

**Item XX and Item YY
Response to Comments**

Joint Outfall System
Long Beach Water Reclamation Plant and
Los Coyotes Water Reclamation Plant
Tentative NPDES Permits

(This Table summarizes the comments received from interested parties with regard to the above-mentioned facilities' Tentative Permits. All comments are applicable to both Plants, unless otherwise specified. Each comment presented in this Table has corresponding Regional Board's response and/or action taken. The Discharger has submitted comments prior to the comment submittal deadline. However, most of these comments were editorial in nature and Regional Water Board staff agreed to modify the draft permits based on their comments.)

Agency	#	Comment			Reply	Action Taken
			Agree	Disagree		
Joint Outfall System	1	The maximum daily effluent limitation for ammonia was inappropriately determined.	X		Regional Board staff reviewed the appropriateness of applying the one-hour water quality objective based on the protection of MIGR receiving water beneficial use at the Estuary. Upon reviewing the 1999 Update of Ambient Water Quality Criteria for Ammonia (EPA-822-R-99-014, December 1999), states that the ammonia water quality objectives depends on whether salmonids are present or absent and whether the discharge is to freshwater or saltwater. Also, in EPA's June 19, 2003, approval letter of the Regional Board Resolution No. 2002-011, EPA further discussed that the acute criteria are dependent on pH and whether sensitive coldwater fish are present. The immediate receiving waterbody does not have COLD beneficial use. Therefore, salmonids are NOT expected to present in the immediate receiving waterbody. MIGR beneficial use designation, however, will still apply at the San Gabriel River Estuary.	See appropriate changes in the Fact Sheet and the Order.
		Make associated changes to the Fact Sheet, including clarification that the MIGR beneficial use does not apply in Coyote Creek or San Gabriel River Reach 1.	X			
		Revise the final Maximum Daily Effluent Limitation for ammonia from 1.8 mg/L to 2.7 mg/L.	X			

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Joint Outfall System	2	JOS supports the use of interim limits in the Tentative Permits for ammonia while the Site Specific Objectives (SSOs) are being considered for adoption by the Regional Board and approval by the State Board, USEPA.			While the final approval/adoption of SSO is still pending, a reopener is included in the permit. Any detailed discussion and calculation of projected SSO-applied effluent limits have been deleted.	See appropriate changes in the Fact Sheet and the Order.
Joint Outfall System	3	Limits for metals should not have been established because no reasonable potential was demonstrated.		X	<p>In the updated 303(d) list, the receiving waterbodies were listed for copper, lead, and zinc. These waterbodies showed impairments, the reason TMDLs was established. The adopted TMDLs have clearly identified exceedances of the CTR criteria and therefore declare impaired for such metals.</p> <p>The limits for copper, lead, and zinc are consistent with the assumptions of the San Gabriel River Metals TMDL. Copper, lead, and zinc have waste load allocation in the San Gabriel River Metals TMDL. Therefore, WQBELs based upon TMDL are needed in the permit. USEPA fully supports the calculated effluent limits in these draft permits. "EPA's interpretation of 40 CFR 122.44(d)(1)(vii)(B) is that available waste load allocations must be incorporated into corresponding permit effluent limitations, irrespective of reasonable potential." Furthermore, USEPA would disapprove the permit if we do not implement an approved TMDL.</p>	None necessary. Limits for metals stay.
Joint Outfall System	4	<p>Daily maximum daily effluent limits should not be established for toxic pollutants regulated on the basis of human health.</p> <p>The Long Beach WRP Tentative Permit improperly includes limits to implement human health based water quality objectives. The limits for 4-4'-DDE are based on long-term (seven years of exposure) objectives to protect human health. No justification exists for short-term limits for these constituents.</p> <p>In fact, the Regional Board has already been told as</p>		<p>X</p> <p>X</p>	<p>Section 122.45(d)(2) requires average weekly and average monthly discharge limitations unless it is "impracticable" to use such limitations. An explanation as to why it is impracticable to do so has been included in the Fact Sheet.</p> <p>State Board's WQO No. 2004-0010, for the City of Woodland, was a precedential decision. However, it did not pertain to daily maximum limits based on the CTR-SIP. It pertained to an instantaneous maximum effluent limitation for iron. The staff of the Central Valley Regional Board had used EPA's ambient water quality criteria guidance for iron; USEPA's TSD to determine reasonable potential; and established concentration-based and mass-based limits as instantaneous maximums. The State Board's WQO No. 2004-0010</p>	None necessary. The limits for 4,4'-DDE will remain.

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		<p>much by the State Board in a precedential decision discussing how long term chronic criteria are to be implemented. <i>See In the Matter of the Own Motion Review of the City of Woodland</i>, SWRCB Order No. WQ 2004-0010 (holding that “implementing the limits as instantaneous maxima appears to be incorrect because the criteria guidance value . . . is intended to protect against chronic effects.”)</p> <p>Remove the daily maximum effluent limitations for 4,4'-DDE from the Long Beach WRP Tentative Permit.</p>		X	<p>revised the iron limits and made both the concentration-based and the mass-based limits as monthly averages.</p> <p>The limit for DDE is not being proposed as an instantaneous maximum, therefore the reference to the City of Woodland precedential decision is not applicable. The limit for DDE is being proposed as a daily maximum limit. This daily maximum limit was derived using USEPA's CTR criteria and the USEPA-approved SIP limit calculation procedures. The DDE limit is not more stringent than the Federal requirement. It is also consistent with precedential decisions and the Burbank decision.</p> <p>USEPA 's comment letter states that daily maximum effluent limits for pollutants in water quality permitting are necessary to prevent acute water quality effects and assess short-term exceedances of acute and chronic water quality criteria/objectives. USEPA also agrees that it is impracticable for the Regional Board to establish weekly average effluent limits, as such limits fail to ensure acute and chronic water quality protection. The proposed daily maximum effluent limits for toxic and non-conventional pollutants are justified and necessary for the permits to ensure compliance with all applicable water quality standards, as required by 40 CFR 122.44(d)(1)(vii).</p>	
Joint Outfall System	5	<p>Compliance determination language should be removed from the Tentative Permits.</p> <p>Remove Order Item No. VII. Relocate Order Item Nos. VII.B, VII.M, and VII.N to the MRP.</p>		X	<p>This is standard language in all our NPDES permits and fairly outlines for the Discharger how compliance will be determined.</p>	None necessary.
Joint Outfall System	6	<p>Reporting should not be required of estimated analytical results obtained during influent sampling.</p> <p>Delete the following sentence in its entirety “The Discharge shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols.” from MRP Item No. X.B.4 for the Long</p>		X	<p>SIP Reporting Protocol section does not exclude influent samples analysis from complying with this section. Influent analysis is generally not performed for compliance purposes. Therefore, there is no prejudice to the Discharger for the reporting of estimated analytical results.</p>	None necessary.

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		<p>Beach WRP and MRP Item No. IX.B.4 for the Los Coyotes WRP.</p> <p>Replace the deleted sentence with, "For the purpose of reporting compliance with numerical effluent limitations and receiving water limitations, analytical data shall be reported using the following reporting protocols:"</p> <p>If this change is not made, add a new MRP Item No. X.B.4.e stating, "If a sample is diluted due to matrix interference, the laboratory's reported MDL and the RL shall both be elevated by the dilution factor for the sample."</p>				
Joint Outfall System	7	<p>Receiving water monitoring should not be required within 48-hours following the flow of rainwater runoff into the San Gabriel River – Coyote Creek system, nor if weather or flow conditions would endanger personnel collecting receiving water samples.</p> <p>Add a new item to the MRPs as MRP Item No. VII.A.2, to read as follows, "Receiving water samples shall not be taken during or within 48-hours following the flow of rainwater runoff into the San Gabriel River-Coyote Creek system. Sampling may be rescheduled at receiving water stations if weather and/or flow conditions would endanger personnel collecting receiving water samples. The monthly monitoring report shall note such occasions."</p>	X		The suggested language has been incorporated in the MRP.	Change has been made.
Joint Outfall System	8	<p>Additional sampling should be allowed for monthly average compliance determinations</p> <p>Add a footnote to all monthly average effluent limitations stating "Compliance may be determined from a single analysis or from the average of the initial analysis and three additional analyses taken</p>		X	The Compliance Determination Section of the permit clearly specifies that additional samples shall be collected within the same calendar month. This is standard language in all our NPDES permits and fairly outlines for the Discharger how compliance will be	No change is necessary.

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		one week apart after the results of the initial analysis are obtained.”			determined.	
Joint Outfall System	9	The discharge prohibition addressing acceptance of waste in excess of the wastewater treatment plant design capacity should be revised. Revise Order Item No. III.C to read, “The monthly average effluent dry weather discharge flow rate from the facility shall not exceed the design capacity.”	X		The suggested language change has been incorporated in the Order.	Change has been made.
Joint Outfall System	10	The effluent total coliform limit of 240/100 mL should be revised to state that this limit cannot be exceeded in more than one sample in a 30 day period. Change Order Item No. IV.A.1.e as follows, “ No sample shall exceed an MPN of 240 total coliform bacteria per 100 milliliters <u>Total coliform bacteria shall not exceed 240 MPN or CFU per 100 milliliters in any more than one sample in a 30 day period.</u> ”	X		The suggested language change has been incorporated in the Order.	Change has been made.
Joint Outfall System	11	Compliance determination for the turbidity limit of 10 NTU should be allowed using grab samples instead of continuous monitoring. Add the following sentence to Footnote 4 of MRP Item No. IV.A.1 (Table 3), “Grab samples shall be used to determine compliance with the 10 NTU limit.”	X		The suggested language change has been incorporated in the MRP.	Change has been made.
Joint Outfall System	12	Sampling requirements for wastewater spills not reaching receiving waters should be revised. Revise Order Item No. VI.C.6.B.b in the Long Beach WRP Tentative Permit and Order Item No. VI.C.6.b.ii in the Los Coyotes WRP Tentative Permit to only require sampling of wastewater that did not reach a receiving water or shallow groundwater when the volume is greater than 1,000 gallons and there is the	X		The suggested language change has been incorporated in the Order.	Changes have been made.

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		potential for public exposure. In such events, the requirement to “analyze the sample” for bacteriological indicators should be changed to “characterize the sample” to reflect that existing data characterizing untreated wastewater can be used to indicate bacteriological indicator concentrations.				
Joint Outfall System	13	Change the description of sampling location EFF-001B, and allow effluent temperature limitation compliance to be determined at this location. Change the description of EFF-001B to read, “The effluent sampling station for total residual chlorine and temperature shall be located between the dechlorination process and the end of the outfall. The residual chlorine and temperature limitations shall be applied to the effluent samples collected at this point.”	X		The suggested language change has been incorporated in the MRP.	Changes have been made.
		Change the first two sentences of MRP Item No. IV.A.1 to read, “The Discharger shall monitor the discharge of tertiary-treated effluent at EFF-001A, except for total residual chlorine and temperature. Total residual and chlorine shall be monitored at EFF-001B.”	X		The suggested language change has been incorporated in the MRP.	Changes have been made.
Joint Outfall System	14	Downstream receiving water flow data should only have to be submitted when it is available. Revise MRP Item No. VII.B.1 as follows, “The Discharger shall collect <u>report</u> the maximum daily flow...” Add a sentence to the same provision stating, “In the event that the maximum daily flow data is not available, the JOS may provide an estimate.”	X		The suggested language change has been incorporated in the MRP.	Changes have been made to the MRP.
Joint Outfall System	15	Add a reopener for changes to the Permit Template used to create these permits.		X	The Regional Board does not see changes in the Permit Template would warrant reopening the permit. Conditions that may substantially impact the permit that warrant reopening the permit are	None necessary.

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					stated in Section VI.C.1. – Reopener Provisions.	
EPA	1	<p>TMDL Permitting for Metals</p> <p>EPA comment that the draft permits follow proper EPA and State procedures for implementing toxics WLAs as statistically-calculated monthly average and daily maximum WQBELS, consistent with the TMDL and applicable federal regulations and State policy on water quality control.</p> <p>EPA fully supports the monthly average and daily maximum WQBELS for copper, lead, and zinc calculated using Section 1.4.B of the SIP.</p>	X		We thank the EPA for these comments in support of the permit. No response is necessary.	Comments noted.
EPA	2	<p>Monthly Average and Daily Maximum WQBELS for Ammonia</p> <p>EPA supports the Regional Water Board staff's determination of reasonable potential for ammonia which utilizes receiving water pH, and temperature data to establish the applicable water quality objectives. However, where the Regional Water Board determines that ammonia in a discharge has a reasonable potential to exceed applicable Basin Plan water quality objectives, the permit needs to contain monthly average and daily maximum WQBELS for ammonia that are calculated in accordance with implementation procedures in Chapter 4 of the Basin Plan.</p> <p>Further, EPA commented that when the 30-day average site specific objective ("SSO") for ammonia is approved, the SSO is subject to the ammonia implementation procedures specified in Chapter 4 of the Basin Plan, along with 1-day and 4-day average ammonia objectives in the Basin Plan.</p>	X		<p>Regional Water Board staff followed USEPA's recommendation that the monthly average and daily maximum effluent limitations should be calculated according to the implementation procedures in Chapter 4 of the Basin Plan. A detailed discussion and calculation is presented in Section IV.C.2.ix.iii of the Fact Sheet.</p> <p>Regional Water Board staff has removed further discussions on the projected SSO 30-day average effluent limit calculation. However, if the SSO is approved by EPA, the SSO-applied 30-day average limit will be calculated according to the implementation procedures in Chapter 4 of the Basin Plan. A reopener language is provided in the permit to address this issue.</p>	<p>Recalculate effluent limits.</p> <p>None necessary.</p>
EPA	3	Daily Maximum Effluent Limits for POTWs				

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		<p>The draft permits propose daily maximum effluent limits, rather than weekly average effluent limits for priority pollutants based on CTR criteria and non-conventional pollutants based on Basin Plan objectives. In part, Regional Water Board staff have calculated daily maximum effluent limits in accordance with Section 1.4 of the SIP.</p> <p>EPA further explained that daily effluent limits for pollutant in water quality permitting are necessary to prevent acute water quality effects and assess short-term exceedances of acute and chronic water quality criteria/objective.</p> <p>EPA also agreed that it is impracticable for the Regional Water Board to establish weekly average effluent limits, as such limits fail to ensure acute and chronic water quality protection. The proposed daily maximum effluent limits for toxic and non-conventional pollutants are justified and necessary for the permit to ensure compliance with all applicable water quality standards, as required by 40 CFR 122.44(d)(1)(vii).</p>			We thank the EPA for these comments in support of the permit. No response is necessary.	Comments noted.
EPA	4	<p>Effluent Limits for Concentration and Mass</p> <p>The draft permits contain both concentration- and mass-based limits for conventional, non-conventional, and priority toxic pollutants. The concurrent use of concentration- and mass-based effluent limits when developing controls in NPDES permits is affirmed by the EPA in both regulation and guidance. EPA has determined that expressing effluent limits in terms of both concentration and mass encourages proper operation of a treatment facility, thereby ensuring that applicable technology- and water quality-based requirements will be met. In summary, the use of both concentration- and mass-</p>			We thank the EPA for these comments in support of the permit. No response is necessary.	Comments noted.

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		based effluent limits in the draft permits is recommended by EPA and consistent with NPDES regulations at 40 CFR 122.45(f) which governs the use of mass-based effluent limits in the permit.				
EPA	5	<p>Effluent Limits for Total Residual Chlorine</p> <p>The draft permits propose a daily maximum effluent limit 0.1 mg/L for total residual chlorine. We note that this is an order of magnitude higher than EPA's recommended 304(a) water quality criteria protecting aquatic life against acute and chronic effects due to chlorine toxicity (i.e., 19 µg/L and 11 µg/L, respectively). EPA continues to recommend a water quality-based permitting approach for total residual chlorine.</p> <p>To address this concern, we support including a reopener provision in the revised draft permits which allows for permit modification consistent with the State Board's <i>Total Residual Chlorine and Chlorine-Produced Oxidants Policy of California</i>.</p> <p>We also support including the permit condition prohibiting dechlorination of effluent samples in the laboratory prior to conducting testing for acute and chronic whole effluent toxicity, unless written approval allowing dechlorination of effluent samples in the laboratory prior to toxicity testing is granted by the Regional Water Board Executive Officer.</p>			<p>A reopener provision to address the issue is included in the revised draft permit.</p> <p>We thank the EPA for these comments in support of the permit. No response is necessary.</p>	<p>Comment noted.</p> <p>Change has been made in the Order.</p> <p>Comments noted.</p>
EPA	6	<p>Whole Effluent Toxicity Testing Requirements</p> <p>EPA supports the acute whole effluent toxicity effluent ("WET") limits and the acute and chronic testing requirements proposed in the draft permits.</p> <p>However, information provided in the permit fact sheets shows that the monthly median chronic</p>			<p>We thank the EPA for these comments in support of the permit. No response is necessary.</p>	<p>Comments noted.</p>

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		<p>toxicity trigger of 1.0 Chronic Toxic Units has been exceeded in these effluents on numerous occasions. Following 40 CFR 122.44(d)(1) and Section 4 of the SIP, WQBELs for chronic toxicity be established following EPA's national guidance for water quality-based permitting in the TSD and regional EPA guidance for implementing WET in <i>Region 9 and 10 Guidance for Implementing Whole Effluent Toxicity Testing Programs</i>. We do not believe that numerical WQBELs for chronic toxicity are "infeasible" to calculate, such that BMPs may be substituted. 40 CFR 122.44(k).</p> <p>At a minimum, the permits need to specify the WQBEL: "There shall be no chronic toxicity in the effluent discharge."</p>			The suggested language is already included in the draft permits.	None necessary.
Heal the Bay	I	EFFLUENT LIMITATIONS				
Heal the Bay	1	<p>The Tentative Permit should include year-round effluent limits for copper.</p> <p>The "seasonal" waste load allocations are incorporated in the Tentative Permit. However under the State Implementation Plan, a Reasonable Potential Analysis does not distinguish between dry-weather and wet-weather conditions. Effluent limits should be prescribed for the entire year if reasonable potential is triggered – not only for certain seasons.</p>		X	Effluent limits for copper in the Tentative Permit are based on TMDL Waste Load Allocations (WLA's). A TMDL is required to account for seasonal variations. Based on the conclusions drawn from the data review, the TMDL was developed for San Gabriel River Reach 1 for copper under dry-weather conditions. The assignment of this dry-weather WLA for copper to San Gabriel River Reach 1 is to meet the copper standard in the Estuary. The Reasonable Potential Analysis following the SIP procedures does not show Reasonable Potential for the discharged copper to exceed its criterion. Therefore, it is not appropriate to include year-round effluent limits for copper in the Tentative Permit.	None necessary
Heal the Bay	2	<p>The Regional Board must ensure that upstream discharges do not impact the Estuary.</p> <p>The POTW dry-weather copper waste load allocation for San Gabriel River Reach 1 is 18 ug/L for LCWRP, 20 ug/L for LBWRP, and the "Other NPDES" dry-weather copper waste load allocation</p>		X	In the development of a Metals TMDL for the San Gabriel River Reaches and Estuary, all major sources of copper were determined and WLA's assigned. Sources receiving allocations were the power plants, POTWs, upstream storm water sources, direct storm water sources, and upstream and direct nonpoint sources. Both Long Beach and Los Coyotes WRP's are required to perform Watershed-wide monitoring with other dischargers. There will be continued	None necessary

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		for the Estuary is 3.7 ug/L. Thus, the higher concentration upstream discharge to Reach 1 is a source of copper to the Estuary that may hinder water quality standards attainment in the Estuary. The Regional Board should require monitoring that shows causing or contributing to Estuary exceedances.			Watershed-wide monitoring on 10 random sites in 2006 and subsequent years plus 8 targeted sites. In addition, each plant is required to perform upstream and downstream monitoring which can be used to validate the assumption of the WLAs.	
Heal the Bay	3	<p>The Regional Board should remove interim ammonia limits from the Tentative Permit.</p> <p>First, the compliance summary provided in the Tentative Permit indicates that there was one exceedance of the monthly average effluent limitation for ammonia between 2002 and 2006. It is improper to conclude that the discharge can not meet the final limitation.</p> <p>The previous permit was adopted on July 11, 2002, after the Basin Plan amendment for ammonia objectives went into effect on April 25, 2002. Further, a Time Schedule Order (TSO) was adopted concurrently with the previous permit to give the discharger interim ammonia limits until the NDN upgrade was completed in 2003. The discharger met all the TSO requirements by its expiration date. Thus, it is improper to say that the ammonia objectives are "newly established" and that the discharger needs more time to meet the final objectives. At a minimum, the interim limits should expire after the most recent NDN upgrades are completed in October 2007.</p>		X	<p>Existing ammonia effluent limits are based on temperature and pH of the effluent. Newly prescribed ammonia effluent limits are required to be calculated using temperature and pH of the downstream receiving water after Regional Water Board staff consulted with USEPA. The ammonia effluent limits become more stringent because of these changes. Monitoring data from October 2003 to December 2006 for the Los Coyotes WRP and Long Beach WRP indicate approximately 25 exceedances over the ammonia limits that have been prescribed in the revised proposed permit. JOS claims that the ammonia exceedances are contributed by the addition of ammonia during effluent chlorination. Disinfection solely with free chlorine is not currently being employed due to concerns with the production of trihalomethanes (THMs). Therefore, the Discharger is seeking a SSO for ammonia. During the interim, the Regional Board staff prescribe interim ammonia limits in the proposed permit because the Plant cannot immediately comply with the newly-interpreted ammonia criteria.</p> <p>The SSO was adopted by the Regional Board on June 7, 2007. Final approvals must be obtained from USEPA. Once the approvals are obtained, the permits will be reopened and the SSO applied. At that time, the interim limits will no longer be necessary and will be removed.</p>	None necessary.
	II	TOXICITY				
Heal the Bay	4	<p>The Tentative Permit should include a daily maximum toxicity trigger.</p> <p>Other recently adopted NPDES permits include a monthly median toxicity trigger and a daily maximum</p>		X	Although the recently adopted NPDES permits include a monthly median toxicity trigger and a daily maximum trigger of 1.0 TUc, the daily maximum trigger of 1.0 TUc has never been used as a required trigger for the implementation of accelerated chronic toxicity testing. Therefore, the Tentative Permit that only prescribes	None necessary

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		<p>trigger of 1.0 TUc. Toxicity testing is the safety net for NPDES permits because permits do not require monitoring or have limits for all constituents that can cause receiving water toxicity. Thus, it is import to have a daily maximum trigger as well as a monthly median trigger.</p>			<p>a monthly median toxicity trigger of 1.0 TUc is consistent with recently adopted NPDES permits.</p> <p>In the recently adopted NPDES permits, the daily maximum trigger of 1.0 TUc, when exceeded, serves as a warning for the Discharger that they may not be able to meet the monthly median of 1.0 TUc. When the daily maximum is triggered, the Discharger may collect additional samples to provide the Discharger the opportunity to meet the monthly median.</p>	
Heal the Bay	5	<p>The Regional Board should include an acute toxicity limit.</p> <p>The Regional Board should encourage the State Board to develop an appropriate numeric chronic toxicity limit as soon as possible. Too many major NPDES permits have gone forward without numeric effluent limits for chronic toxicity.</p>		X	<p>Regional Board staff believes that the commenter requested a chronic toxicity limit instead of an acute toxicity limit in the Tentative Permit. Regional Board staff agrees that toxicity limits are the safety net for NPDES permits because permits do not require monitoring or have limits for all constituents that can cause receiving water toxicity. The Regional Board has encouraged the State Board to develop an appropriate policy regarding the numeric chronic toxicity, as soon as possible, during hearings and during stakeholder meetings.</p> <p>However, the circumstances warranting a numeric chronic toxicity effluent limitation when there is reasonable potential were under review by the State Water Resources Control Board (State Board) in SWRCB/OCC Files A-1496 & A-1496(a) [Los Coyotes/Long Beach Petitions]. On September 16, 2003, at a public hearing, the State Board adopted Order No. 2003-0012 deferring the issue of numeric chronic toxicity effluent limitations until Phase II of the SIP is adopted. In the mean time, the State Board replaced the numeric chronic toxicity limit with a narrative effluent limitation and a 1 TUc trigger, in the Long Beach and Los Coyotes WRP NPDES permits. This permit contains a similar narrative chronic toxicity effluent limitation, with a numeric trigger for accelerated monitoring.</p> <p>Phase II of the SIP has been adopted, however, the toxicity control provisions were not revised.</p> <p>On January 17, 2006, the State Board Division of Water Quality held a California Environmental Quality Act (CEQA) scoping meeting to seek input on the scope and content of the environmental</p>	None necessary

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					<p>information that should be considered in the planned revisions of the Toxicity Control Provisions of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP). However, the Toxicity Control Provisions of the SIP continue unchanged.</p> <p>This Order contains a reopener to allow the Regional Board to modify the permit, if necessary, consistent with any new policy, law, or regulation. Until such time, this Order will have toxicity limitations that are consistent with the State Board's precedential decision.</p>	
	III	MONITORING				
Heal the Bay	6	<p>The Regional Board should maintain algal growth and chlorophyll A monitoring.</p> <p>Heal the Bay suggests that nitrogen monitoring is not a substitute for algal mass monitoring because nitrogen is not the only factor contributing to algal growth. "Growth of algae in individual streams, or even reaches of stream, may be limited by N alone, P alone, N and P together, or some combination of other physical and chemical factors...." Thus, it is important to monitor algal coverage and chlorophyll A to understand if there is truly an impairment. Further, removing this monitoring is a major step backwards given that EPA and State Board Members have acknowledged the inadequacy of current methodologies [such as nitrogen monitoring alone] used to assess excess algal growth for the 2006 303(d) List.</p>		X	<p>Chlorophyll A monitoring is included in the regional monitoring design. This is sufficient to characterize watershed conditions, so chlorophyll A is not required at compliance monitoring sites.</p> <p>SWAMP (Surface Water Ambient Monitoring Program), in partnership with SCCWRP and USEPA, is developing recommendations for monitoring at the periphyton community (algae and diatoms) and appropriate ancillary water quality measurements. As these recommendations are developed, this type of monitoring will be incorporated into the regional monitoring program design, and at the NPDES compliance monitoring stations, as appropriate.</p>	None necessary
Heal the Bay	7	<p>The Regional Board should maintain the frequency of monitoring for priority pollutants.</p> <p>The Tentative Permit reduces the frequency of monitoring for numerous priority pollutants from monthly or quarterly to semiannually based on reasonable potential was not triggered for these</p>		X	<p>Consistent with all of the POTW permits adopted by the Regional Board since the RPA procedure was developed in the SIP (in 2000), priority pollutants not showing RP have a monitoring frequency of semiannually because they are not expected to be present in the effluent.</p>	None necessary

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		pollutants. However, Heal the Bay claims that semiannual monitoring is too infrequent to capture any changes or upsets in the system.				
Heal the Bay	8	The Regional Board should increase bioassessment monitoring frequency to twice per year. Heal the Bay claims that bioassessment monitoring should take place at least twice per year – ideally in the spring and fall – to capture conditions before the rainy season and after the rainy season. Also, the Regional Board should require that bioassessment monitoring begin in the fall of 2007.		X	SWAMP (Surface Water Ambient Monitoring Program) recommends that bioassessment monitoring be conducted once during the suggested index period (late spring to early fall). It is unnecessary to sample twice per year to assess the health of the benthic macroinvertebrate community. For the Los Angeles Region, staff recommends sampling during the late spring or early summer, as many streams contain little or no water, particularly in the upper watershed areas, by late summer or fall.	None necessary
		IV MISCELLANEOUS				
Heal the Bay	9	The San Gabriel River Metals TMDL has a dry-weather copper waste load allocation of 18 ug/L for POTW's in Reach 1. Why is a daily maximum effluent limitation of 28 ug/L prescribed in the Tentative Permit? Are both of these values in term of total recoverable metals?		X	The daily maximum limitation of 28 ug/L is calculated based on waste load allocation of 18 ug/L. Please refer to Section IV.C.4.c of the Fact Sheet for the procedures of calculation. Both of these values are in terms of total recoverable metals.	None necessary
Heal the Bay	10	Regional Board staff uses the 50 th percentile of receiving water pH and temperature data to calculate the monthly average ammonia limitation and the 90 th percentile of pH data to calculate the daily maximum ammonia effluent limitation. This calculation method is not fully protective.		X	Regional Board staff followed the same protocol used in the TMDLs for Metals and Selenium for San Gabriel River and Impaired Tributaries to calculate the monthly average and daily maximum limitations for ammonia. Regional Board staff has consulted with USEPA on this approach and have received support from USEPA because it is consistent with the TMDL. In addition, this approach will facilitate the compliance determination for ammonia in the Enforcement Unit by converting two moving ammonia effluent limitations (depending on temperature and pH of the receiving water) to two calculated values as a monthly average and a daily maximum limitations, respectively.	None necessary
Heal the Bay	11	Mass emission limitations are based on the plant design flow rate of 37.5 mgd for LCWRP and 25 mgd for LBWRP. This is not protective of receiving waters. The Regional Board should use the average effluent discharge flow, as this number represents		X	40 CFR Part 122.45(b)(1) reads as follows, "In the case of POTWs, permit effluent limitations, standards, or prohibitions shall be calculated based on design flow. The mass-based limits are consistent with Federal requirements and do not need to be changed.	None necessary

Agency	#	Comment	Agree	Disagree	Reply	Action Taken
		the actual flow volume.				
Heal the Bay	12	The Tentative Permit requires that the discharger submit an "interim" Spill Clean-up Contingency Plan. Why is this plan "interim"? When is the final plan to be submitted?	X		To make it clear, we delete "interim" from this sentence. "Within ninety days, the Discharger is required to submit a an interim Spill Clean-up Contingency Plan, which describes the activities and protocols, ..."	Suggested change has been made.
Heal the Bay	13	The Tentative Permit requires that the Discharger notify a specific Regional Board staffer in the event of noncompliance. What is the contingency plan if that staff member is on vacation or out of the office at the time of the spill?		X	The Regional Board staff is required to have emergency contact person in voice message and/or email message if staff is on vacation or out of the office for more than two days. In addition, the Discharger may reach a permit writer at any time. The phone number is at the end of the Fact Sheet. Furthermore, in the case of large spills greater than 1,000 gallons, the Office of Emergency Services can contact the on-call spill person at the Regional Board at any time.	None necessary
Heal the Bay	14	Is the monitoring program integrated with the San Gabriel River watershed monitoring program developed by Brock Bernstein for the Los Angeles-Dan Gabriel Rivers Watershed Council? If so, what components are part of this monitoring plan and how will the discharger participate in executing overall plan implementation? Their obligation should be similar to that required in the JWPCP NPDES permit for Santa Monica Bay monitoring.		X	The monitoring program has been integrated with the San Gabriel River watershed monitoring program. On September 25, 2006, the Executive Officer of the Los Angeles Regional Water Board approved revisions to the Monitoring and Reporting Programs for the Long Beach, Los Coyotes, Whittier Narrows, San Jose Creek and Pomona WRPs to implement the Watershed-wide monitoring program. This September 25, 2006, letter requires the County Sanitation Districts of Los Angeles County (CSDLAC) to provide annual funding (\$4000,000) to the Los Angeles and San Gabriel River Watershed Council (LASGRWC) to implement the San Gabriel River Regional Monitoring Program for the watershed. CSDLAC and LASGRWC have entered into a cooperative agreement to allow for the transfer of funds to implement the regional monitoring program.	None necessary