Response to Comments

Camrosa Water District
Camrosa Water Reclamation Facility
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 Camrosa Water District on October 09, 2014				
Camrosa Water District	1	Page 5-6 Table 4 The Mass Emission rates for TDS, Chloride, and Sulfate do not contain a reference to footnote #1. Please add these footnote references as these mass emission rates apply to these constituents as well.	Staff agrees to include the footnote as indicated by the Discharger.	Revisions were made to the permit
Camrosa Water District	2	Page 7 Footnote 11,12 Please delete the phrase, “so a TSO is not needed.”	Staff agrees to delete the phrase from the footnotes.	Revisions were made to the permit
Camrosa Water District	3	page 8 and footnotes 13,14 Camrosa Would like to go on record as being opposed to Numeric Toxicity Limits. As a laboratory Director myself, I was a bit circumspect of the science and validity of the TST procedure for determining compliance. I interviewed the Laboratory Director from Aquatic Bioassay and Consulting Laboratories. They are the preeminent lab in Ventura County performing Toxicity testing. He informed me that the Chronic tests were now being performed on 100% effluent as well as a non-toxic control sample. When the data is produced, it is fed into a computer program which	The numeric effluent limitation for chronic toxicity in this Order employs the Test of Significant Toxicity (TST). The TST is recommended by the most recent USEPA guidance as an appropriate and preferred test for chronic toxicity. The USEPA, this Regional Water Board, and other regional water boards are using the TST to determine compliance with numeric effluent limitations for toxicity. Additional information on the basis for utilizing a TST-based limit is included in the fact sheet on pages F-41 and F-56.	None necessary.

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		gives a pass or fails result. He feels there are errors in this program. One example he gave me is when both the non-toxic control and the customer sample received 80% survival results each, the TST program returned a result of "fail"! He indicated that this test is prone to false positives. With the accelerated monitoring schedules triggered by fail results, and more opportunities for false positive results, we may be faced with an unending cycle of toxicity testing. Due to the possibilities of false positives, as well as errors in the TST program, these numeric limits as well as the TST evaluation program should not be utilized until such time as the bugs can be worked out. On the grounds of good science, Camrosa recommends that the promulgation of these numeric limits be postponed until such time as solid, scientifically defensible methods be developed to properly and fairly asses toxicity. Narrative toxicity limitations should be used until these issues of scientific validity are resolved. Camrosa requests that the numeric toxicity limits be removed wherever they appear in this document and replaced by the previously utilized narrative limits which have been proven to protect freshwater aquatic life. Additionally, elsewhere in the permit, such as in the CEC monitoring requirement, it is stated that analytical Results from methods not appearing in 40 CFR 136 cannot be used for compliance determination. Also, in the Notice and Disclaimer portion appearing on page ii of the NPDES Test of Significant Toxicity Technical Document, it is stated that regarding the TST approach, "The document does not and cannot impose any legally binding requirements on EPA, states, NPDES permittees, or laboratories conducting or using WET testing for permittees (or for states in evaluating ambient water quality)." Camrosa would like to request that a mandatory reopener clause be added to the permit to	This Order must include effluent limitations that will achieve and maintain compliance with water quality standards in Calleguas Creek (Clean Water Act (CWA) § 301(b)(1)(C); 40 C.F.R § 122.44(d)). The Basin Plan for the Los Angeles Region includes a narrative water quality standard for toxicity that requires all surface water to "be maintained free of toxic substances in concentrations that are toxic." Effluent limitations in this Order must ensure that the discharge will not cause or contribute to a violation of this standard. Federal regulations establish an explicit presumption that a numeric effluent limitation – rather than a non-numeric limitation – is required by the Clean Water Act to make reasonable further progress toward the goal of eliminating pollutants into the nation's waters. Non-numeric effluent limits may only replace numeric effluent limits in an NPDES permit if a numeric limit is "infeasible" (40 C.F.R. § 122.44). This presumption applies to effluent limitations for toxicity: "A limit on whole effluent toxicity refers to a numeric effluent limitation …" (54 Fed. Reg. 23868, 23871). Because the numeric limit for chronic toxicity is feasible, a numeric limit must be included in this Order. The numeric chronic toxicity effluent limitation should also be included in this Order because this Regional Water Board previously determined in 2005 that numeric effluent limitations for toxicity are appropriate in the Calleguas Creek Watershed Toxicity TMDL. The TMDL imposes numeric Waste Load Allocations (WLAs) for toxicity on	

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		modify the TST provisions at such time that the State Board adopts the final Toxicity TMDL. No further comments on this issue will be made for every line that mentions the numeric toxicity limits. Never the less, we oppose all of them.	POTWs in the watershed. These numeric WLAs were approved by the State Water Board and USEPA under CWA section 303(d). Where a WLA has been established for a particular discharger and pollutant pursuant to a TMDL, any effluent limitation in a permit for the discharge must be consistent with the assumptions and requirements of the available WLAs. The Implementation Plan for the TMDL states that the WLAs for toxicity established for major point sources, including POTWs, will be implemented through NPDES permit effluent limits in accordance with the USEPA, State Water Board, and Regional Water Board resolutions, guidance, and policy at the time of permit issuance or renewal. The Implementation Plan explains, "currently, these WLAs would be implemented as a trigger for initiation of the TRE/TIE process as outlined in USEPA's *Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program* (2000) and current NPDES permits held by dischargers to Calleguas Creek Watershed". This approach was consistent with the State Water Board's then-recent determination that a definite instruction regarding effluent limitations for chronic toxicity would soon be provided by the SIP. Today, two permit cycles later, numeric testing methods for chronic toxicity are endorsed by the USEPA. The TST simplifies interpretation of toxicity test results and increases confidence in the results as compared to prior methods. The "trigger" approach referenced in the TMDL implementation plan was not approved by the	

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			USEPA under CWA section 303(d). Moreover, it has been criticized by USEPA in public comments and during quality reviews of California's NPDES program (2008 final report, 2014 draft report). USEPA's current criticism of this approach is not new. More than 25 years ago, in the 1989 preamble to 40 CFR 122.44(d)(1) [NPDES rules governing water quality based permitting], responding to public comment requesting that Whole Effluent Toxicity (WET) not be used as an enforceable effluent limit, USEPA states "EPA requires [WET] limits where necessary to meet water quality standards. EPA does not believe that a whole effluent toxicity trigger alone is fully effective because it does not by itself restrict the quantity, rate, or concentrations of pollutants in an effluent." (54 Fed. Reg. 23868, 23875). Later, in response to comments on the GLI that permits should include monitoring with a TRE trigger and any limit should serve only as the objective for a TRE, the USEPA replied, "While EPA agrees that TREs are valuable tools in identifying and eliminating whole effluent toxicity, EPA does not agree that TREs can be used as a substitute for WET limits in permits". The regional Water Board concurs with USEPA's criticism of the "trigger" approach. USEPA's updated guidance regarding whole effluent toxicity in the *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (June 2010) describes the TST as a feasible method to implement numeric WLAs as numeric effluent limitations. USEPA formally endorsed the TST as an improved hypothesis testing tool to evaluate data collected using WET methods following an	

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			extensive external peer review process. This approach has undergone a “test drive” in California and has been published in peer reviewed toxicological journals. In 2014, in response to the State Water Board’s request to use the TST hypothesis testing approach in NPDES permits, USEPA determines – based on the evidence presented in the State Water Board’s request – that the results of the TST tests and NOEC-LOEC tests – are acceptably equivalent under the ATP process in 40 CFR 136 for all NPDES permits issued by the State and Regional Water Boards. USEPA explained that the TST improves understanding of the discharge condition by correctly identifying toxic and non-toxic samples more often when using the NOEC-LOEC. The permit’s proposed numeric effluent limits for chronic toxicity, expressed in terms of TST hypothesis test, are equivalent to the NOEC hypothesis test. They are equivalent to, and unambiguously achieve the approved TMDL WLA of 1.0 TUc and requirements for NPDES effluent limits under the CWA and its implementing regulations. Because of the availability of toxicity testing methods and applicable EPA guidance endorsing these methods, the Regional Water Board finds that numeric effluent limits for toxicity are both feasible and appropriate to protect water quality standards. Other states have utilized numeric effluent limitations for chronic toxicity. And this permit is not the first in the state to adopt numeric effluent limitations for toxicity. The state’s Ocean Plan also sets numeric effluent limits for toxicity that have been incorporated into permits as numeric effluent limitations. The Regional Water	

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			Board has also endorsed the TST and has begun implementing in Los Angeles MS4 permits, wastewater permits, and individual industrial storm water permits, to fully integrate chronic toxicity testing programs and their results across the region. The State Water Board is currently developing a toxicity policy and a reopener provision is included in the Tentative and Revised Tentative Order in section VI.C.1.l.	
Camrosa Water District	4	page 14 section v As Camrosa Water District has not discharged effluent to the receiving waters in almost 10 years, we feel that monthly reports of "No Discharge" are unnecessary. Camrosa Requests that the frequency of these reports should be reduced to annually unless a discharge does occur.	Monitoring reports are necessary at a regular frequency in order to ensure compliance with monitoring requirements. The monthly reporting requirements are also necessary to ensure compliance with the Order; however, the monthly reports typically do not contain any data since the CWD rarely discharges so a decreased reporting frequency is appropriate for this facility. The monthly reporting requirement has been removed from the Revised Tentative Order, but the monthly monitoring requirements have now been included as part of the quarterly reporting requirements.	Revisions were made to the permit.
Camrosa Water District	5	page 17, section n Please change the wording in this paragraph to indicate that an Engineering report supporting the proposed re-rating was delivered to the Regional Board during the 2008 permit renewal cycle. No changes to the plant have been made since that report was originally submitted.	An Engineering Report was submitted to the Regional Water Board in 2008; however, an updated report is required to be considered for the increased capacity rating. The language has been modified to make this clarification.	Revisions were made to the permit.
Camrosa Water District	6	pages 17-19, section 2.a. and Section 3, a and b In these sections, three different work plans are required to be submitted within 90 days of the effective	Four work plans are required within 90 days of the effective date of this Order, however three of the	None necessary.

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		date of the permit. Camrosa respectfully requests a time frame of 180 days to submit these documents due to staffing constraints.	four (TRE/TIE work plan, the Pollution Minimization Plan (PMP), and the Storm Water Pollution Prevention Plan (SWPPP)) are only updates to existing work plans. The Constituents of Emerging Concern (CEC) work plan is the only new work plan required by this Order and 90 days is the standard amount of time allotted for work plans in NPDES permits for POTWs. The Regional Water Board staff finds that 90 days is a sufficient amount of time to develop these work plans and does not intend to extend this deadline.	
Camrosa Water District	7	Page 30, section P Please add to the end of the third paragraph this clarification statement, "If the actual salts export exceeds the minimum salt export requirement, the AF results in a negative number that, when subtracted from the product of the Facility Flow Rate and Conversion Factor will result in a net increase to the total effluent limitation."	Staff agrees that a clarification to the calculation of the Adjustment Factor is appropriate in this section and language has been added to this section of the permit to make this clarification.	Language added to the permit.
Camrosa Water District	8	Attachment E, Page 7, Fecal Coliform We respectfully request that the monitoring requirement for Fecal Coliform be deleted. The Drinking Water Division of the Regional Board proposed that E-coli replace fecal coliform as an indicator of the presence of pathogens in fresh water. Refer to: http://www.waterboards.ca.gov/losangeles/water_issues/programs /basin_plan/WaterContactRecreation/Draft%20Staff%20Report.pdf or EPA's recommendation pursuant to CWA Section 304(a). According to page 29, Appendix F, of this tentative order the regional board resolution No. R10-005 removing the fecal coliform requirement became effective on December 5, 2011.	The Regional Water Board staff agrees that the fecal coliform monitoring requirement should be removed from the receiving water, but not from the final effluent monitoring requirements. This decision was made following CWA section 304(a) which requires the development of criteria for water quality that accurately reflects the latest scientific knowledge. The referenced document and page 29, Appendix F, of the Tentative Order both refer to an amendment to the Water Quality Control Plan for the Los Angeles region that became effective on December 5, 2011. This amendment removes the fecal coliform monitoring requirement for fresh	Language added to the permit.

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			waters designated for water contact recreation (REC-1) and limited water contact recreation (LREC-1). The total and fecal coliform requirement is a narrative basin plan objective for both beneficial uses of **surface waters** other than the REC-1 and LREC-1 designation *and* **ground waters**. Total and fecal coliform therefore need to continue to be monitored in POTW effluent for the protection of the ground water. The approved methods for analyzing samples for coliform are listed in table IA of 40 CFR 136.3. The Regional Water Board staff does agree, however, that the fecal coliform effluent monitoring requirement can be reduced. The Order currently requires a daily grab sample for fecal coliform, but this is unnecessary if the total coliform results are negative. A footnote has been added to Table E-3a to require fecal coliform testing only if the total coliform test results are positive.	
Camrosa Water District	9	Attachment E, Page 11, #4 The way the entry is written, Camrosa would have to conduct 3 species screening in the first month following acceptance of this permit. We respectfully request that the requirement to conduct this test be removed as we have not discharged and the results of this test will determine compliance. We feel that a sampling event in our pond at the current state of "no discharge" would not be representative of the quality of the discharge during a time when we would be forced to discharge such as during heavy rains. At such time as we discharge to the receiving water, we would conduct the 3 species testing.	This requirement was added to determine the most sensitive species for compliance purposes and to ensure the receiving water locations are tested for toxicity. The Regional Water Board staff agrees that conducting the three species screen within the first month the permit becomes effective is redundant in terms of monitoring compliance. Section V.A.4. of the Monitoring and Reporting Program indicates that toxicity results from a three species screen shall be reported as effluent compliance monitoring results for the chronic toxicity MDEL	Revisions were made to the permit.

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			and MMEL. Since this section indicates that the most sensitive species in a three species screen will be used for compliance regardless of the current most sensitive species, performing the screening when there is no discharge is not necessary for determining compliance with toxicity when there is discharge. The Regional Water Board staff also agrees that sampling from the pond may not be representative of the effluent since discharge only occurs during wet weather and the water quality changes while it is in the ponds. The Regional Water Board staff is concerned about the omission of toxicity testing in the receiving water during discharge. During the last discharge event in 2005, no toxicity monitoring was conducted on the receiving water locations since no most sensitive species was determined prior to terminating the discharge. In order to eliminate this from reoccurring, Section V.A.4. of the MRP has been revised to require the use of the most sensitive species from the last three species screen, *Pimephales promelas*, for the receiving water until a new most sensitive species is determined. Additional language was added in Section V.A.4. of the MRP to clarify that during a three species screen, one suite of tests may be sufficient in determining the most sensitive species on a case by case basis due to the intermittent discharge.	
Camrosa Water District	10	Attachment F page 11, Section E Please alter the second sentence to read, "An engineering study was conducted in 2008 to assess	See response to comment 5.	Revisions were made

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		the unit processes to determine if a rerating is warranted."		to the permit.
Comments received from the United States Environmental Protection Agency (USEPA) on October 10, 2014				
USEPA	1	**Chronic Toxicity Limits** EPA supports the proposed numeric WQBELS for chronic toxicity, which implement the numeric toxicity Waste Load Allocations (WLAs) for chronic toxicity in the EPA-approved Calleguas Creek Watershed toxicity TMDL.	We thank the USEPA for their comments in support of the tentative permit.	None necessary
USEPA	2	**Chronic Toxicity Evaluation** EPA supports the provision in the last paragraph of Order section VII.J that prohibits the practice of evaluating the toxicity testing results through analysis of effluent multi-concentration response curves prior to evaluating compliance through use of the t-test based statistical approach in which the WQBELs are expressed.	We thank the USEPA for their comments in support of the tentative permit.	None Necessary