitations are not practical for limiting acute, chronic, and human health toxic effects.</i> <i>For example, a POTW sampling for a toxicant to evaluate compliance with a 7-day average limitation</i></p>							<p>Staff changed the language as follows: <i>For the purposes of protecting the acute effects of discharges containing toxicants (CTR human health for the ingestion of fish), daily maximum limitations may be established in NPDES permits for carcinogens, endocrine disruptors, and bioaccumulative constituents.</i></p>	Revisions were made to the permit

Committer	#	Comment	Response	Action Taken
		<p><i>could fully comply with this average limit, but still be discharging toxic effluent on one, two, three, or up to four of these seven days and not be meeting 1-hour average acute criteria or 4-day average chronic criteria. For these reasons, USEPA recommends daily maximum and 30-day average limits for regulating toxics in all NPDES discharges. For the purposes of protecting the acute effects of discharges containing toxicants (CTR human health for the ingestion of fish), daily maximum limitations have been established in this NPDES permit for mercury because it is considered to be a carcinogen, endocrine disruptor, and is bioaccumulative.</i></p>		
	71	<p>Attachment F., Section IV.C.4.e., pg. F-44, Table F-7. <u>Information on dilution credit of 65.</u> Edit Table F-7 to reflect alternate effluent limits using dilution credit of 65 and dilution credits granted for 2,3,7,8 TCDD (dioxin).</p>	See response to comment #58.	Revisions were made to the permit
	72	<p>Attachment F., Section IV. C.5, par 2, pg.F-45. <u>No exceedances of the 62 TUC monthly median accelerated testing trigger were reported in the effluent.</u> Since the City effluent did not exceed the Chronic or Acute toxicity in the current permit, therefore should be no acute toxicity requirement in the current permit. The City requests that all the language related to Acute Toxicity effluent limits and requirement be removed.</p>	See response to comment #9.	Revisions were made to the permit
	73	<p>Attachment F., Section IV.C.5., pg. F-46. <u>Add information to explain why chronic toxicity limits are included.</u> The City's effluent did not exceed the chronic toxicity trigger in the current NPDES permit term and was in compliance with the acute toxicity limits. In addition, the chronic toxicity measured in the receiving water was not caused by the effluent</p>	Staff agreed. The final effluent from the TIWRP did not exceed the chronic toxicity trigger and the revised permit now reflects this.	Revisions were made to the permit.

Commenter	#	Comment	Response	Action Taken
		<p>discharges. As a result, there is no information on toxicity results in the compliance summary section of the Fact Sheet. The following corrections are requested to accurately describe the reason for including chronic toxicity limits and the City's compliance history.</p> <p><u>Even though the effluent did not exceed the chronic toxicity trigger during the previous permit term, effluent limitations for chronic toxicity were established because effluent data showed that the discharge exhibits tier 2 reasonable potential since toxicity has exceeded the 1 TUc limit in the receiving water and the maximum effluent result concentration exceeded 1 TUc. The Permittee's past compliance summary is discussed in greater detail in section II.D. Of this Fact Sheet.</u></p>		
	74	<p>Attachment F., Section IV.C.5., pg. F-46. Remove unnecessary language. Remove language from the following section. The statement is repeated on page F-47.</p> <p><i>...Further, the Regional Water Board finds that numeric effluent limitations for chronic toxicity are necessary, feasible, and appropriate because effluent data exhibited reasonable potential to cause or contribute to an exceedance of the toxicity water quality objective. Compliance with the chronic toxicity requirements contained in the 2014 Order shall be determined in accordance with sections VIII.J of the WDR.</i></p>	<p>The reference to "the 2014 Order" is incorrect and has been revised to "this 2015 Order." The reference to the chronic toxicity requirements in the WDR is correct.</p>	<p>Revisions were made to the permit</p>
	75	<p>Attachment F., Section IV.D.3., pgs. F-50 and F-51, Table F-8. Summary of Final Effluent Limitations for Discharge Point 001 Typos Incorrect footnotes are referenced in Table F-8.</p> <p><i>TSS (lbs/day) should be footnote 25 Oil and Grease (lbs/day) should be footnote 25</i></p>	<p>Staff agreed. The footnote references have been revised to correspond to the appropriate footnotes.</p>	<p>Revisions were made to the permit</p>

Commenter	#	Comment	Response	Action Taken						
		<p><i>Total Residual Chlorine (lbs/day) should be footnote 25</i> <i>MBAS (lbs/day) should be footnote 25</i> <i>Ammonia Nitrogen (lbs/day) should be footnote 25</i> <i>Cyanide (lbs/day) should be footnote 29</i></p>								
	76	<p>Attachment F., Section VI.B.2.a., pg. F-53. Typos Correct the referenced table number.</p> <p><i>The Permittee shall conduct a special study to investigate the CECs in the effluent discharge as listed in Table E-11 § of the MRP.</i></p>	Staff agreed.	Revisions were made to the permit						
	77	<p>Attachment F., Section VI.B.7., pg. F-55. Typo Correct the section number.</p> <p><i>There is no compliance schedule included in Special Provisions section VII.C.7. -VII.B.7.</i></p>	Staff agreed.	Revisions were made to the permit						
	78	<p>Attachment F., Section VII.B., pg. F-55, Table F-9. Effluent Monitoring Frequency Comparison Correct the monitoring frequencies to be consistent with permit requirements.</p> <p>The following corrections are requested to accurately describe effluent monitoring frequencies in the current permit and the requested changes to Table E-3. Total chromium is not monitored. Dieldrin is monitored as a “remaining EPA priority pollutant.”</p> <p>Table F-9. Effluent Monitoring Frequency Comparison requested changes.</p> <table border="1" data-bbox="426 1281 1079 1403"> <thead> <tr> <th data-bbox="426 1281 632 1403">Parameter</th> <th data-bbox="632 1281 842 1403">Monitoring Frequency (2010 Permit)</th> <th data-bbox="842 1281 1079 1403">Monitoring Frequency (2015 Permit)</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Parameter	Monitoring Frequency (2010 Permit)	Monitoring Frequency (2015 Permit)				See response to comment #34.	None necessary
Parameter	Monitoring Frequency (2010 Permit)	Monitoring Frequency (2015 Permit)								

Committer	#	Comment	Response	Action Taken												
		<table border="1"> <tr> <td data-bbox="420 269 625 334">Total Chromium</td> <td data-bbox="625 269 835 334">quarterly</td> <td data-bbox="835 269 1077 334">semiannually</td> </tr> <tr> <td data-bbox="420 334 625 399">Methylene Chloride</td> <td data-bbox="625 334 835 399">quarterly</td> <td data-bbox="835 334 1077 399">semiannually no change</td> </tr> <tr> <td data-bbox="420 399 625 496">Terachloro ethylene</td> <td data-bbox="625 399 835 496">quarterly</td> <td data-bbox="835 399 1077 496">semiannually no change</td> </tr> <tr> <td data-bbox="420 496 625 529">Dieldrin</td> <td data-bbox="625 496 835 529">quarterly</td> <td data-bbox="835 496 1077 529">semiannually</td> </tr> </table>	Total Chromium	quarterly	semiannually	Methylene Chloride	quarterly	semiannually no change	Terachloro ethylene	quarterly	semiannually no change	Dieldrin	quarterly	semiannually		
Total Chromium	quarterly	semiannually														
Methylene Chloride	quarterly	semiannually no change														
Terachloro ethylene	quarterly	semiannually no change														
Dieldrin	quarterly	semiannually														
	79	<p>Attachment I., pgs. I-1 to I-3. Footer text The City requests that the Attachment I footer be corrected to "Pretreatment Reporting Requirements."</p>	Staff agreed. The footer was incorrectly labeled as "Storm Water Pollution Prevention Plan Requirements"	Revisions were made to the permit												
Comments received from United States Protection Agency (USEPA) on May 13, 2015																
USEPA	80	<p>Chronic Toxicity Limits</p> <p>EPA is pleased that the subject draft permit plainly requires effluent limits on chronic whole effluent toxicity (WET), where there is reasonable potential. EPA agrees with the Regional Water Board's decision to use numeric chronic WET WQBELs for this POTW permit, which are feasible to calculate for the discharge. As a result, the permit comports with the Clean Water Act and NPDES regulations. [CWA sections 301(b)(1)(C) and 502(11), 40 CFR 122.44(d)(1)(i) and (v) and 40 CFR 122.45(d).] Moreover, EPA supports the inclusion of both monthly and daily WQBELs for chronic toxicity, as the Regional Water Board has determined that such limits are necessary to protect against highly toxic short-term peaks of acute or chronic toxicity that exceed the applicable toxicity water quality standard. The draft permit is consistent with the nine POTW permits this</p>	We thank the USEPA for their comments in support of the tentative permit.	None Necessary												

Commenter	#	Comment	Response	Action Taken
		<p>Board has adopted over the past 12 months, which express both monthly and daily chronic toxicity WQBELs numerically.</p> <p>It is critical that the permitting authorities explicitly choose and identify the statistical approach that will be used to protect the narrative toxicity water quality standard and interpret toxicity for compliance reporting with the Test of Significant Toxicity (TST) bioequivalence statistical t-test approach used to determine if two sets of observations- made for the effluent's in-stream waste concentration (IWC) and the control concentration- are different. This approach is more rigorous than classical NOEC/LOEC hypothesis testing because it: (1) more correctly assigns non-toxic and toxic results in answer to the question, "What's going on at the permitted IWC?"; and (2) minimizes inconsistent judgments by laboratories reviewing results after a chronic toxicity test is conducted. Furthermore, for the small number of toxicity laboratories that will need to, the TST provides both the opportunity and the incentive for laboratories to take steps beforehand to reduce variability by improving toxicity test execution. Consequently, the permit contains transparent, clearly expressed, enforceable requirements for chronic WET.</p> <p>It is within this context that we continue to support Order section VII.J and associated fact sheet language. This provision specifies compliance evaluation and reporting requirements for chronic toxicity data expressed in terms of the TST and assures compliance with the multi-concentration test design requirement for NPDES effluents found in EPA's 2002 toxicity methods. Also, it assures that- following EPA's 2002 toxicity test methods-the National Organization of Clean Water Agencies</p>		

Commenter	#	Comment	Response	Action Taken
		<p>(NACWA) has submitted comments critical of some of the POTW permits you have recently issued. Bearing this in mind, we wish to draw your attention to a January 2006 white paper by NACWA, page 10, which states: "The [toxicity] methods did not specifically state that the permittee may invalidate a [toxicity] test purely on the basis of the concentration-response relationship. However, NACWA believes that, in the context of a full Data Quality Objectives program, the testing laboratory and the clean water agency should consider a test invalid if an adequate relationship is not present." This position places NACWA and its member agencies holding this position squarely at odds with EPA's 2002 toxicity test methods rule and preamble regarding the proper role of concentration-response pattern reviews. After statistical analysis of the biological data, concentration response pattern review specified by EPA plays a role limited to specific instructions for determining that particular statistical endpoints-NOECs, LC50s, and IC25s-are interpreted appropriately.</p> <p>It remains EPA's position that the determination of toxicity is not based on achieving a specified concentration-response pattern. As a result, we concur with the permit fact sheet, which correctly states that the appropriate interpretation of effluent (or receiving water) sample measurement results from the TST statistical approach is, by design, independent from the concentration-response patterns of the toxicity tests for those samples. When using the TST, we agree with the application of EPA's 2000 concentration-response pattern review guidance will not improve the appropriate interpretation of the TST result, as long as your permits require the use of EPA's toxicity test methods by which good QA/QC is demonstrated through ongoing evaluation and tracking</p>		

Commenter	#	Comment	Response	Action Taken
		<p>of reference toxicity testing and measures (i.e. mean, standard deviation, and coefficient of variation) of control concentration performance.</p> <p>Also, provision VII.J. takes good steps to effectively address our concern that a laboratory's Standard Operating Procedures for Chronic Toxicity test data analysis and review can be used to improperly disqualify a test result. It is our position that applying EPA's 2000 concentration-response pattern review guidance and/or inapplicable NOEC/LOEC variability criteria (i.e. PMSDs) to the TST-an unrelated statistical approach-prior to reporting compliance will undercut the transparency of the reported toxicity result, shroud a potentially non-compliant result prior to reporting, and diminish the reliability and enforceability of the permit and its toxicity WQBELs. The Three POTW permits you adopted in April took a large step toward addressing our on-going observation that providing too much WET method flexibility on specific procedures has been a way for some NPDES permit holders to improperly disqualify test results. We continue to support the inclusion of a generic permit condition that takes steps to ensure such practices will not be used.</p>		