



Los Angeles Regional Water Quality Control Board

Response to Comments

Tentative Waste Discharge Requirements (WDRs) Order No. R4-2023-XXXX

Comment Period: May 1, 2023 – May 30, 2023

Comments received

1. Los Angeles County Department of Public Works
2. Malibu West Homeowner Association (HOA) Members

Item No	Commenter	Comment Summary	Response	Action
1.1	Los Angeles County Public Works (LACPW)	<p>The Trancas Zone of the Consolidated Sewer Maintenance District was established by the Board of Supervisors for the operation and maintenance of the Trancas Water Pollution Control Plant. The customers are residents of the City of Malibu.</p> <p>The Tentative WDR sets deadlines that are not economically feasible. In addition, based upon an engineering analysis by Jacobs Engineering, the deadlines in the Tentative WDR are not feasible or reasonable from a technological perspective. The engineering analysis by Jacobs Engineering concludes that a preliminary design report evaluating the effluent quality and operational impacts of an increase in chlorine dosing and other possible improvements required by the Tentative WDR is necessary for the successful design and operation of plant upgrades.</p> <p>Accordingly, Public Works supports the Regional Board's inclusion of the reopener language in the Tentative WDR to allow for a change in implementation schedule based on the findings from the preliminary design report.</p>	<p>Comment noted.</p> <p>The compliance schedule in the tentative WDRs was based on LACPW's proposed time frame of six years for the wastewater treatment plant upgrade project provided in the conceptual analysis report dated March 16, 2023. The proposed six-year schedule was shortened to 4 years and 7 months in the tentative WDRs based on a tightening of some milestones. However, based on this comment about additional time needed to secure funding for project completion, the 4-year, 7-month schedule has been revised to 5 years and 7 months (from May 1, 2023 to December 31, 2028) in the revised tentative WDRs. This additional 12-month timeframe considers the LACPW's Proposition 218 public notice and community outreach and funding approval for completion of the preliminary design report and subsequent tasks.</p>	<p>Revisions made on pages 27 and 28 of the revised tentative WDRs.</p>

			<p>The permit reopener provides the Board with discretion to change the schedule based on the findings from the preliminary design report.</p>	
<p>1.2</p>	<p>LACPW</p>	<p>The cost to perform the studies, design work and construction of the upgrade project required in the WDR exceed available revenue. Due to previous cost increases regarding general maintenance of the Trancas WPCP, the Trancas Zone’s sewer service charge is scheduled to increase by 15 percent, to a total of \$3,211 a year per household, effective July 1, 2023. This will generate a total of \$850,000 which is entirely allocated for current operation and maintenance costs escalated in recent years due to inflation. Additionally, several of the homes that were left uninhabitable due to the Woolsey Fire are still scheduled to be rebuilt, and as a result these properties have not been paying their annual sewer service charge.</p> <p>The existing treatment and chlorination system at Trancas WPCP was not designed to comply with the more stringent total coliform, fecal coliform, and Enterococcus conditions outlined in the Tentative WDR. A number of improvements to the existing treatment process and possibly an alternative technology for disinfection are necessary to meet the updated treatment requirements prescribed by the Tentative WDR. Regardless of which improvements are determined to be the most cost effective and beneficial, funding will be required. The time needed for Public Works to create a finance plan and secure Board of Supervisors approval (which is contingent on having the absence of a majority protest per Proposition 218) has not been factored into the deadlines shown in Section F. The earliest we would begin to collect this revenue, assuming there is no majority protest</p>	<p>See response to Comment No 1.1.</p> <p>The compliance schedule has been revised to factor in an additional 12 months to conduct community outreach and obtain funding. Refer to the compliance schedule breakdown including the community outreach and funding activities in Provision F on pages 27 and 28 of the revised tentative WDRs.</p>	<p>Revisions made. See response to Comment No 1.1.</p>

		from the property owners, would be in Fiscal Year 2024-25. Therefore, Public Works requests that the Regional Board provide sufficient time to develop a scope, cost, and schedule of the upgrade project. Once these elements are known, we will engage in a productive and meaningful way with the customers. Given the current uncertainty in the necessary upgrades to the plant to meet the more stringent limits, we are only able to express to the customers that the cost implication is between \$3.7 to \$15 million.		
1.3	LACPW	Please note that all of the customers are within the City of Malibu. Consequently, prior to the County imposing an assessment for the financing of the upgrade project the consent of the City of Malibu is required. The time needed to gain that consent is not factored into the deadlines presented in the Tentative WDR.	See response to Comment No 1.1.	
1.4	LACPW	Page 5, item 20 currently states, "To meet the revised effluent limitations ... the existing chlorination process will need to be optimized and a new dichlorination unit will need to be added". As stated in the preceding comment, the plant upgrades that will be necessary to meet the more stringent limits of the Tentative WDR and MRP are uncertain at this time and a preliminary design report should first be completed. Item 20 should be revised to accurately reflect the uncertainty of the improvements that will be needed.	The recommended change is not necessary. The WDRs include reopener language that acknowledges the schedule adjustments based on findings from the preliminary design report. See Section H. Reopener.	No revisions made.
1.5	LACPW	Page 14, item 39e, currently states, "The Trancas WPCP has sufficient capacity up to 220,000 gpd for the Trancas Zone service area for developing housing, but the Discharger indicated that there are no plans to expand their service area." The existing capacity is not meant for developing housing. The 220,00 gpd capacity is meant to meet wet weather flows from the current properties in the Trancas Zone. We experienced this level of flow during the recent storms in May. Additionally, the County is not responsible for wastewater management in the City of	Comment noted.	Revisions made on Page 14.

		Malibu; therefore, a more accurate characterization would be for the Regional Board to say that “the Discharger has no authority to expand the service area.”		
1.6	LACPW	Page 19, item A.1. Not all of the Lechuza Community is being served by the Trancas WPCP. We recommend updating to say, “The source of wastewater is limited to the Trancas Zone.”	Comment noted.	Revisions made on Page 19.
1.7	LACPW	5. Page 23, item C2. Currently states that prior to the plant upgrade, “The Site’s groundwater quality limitations ... shall be met at the effluent from the treatment plant”. As confirmed with Regional Board staff, Emily Wong, this is an error. Public Works requests that the Tentative WDR be revised to reflect that prior to the required plant upgrades to meet the Tentative WDR, the groundwater quality limitations will be applied at the current groundwater monitoring locations.	<p>The permit does not require groundwater limits to be met in the effluent prior to the plant upgrade. Refer to the title of Item C on page 23, which states, “Receiving Water Limitations for Groundwater Quality Before [emphasis added] the Completion of the Trancas WPCP Upgrade”.</p> <p>However, to further clarify, the text of Item C.2 on page 23 is revised to state, “the Site’s <u>groundwater quality receiving water</u> limitations consistent with the Basin Plan are listed in Table 6 below and shall be met in the groundwater <u>until the Trancas WPCP upgrade is completed</u>”.</p> <p>Please note the receiving water limitations for groundwater quality remain the same before and after the upgrade.</p>	Revisions made on Page 23.

1.8	LACPW	6. Page 28, item 10. Currently states that “Discharger shall submit updated O&M Manual [for the upgraded plant] by December 15, 2027.” However, this date is uncertain which is why we support using the reopener as a means of setting this date once the project design report has been completed.	This due date has been revised to December 31, 2028 to reflect the changes to the compliance schedule.	Revisions made on Page 29.
1.9	LACPW	7. Page 31, item 13b. The referenced “Section E” appears to be incorrect. Please provide correct reference.	The text has been updated to correctly reference “Section F, Item 13”.	Revisions made on Page 31.
1.10	LACPW	8. Page 32, item 13cii. The identified Global ID appears to be incorrect. Please confirm whether it should instead be WDR100018599.	Comment noted.	Revisions made on Page 33.
1.11	LACPW	<u>Comments on the MRP document</u> 9. Page 1, item I.1.A. Currently states “The first monitoring report under this program for the upgraded treatment plant shall be received by the Regional Water Board no later than August 15, 2023.” The plant will not be upgraded by August 15, 2023, per the schedule provided in Section F.1 of the Tentative WDR. This reference should be corrected by removing “for the upgraded treatment plant” from the sentence.	The due date of August 15, 2023 to submit the first monitoring report must remain the same in order to report on monitoring of the current conditions until the upgrade is complete.	No revisions made.
1.12	LACPW	10. Page 6, item G. Typographical error – spelling of “Trancas.”	Comment noted.	Revisions made on Page 6.
1.13	LACPW	11. Page 8 & 9, footnotes 9-11. Currently states “Monitoring and reporting to commence after December 2027.” However, this date is uncertain which is why we support using the reopener as a critical component of the Tentative WDR and a means of setting this date once the project design report has been completed.	The due date has been revised to reflect the changes to the compliance schedule.	Revisions made on Page 8.

1.14	LACPW	12. Page 9, item 1. The bullet numbering is incorrect. The bullet number 1 for this section was already used on page 7.	Comment noted.	Revisions made on Page 9.
1.15	LACPW	13. Page 9, item 2e. Trancas WPCP does not have a septic tank. Therefore, please delete the reference.	Comment noted.	Revisions made on Page 9.
1.16	LACPW	14. Page 10, Table 3. As discussed with the Regional Board staff, Emily Wong, the groundwater Priority Pollutant frequency of analysis currently states “quarterly”, but this is likely a mistake because the current monitoring frequency is once every 5 years. We request changing quarterly to “to be performed during the first year of the WDR’s adoption and every 5 years thereof”.	The monitoring frequency for the priority pollutants has been changed from quarterly to annually, which is consistent with the current MRP.	Revisions made on Page 10.
1.17	LACPW	15. Page 11, footnote 4. This footnote doesn’t appear on Table 3 and conflicts with information on the table. Suggest deletion.	Footnote 4 reflects the annual frequency for the priority pollutants in Table 3, which is consistent with the current MRP.	Revisions made on Page 11.
1.18	LACPW	16. Page 11, item D1. “MW-4” is incorrectly identified in the paragraph and should be “SW-3” instead.	Comment noted.	Revisions made on Page 11.
1.19	LACPW	17. Page 12, item 3a. Currently states that wells need to be identified for surface water monitoring. However, surface water is not monitored by wells. We recommend changing text from “well identification” to “sample location”.	Comment noted.	Revisions made on Page 12.
1.20	LACPW	<u>Comments on attachments</u> 18. Page 13, item 5. Last sentence states “A material change includes, but is not limited to, the following:”, but no information is provided following that.	Comment noted.	Revisions made on Page C-2.
1.21	LACPW	19. Page 20, Appendix D. The name “Appendix D” appears to be mislabeled and should be instead, “Attachment D”.	Comment noted.	Revisions made.

<p>2.1</p>	<p>Malibu West HOA Members</p>	<p>The Los Angeles Water board received a form comment letter from 81 Malibu West HOA members. The form letter was tailored by some members, but they all contained the following points:</p> <p>On May 17, 2023, representatives from the Regional Water Quality Control Board appeared before the Malibu West Homeowners Association to discuss proposed repairs to our community sewer system, located at 6338 Paseo Canyon Drive in the city of Malibu. This was the first notice that I received about the scope – and potential cost – of these repairs.</p> <p>The 12 members that attended found your presentation to be unclear, very confusing, and deeply concerning. It was difficult to understand the speaker, particularly when he was presenting technical data, and the overall presentation seemed disjointed and rushed. The only thing that was made very clear was that our little community was to be charged several million dollars - possibly up to \$15 million – for repairs to our sewer plant that may not be necessary at all.</p> <p>We remain unclear about why these repairs are truly needed, since we understand that the plant continues to function very well, and water quality levels are within specification.</p> <p>We are told that there is to be a public meeting to discuss this matter on June 22, 2023, and that we are invited to comment on the proposal at that time. Unfortunately, the presentation on May 17 was so inadequate that we feel we lack the basic understanding of your proposal that we would need to make any kind of informed comment about it.</p> <p>Please postpone the hearing on June 22 until we can be fully brought up to speed on this matter, including through the provision of detailed written materials. Until that time, we strongly oppose any planned facility upgrades on the</p>	<p>We appreciated LACPW's invitation to Los Angeles Water Board staff to participate in the May 17th HOA meeting to provide information on the proposed renewal of the permit for the Trancas Water Pollution Control Plant (Trancas WPCP). At the meeting, staff explained the rationale for setting the lower (more stringent) effluent limits for bacteria in the proposed permit renewal to ensure compliance with groundwater quality bacteria objectives. The effluent limits in the current permit are significantly higher than the groundwater quality objectives, and therefore, the existing permit requires groundwater monitoring to demonstrate that the effluent limits protect groundwater quality despite the fact that they are higher than the groundwater quality objectives. The groundwater monitoring data have shown that bacteria levels in the groundwater beneath the Trancas WPCP exceed the groundwater water bacteria objective of 1.1 MPN/100 mL by 1000 times. Therefore, updates to the system are necessary.</p>	<p>Revisions made on pages 27 and 28.</p>
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			<p>limitations for bacteria equal to the groundwater quality objectives, the effluent discharge from the site is ensured to be protective of groundwater quality.</p> <p>The Trancas WPCP is owned and operated by the LACPW. LACPW provides sewer services to the Trancas communities (hereinafter the customers). As a service provider, it is the LACPW's responsibility to conduct and maintain communications with its customers so they are fully aware of changes that could affect the costs of services it provides.</p> <p>Los Angeles Water Board staff have been in active communication with the LACPW regarding the permit renewal since October 2022. The permitting process includes a legal obligation to have a 30-day public comment period, which occurred from May 1st through May 30th. At the LACPW's request, Los Angeles Water Board staff delayed noticing the item for public comment by a few months to allow LACPW</p>	
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			<p>additional time to conduct community outreach to its customers.</p> <p>To address the HOA members' request to postpone the hearing and their concerns regarding additional time to be properly informed of potential upgrades needed, the compliance schedule has been revised to incorporate an additional 12-month timeframe for LACPW to conduct outreach and obtain funding for potential upgrades.</p> <p>We are sensitive to the cost impact of the proposed bacteria limits. The estimate of \$15,000,000 presented by LACPW during the May 17th HOA meeting was based on the worst-case scenario assuming a major overhaul of the existing treatment plant to meet the new discharge limits. It is not expected that LACPW would need to replace all the major process units of the treatment plant to comply with the new limits; rather, it is more likely that LACPW will determine optimization of the current chlorination disinfection system and use of a lower method detection limit will</p>	
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			<p>ensure that the plant will be able to reliably meet the new 1.1 MPN/100 mL effluent limit for bacteria. Data obtained from the current permit show that current bacteria levels in the effluent have a concentration of 1.8 MPN/100 mL using the existing disinfection system. We expect that the existing disinfection system can be feasibly optimized to meet the new bacteria effluent limitations after completion of tests and the preliminary design report. Under this optimization scenario, the cost would be on the lower end of the range estimated by LACPW, or \$3,660,000 (provided in the conceptual analysis report dated March 16, 2023)</p> <p>Regarding the comment about the impact of potential future development in the Trancas Field area, we were informed that that the County has no authority to expand the service area for the Trancas WPCP.</p>	
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<p>2.2</p>	<p>Paul Grisanti</p>	<p>I am currently a Malibu City Councilmember and previously spent 16 years on the Malibu Public Works Committee. I was at the meeting on May 17th and thought that it was the first step towards performing a monitoring study that could lead to upgrades that might cost \$7,000,000 to \$15,000,000. I have no idea what the monitoring study will cost and whether there is a special assessment for the Study. We were told there would be no assessment for at least a year. What am I missing?</p>	<p>The study to determine the ultimate cost of the compliance project involves 1) chlorination bench-scale treatability study using representative samples collected during wet and dry weather conditions; 2) disinfection byproduct formation testing; 3) tracer study, as needed, on the disinfection and contact tank; and 4) a summary report on the results and findings of above tests. It is our understanding that the study will be funded with existing reserves and a no assessment would be needed to fund the study.</p>	<p>No revisions made</p>
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