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May 15, 2019

Ching Yin To
Industrial Permitting Unit
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, California 90013

SUBJECT: TENTATIVE WASTE DISCHARGE REQUIREMENTS (WDRS) AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR CALLEGUAS MUNICIPAL WATER DISTRICT, REGIONAL SALINITY MANAGEMENT PIPELINE (RSMP) VENTURA COUNTY, CALIFORNIA (NPDES NO. CA0064521)

Dear Ching Yin To,

Calleguas Municipal Water District (Calleguas) appreciates the opportunity to comment on the Tentative Waste Discharge Requirements (WDR) and National Pollutant Discharge Elimination System (NPDES) permit (hereby referred to as "Tentative Order") for the Regional Salinity Management Pipeline (RSMP). Calleguas appreciates the time and effort the Los Angeles Water Board staff (Staff) has taken to learn about the RSMP's function in removing salts from the watersheds in Ventura County and transporting highly treated recycled water to farmers on the Oxnard plain. Also, Calleguas appreciates Staff conducting the site inspection on April 12, 2019 to learn how multiple agencies work together to meet these goals. Calleguas strongly supports the changes in monitoring frequencies in the Tentative Order. The Tentative Order represents an overall improvement for Calleguas while remaining protective of beneficial uses in the Pacific Ocean. Calleguas does, however, have the following specific concerns regarding requirements detailed in the Tentative Order:

1. **Species Sensitivity Screening:**

Attachment E.V.A.4 of the Tentative Order requires Calleguas to perform a species sensitivity screening for toxicity monitoring and to use the species with the highest *percent effect*, even when all three species result in a "Pass". Calleguas agrees the most sensitive species should be

used for analysis during toxicity monitoring. However, we know through our experience and after speaking with our toxicity lab, choosing the species with the highest *percent effect* may not always result in selecting the most sensitive organism. These tests often result in a negative *percent effect*, meaning the controls are more sensitive than the samples. In the past, the difference in *percent effect* between species has been very small. For example, during Calleguas' most recent sensitivity screen in November 2018, all organisms passed the toxicity test. The results were as follows: Topsmelt Survival (4.35%), Topsmelt Growth (-28.35%), Sea Urchin Fertilization (-2.52 %), Kelp Germination (-2.21%) and Kelp Tube Length (0.51%). Of the five tests performed, four tests had a negative *percent effect.* However, even though the topsmelt had the only positive percent effect (i.e., survival) it also had the highest negative *percent effect* with respect to growth. This demonstrates these *percent effect* differences can be negligible and random.

Again in November 2016, all organisms passed their respective toxicity tests. The results were as follows: Topsmelt Survival (0%), Topsmelt Growth (-3.74%), Sea Urchin Fertilization (1.92 %), Kelp Germination (-2.36%) and Kelp Tube Length (2.82%). In this suite of tests, two organisms had positive percent effects, the sea urchin and the kelp. The difference between the two *percent effect* values is 0.9%. This demonstrates the insignificance of the difference in *percent effect*. The difference in *percent effect* seen is so small; it is very likely that if this screening event was replicated, a different result would yield a different sensitive species.

Calleguas' toxicity lab reports cases where clients used only the *percent effect* to define the most sensitive species which caused the client to complete suites of three species screens when no toxicity was ever exhibited by the effluent sample. The toxicity lab reports that it has also happened that all three species have a negative *percent effect*, where they actually performed better than the control, which triggered a suite of three to five (costly) three species screen tests. The tests alone for five suites of species sensitivity tests can cost upwards of $18,000. This does not include staff time and resources.

Calleguas respectfully requests a different approach. We would propose to set a threshold of ten *percent effect* to cause the change in the most sensitive species. If any organism during sensitive species exceeds a ten *percent effect*, it would trigger the suite of three to five species sensitivity screening tests. If none of the three organisms' tests exceed the 10% effect threshold and all result in a PASS, then the current most sensitive species will remain for the next 24 months. Calleguas feels this will accurately assess the most sensitive species while streamlining the screening process, saving effort, and lowering costs and would allow Calleguas to preserve historical baseline species trends.

2. Effluent Limitations as a Result of Reasonable Potential Analysis Endpoint 3

The Tentative Order has retained effluent limitations for the following seven constituents due to the Reasonable Potential Analysis (RPA) result of Endpoint 3: total residual chlorine, benzidine, chlordane, hexachlorobenzene, PCBs, TCDD equivalents, and toxaphene. Six of these constituents (excluding total residual chlorine from the aforementioned list) resulted in

Endpoint 3 because the reporting limits are greater than the Ocean Plan Water Quality Objectives, despite the fact that all 41 data points for each constituent were non-detect. As seen in Table 1, current reporting levels for the remaining six constituents would need to decrease by a factor of between 10 and 1,000 to achieve Endpoint 2. This is not possible with current analytical testing methods; therefore, these constituents are likely to remain "inconclusive" for the foreseeable future. With all sample data currently available (41 data points), there is no evidence of benzidine, chlordane, hexachlorobenzene, PCBs, TCDD equivalents, or toxaphene in the RSMP discharge. The effluent limitations are simply a result of technological limitations in current analytical methods. Because monitoring for these constituents is still required, any potential for these constituents to be present at levels of concern (i.e., above detection limits) will still be addressed. As such, Calleguas requests the effluent limitations for benzidine, chlordane, hexachlorobenzene, PCBs, TCDD equivalents, and toxaphene be removed.

Table 1. Constituents with Endpoint 3 in the Tentative Order RPA

Constituent, µg/L	Reporting Level	WQO	Count	Ocean Plan Minimum Level	Estimated Reporting Level Needed for Endpoint 2
Benzidine	1.8	0.000069	41	5	0.0018
Hexachlorobenzene	0.47	0.00021	41	1	0.0047
Chlordane	0.0031	0.000023	41	0.1	0.00031
PCBs	0.19	0.000019	41	0.5	0.00019
Toxaphene	0.18	0.00021	41	0.5	0.0018
TCDD equivalence	1.39E-06	3.9E-09	41	-	1.39E-07

3. Benthic Sediment Monitoring Locations

Under Attachment E.VIII.B of the Tentative Order, Calleguas is required to conduct benthic sediment monitoring at four monitoring locations every two years. Calleguas requests that the number of monitoring locations for this requirement be reduced to two locations - one inside and one outside the mixing zone - to be consistent with the sites currently defined in the Sediment Loading Study requirements found in section VI.C.2.c. Calleguas does not believe any additional useful information would be generated by incorporating two extra monitoring locations.

4. Mussel Bioaccumulation Monitoring

Under Attachment E.VIII.C of the Tentative Order, Calleguas is required to conduct bioaccumulation monitoring using mussels. The requirement notes, "If mussels are unavailable near the discharge site, source mussels may be transplanted from nearby locations." However,

mussels may not be present for reasons unrelated to the discharge and analysis of transplanted mussels may not support the goals of the Ocean Plan requirement as intended. Calleguas requests the language be modified to state that if mussels are not present, the bioaccumulation study is not required.

5. **Radiological Monitoring**

Calleguas' current permit contains triggers for radiological activity. It states, "Analysis for uranium shall be conducted only if gross alpha results for the same sample exceed 15 pCi/L, or beta greater than 50 pCi/L. If the uranium result is greater than 20 pCi/L, analysis for radium-226 & 228 shall be conducted. If the combined radium-226 & 228 exceeds 5 pCi/L, analyze for tritium and strontium-90." To date, Calleguas has never had to conduct triggered radiological monitoring. As a result, Calleguas believes radiological monitoring is not required and agrees with the permit footnote on page E-8 stating, "A statement certifying that radioactive pollutants were not added to the discharge may be submitted in lieu of monitoring." Calleguas will begin adding the aforementioned statement to its monthly report. In addition, if radioactivity is detected in a discharger's effluent, Calleguas will conduct radiological monitoring at its effluent station.

6. **Discharge Inputs should not be Limited to Calleguas Creek Watershed**

Discharge Prohibition III.A states wastes discharged shall be limited to treated effluent and concentrate generated throughout Calleguas Creek Watershed. Calleguas requests this language be clarified to state that waste discharge inputs to the pipeline are not limited to discharges only from within Calleguas Creek Watershed. While it is not anticipated the sources discharging in the next five years will be outside of the Calleguas Creek Watershed, Calleguas believes there is no reason new discharges should be limited to coming from within the Calleguas Creek Watershed. As noted in Fact Sheet II.A., Calleguas is required to obtain approval of new discharges from the Los Angeles Water Board Executive Officer and meet the criteria set forth in Fact Sheet II.A. We believe these criteria are sufficient for authorizing a new discharge.

7. **Clarify Discharge Prohibition of products registered under the Federal Insecticide, Fungicide, and Rodenticide Act**

Discharge Prohibition III.H prohibits discharge of products registered under the Federal Insecticide, Fungicide, and Rodenticide Act. This language does not appear in the Ocean Plan or Basin Plan. In addition, it is not expected that any of these compounds would be present in RSMP discharge. Calleguas requests this prohibition be removed because it is not applicable to the RSMP discharge or that clarifying information is provided regarding why this language was added to the discharge prohibitions.

We look forward to working with you to finalize the NPDES permit reissuance. Please contact me at amueller@calleguas.com or 805.579.7117 should you have any questions or concerns.

Sincerely,

Amy Mueller
Regulatory Compliance Supervisor