RESPONSE TO COMMENTS ON THE TENTATIVE NPDES PERMIT
Calleguas Municipal Water District
Regional Salinity Management Pipeline (RSMP)
NPDES Permit No. CA0064521

This Table describes all significant comments received from interested parties with regard to the above-mentioned tentative permit. Comments were received from the Calleguas Municipal Water District and the Camrosa Water District. Each comment has a corresponding response and action taken.

No	Comment	Response	Action Taken
Comments received from the Calleguas Municipal Water District (May 15, 2019)			
1	**<u>Species Sensitivity Screening</u>** 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	The Los Angeles Regional Water Quality Control Board (Regional Water Board) agrees that the differences between the percent effects observed for all three species during past species sensitivity screenings of the effluent were negligible. In the Test of Significant Toxicity (TST) statistical approach described in the *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA 833-R-10-003, 2010*)*, the regulatory management decision threshold for non-toxicity in Whole Effluent Toxicity (WET) tests under the National Pollutant Discharge Elimination System (NPDES) WET Program is 10 percent mean effect at the in-stream waste concentration (IWC). Results from all species sensitivity screening conducted during the term of the existing permit using the discharge IWC were less than ten percent. In fact, all results were lower than five percent, which is the false positive error rate that applies when the percent effect in the critical effluent concentration is ≤10% for a given WET test. Given past sensitivity screening events of the effluent had demonstrated negligible percent effects at the IWC from all three species and the cost associated with additional suites of species sensitivity tests as indicated in your comment, the request to continue using the existing test species when results of all three species from the initial suite of species sensitivity screening for a 24-month period are PASS with percent effects less than 10% is acceptable. The Regional Water Board is providing the following modification to section V.A.4 of the Monitoring and Reporting Program (MRP) of the proposed permit:	Modified language in section V.A.4 of the MRP to allow CMWD to continue using an existing test species when results of all three species from the initial suite of species sensitivity screening for a 24-month period are PASS with percent effects less than 10%.

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	(-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.	*"Species sensitivity rescreening is required every 24 months. When rescreening is necessary, the Discharger must rescreen with the marine vertebrate species, a marine invertebrate species, and the algal species previously referenced, and continue to monitor with the most sensitive species. The most sensitive species is the species that exhibits the highest "Percent Effect" at the discharge IWC, even if the result of all three species is "Pass". If the first suite of rescreening tests demonstrates that the same species is the most sensitive then the rescreening does not need to include more than one suite of tests; alternatively, if the percent effects for all three species are less than ten percent and all result in PASS, then the previously established most sensitive species may continue to be used for routine monitoring for the subsequent 24-month period. If a different species is the most sensitive (demonstrating the highest percent effect of greater than ten percent or resulting in FAIL) or if there is ambiguity, then the Discharger must proceed with additional suites of screening tests for a minimum of three, but not to exceed five suites. The most sensitive species determined from the rescreening test must be used subsequently for routine monitoring, until such time when a rescreening is required."*	
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	The Regional Water Board disagrees. As explained in section IV.C.3 of the Fact Sheet in the proposed permit, the reasonable potential analyses (RPA) for total residual chlorine, benzidine, chlordane, hexachlorobenzene, PCBs, TCDD equivalents, and toxaphene resulted in an Endpoint 3, which indicates that the RPAs for these parameters were inconclusive. The existing permit for the RSMP, Order No. R4-2014-0033-A01, contains effluent limitations for these pollutants. Appendix VI of the *Water Quality Control Plan for Ocean*	None necessary.

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<tr><th>No</th><th>Comment</th><th>Response</th><th>Action Taken</th></tr>
<tr><td></td><td>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
<table><tr><th>Constituent, µg/L</th><th>Reporting Level</th><th>WQO</th><th>Count</th><th>Ocean Plan Minimum Level</th><th>Estimated Reporting Level Needed for Endpoint 2</th></tr><tr><td>Benzidine</td><td>1.8</td><td>0.000069</td><td>41</td><td>5</td><td>0.0018</td></tr><tr><td>Hexachlorobenzene</td><td>0.47</td><td>0.00021</td><td>41</td><td>1</td><td>0.0047</td></tr><tr><td>Chlordane</td><td>0.0031</td><td>0.000023</td><td>41</td><td>0.1</td><td>0.00031</td></tr><tr><td>PCBs</td><td>0.19</td><td>0.000019</td><td>41</td><td>0.5</td><td>0.00019</td></tr><tr><td>Toxaphene</td><td>0.18</td><td>0.00021</td><td>41</td><td>0.5</td><td>0.0018</td></tr><tr><td>TCDD equivalence</td><td>1.39E-06</td><td>3.9E-09</td><td>41</td><td>-</td><td>1.39E-07</td></tr></table></td><td>*Waters of California* (Ocean Plan) states that an existing effluent limitation for the pollutant that has an Endpoint 3 result shall remain in the permit. Technological limitations which result in laboratory detection limits that are higher than the applicable water quality criteria are not valid reasons to remove water quality-based effluent limitations for these parameters in the proposed permit. The proposed permit requires CMWD to analyze all pollutants using detection limits that are sufficiently sensitive to demonstrate compliance with the most stringent effluent limitations included in the permit or the lowest applicable water quality objectives (in addition to the laboratory minimum level recommended by Appendix II of the Ocean Plan) as per sufficiently sensitive method regulations at 40 Code of Federal Regulations (C.F.R.) section 122.44(i)(1)(iv). Please refer to sections I.J and I.K of the MRP regarding monitoring requirements in accordance with the sufficiently sensitive method regulations.</td><td></td></tr>
<tr><td>3</td><td><u>Benthic Sediment Monitoring Locations</u>
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</td><td>The Regional Water Board disagrees. The proposed permit requires CMWD to conduct benthic sediment sampling: a) within the mixing zone (BEN-001); b) along the edge of the mixing zone (BEN-002); c) outside of the mixing zone (BEN-003); d) up-current of the discharge location and outside of the mixing zone (BEN-004). The Regional Water Board has determined that benthic sediment sampling at all</td><td>None necessary.</td></tr>
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No	Comment	Response	Action Taken
	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.	four benthic monitoring locations in the proposed permit is appropriate for the following reasons: 1) Benthic Monitoring Location BEN-001 is necessary to evaluate the effects on marine sediment within the mixing zone, where water quality objectives may be exceeded. Benthic Monitoring Location BEN-002 is necessary to evaluate the effects on marine sediment at the edge of the mixing zone, where water quality objectives must be met. Benthic Monitoring Location BEN-003 (outside and down-current of the mixing zone) is necessary to observe any effects on marine sediment outside the mixing zone due to the RSMP discharge. Benthic Monitoring Location BEN-004 is necessary to determine natural condition up-current of the potential effects from the RSMP discharge. 2) An updated mixing zone study has not been completed to confirm the conclusions of the previous (2007) dilution modelling, based on which the four existing receiving water monitoring locations (which coincide with the four proposed benthic sediment monitoring locations) were established. 3) No benthic sediment analyses have been conducted at these locations before. To date, the discharge flow has not reached the intended capacity of the RSMP. Therefore, no assessment has been made regarding the effects the discharge may cause on benthic sediment at these locations during existing discharge conditions, or when the flow reaches the intended capacity of the RSMP. 4) Section VI.C.2.c in the Waste Discharge Requirements of the proposed permit requires CMWD to conduct a special study on sediment loading of the discharge and to perform sediment sampling at one location (minimum) inside the mixing zone and at one location (minimum) outside the mixing zone every two years. Order No. R4-2014-0033-A01 required CMWD to perform a sediment loading study during the term of the existing permit. To date, CMWD has not completed the sediment loading study due to the low discharge flow rate. The minimum requirement to monitor at two locations only (one	

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		inside and one outside of the mixing zone) for this special study was based on the CMWD's request included in its permit renewal application and CMWD's original Sediment Loading Study Work Plan submitted in 2014. The minimum requirements included in the proposed Sediment Loading Study Work Plan do not limit the Regional Water Board's ability to require benthic sediment monitoring locations to comply with the benthic sediment monitoring requirements included in the Ocean Plan. The requirements included in the Ocean Plan are designed to evaluate comprehensively the impacts to marine sediment due to the RSMP discharge as compared to natural conditions. The Regional Water Board may consider reducing the number of benthic sediment monitoring locations in the future when sufficient benthic sediment data is available, and representative data is available to confirm the assumptions and conclusions included in the previous mixing zone study.	
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.	The Regional Water Board disagrees. The proposed permit included a requirement to conduct bioaccumulation monitoring at Monitoring Location MUS-001 once per permit term only. This requirement is the minimum requirement prescribed in accordance with Appendix III of the Ocean Plan. Section 9 of Appendix III states that bioaccumulation monitoring shall be conducted "at a minimum, once per permit cycle for: a) discharges greater than 10 MGD; b) those discharges greater than 0.1 MGD and one nautical mile or less from shore…" Given that the RSMP is permitted to discharge up to 19.1 MGD, the highest reported discharge flow of the RSMP during the term of the existing permit is greater than 0.1 MGD, and the discharge terminus is less than one nautical mile from shore, the Discharger must conduct bioaccumulation monitoring in accordance with the Ocean Plan. The Ocean Plan further states that "Bioaccumulation may be monitored by a mussel watch program or a fish tissue program. Resident mussels are preferred over transplanted mussels..." As such, the requirement included in the proposed permit that mussels may be transplanted to Monitoring	None necessary.

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		Location MUS-001 if no mussels are available naturally at the site is consistent with and supports the goal of the bioaccumulation monitoring requirement included in the Ocean Plan. As stated in the section VIII.D, the Discharger may satisfy the bioaccumulation requirement individually as core monitoring, or through participation in a regional monitoring program.	
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.	The Regional Water Board agrees with your comment. The following language will be added to the end of Footnote 14 of Table E-2 in the Monitoring and Reporting Program (Attachment E): *"If radioactivity is detected in a source discharging to the RSMP, the Discharger must subsequently conduct monitoring for radioactivity at Effluent Monitoring Station EFF-001 in accordance with this Footnote as soon as possible following detection of radioactivity at the source. All results shall be included in the corresponding quarterly monitoring report."*	Additional language provided in Footnote 14 of Table E-2 of the MRP.
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	The Regional Water Board agrees. The following modification is made to section III.A of the Waste Discharge Requirements of the proposed permit: *"Wastes discharged at Discharge Point 001 authorized under this Order shall be limited to a maximum of 19.1 million gallons per day (MGD) of treated effluent from wastewater treatment plants and concentrate generated from brackish groundwater desalter plants or wastewater treatment facilities ~~throughout the Calleguas Creek Watershed only~~ as described in the Fact Sheet (Attachment F). The discharge of any other wastewater, storm water, and wastes from accidental spills or other sources not identified in this Order is*	The discharge prohibition contained in Section III.A of the Waste Discharge Requirements is modified to remove the restriction of waste discharge inputs to the RSMP from the

No	Comment	Response	Action Taken
	forth in Fact Sheet II.A. We believe these criteria are sufficient for authorizing a new discharge.	*prohibited unless it is authorized by another WDR and/or NPDES permit."*	Calleguas Creek Watershed only.
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.	Clean Water Act (CWA) section 301(a) prohibits the discharge of any pollutant to waters of the United States except in compliance with an NPDES permit; "pollutant" is defined in Title 33 United States Code (U.S. Code) section 1362(6). Products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) are pollutants under the CWA; registration under FIFRA does not eliminate the need for a NPDES permit. *See, Headwaters, Inc. v. Talent Irrigation Dist., 243 F.3d 526* (9th Cir.). As such, the Regional Water Board determined that this prohibition is applicable to the RSMP. The prohibition prohibits the discharge of products registered under FIFRA being discharged to waters of the United States unless authorized in this permit or another NPDES permit. This prohibition is retained from the existing permit, Order No. R4-2013-0033-A01 (section VI.A.2.p. of the Limitations and Discharge Requirements), and is also included for other industrial individual NPDES permits in the Los Angeles Region, consistent with federal and state regulations. Based on a review of the RSMP operations and sources discharging to the RSMP, it is expected that CMWD will be able to comply with this requirement if the RSMP is operated in a manner consistent with the facility description included in proposed permit.	None necessary.
Comments received from the Camrosa Water District on April 16, 2019 and May 6, 2019			
1	**The Camrosa Water District provided the following comment in the April 16, 2019, comment letter:** *"On page 70 of the draft, Section F-5, Table F-2, the capacity of the Camrosa Water Reclamation Facility should read 2.25 MGD instead of 4.9 MGD."* **The Camrosa Water District subsequently rescinded the above comment in a letter to the Regional Water Board on May 6, 2019:** *"On April 16th, 2019, I commented on the Tentative Water Discharge Requirements and NPDES Permit for Calleguas Water District's*	The Regional Water Board is not responding to the comment in detail as the original comment made in the April 16, 2019 letter was subsequently rescinded by the Camrosa Water District with a letter dated May 6, 2019. Table F-2 in section II.A of the proposed Fact Sheet provides a summary of existing and anticipated flows into the RSMP within the next five years. Subsequent communications between Regional Water Board Staff, the Calleguas Municipal Water District, and the Camrosa Water District clarified the matter; the 4.9 MGD currently listed on Table F-2 for the Camrosa Water Reclamation Facility (CWRF) accounts for the anticipated increase	None necessary.

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	Salinity Management Pipeline. We erroneously commented on page 70 of the draft, Section F-5, Table F-2, that the capacity listed for Camrosa Water Reclamation is 2.25 MGD instead of 4.9 MGD. This number should read 4.9 MGD, so Camrosa formally would like to rescind this comment."	for the Camrosa plant treatment capacity in the next five years, and does not represent the current treatment capacity of the Camrosa plant (2.25 MGD as stipulated in the following comment). See Comment 2 below.	
2	On page 71, section F-6, the capacity of our wastewater plant should read 2.25 instead of 1.5.	The following revision is made in the first sentence of the Camrosa Water Reclamation Facility (CWRF) description in section II.A of the Fact Sheet (Pg. F-6): "The CWRF, at the time of this permit renewal, has a wastewater treatment capacity of ~~1.5~~*up to 2.25* MGD."	Modify language in section II.A of the Fact Sheet to reflect current treatment capacity of the CWRF.