Response to Comments

Los Angeles County Department of Public Works
Malibu Mesa Water Reclamation Plant (WRP)
Tentative Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit

This table describes all significant comments received from interested persons regarding the tentative permit described above. Each comment has a corresponding response and action taken.

#	Comment	Response	Action Taken
Comments received from the Los Angeles County Department of Public Works (LACPW) on March 12, 2021			
1	**Effluent Limitation 4.1.1.a, Table 4 (Page 7)** Tentative Order No. R4-2021-XXXX proposes to establish an effluent concentration and mass emission limit for cyanide on the basis of a Reasonable Potential Analysis (RPA) that is based on prior reported Malibu Mesa Water Reclamation Plant (MMWRP or "Facility") recycled water cyanide concentrations during 2015-2019. Cyanide is rare in Southern California recycled water supplies, and LACPW has reservations about the accuracy of cyanide tests conducted in 2016 using Standards Methods 4500-CN methodology.[1] Soon after the October 24, 2016 test result was provided, the testing laboratory had lost their ELAP certification in January 2017. Since 2016, cyanide analyses have been conducted by	Although LACPW has expressed concerns regarding the 2016 cyanide sample results, the data were certified by a representative duly authorized by the LACPW in accordance with the Standard Provisions in the existing order and submitted to the Los Angeles Water Board. As noted in V.I of the Standard Provisions, LACPW should have submitted a report questioning the results of the 2016 cyanide data as promptly as possible so the Los Angeles Water Board could have taken the appropriate action during the permit renewal process. The proposed cyanide limit is based on data collected from January 2015 to September 2020, which were available at the time when staff was conducting the reasonable potential analysis for all pollutants. The cyanide effluent limitation along with all other effluent limitations will be reconsidered	No changes are needed.

[1] Laboratory results for cyanide for 2015-2016 were conducted by the Los Angeles County Department of Public Health Environmental Toxicology Laboratory, which no longer has ELAP (Environmental Laboratory Accreditation Program) certification for such tests.

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	outside (non-County) laboratories using EPA Method 335.4 and EPA 9021A. None of the MMWRP recycled water samples from 2017-2020 have shown detectable cyanide concentrations, including tests conducted which achieved Method Detection Limits of 1.7 µg/L (micrograms per liter). Given that cyanide has not been detected in any recent MMWRP samples, LACPW requests that the RPA be reassessed for cyanide on the basis of data collected to exclude 2016 and include 2020. Additional sampling and laboratory analyses can be performed to be added to the RPA.	during the next permit renewal based on the reasonable potential analysis using the available data at that time.	
2	**Attachment E, Table E-3, Footnote e, page E-9 and Table E-5, Footnotes, page E-17&18** i) Table E-3 of the Monitoring and Reporting Program proposes that, during years in which a discharge occurs, annual and quarterly monitoring be required for certain constituents identified by Footnote “e” in Table E-3. Several of these compounds have historically not been detected in the MMWRP effluent or is unlikely to be detected in tertiary treated recycled water supply. Given the unlikelihood of detecting these compounds in the MMWRP recycled water, LACPW requests that Footnote “e” in Table E-3 be modified so that annual or quarterly monitoring of a certain constituent is no longer required during a discharge year if two	Effluent monitoring is required to determine compliance with the permit conditions and water quality standards; to determine whether there is reasonable potential for toxic pollutants; and to determine compliance with applicable waste load allocations and overall TMDL effectiveness along with other operational needs. The frequencies of monitoring for pollutants are determined based on the existence of effluent limitations, waste load allocations assigned to the discharge, and other factors such as monitoring data results. In Table E-3, six parameters are required to be tested once per quarter: MBAS, CTAS, total hardness, DDTs, PCBs as aroclors, and chronic toxicity. Responses to requests to modify the monitoring requirements for each of these pollutants are	Revisions were made to the permit.

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	consecutive samples are non-detected (i.e., below the ML or RL) or a “pass” for chronic toxicity. ii) For these same reasons, LACPW requests that Footnotes “d” and “e” of Table E-3 be added as Footnotes to Table E-5 to define a discharge event and indicate that monitoring is only required during years in which a discharge occurs. Given the unlikelihood of detecting these compounds in the MMWRP recycled water, LACPW requests that the Footnote for Table E-5 (that is similar to Footnote “e” in Table E-3) be modified so that annual or quarterly monitoring of a certain constituent is no longer required during a discharge year if two consecutive samples are non-detected (i.e., below the ML or RL).	different and the specific responses are as follows: • MBAS is used to detect the presence of anionic surfactants (such as a detergent or foam agents). Effluent limits for MBAS are included because the Facility accepts domestic wastewater into the sewer system and treatment plant, and the waste discharge has reasonable potential to exceed both the numeric and the narrative Water Quality Objective for MBAS. CTAS are monitored in the same way as MBAS, but no effluent limitations are included because there is no established water quality objective for CTAS. However, in consideration of the Facility’s treatment processes, which include a treatment process with a high removal efficiency of surfactants such as MBAS and CTAS, and based on previous monitoring results, the monitoring frequencies for MBAS and CTAS will be changed from once per quarter to once per year. • Total hardness data is used to determine reasonable potential for toxic metals such as copper, lead, and nickel. Since the priority pollutants, including metals, that need hardness data to determine reasonable potential are required to be monitored once per year, the monitoring frequency of total hardness will be changed from once per	

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		quarter to once per year concurrent with sampling for priority pollutants that need hardness data to determine reasonable potential. • DDTs and PCBs as aroclors have effluent limitations based on waste load allocations assigned to Malibu Mesa WRP by the Santa Monica Bay Total Maximum Daily Loads (TMDLs) for DDTs and PCBs. Regular monitoring of these pollutants is important in the determination of compliance with these waste load allocations and overall TMDL effectiveness. In addition, Order No. R4-2012-0181 (the existing permit) has a monitoring frequency for these pollutants of once per discharge event, and the Tentative Order already reduced monitoring frequencies for these pollutants from once per discharge event to once per quarter based on the available monitoring data. Thus, no further monitoring frequency reduction is considered. • Order No. R4-2012-0181 has a monitoring frequency for chronic toxicity of once per discharge event. In consideration of the fact that there have not been any discharges since 2005 and, as such, there are no available data, the monitoring frequency for chronic toxicity has been reduced to once per quarter. Thus, no further monitoring frequency reduction is considered.	

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		Footnotes “d” and “e” of Table E-3 are added as Footnotes to Table E-5 to define a discharge event and indicate that monitoring is only required during years in which a discharge occurs. Monitoring frequencies for MBAS, CTAS, and total hardness will be changed from once per quarter to once per year for Table E-5, receiving water monitoring requirements.	
3	**Section 6.3.3.a, page 16 and Attachment E, Section 5.6, page E-12; Section 6.3.3.b, page 17** Special Provision 6.3.2.a and 6.3.3.b of Tentative Order No. R4-2021-XXXX would require LACPW to prepare and submit a Toxicity Reduction Evaluation (TRE) Work Plan in accordance with Monitoring and Reporting Program (Attachment E Section 5.6) and a Spill Clean-up Contingency Plan (SCCP), respectively. The TRE Work Plan and SCCP shall be submitted within 90 days of the effective date of the Order. LACPW acknowledges that the TRE Work Plan represents an important planning element that identifies the activities and protocols implemented if toxicity is detected, and the SCCP identifies those activities and protocols to address clean-up of spills, overflows, and bypasses of untreated or partially treated water that reach water bodies. Outside technical assistance will be required to prepare the	The proposed permit includes the requirement that the TRE Work Plan and SCCP be submitted to the Los Angeles Water Board for approval within 90 days of the effective date of the Order. This is consistent with all recently adopted NPDES permit requirements for submittal of TRE Work Plans and SCCPs. LACPW should send a formal request to extend the dates of these plan submittals once this permit becomes effective.	No changes are needed.

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	required TRE Work Plan and SCCP. Due to scheduling needs associated with bringing in an outside technical expert, LACPW has determined that the requisite TRE Work Plan and SCCP cannot be completed within 90 days of the effective date of the Order. LACPW requests that the due date for the TRE Work Plan and SCCP be modified to require submittal within one year of the effective date of the Order.		
Comments received from the Pepperdine University on March 12, 2021			
1	Pepperdine supports the County in this process and appreciates the Regional Board's careful attention to this matter, along with the Regional Board staff's extensive efforts to prepare a Tentative Permit recognizing both the unique aspects of Malibu Mesa and the need to protect receiving water quality.	The Los Angeles Water Board appreciates the support from Pepperdine University for this Tentative Order.	Notes are acknowledged. No changes are needed.
Comments received from the Heal the Bay on March 11, 2021			
1	**The discharge of effluent containing high levels of contamination must be met with enforcement action.** Considering the significant threat to human and environmental health posed by each of these contaminants, discharge to surface water of effluent containing high levels of contamination	This proposed permit includes various provisions regarding the Los Angeles Water Board's authority to enforce any violation of the permit requirements under the California Water Code sections 13268, 13385, 13386, and 13387. The proposed permit also includes enforcement provisions under the various sections of the Clean Water Act. These	Comments are acknowledged. No changes are needed.

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	must be avoided to the extent practicable, and any such discharge must be met with enforcement action.	enforcement provisions not only enforce the discharge limit violations but also enforce other permit conditions and requirements. The Los Angeles Water Board is committed to addressing any applicable violations through enforcement action.	
2	**The Facility should continue to recycle as much water as possible to avoid effluent discharge to surface waters while facility upgrades are in progress.** We therefore encourage the Facility to continue to recycle as much water as possible to maintain that beneficial use of recycled wastewater, and to avoid the possibility of effluent discharge to surface waters during this permit term. However, we urge the Facility to complete the planned treatment system updates as quickly as possible to improve the quality of its product water and ensure safe wastewater reuse.	The Malibu Mesa Water Reclamation Plant (Facility) has not discharged any treated effluent to either Marie Canyon Creek or the unnamed canyon west of Marie Canyon Creek since 2005. All treated effluent has been used as recycled water for landscape irrigation at the Facility and Pepperdine University. LACPW plans to upgrade the Facility with a Membrane Bioreactor (MBR) that is capable of reducing the amount of nitrogen compounds in the effluent to meet discharge requirements. The MBR also provides better filtration to reduce turbidity and total suspended solids. The reduced total suspended solids in the effluent also means there will be lower amounts of metals, bacteria, and other pollutants, which are attached to the total suspended solids. The MBR with the appropriate operation and maintenance is expected to produce a better-quality effluent, which will be safer for recycled water applications as well. The MBR will be installed as quickly as possible to improve the treatment process. The wastewater treatment process at the Facility associated with the MBR is currently underway	Comments are acknowledged. No changes are needed.

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		with an anticipated design completion in early 2022. Construction will occur in multiple phases to keep the Facility in service during construction to avoid the discharge of effluent to the creeks. The new treatment process is expected to be operational in 2026 after the NPDES permit is renewed to reflect the new treatment process.	
3	**The Regional Board should conduct regular meetings with the permittees to ensure Facility upgrades are completed as quickly as possible.** We recommend that the Regional Board add language to the Tentative Permit to outline interim deadlines toward completion of upgrades and a requirement for regular quarterly meetings between the permittee and the Regional Board staff to ensure consistent progress towards achieving operation status of the upgraded treatment system on or before the 2026 deadline	The quarterly and annual reporting requirements are modified in the draft permit to require LACPW to provide reports on the progress of MBR installation at the Facility. The revisions in Attachment E, Monitoring and Reporting Programs, are: Attachment E, Section 10.4.1 – "The Discharger shall report … in subsection 10.2. above. In addition, the Discharger shall report the progress of wastewater treatment process modifications associated with the membrane bioreactor (MBR) installation with regular quarterly report submittals." Attachment E, Section 10.4.2 – "By April 15 of each year, … the treatment processes including the MBR installation, or the outfall system…" The regular quarterly meetings with LACPW are not proposed, but Los Angles Water Board staff will review the quarterly and annual reports and schedule meetings with LACPW as needed.	Revisions were made to the permit.