Response to Comments

City of Redondo Beach – Seaside Lagoon
Tentative Order No. R4-2017-XXXX
NPDES Permit No. CA0064297, CI No. 8034

#	Comment Summary	Response	Action Taken
City of Redondo Beach – Email Received on January 26, 2017			
1	The 2017 Order establishes a maximum limit of 2.3 million gallons per day (MGD) of wastewater. A maximum discharge limitation has never been included in the Seaside Lagoon NPDES Permit, and the City believes it is inappropriate to include such a limit in the 2017 Order. Moreover, a maximum discharge limit could disrupt the City's ability to properly operate Seaside Lagoon. Seaside Lagoon discharges *approximately* 2.3 MGD into King Harbor, some days discharging more and others less. The Fact Sheet recognizes that this flow is a rough approximation: "*approximately* 3,200 gallons per minute (GPM) over a 12-hour operating day, which is equivalent to 2.3 MGD. During the season, Seaside Lagoon's normal operating hours are from 10:00 AM to 5:30 PM. The system's pumps are normally turned on one to two hours prior to opening and remain on for an additional one to two hours after closing. During the standard twelve-hour operating day, the average flow rate is generally 2.3 MGD. The City does not adjust the flow rate to maintain an average daily flow once the pumps are turned on. Under certain circumstances, additional discharge may be	The NPDES permit is required to include maximum discharge flow. Mass limits are calculated based on the maximum discharge flow. In the Report of Waste Discharge (ROWD), the Discharger specified the discharge flow as 2.3 million gallons per day (mgd). The current NPDES permit (Order No. R4-2010-0185) indicated in the text that the 2.3 MGD flow was an average flow but utilized it as the maximum when calculating the mass effluent limitations. 40 CFR section 122.2 defines the maximum daily discharge limitation as the highest allowable daily discharge. In order to determine the maximum daily mass discharge limitations, the maximum flow is required. If the City of Redondo Beach has determined that the 2.3 MGD maximum is incorrect, the City may submit an update to the ROWD with the appropriate maximum discharge rate and the Regional Board can modify the permit.	None required.

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	required to operate at sufficient levels and for normal maintenance purposes. For example, special events, such as the City's annual Lobster Fest, are held at Seaside Lagoon during extended hours that could increase the average flow rate. The City believes that setting the limitation as a maximum daily flow was included as a mistake and should be removed. Alternatively, if a maximum discharge must be established in the 2017 Order, the City submits that the maximum flow limitation should be set as an average daily flow of 2.3 MGD.		
2	The City is particularly concerned with the inclusion in the 2017 Order of effluent limitations for the following heavy metals: 1) arsenic; 2) cadmium; 3) copper; 4) mercury; 5) selenium; 6) silver; 7) thallium; 8) zinc; and 9) cyanide (hereinafter collectively referred to as "Heavy Metals"). These Heavy Metals have not historically been included as effluent limitations in Seaside Lagoon's NPDES Permit. The City appreciates the effort by the Regional Board staff to address potential exceedances of these metals' limits by allowing application of intake credits in the 2017 Order. Applying intake credits may still not result in consistent compliance with the Heavy Metals effluent limits, in large part due to influent water quality. The City should only be responsible for those pollutants that Seaside Lagoon actually adds to the water. In other words, the City should not be responsible for exceedences attributable to the influent water or King Harbor. Based on the data	The metal limits in the tentative permit are new limits based on the reasonable potential analysis. Data submitted to the Regional Board by the City was used to determine if the discharge may cause, or have reasonable potential to cause or contribute to an excursion above any applicable priority pollutant criteria or objective. Data submitted for the referenced Heavy Metals demonstrated reasonable potential. Hence, effluent limitations are included in the proposed permit for these pollutants. The City in a letter dated February 24, 2017, requested that the Regional Board issue a time schedule order (TSO) that includes interim limitations with a compliance schedule to comply with the final metal effluent limits for copper, selenium, silver, thallium, and zinc. It is the Discharger's responsibility to determine the location where a representative sample can be collected. During a site inspection Regional Board representatives pointed out the problem with the current sampling protocol and requested	As requested by the City in February 27, 2017, and March 8, 2017, letters, a tentative TSO with interim limits for copper, selenium, silver, thallium, and zinc has been prepared for Board consideration.

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	collected, it is not clear that the effluent sampling location is truly representative of the effluent and not influenced by the receiving water. For example, it is noted in the 2017 Order's Fact Sheet that, "during high tide conditions, the sampling vault would be almost completely inundated with sea water and the effluent pipe would be completely submerged. It is likely that, even at low tide, some receiving water may still remain that would result in a non-representative sample being collected. The City therefore requests that the Regional Board exclude the Heavy Metals from the 2017 Order.	that City staff select a location where a representative sample could be obtained. The City worked with Regional Board staff and identified a new monitoring location, which has been included in the tentative order.	A new sampling location will be selected and the coordinates will be included in the revised tentative Order.
	If the Regional Board determines that the Heavy Metals must be included in the 2017 Order, then the City requests that interim limits and a compliance schedule for a minimum of five years be issued for these constituents to allow the City time to further investigate the following: • Improvement of sampling and analysis methods to reduce the possibility of sample contamination; • Improvement of sampling and analysis methods to identify and isolate the pollutant contributions of Seaside Lagoon to the effluent; • Evaluation of sampling location and identification of a location that is more representative of the effluent and not influenced by the receiving water; and • Planning considerations relating to removing the barrier between King Harbor and Seaside Lagoon.	The Discharger in its letters to the Regional Board dated February 27, 2017, and March 8, 2017, proposed a time schedule with interim milestones and tasks required to come into compliance with the final effluent limitations included in Order R4-2017-XXXX. City staff proposed interim limitations for copper, selenium, silver, thallium, and zinc based on the historical data collected from the facility. This information was used to develop the tentative TSO.	Staff developed the tentative TSO for public comment.
3	The 2017 Order, like the 2010 Order before it, does not sufficiently explain how the TSS limitation of 75	High concentrations of suspended solids can lower water quality by absorbing light. Waters	None required.

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	mg/L is a result of adequately formulated "best professional judgment" ("BPJ"). The Regional Board has failed to justify the TSS effluent limitation. The only citation to any kind of scientific rationale for its decision is a reference to a "Gold Book" study that found that "TSS at a concentration of 80 mg/L yielded adverse effects to aquatic life. However, this citation to the Gold Book study standing alone is not a sufficient explanation for the Regional Board's BPJ rationale for the TSS limitation. The Gold Book sections relating to TSS effluent limitations rely on a study performed over 45 years ago in 1970. This study was conducted on a freshwater stream, not on an ocean ecosystem like King Harbor. The Ninth Circuit has held that in issuing permits on a case-by-case basis using its BPJ, a permit-issuing authority "does not have unlimited discretion in establishing permit effluent limitations. EPA's own regulations implementing this section enumerate the statutory factors that must be considered in writing permits. The Ninth Circuit also noted that, "[i]n addition, courts reviewing permits issued on a BPJ basis hold [permit granting authorities] to the same factors that must be considered in establishing the national effluent limitations. The 2010 Order's TSS effluent limit was further justified by noting that other industrial permits contain the same daily maximum effluent limit. However, Seaside Lagoon is not a typical industrial discharger and by the very nature of the Lagoon (e.g., sandy bottom), higher TSS would be expected to be present in the water and possibly higher than in King Harbor itself because the Lagoon is more	then become warmer and lessen the ability of the water to hold oxygen necessary for aquatic life. Because aquatic plants also receive less light, photosynthesis decreases and less oxygen is produced. The combination of warmer water, less light and less oxygen makes it impossible for some forms of life to exist. Suspended solids affect life in other ways as well. They can clog fish gills, reduce growth rates, decrease resistance to disease, and prevent egg and larval development. Particles that settle out can smother fish eggs and those of aquatic insects, as well as suffocate newly-hatched larvae. The material that settles also fills the spaces between rocks and makes these microhabitats unsuitable for various aquatic insects, such as mayfly nymphs, stonefly nymphs and caddisfly larva. The beneficial uses of King Harbor include marine habitat (MAR), wildlife habitat (WILD), and rare, threatened, or endangered species (RARE). The 50 and 75 mg/L for the average monthly and daily maximum TSS effluent limitations were developed to protect the beneficial uses of King Harbor and they were included in the 2010 Order for Seaside Lagoon. The City of Redondo Beach also received a Time Schedule Order which provided interim limitations for TSS from May 10, 2010 through September 10, 2013. Since September 10, 2013, discharges from Seaside Lagoon have complied with the effluent limitations included in the 2010 Order for TSS. Based on staff's best professional judgment	

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	shallow and more likely to be influenced by the sandy bottom without adversely affecting the beneficial uses of the harbor. The nature and use of the Lagoon should be considered in determining if a TSS limit is applicable or necessary to protect beneficial uses. Amending the TSS limit in the 2017 Order is permissible under several exceptions to the anti-backsliding rule. The Clean Water Act and its implementing regulation provide exceptions to the Clean Water Act's anti-backsliding requirement that all effluent limitations of a renewed or reissued permit must be at least as stringent as the effluent limitations in the previous order. First, a permit may be modified to contain a less stringent effluent limitation if the "Administrator determines that technical mistakes or mistaken interpretations of law were made in issuing the permit. The City contends that the Regional Board made a technical mistake and/or a mistaken interpretation of law in the 2005 and 2010 Orders by setting the TSS limitation at 75 mg/L, when a TSS level of 150 mg/L is consistent with BPJ. Second, a permit may be modified to contain a less stringent effluent limitation if "information is available which was not available at the time of permit issuance . . . and which would have justified the application of a less stringent effluent limitation at the time of permit issuance. Since the 2010 Permit, new information is available that demonstrates an upward trend in TSS concentrations despite the City's improved management practices and better	(BPJ), and data submitted since 2010, these limits are technically achievable, economically feasible, and are necessary to protect the receiving water quality of King Harbor.	

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	understanding of the TSS source in the sampling vault. Third, a permit may be modified to contain a less stringent effluent limitation if "a less stringent effluent limitation is necessary because of events over which the permittee has no control and for which there is no reasonably available remedy. As explained more fully in Part 2 herein, the City cannot control the occurrence of TSS due to the natural conditions in Seaside Lagoon and King Harbor.		
4	The 2017 Order includes a effluent limit for chronic toxicity. This effluent limit is based on a single result greater than 1 TUc in 2013. The 2017 Order justifies the need for toxicity testing based on the use of chlorine in the Lagoon for disinfection. However, the effluent is dechlorinated prior to discharge and the effluent consistently complies with and is well below the chlorine residual effluent limit. Therefore, there does not appear to be a reasonable potential for the effluent to cause toxicity. In addition, the effluent limit is based on use of the Test of Significant Toxicity (TST). While the City understands that several permits have been issued in Region 4 specifying use of the TST, other regions have chosen to defer using this method until the Statewide Policy for Toxicity Assessment and Control is approved in final form. Region 4 includes effluent limits for toxicity with no dilution credit and requires the TST. More importantly, Publicly Owned Treatment Works using the TST have reported unexpectedly high failure rates for toxicity testing using the TST. The Sanitation Districts of Los Angeles County, for example, have recently	The Basin Plan for the Los Angeles Region includes a narrative water quality objective for toxicity, requiring that all waters be maintained free of toxic substances in concentrations that are toxic to or produce detrimental physiological responses in, human, plant, animal, or aquatic life. Detrimental responses include, but are not limited to, decreased growth rate, decreased reproductive success of resident or indicator species, and/or significant alterations in population, community ecology, or receiving water biota. In accordance with the Basin Plan, the acute toxicity objective for discharges dictates that the average survival in undiluted effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test having less than 70% survival. Seaside Lagoon's current NPDES, Order No. R4-2010-0185, contains acute toxicity limitations based on the acute toxicity objective in the Basin Plan. Chronic toxicity is a more stringent requirement than acute toxicity. A chemical at a low	None required.

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	evaluated the reliability of the method based on their experience with high failure rates. Using outside laboratories, they found that half of the non-toxic blank samples were identified as toxic using the TST. Because of issues experienced with the TST, a coalition of wastewater associations including the Southern California Alliance of Publicly Owned Treatment Works (SCAP), the Central Valley Clean Water Association, the Bay Area Clean Water Agencies (BACWA) and the National Association of Clean Water Agencies (NACWA) filed suit against USEPA in federal court seeking to halt the use of an unapproved toxicity test method for compliance in California NPDES permits. Federal regulations do not identify the TST as an accepted test method, and the lawsuit alleges that use of the TST will result in higher costs to dischargers and potential enforcement jeopardy as a result of the increased frequency of false positives associated with the TST. With no reasonable potential for the effluent to cause toxicity and because the TST is not an approved method, the City requests that the effluent limit for chronic toxicity be removed from the 2017 Order and that the chronic toxicity testing requirements be carried over from the 2010 Order.	concentration can have chronic effects but no acute effects. Discharges from Seaside Lagoon resulted in an exceedance of both the acute and chronic toxicity criteria in data collected from November 2010 through September 2015. This Order establishes a chronic toxicity effluent limitation evaluated using the USEPA promulgated method included in 40 Code of Federal Regulations (CFR) Part 136 and using USEPA's 2010 Test of Significant Toxicity (TST) analysis. There is reasonable potential for toxicity exceedances as demonstrated by the exceedances reported during the tenure of Order R4-2010-0185.	
5	The City appreciates the availability of intake water credits for metals and TSS that already exist in the intake water; however, the intake water credits do not sufficiently address the City's concerns regarding the feasibility of complying with the 2017 Order. The City raised similar concerns in its	The issuance of intake credit allows the City to assess the amount of the pollutant in the intake water and if the detected concentration exceeds the effluent limitations included in the permit, the intake water concentration becomes the point of compliance. This ensures that the City is not held	None required.

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	comments on the 2010 Order and, unfortunately, these concerns have not been addressed. As noted above, intake credits will not assure compliance with the proposed effluent limits. The City's understanding of the intake credits is that any credit given to effluent concentrations is limited by the ambient conditions. In other words, if the City's contribution is below the proposed numeric effluent limit, but the influent water exceeds such limit, the City would only receive credit to the extent of the value of the influent. This means the City could not contribute even one mg/L of a given pollutant to the effluent. This is especially alarming given that TSS testing in saline environments is highly variable and, thus, unreliable as a permit limit. In addition, given that intake credits can account for source water quality, the City requests that intake credits also be applied to bacteria. While 2016 data indicator bacteria (i.e., Total coliform, fecal coliform, and enterococcus) have been below effluent limits, there is an ongoing concern regarding Seaside Lagoon discharge's ability to consistently comply with these limits. It is likely that these constituents are also present in the receiving water making intake credits appropriate.	responsible for the concentration of the pollutant already present in the water when it comes into the Lagoon. However, in this case the City is not allowed to add any of the targeted pollutant as the concentration detected in the intake exceeds the effluent limitation which is developed to protect the beneficial uses of the receiving water. Operating a public water contact recreational facility requires the City to ensure that the bacteria concentrations are safe to the humans (receptors) coming in contact with the water. Hence, the bacteria concentration in the Lagoon must be at or below the criteria specified for water contact recreation. Activities at the Lagoon, such as individuals playing in a heated waterbody, could result in bacteria being added to the water in the Lagoon.	Monitoring for bacteria in the Lagoon and in the Discharge is required.
6	Although a standard condition in waste discharge requirements issued by the Regional Board, the City seeks further clarification regarding its obligations under Part VI.A.2.s. of the 2017 Order, relating to 24-hour notification. That provision requires the City to notify the Regional Board by telephone within 24 hours of having knowledge of any noncompliance with the Seaside Lagoon NPDES Permit, followed by written notification within five days. The written	As requested, Part VI.A.2.s has been deleted. The City has to comply with Attachment D, Part V.E., which requires 24-hour reporting only in instances where noncompliance may endanger health or the environment including violation of limits in the Lagoon for bacteria indicators and total residual chlorine (TRC). >>>.	24-hour reporting is required only for pollutants where noncompliance may endanger health or the environment .

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	notification must state the measures taken to remedy the noncompliance and prevent recurrence. The City is not fundamentally opposed to such a requirement, but believes the language is overly broad. Instead, the City believes that Part VI.A.2.s should be consistent with Attachment D, Part V.E., which requires 24-hour reporting only in instances where noncompliance may endanger health or the environment. That requirement, according to Regional Board staff, generally excludes potential violations found in monitoring data and is concerned with accidental spills and emergencies. This 24-hour reporting requirement is consistent with Federal law. The City requests that either Part VI.A.2.s be removed from the 2017 Order or modified to be consistent with Part V.E. of Attachment D.		
7	The City appreciates the Regional Board's recognition that circumstances surrounding the operation of Seaside Lagoon may change during the term of the 2017 Order. To that end, Fact Sheet Part II.E. permits the City to "breakdown the barrier and open the Facility to King Harbor." Tentative development plans in the area call for Seaside Lagoon to be reconfigured such that Seaside Lagoon would become a tidally influenced ocean water, sand bottom passive facility open to King Harbor. Although the City has made no firm decision to reconfigure Seaside Lagoon at this time, the 2017 Order provides the City with needed flexibility should plans change during the Order's term.	The permit in Section II.E. of the Fact Sheet is providing a summary of the information that is available regarding the facility. This section restates information that is included in the City of Redondo Beach's EIR. This statement acknowledges that the Regional Board is aware of the proposed plan and the changes included therein which may affect the operation of the Lagoon if implemented. Since no final decision has been made and the final plans have not been presented to the Regional Board it would be inappropriate to include a Regional Board position regarding permitting at this time.	A reference to the EIR will be included.

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	If opened to King Harbor, Seaside Lagoon would effectively become a beach and cease discharging into King Harbor. Accordingly, Seaside Lagoon would fall outside the Clean Water Act's jurisdictional scope and no longer require an NPDES permit. As an open system without any means of water conveyance, the modified Seaside Lagoon would not constitute a "point source" of pollutants. Moreover, an open Seaside Lagoon would not be "adding" pollutants to King Harbor because Seaside Lagoon would be a part of King Harbor. The City requests that additional language be added to clarify the regulatory consequences of opening Seaside Lagoon to King Harbor. Specifically, the Fact Sheet should include an affirmative statement that, once the barrier is removed, the City would no longer require an NPDES permit in order to operate the facility.		
8	The AES Redondo Beach Generating Station ("RBGS") is an electrical generating station with a capacity of 1,356 megawatts that operates during peak demand. It operates as a once-through cooling system with water from King Harbor used to cool turbines. As you know, Seaside Lagoon accepts warmed discharge from the RBGS to fill the Lagoon. The RBGS is regulated by a discharge permit issued by the Regional Board, most recently in 2016 as Order No. R4-2016-0222, NPDES Permit No. CA0001201. This Order is scheduled to expire on September 30, 2021, which would be during the term of the 2017 Order for Seaside Lagoon.	The Regional Board cannot provide guidance regarding the operation of Seaside Lagoon post retirement of the RBGS. The City of Redondo Beach staff should contact RBGS staff with any questions regarding the operation of the facility.	None required.

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	However, the RBGS could be retired as soon as December 31, 2020, in accordance with the State Water Board's Once-Through Cooling Policy. Once retired, the RBGS would presumably cease cooling water discharges to King Harbor and Seaside Lagoon. Accordingly, at that time, Seaside Lagoon would no longer rely on cooling water from the RBGS. The City is aware that if the RBGS's NPDES permit expires and is not renewed in 2021 or the RBGS is retired in 2020 as planned under the Once-Through Cooling Policy, the City could be precluded from obtaining water from the RBGS facility. This could significantly alter the manner in which Seaside Lagoon operates. Although the effect on Seaside Lagoon of retiring the RBGS and thereby ceasing its discharge has not been fully evaluated, it is possible that if RBGS's existing piping infrastructure is left in place standing water in the RBGS discharge pipe and the Seaside Lagoon discharge pipe could be used to maintain water levels in the Lagoon. However, the actual source of water in the event of an RBGS retirement is not yet certain. The City seeks guidance from the Regional Board regarding the consequences of the RBGS retiring or no longer holding an NPDES permit to discharge into King Harbor and Seaside Lagoon. Would Seaside Lagoon require a permit or other authorization from the Regional Board to intake water from King Harbor? We recognize that this may be speculative at this time, but it would assist the City's decision makers in making an informed judgment on the continued operation of Seaside		

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	Lagoon after the RBGS is retired or no longer holds a discharge permit.		
9	The Fact Sheet indicates that violations of the 2010 Order dating from July 21, 2014 through June 30, 2015 are currently subject to a pending enforcement action. By letter dated May 25, 2016, Regional Board Assistant Executive Officer Paula Rasmussen notified the City that ten of the twelve violations during this period had been expunged due to inaccurate monitoring data collected during high tide. On June 22, 2016, the City accepted liability for the remaining two violations during this period by accepting the Regional Board's settlement offer and paying the mandatory minimum penalty of $9,000. Any violations arising from monitoring data from July 21, 2014 through June 30, 2015 have therefore been resolved and any enforcement action should be closed. The City requests that this case closure be reflected in the Fact Sheet.	The compliance summary table (Table F-3) will be revised to reflect the settlement of the enforcement matter.	Update incorporated.
10	**Expensive And Burdensome** Seaside Lagoon has been an important civic and recreational facility for residents and visitors of Redondo Beach since 1963. It provides protected water recreation for a general public comprised of approximately 150,000 people annually, approximately 80% of which do not reside in the City of Redondo Beach. Through the operation of Seaside Lagoon, the City of Redondo Beach provides a truly unique recreational service to the general public. But the increasing demands of maintaining an aging Seaside Lagoon and complying with the facility's discharge requirements threaten the facility's continued viability. The City continues to believe	The Regional Water Board is entrusted with protecting the water bodies in this area, King Harbor. Point source discharges to King Harbor that have been issued an NPDES permit must comply with the permit requirements. The effluent limitations included in the tentative Order were developed to protect the beneficial uses of the receiving water body, King Harbor. Protecting the beneficial uses ensures that the water in King Harbor is maintained in good condition such that guests to the area are able to use that resource and the water body is able to sustain the resident aquatic life.	None required.

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	that the Seaside Lagoon NPDES Permit imposes unnecessarily challenging standards. The 2017 Order continues this trend and imposes more expensive and burdensome requirements than the 2010 Order that, if not addressed, could result in the City permanently closing Seaside Lagoon. In addition to the approximately $27,000 spent annually on monitoring, the City has also spent substantial amounts to maintain Seaside Lagoon. The operating cost for Seaside Lagoon in Fiscal Year 2014-2015 alone was $630,002. Even with admission fees to offset this cost, the City still incurred an operating deficit $224,713. As the facility continues to age, operating costs will continue to grow. The City also continues to be concerned that, despite good faith efforts to comply with its NPDES Permit, the Regional Board could impose civil penalties against the City for pollutant exceedances that are beyond the City's control. Since 1999, the Regional Board has imposed roughly $230,000 in civil penalties against the City for violations of the Seaside Lagoon NPDES Permit. The City appreciates the Regional Board's willingness to work with the City to reduce these fines to a more manageable amount. However, each time the City defends itself against these enforcement actions, it incurs additional technical and legal costs. Seaside Lagoon already operates at a deficit, which means that the City must use other revenue to pay for enforcement actions. It is absolutely critical that the Regional Board not adopt waste discharge requirements that set the City up for inevitable failure, particularly when	The Porter-Cologne Water Quality Control Act includes mandatory penalties for certain violations; the Regional Board has no discretion in assessing those explicit mandatory penalties. The Regional Board is also proposing a Time Schedule Order (TSO), which will provide interim limits and time to evaluate potential violations	

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	historical data show that certain pollutants in local ocean water far exceed the limits proposed in the 2017 Order.	and determine the optimum methods to comply with the permit.	
Heal the Bay – Email Received on January 26, 2017			
1	It is known that chlorine is added to the receiving water to make the source water suitable and safe for human contact. If Total Residual Chlorine continues to exceed its limitation quantities, and for some reason is not dechlorinated prior to release into King Harbor receiving water, the quality of the surrounding waters and the aquatic life that makes it their home are likely to suffer.	Staff agrees. Consequently, the proposed permit includes a limitation for total residual chlorine and daily monitoring for it in the Lagoon. The City is required to comply with the permit requirements.	Monitoring of the Lagoon for total residual chlorine.
2	It's hard to see how exceedances *of fecal coliform* bacteria, in one case more than 20 times the permitted receiving water limitation (for Sept 21, 2015 monitoring), isn't harmful to the very young and vulnerable people that the breakwaters of the lagoon borders are seeking to protect. Another question remains, why isn't the added chlorine having an adequate effect on bacteria numbers in the water within Seaside Lagoon?	It is unclear how the coliform could persist if the total residual chlorine levels are adequately disinfecting the Lagoon. However, in an effort to further understand the characteristics of the Lagoon water additional monitoring for total residual chlorine and bacteria in the Lagoon has been added. Staff has also increased the frequency of monitoring for bacteria in the effluent.	Included monitoring for total residual chlorine, fecal coliform, and enterococcus in the Lagoon, and in the effluent discharged from the Lagoon.
3	The degree of exceedance levels during the summer of 2014 and 2015 is distressing. Levels of non-compliance for the third quarter of 2014 and the third quarter of 2015 for "Monthly Average Oil and Grease," with a permit limitation of 10 mg/L were 16 and 17 mg/L respectively. From the same two summers, "Maximum Daily Fecal Coliform," which has a limitation of a most probably number (MPN) of 400, quadrupled from a MPN of 2613 to 8664 per 100m1. "Maximum Daily *Enterococcus,"* which has a MPN limit of 104 per 100mL, almost tripled from a	Staff concur. The levels reported for a number of pollutants are well above the effluent limitations included in the permit. However, a number of the samples were collected during high tide. Because the water from the Harbor enters the box where the sample is collected during high tide, it is unclear if the concentrations detected are from the Lagoon or from the receiving water. Discharger working with Regional Water Board staff will locate a new sample location away from	The City of Redondo Beach has established a new monitoring location to collect representative samples of the effluent. The new latitude

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	MPN high of 712 to 1850 per 100mL. Also both "Maximum Daily Oil and Grease" and "Acute Toxicity" level exceedances first premiered in 2015. The MPN of "Maximum Daily Total Coliform" bacteria had values of 19,863 in 2015 and 24,196 in 2014, are both at least double the permit limitation of 10,000 MPN/100 mL.	the tidal influences and include the coordinates in the revised tentative Order. This protocol will remove any effects associated with mixing prior to sampling occurring.	and longitude is included in the revised tentative permit.
4	Concerning the pollutants classified as "Oil and Grease" we recommend taking grab samples once a week as opposed to once a month. We also urge the Regional Board to increase the frequency of grab samples to be taken of Total Residual Chlorine, *Enterococcus,* Fecal Coliform, and Total Coliform bacteria from once a week to three times a week (Monitoring & Reporting Program, E-6). Due to Seaside Lagoon's history of exceedances for these pollutants, it would only work to benefit the receiving waters of King Harbor, as well as park attendees, if park supervisors were to sample more, increase their awareness, and perhaps notice a pattern on when these pollutants are spiking. In addition, if not already present, public notification of bacteria levels within the lagoon should be posted.	Oil and Grease monitoring is revised, as suggested. The use of lotions (body and suntan) by Lagoon visitors can increase the concentration of oil and grease in the effluent. The concentrations of bacteria reported are sufficient to warrant additional monitoring. Staff proposes monitoring two times per week for a month. If all samples are in compliance with the limitations; the monitoring frequency may be reduced to weekly. If an exceedance occurs the frequency goes back to two times per week until the facility is in compliance for a month. The permit has been revised to include a requirement that the City submit to Los Angeles County Department of Public Health, Recreation Water Program, and to the Regional Board, every Monday, the daily log which includes monitoring results for total residual chlorine and pH within the Lagoon.	Update incorporated. Requirement to submit daily logs has been included in Page 11 of the Order, Section VI.C.2
5	Heal the Bay was also curious why the Regional board has pulled future measurements and monitoring for "Ammonia" and "Acute Toxicity" out of the tentative Discharge Requirements. The absence of acute toxicity is particularly troubling because it has a percent single-sample maximum	Monitoring of ammonia is included in the tentative permit. Order R4-2010-0185 contained acute toxicity limitations and monitoring requirements in accordance with the Basin Plan, in which the acute toxicity objective for discharges dictates that the average survival in undiluted effluent for	None required.

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	survival rate permit limitation of 70% and was found on the sample date of September 21, 2015 to be a catastrophic 0% survival (Fact Sheet, F-8). We are aware that some monitoring requirements for other dischargers have been modified instead to a Test of Significant Toxicity as a substitute to monitoring for acute toxicity, but could find no evidence for this in the Tentative WDR.	any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90 percent, with no single test having less than 70 percent survival. During the period of November 2010 through September 2015, acute toxicity results varied from 0 percent to 100 percent survival. In addition to the Basin Plan requirements, Section 4 of the SIP states that a chronic toxicity effluent limitation is required in permits for all discharges that will cause, have the reasonable potential to cause, or contribute to chronic toxicity in receiving waters. During the period of November 2010 through September 2015, chronic toxicity results varied from <1 TUC to >1 TUc**.** Samples collected on August 12, 2013, demonstrated chronic toxicity with an NOEC of > 1 TUc. A chemical at a low concentration can have chronic effects but no acute effects.For these reasons a limitation for chronic toxicity is included in this Order. A chronic toxicity effluent limitation (evaluated using the TST statistical approach), which is a more stringent requirement than acute toxicity, is included in this Order in lieu of acute toxicity, as it evaluates mortality, decreases in reproduction and decreases in growth.	
6	We also noticed within the Historic Effluent Data on "Total Suspended Solids," monitoring data was claimed to be **"Not Reported" for the entire permit period of November 2010 to September 2015 (Fact Sheet, F-6). This absence** of reporting should be addressed.	TSS was monitored and the results were reported as required. The maximum discharge flow of 2.3 million gallons per day (mgd) is based on the maximum design flow of intake pumps. The exact discharge flow was not reported. Therefore, mass discharged was not reported.	None required.

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		The tentative Order includes mass effluent limitations and requires that the Discharger evaluate the mass discharged based on the flow discharged and the effluent concentration detected.	
7	Perhaps the next truly responsible step for the city to take is to use the money that they could be paying for future violations to instead fund a park investment that would make the lagoon structure a truly contained and controlled water park	Comment noted.	None required.