



Heal the Bay

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January 17, 2019

Ms. Deborah Smith, Executive Officer
Regional Water Quality Control Board
Los Angeles Region
320 W 4th Street, Suite 200
Los Angeles, CA 90013

Sent via email to: losangeles@waterboards.ca.gov

RE: TENTATIVE WASTE DISCHARGE REQUIREMENTS (WDRs) AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT – CITY OF AVALON, AVALON WASTEWATER TREATMENT FACILITY (NPDES PERMIT NO. CA0054372, CI-0066).

To Ms. Smith:

Heal the Bay is a non-profit environmental organization with over 30 years of experience and 15,000 members dedicated to making the coastal waters and watersheds of Greater LA safe, healthy and clean. On behalf of Heal the Bay, we respectfully submit the following comments on the Tentative Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) Permit – City of Avalon, Avalon Wastewater Treatment Facility (Draft Permit).

Since the previous permit (Order No. R4-2013-0182) was approved in 2013, a significant improvement in water quality has been observed in Avalon Bay. Beaches in Avalon have appeared on Heal the Bay's Beach Bummer List twelve times in the 28 years that we have released a Beach Report Card, including five times in the No. 1 spot. However, the five sampling locations around Avalon Beach have steadily improved. Currently, all five sites have A or A+ summer dry grades, and all sites received A+ wet weather grades. In fact, the beaches in Avalon have not appeared on the Beach Bummer List since 2013. We commend the City of Avalon for the improvement measures implemented to achieve these results. Although we have seen some recent improvement, Avalon Beach remains on the 2014-2016 Integrated Report 303(d) List as impaired for Fecal Indicator Bacteria, and it is imperative that there is a strong NPDES permit in place to ensure that this positive trend continues, and to ensure that other contaminants are addressed. Upon review of the Draft Permit, we have a few remaining questions and concerns, discussed in further detail below.

1. The California Department of Public Health or local public health officer should always post warning signs or restrict public use when WDRs and NPDES standards are not met.

The California Department of Public Health [CDPH] implemented AB 411 to establish regulations for minimum health protective bacteriological standards for waters adjacent to public beaches and public



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water-contact areas, monitoring requirements, and actions to be taken when standards are exceeded¹. The Draft Permit states in Section V.A.1.d. that “[w]hen a public beach or public water-contact sports area fails to meet these standards, DDW [the Division of Drinking Water] or the local public health officer **may** post with warning signs or otherwise restrict use of the public beach or public water-contact sports area until the standards are met.” Additionally, “[f]or beaches not covered under AB 411 regulations... [DDW] allows the county health officer more discretion in making posting and closure decisions.”

Although we understand that enforcement of these requirements does fall under the authority of CDPH and DDW, we believe that the Regional Board must also enforce these requirements in order to protect public health. After all, WDRs are put in place to protect public and environmental health; therefore, the public must be notified when these requirements are not met. We ask the Regional Board to remove “may” from the sentence above and replace with “shall”. Given the 303(d) water quality impairment listing for bacteria at Avalon Beach and the vast number of ocean-goers that visit this area, we feel that the CDPH or local public health officer should always post warning signs or restrict public use when these standards are not met. Failing to post warning signs or restrict public use when bacteriological standards are exceeded does not protect public health.

2. The Regional Water Board should always be notified immediately of any unauthorized release.

The Regional Water Board should always be notified immediately of any unauthorized release of sewage from POTWs that causes, or probably will cause, a discharge to a water of the state. Considering the time sensitive effects of contamination from human fecal bacteria, this direct communication will help ensure public health protection. In section VI.C.6.a.iii, we ask that the following language be removed from the Permit.

“iii. The Discharger shall notify the Regional Water Board of any unauthorized release of sewage from its POTW that causes, or probably will cause, a discharge to a water of the state as soon as possible, but not later than **two hours** after becoming aware of the release. ~~This initial notification does not need to be made if the Discharger has notified Cal OES and the local health officer or the director of environmental health with jurisdiction over the affected water body.~~ The phone number for reporting these releases of sewage to the Regional Water Board is (213) 576-6657. The phone numbers for after hours and weekend reporting of releases of sewage to the Regional Water Board are (213) 305-2284 and (213) 305-2253.”

3. Clearly defined monitoring requirements must apply for spills, overflows and bypasses.

Clarification must be added to the Draft Permit to ensure that monitoring begins as soon as possible after a spill, overflow, or bypass is identified. The Draft Permit states that “monitoring shall be conducted daily from the time the spill is known until the results of two consecutive sets of bacteriological monitoring indicate the return to the background level or the County Department of

¹ California Health and Safety Code, Sections 115880-115915. *Safe Recreational Water Use: Public Beaches*. http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=104.&title=&part=10.&chapter=5.&article=2.



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Public Health authorizes cessation of monitoring.” We request that the Regional Board require this monitoring to initiate within a specific period to clarify the requirement. At a minimum, we recommend that this monitoring begin within 24 hours of a reported spill, overflow or bypass.

We also request clarification of what constitutes a “safety concern.” The Draft Permit states that “[i]f a grab sample cannot be obtained due to accessibility or safety concerns, the sample shall be obtained as soon as it becomes safe to do so.” Of course, we do want to protect public health and safety, and would not want an employee sampling under unsafe conditions; however, there are solutions to avoid certain safety concerns. For example, while high concentrations of human fecal bacteria does pose risk to human health, the risk can be avoided during sampling events if personal protective equipment is used and proper sampling procedures are followed.

4. The Avalon Wastewater Treatment Facility should determine feasibility of recycled water reuse.

Due to its remote location, Avalon faces issues of severe drought. While areas on the main land have access to additional sources of water, Avalon must rely on locally sourced water and the ships that deliver water in environmentally harmful plastic bottles. Avalon currently use seawater for toilet flushing, but more must be done to maximize the use of local water. In addition to wastewater, the Avalon Wastewater Treatment Facility also processes dry-weather runoff and first-flush stormwater runoff, addressing pollution issues from surface runoff. All of this secondary-treated water is then discharged to the Pacific Ocean from Discharge Point 001.

The State Board recently approved an amendment to the Recycled Water Policy adding a narrative goal to minimize the direct discharge of treated wastewater to ocean waters, except where necessary to maintain beneficial uses². The Draft Permit states that “The Regional Board strongly encourages, wherever practicable, water recycling, water conservation, and use of storm water and dry-weather runoff” (Attachment F, Section III.C.10). However, in order to comply with the State Recycled Water Policy, we recommend that the Regional Board require beneficial reuse of the recycled water and elimination of discharge into the Pacific Ocean, as this discharge is not necessary to maintain beneficial uses. Repurposing all of the recycled water from this facility would eliminate the need to discharge secondary-treated wastewater to the Pacific Ocean, and provide an additional water resource for the City of Avalon.

5. The Avalon Wastewater Treatment Facility should transition from chlorination to ultraviolet water purification.

The Avalon Wastewater Treatment Facility currently uses chlorination during the final disinfection process. However, the best available science indicates that ultraviolet water purification is a preferred method for this process because it is proven effective while minimizing the potential for by-product

² California State Water Resources Control Board. 2018. *Amendment to the Water Quality Control Policy for Recycled Water: Final Staff Report with Substitute Environmental Documentation*.
https://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/docs/2018/rw_policy_amend_s_taff_rpt_clean_version.pdf



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formation, which has been observed in the chlorination process³. Additionally, ultraviolet water purification requires less maintenance. We request that the Regional Board work with the Avalon Wastewater Treatment Facility to investigate the feasibility of converting from chlorination to ultraviolet water purification.

Thank you for the opportunity to comment on the Tentative Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) Permit – City of Avalon, Avalon Wastewater Treatment Facility. If you have any questions concerning these comments, please contact Annelisa Moe through email at amoe@healthebay.org or by phone at 310-451-1500 X115.

Sincerely,

Annelisa Ehret Moe
Water Quality Scientist
Heal the Bay

cc by e-mail: Jeong-Hee Lim, Senior Water Resources Control Engineer, Los Angeles Regional Water Quality Control Board. Jeong-Hee.Lim@waterboards.ca.gov.

Steven Webb, Water Resources Control Engineer, Los Angeles Regional Water Quality Control Board. Steven.Webb@Waterboards.ca.gov.

³ United States Environmental Protection Agency. 2003. *Wastewater Technology Fact Sheet: Disinfection for Small Systems*. https://www.epa.gov/sites/production/files/2015-06/documents/disinfection_small.pdf