

RESPONSE TO COMMENTS

Tentative WDRs/NPDES Permit General NPDES Permit for Discharges of Construction and Project Dewatering to
Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties
Tentative Order No. R4-2023-XXXX
NPDES No. CAG994004

Comment Letter dated November 13, 2023, from Calleguas Creek Watershed Stakeholders:

Camrosa Water District, Camarillo Sanitary District, Ventura County Waterworks District No. 1, City of Simi Valley, City of Thousand Oaks, City of Camarillo, City of Moorpark, Ventura County Watershed Protection District, County of Ventura, Caltrans, Members of the Ventura County Agricultural Irrigated Lands Group, US Navy, California State Park

#	Comments	Response	Action Taken
A1	<p>Throughout the Tentative Order (TO), it appears the Maximum Daily Effluent Limitation (MDEL) is consistently expressed as twice the Average Monthly Effluent Limitation (AMEL).</p> <p>Please explain the relationship between the water quality objectives established in the Basin Plan and how the Screening Levels (Attachment E) were derived from these values.</p>	<p>The California Toxic Rule (CTR) values are translated into Maximum Daily Effluent Limitation (MDEL) and Average Monthly Effluent Limitation (AMEL) values by applying the State Implementation Plan (SIP) procedures, section 1.4. For any given pollutant, the long-term average derived from a criterion (objective) is multiplied by the respective AMEL and MDEL multipliers from Table 2 of the SIP to get an AMEL and MDEL. The multipliers from Table 2 are chosen based on an assumed Coefficient of Variation (CV) value of 0.6 per the SIP because the number of samples is less than 10. The MDEL multiplier for a CV value of 0.6 happens to be twice the value of the AMEL multiplier. Therefore, the final values result in an MDEL that is consistently twice the value of the AMEL. The Screening Levels are identical to the CTR water quality criteria. Effluent limitations are derived from CTR criteria by applying SIP procedures,</p>	<p>No action was taken.</p>

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		Basin Plan water quality objectives and Total Maximum Daily Load (TMDL) Waste Load Allocations (WLAs). If a Discharger's water quality sample result exceeds the screening levels, there will be potential to exceed objectives and cause toxicity to receiving waters, and effluent limitations will be prescribed.	
A2	<p>Many of the Volatile Organic Compounds have Screening Levels or effluent limits that are lower than the required minimum levels (ML) in Appendix A. For some of these constituents, Table 4 includes Footnote 5, which states:</p> <p><i>“If the reported detection level is greater than the effluent limit for this constituent, then a non-detect using ML detection is deemed to be in compliance”.</i></p> <p>In the 2018 Permit (Order No. R4-2018-0125, General NPDES Permit No. CAG994004, this footnote was applied to effluent limits for the following constituents but was not applied to these limits in the TO. Because the analytical methods do not provide reliable results for the effluent limits prescribed in the permit, these constituents should also include Footnote 5 in all tables where effluent limits are prescribed:</p> <p>2,3,7,8 TCDD or Dioxin, Acrylonitrile, Benzidine, 2,4,6-Trichlorophenol , Indeno(1,2,3cd)Pyrene, Aldrin, Chlordane, Benzidine, Benzo(a)Anthracene, Benzo (b) Fluoranthene,</p>	The Los Angeles Water Board agrees with the commenter's comment, and footnote 5 has been added to Table 4 for the constituents that are listed in the commenter's letter.	Revisions were made to the tentative Order.

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	Benzo (k) Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, 3,3 Dichlorobenzidine, 1,2-Diphenylhydrazine, Hexachlorobenzene, Polychlorinated biphenyls (PCBs), 4,4'-DDT, 4,4'-DDE, 4,4'-DDD, Dieldrin, alpha-Endosulfan, beta-endosulfan, Endrin, Heptachlor, Heptachlor Epoxide, Toxaphene, Di-isopropyl ether (DIPE)		
A3	Suggested corrections to typographical errors and missing constituents in the Tentative Order.	Typographical errors have been corrected and missing constituents are added in the tentative Order.	Revisions were made to the tentative Order.
A4	The references to acute toxicity effluent limits in the tentative Order should be clarified to explain that acute toxicity limits do not apply to Calleguas Creek, its Tributaries, and Mugu Lagoon. Calleguas Creek, its tributaries and Mugu Lagoon have chronic toxicity limits that are presented separately in Table 24. The chronic toxicity test is more sensitive than the acute test, so separate acute toxicity testing and effluent limit compliance are not needed in the Calleguas Creek watershed.	Due to the nature of discharges being infrequent and temporary, all discharges subject to this General Order have acute toxicity monitoring requirements and acute toxicity effluent limitations except discharges to the Calleguas Creek Watershed. The Calleguas Creek Watershed has Toxicity TMDLs, and effluent limitations for chronic toxicity have been carried over from previous permits. Acute toxicity testing is conducted over a short time period and measures mortality whereas chronic toxicity is conducted over a longer time period and may measure mortality, reproduction, and growth. Since chronic toxicity testing occurs over a longer time period and still measures mortality, acute toxicity can be inferred from the chronic toxicity tests by observing the toxic effect over the course of the first few days. Thus, the Los Angeles Water Board agrees with the commenter	Revisions were made.

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		<p>that separate acute toxicity testing and effluent limits for acute toxicity for Calleguas Creek Watershed dischargers are not needed and has revised footnote 8 for Table 8. Footnote 8 of Table 8 now states:</p> <p>“As discharges enrolled under this General permit are infrequent temporary discharges and most of the time discharges don’t reach receiving waters, the In-stream Waste Concentration (IWC) samples from receiving water are not representative of the actual discharge and are not appropriate for analysis. Therefore, <u>acute toxicity testing is required for all discharges except discharges to the Calleguas Creek Watershed.</u>”</p> <p>Another relevant section, section VII.B of attachment F, is also revised to incorporate this update.</p>	
A5	<p>The AMEL values in Table 26 (WQBELs based on Basin Plan Section 7-19 - Calleguas Creek Watershed Metals and Selenium TMDL WLAs – Dry Weather) do not agree with values presented in the Dry Monthly Average column of the Waste Load Allocations section of the Basin Plan (Page 7-231 of the Basin Plan). The values in Table 26 for Copper, Nickel, and Selenium are consistently lower than the Basin Plan Waste Load Allocations (WLAs). Please review and correct</p>	<p>WQBELs for metals in Table 26 of the tentative Order are correctly prescribed using the Calleguas Creek Watershed Metals and Selenium TMDL (Calleguas Creek Metal TMDL) WLAs through application of the SIP procedures. The Calleguas Creek Metal TMDL allows permit writers to translate the applicable WLAs to prescribe MDELs and AMELs using SIP procedures. See also response to comment # A1.</p>	<p>No action was taken.</p>

#	Comments	Response	Action Taken
	the AMEL Dry Weather values based on the Basin Plan WLAs and update the Dry Weather MDEL values which appear to be derived mathematically from the AMEL values.		
A6	The MDEL values in Table 27 (WQBELs based on Basin Plan section 7-19 - Calleguas Creek Watershed Metals and Selenium TMDL WLAs –Wet Weather) for copper and nickel are not presented in a consistent manner with the Wet Daily Maximum column of the Waste Load Allocations section of the Basin Plan (Page 7-231). For both metals, Table 27 includes mathematical rounding differences from the Basin Plan values, with Table 27 values for copper slightly lower than the Basin Plan and the values for Nickel (other than for Reaches 1 and 2) are slightly higher than the Basin Plan. Please review and correct the MDEL Wet Weather values based on the Basin Plan WLAs and update the Wet Weather AMEL values which appear to be derived mathematically from the MDEL values.	Please see the response to comment # A5.	No action was taken.
A7	Corrections Needed for WQBEL Calculation Example in Attachment F. The calculation should be revised to show the correct CTR values in Table F-4 and how the translators and hardness adjustments are applied in the subsequent formulas.	Corrections were made wherever appropriate.	Revisions were made.

Comment Letter dated November 13, 2023, from Calleguas Municipal Water District

#	Comments	Response	Action Taken
B1	Add footnote 5 to all the constituents that have effluent limits lower than the minimum levels in Appendix A.	Please see the response to comment # A2.	Revisions were made.
B2	Revise Table 8 and other references in the proposed Tentative Order to clarify that acute toxicity and the related effluent limitation are not required for discharges to Calleguas Creek, its tributaries, and Magu Lagoon.	Please see the response to comment # A4.	Revisions were made.
B3	Review and Revise the Dry Weather AMELs and MDELs based on the Basin Plan WLAs for Dry weather discharges in the Calleguas Creek Watershed.	Please see the response to comment # A5.	No action was taken.

Comment Letter dated November 13, 2023, from Sierra Club Angeles Chapter, Heal the Bay, Surfrider Foundation South Bay, We Trap, SOCAL 350 Climate Action, Desal Response Group, The Environmental Justice Group Water Justice for ALL, Green LA Coalition, Los Angeles Waterkeeper, Natural Resources Defense Council (NRDC), Social Eco Education

#	Comments	Response	Action Taken
C1	<p>The Regional Board must provide publicly accessible data for the total volume of water loss authorized under the Tentative Dewatering Permit, to be updated annually:</p> <p>-We request that new requirements be added to Attachment C – Notice of Intent of the Tentative Dewatering Permit (under Section 6: Project Information) for a water loss analysis over the full discharge duration, and a climate impact assessment.</p> <p>The Regional Board must compile all estimated water loss volumes, to be made publicly accessible on the Regional Board website in accordance with The Open and Transparent Water Data Act (AB1755, Dodd). The climate impact assessment must investigate the extent of groundwater subsidence resulting from dewatering activities, and identify any -associated negative impacts, such as subsidence and tree loss.</p>	<p>All dischargers are required to monitor their discharge volume during their enrollment periods under this General Order, and the dischargers have been reporting the discharge volumes in their quarterly self-monitoring reports. The reports are available to the public upon request. However, in consideration of the commenters’ concern, Table G-2 of the monitoring and reporting program (MRP) is revised to require dischargers to submit the total annual discharge volumes in their annual report at the end of each year or at the end of construction dewatering activities. The Los Angeles Water Board will initiate the compiling process of all discharge volumes from the facilities enrolled in this General Order in the future and make it available on our website. In the interim, as a pilot effort, Los Angeles Water Board staff reviewed the reported volumes of construction and project dewatering water discharges by General Order enrollees in the Ballona Creek and Santa Monica Bay watersheds, and the combined reported daily discharge rate for these 116</p>	<p>Revisions were made.</p>

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		<p>enrollees from the third quarter 2023 reports was about 4.95 million gallons per day.</p> <p>Regarding a climate impact assessment to determine the extent of groundwater subsidence or to identify negative impacts such as subsidence and tree loss, this General Order may not be the appropriate tool. The majority of the enrollees under the permit are for new construction-related dewatering projects. Most of the new construction related dewatering activities are individual short-term projects, lasting less than a year. Subsidence and tree loss impacts can occur across a large geographic area from long-term groundwater loss. It cannot therefore be addressed on a site-specific, enrollment-by-enrollment basis for these short-term projects. However, as mentioned above, Los Angeles Water Board staff will be compiling all discharge volumes from the facilities enrolled in this General Order.</p>	
C2	<p>The Regional Board must require the beneficial reuse of all groundwater extracted during dewatering activities. We commend the Regional Board for including a requirement to consider conservation and reuse under Attachment C, Section 6 of the Tentative Dewatering Permit: “3) Summary of feasibility study on conservation,</p>	<p>The Los Angeles Water Board strongly encourages water recycling, water conservation, and reuse of groundwater dewatering water to the extent possible. The tentative Order requires the dischargers to evaluate the feasibility of recycling, conservation, and/or other alternative disposal methods, and submit the feasibility study with</p>	<p>No action was taken.</p>

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	<p>reuse, and/or alternative disposal methods of wastewater. For discharges within the City of Los Angeles, provide information from the City on impracticability to discharge all wastewater to the Sanitary sewer. Where full or partial reuse is not possible, provide reasons why reuse cannot be achieved.” We request that the Regional Board add prioritization for local conservation and reuse, with alternatives for sewer diversion and supplemental LID features, when necessary and fully justified. The Regional Board must also require that the results of the feasibility study, reported in the Notice of Intent, be implemented by the permittee. Taking no action towards the beneficial reuse of groundwater from construction and project dewatering cannot be an option. In all cases, supplemental LID features must be required to mitigate any dewatering required to continue in perpetuity post-construction to prevent development flooding. With the potential for local infiltration, depending on the results of the feasibility study, the Regional Board must include groundwater receiving water limits within the Tentative Dewatering Permit, to be applied when appropriate.</p>	<p>their Notice of Intent (NOI) (section II.D.2.d & of WDR).</p>	

Comments Received November 09, 2023, from Los Angeles County Public Works

#	Comments	Response	Action Taken
D1	<p>Los Angeles County Public Works has an ongoing program to perform injection well maintenance (i.e., injection well redevelopment) at all three seawater barrier projects (i.e., Alamitos Barrier, Dominguez Gap Barrier, and West Coast Basin Barrier). From 2003 through 2016, water generated during these maintenance activities was discharged to local storm drains under NPDES General Permit R4-2003-0108 <i>General National Pollutant Discharge Elimination System and Waste Discharge Requirements for Discharges of Groundwater from Potable Water Supply Wells to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties</i>. However, in 2016 LARWQCB moved us over into NPDES General Permit R4-2013-0095 <i>General National Pollutant Discharge Elimination System and Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties</i>. This permit was superseded in 2018 by General NPDES Permit R4-2018-0125. The biggest issue with being moved over into the different permit has been complying with the Copper and Zinc effluent</p>	<p>The Los Angeles Water Board disagrees with the commenter’s comment that the seawater barrier project should be considered as a potable water discharger under Order WQ 2014-0194-DWQ, <i>Statewide National Pollutant Discharge Elimination System (NPDES) Permit for Drinking Water System Discharges to Waters of the United States</i>, General Order No. CAG 140001 (Drinking Water GO). The Drinking Water GO is for discharges from drinking water systems. The Drinking Water GO defines drinking water system as follows:</p> <p>“A system with 1000 connections or greater that are regulated by the State Water Board Division of Drinking Water (DDW) or a local county department of health, with the primary purpose of transmitting, treating and distributing safe drinking water.”</p> <p>“Connections” under the Drinking Water GO means service connections that deliver drinking water to end users, not the number of injection wells that deliver water to the subsurface.</p>	<p>No action was taken.</p>

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	<p>limitation requirements, which went from 1,000 ppb to 5 ppb for Copper, and from no limit listed to 134 ppb for Zinc.</p> <p>Since General NPDES Permit R4-2018-0125 is being updated, we would like to take this opportunity to verify whether the seawater barrier project should be considered as a potable water discharger under the General NPDES permit CAG140001.</p> <p>We would argue that the seawater barrier projects do fall under Statewide General NPDES permit CAG140001 for the following reasons:</p> <p>Water source for the seawater barrier projects is a blend of advanced treated recycled water and potable water. The advanced treated recycled water used for injection is regulated by the State Water Board Division of Drinking Water. The other water sources for injection are imported potable water from the Metropolitan Water District.</p> <p>The primary purpose of the seawater barriers is to distribute safe drinking water to the subsurface in the underlying aquifers.</p> <p>The type of discharge from the seawater barrier project injection well redevelopment is the same as Water supply well development and rehabilitations (found under Groundwater Well Operations in permit CAG140001). The only difference is we are</p>	<p>The barrier projects are not considered as drinking water systems because the source of water is not potable water but blended potable water with advanced treated recycled water. For this blended water through injection to be considered as a potable water source, the water quality must meet requirements under Title 22 Code of Regulation, Article 5.2, especially in terms of the response retention time necessary for the protection of public health. The response retention time, the period of time the recycled water is retained underground, shall be no less than two months and must be approved by DDW.</p> <p>In addition, the primary purpose of the barrier is not transmitting, treating and distributing safe drinking water but creating a barrier between a drinking water source and seawater to prevent saltwater intrusion to the drinking water source.</p> <p>Finally, the barrier projects are not regulated by DDW through a drinking water permit. Thus, the barrier projects are appropriately regulated under this proposed Order.</p>	

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	<p>injecting drinking water into the ground, where supply wells pull drinking water out of the ground.</p> <p>The seawater barriers historically have fallen under the potable water discharge permit prior to 2016.</p> <p>The seawater barriers collectively have over 300 injection wells, which could be considered as “connections”.</p>		

Comments Received November 09, 2023, from Kennedy Jenks

#	Comments	Response	Action Taken
E1	<p>Could you confirm the NOI for existing General Permittees is due 90 days after the <u>adoption</u> of the 2023 General Permit (p. 8 in the Tentative Order)? Or should it read 90 days from the <u>effective date</u> of the General Permit?</p>	<p>The Notice of Intent (NOI) should be submitted within 90 days of the adoption of this Order.</p>	<p>No action was taken.</p>

#	Comments	Response	Action Taken
E2	<p>The tentative Order implements the mercury objectives of 12 ng/L, implemented by the State Board. We see that this value comes from the first column in Table 1 of Section IV.D.2 of <i>Part 2 of the Inland Surface Waters, Enclosed Bays, and Estuaries of California</i> document which is used for implementing water quality objectives. Can you elaborate on how the Water Board determined to use this value, used for determining water quality objectives, as the value for complying with effluent limitations in the Order?</p>	<p>The <i>Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California - Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions</i> (Mercury Provisions) converted the fish tissue-based water quality objectives to water column values, denoted as "C." The implementation section of the Mercury Provisions requires the application of section 1.3 of the SIP with modifications to determine whether a discharge has reasonable potential to cause or contribute to an exceedance of the water column concentration for mercury and the development of effluent limitations for mercury based on the water quality objective applicable to the receiving water in accordance with Chapter IV.D.2.b of the Mercury Provisions. The objective applied to the tentative Order is based on flowing waterbodies, such as rivers, creeks, and waters with tidal mixing. The applicable beneficial uses of the receiving waters are COMM, CUL, WILD, MAR, RARE. The WILD and MAR beneficial uses include the WARM, COLD, EST, and SAL beneficial uses. Dischargers enrolled in this General Order discharge to waterbodies with at least one of these beneficial uses. Since the Mercury Provisions became effective in 2017, the tentative Order has implemented the Mercury Provisions. Thus, the tentative Order includes effluent limitations for mercury based on the Mercury</p>	<p>No action was taken.</p>

#	Comments	Response	Action Taken
		<p>Provisions for all dischargers including the Calleguas Creek Watershed, which has a metal TMDL. The Mercury Provisions also state that when both the TMDL and application of the procedure in Chapter IV.D.2.c require an effluent limitation, then the more stringent requirement shall apply to the discharge. Since the Mercury Provisions contain a more stringent requirement for mercury than the Calleguas Creek Watershed Metal TMDL, mercury effluent limitations based on the Mercury Provisions are also applicable to discharges to the Calleguas Creek Watershed.</p>	
E3	<p>The USEPA approved these mercury objectives back in 2017. Why weren't these objectives implemented in the 2018 Permit?</p>	<p>Once USEPA approves water quality objectives, the Water Boards consider their applicability to their Region. For this reason, the mercury objectives were not immediately implemented in the 2018 permit renewal cycle.</p>	<p>No action was taken.</p>

Comments Received November 09, 2023, from Citadel EHS

#	Comments	Response	Action Taken
F1	<p>The MDEL and AMEL for copper continue to be significantly lower than the MCL for copper in drinking water. What is the Water Board’s justification for having a copper effluent limitation as low as 7 µg/L when the MCL for copper in drinking water is 1,300 µg/L? Treating groundwater to such low levels is not only extremely expensive but, in some instances, unfeasible as technology does not exist to remediate to such low levels. This places an unnecessary burden on facilities to treat groundwater to standards far exceeding drinking water standards. In addition, dewatering projects in buildings with subterranean parking levels are not performing active construction improvements and dewatering is merely a consequence of maintaining the structural integrity of the building. These facilities should not be burdened with treating groundwater to standards that are 185 times more stringent than drinking water standards. I would argue that groundwater effluent limits should be similar to drinking water standards if groundwater is considered a potential drinking water source by the Water Board.</p>	<p>Discharges to surface waters are required to be protective of aquatic organisms and human health. The copper effluent limitations are based on the CTR criteria and watershed specific TMDL WLAs that are protective of both aquatic organisms and human health. Therefore, it is appropriate to consider not just the MCL-based water quality objectives that protect human health but also the more stringent copper CTR criteria based on protection of aquatic organisms.</p>	<p>No action was taken.</p>
--	<p>Los Angeles Water Board staff initiated a few typographical corrections throughout the permit.</p>	<p>Typos are corrected.</p>	<p>Revisions were made.</p>