

Response to Comments

Newhall Ranch Sanitation District
Newhall Ranch Water Reclamation Plant (Newhall Ranch WRP)
Revised Tentative Waste Discharge Requirements and NPDES Permit (**dated April 4, 2019**)

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

#	Comment	Response	Action Taken
Comments received from the Santa Clarita Valley Sanitation District (Sanitation Districts) who are staff to Newhall Ranch Sanitation District – Cover letter dated May 6, 2019			
1	Newhall Ranch SD appreciates the opportunity to provide comments and also greatly appreciates the assistance from the Regional Water Quality Control Board, Los Angeles Region (Regional Board) staff in resolving our major concerns throughout the development of this permit.	Comment noted.	None necessary.
Comments received from the Sanitation Districts who are staff to Newhall Ranch Sanitation District - ATTACHMENT 1			
1.A.1	Page 15, Section VI.C.2.b of the Waste Discharge Requirements (WDRs) and Page E-15, Section V.A.6 of the Monitoring and Reporting Program (MRP) Since the permit expiration date changed due to the postponement of the item from the May to the June Board meeting, the Sanitation Districts request that the submittal date for the Toxicity Reduction Evaluation (TRE) Work Plan be changed accordingly, from May 31, 2023 to August 31, 2023 (one year prior to the permit expiration date) in both the WDRs and in the MRP.	The correction will be made in the WDRs and the MRP.	The correction was made.
1.A.2	Table E-5, MRP page E-19 The Districts request that the units for Algal biomass (chlorophyll a) be changed from mg/cm ³ to mg/cm ² .	The change will be made.	The language was modified as requested.

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1.A.3	Section I.A.2, Fact Sheet page F-05 The Districts request that the acronym LADPW replace LADWP in the section of the fact sheet.	The change will be made.	The language was modified as requested.
1.A.4	Table F-8, Fact Sheet page F-44 The Districts request that the units be corrected from µg/L to mg/L for Nitrite as N and Nitrate + Nitrite as N.	The change will be made.	The language was modified as requested.
Comments received from the Friends of the Santa Clara River (FOSCR) – May 6, 2019			
2.1	FOSCR provided a description of resources in the area.	Comment noted.	None necessary.
2.2	FOSCR noted that they had submitted comments for the previous NPDES permit renewals for the Newhall Ranch WRP in 2007 and in 2013. FOSCR requested that the prior comments submitted by other organizations be incorporated by reference into the public process for the current permit renewal.	<p>FOSCR refers to, and requests, that two different sets of historical comments be included herein. The first set consist of comments that were received in a timely manner and responded to in both 2007 and 2013 by the Regional Board (the “timely historical comments”). The second set of comments consists of untimely comments made by the Santa Clarita Organization for Planning and the Environment (SCOPE), and which were excluded from the record at the time of the 2013 permit review (the “untimely historical comments”).</p> <p>With respect to the timely historical comments submitted by interested persons during the 2007 NPDES permit issuance and 2013 NPDES permit renewal, these have been included in the administrative record for the 2019 NPDES permit renewal proceedings, and they have been included in the Board’s agenda package. The Regional Water Board’s responses to those comments have also been included in the administrative record for this matter, as well as responses to the 2013 comment</p>	Both the timely and untimely historical comments have been included in the administrative record and responded to accordingly herein.

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		letter from SCOPE, which had not previously been admitted into the record because it had been submitted after the comment deadline.	
2.3	FOSCR references language in the Tentative WDR that states that it will “supersede Order No. R4-2013-0180 except for enforcement purposes.” FOSCR assumes that this means that the new order is updated to include current laws, Water Quality Objectives and other changed circumstances, but not that previous requirements of the 2013 permit have been changed. FOSCR requests that the Water Board provide a table indicating changes in requirements from the previous 2013 permit, if any.	<p>The purpose of the statement is for the Regional Water Board to preserve the right to take enforcement action in the future, regarding violations of the 2013 Order, even after the 2019 Order goes into effect.</p> <p>Some of the requirements in the previous permit have been changed or updated in the 2019 permit. Different sections of the fact sheet provide a comparison between the Tentative Order and the 2013 Order. Specifically, Table F-7 of the fact sheet presents the results of the reasonable potential analysis (RPA) that justifies the proposed final effluent limitations (page F-36); the bacteria receiving water provisions are consistent with the Santa Clara River Bacteria TMDL (page F-31); the construction schedule was updated based on information provided in the report of waste discharge (page F-13); the temperature receiving water limitation was changed to be consistent with the Basin Plan Water Quality Objective (page F-32); and the monitoring frequency was adjusted based on the RPA results (page F-56).</p>	None necessary.
2.4	FOSCR commented that it would be prudent to permit the project in stages, as the development project is built, thus allowing for potentially more stringent requirements in the future. It seems that this concept is addressed by Section C (beginning at page 14) which describes a series of situations under which the permit would be updated or modified for changed circumstances.	Comment noted.	None necessary.
2.5	Since the receiving waters of the Santa Clara River are already impaired for bacteria, chlorides and ammonia, FOSCR believes that it is imperative that no permits be issued that will worsen the situation. FOSCR fully supports	Comment noted.	None necessary.

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	the Board's effort to ensure that future changes will be addressed.		
2.6	FOSCR appreciates the Board's careful attention to the temperature of discharged waste water (along with turbidity and BOD to ensure healthy fish habitat) and support the requirement that it may not alter the existing temperature of receiving waters "unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not adversely affect beneficial uses."	Comment noted.	None necessary.
2.7	Since temperature is an important area of concern to many organizations, FOSCR requests that notification requirements be provided in the permit for any anti-degradation proceeding that might be initiated under the temperature section.	As noted in the fact sheet, the Board may revise the temperature limitations in the Order in the future, based on a future receiving water temperature assessment once the Newhall Ranch WRP begins operating at 1 MGD capacity. Any such consideration of revised temperature limitations would be conducted in compliance with administrative procedures set forth in the California Administrative Procedures Act and its accompanying regulations as well as the Code of Federal Regulations, including public participation and appropriate notice, for revising an NPDES permit. The Regional Board notes, too, that any such proceeding would not be one to consider anti-degradation, but instead, would consider revisions to the NPDES permit. Antidegradation is a requirement under the Clean Water Act and State Water Board Resolution No. 68-16 and would be considered and analyzed in conjunction with any NPDES permit revision proceeding.	None necessary.
2.8	FOSCR commented that it appears that the requirements for temperature under the Receiving Water Limitations section of the Order seem to be inconsistent with what is listed on the table on page 5.	While the receiving water temperature requirement is based on the Basin Plan WQO, section IV.C.2.b.xi of the Fact Sheet explains that the temperature final effluent limitation is based on the prior Order (Order No. R4-2013-0180), which contains a final effluent limitation of 86°F. Effluent limitations (which apply to the discharge itself) and receiving water limitations	None necessary.

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		<p>(which concern the body of water receiving the discharge, or effluent) are not the same thing.</p> <p>The Fact Sheet (page F-34) goes on to explain that the Discharger conducted a receiving water temperature assessment, the results of which were submitted in a report to the Regional Water Board on March 28, 2019. The report concluded that an effluent discharge of 2 MGD from the Newhall Ranch WRP is not expected to increase the receiving water temperature above 80°F and that the predicted temperature difference between RSW-001U and RSW-002D would meet the 5 °F temperature difference (Δ <i>Down-Upstream</i>) water quality objective all year round, except in the second quarter of the year under extreme worst case conditions. Newhall Ranch SD volunteered to conduct another receiving water temperature assessment once the Newhall Ranch WRP begins operating at 1 MGD capacity. The Board may revise the temperature limitations in this Order in the future, based on a future assessment as described above and any other relevant data and information to ensure that the effluent and receiving water temperature limitations are fully protective of aquatic life in the Santa Clara River.</p>	
2.9	<p>FOSCR noted that the Regional Water Board required testing for trihalomethane, present in the imported water and some of the naturally occurring ground water contaminants, but have not included contaminants that may be present from pesticides, herbicides and fertilizers, or from VOCs that may be present due to wells or run off in the area of the former oil field on which the Mission Village tract will be built. FOSCR requests that these contaminants be added to the list of required testing.</p>	<p>Although it may not be apparent, the revised Tentative Order does require monitoring of the “Remaining USEPA priority pollutants,” which include VOCs and pesticides. See MRP Table E-3, on page E-12 for effluent monitoring, and MRP Table E-5, on page E-21 for receiving water monitoring. The effluent and the receiving water will be monitored semiannually for Priority Pollutants. The effluent and the receiving water will be monitored quarterly for 4,4-DDE. In addition, chronic toxicity will be</p>	None necessary.

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		monitored on a monthly basis in the effluent and on a quarterly basis in the receiving water.	
2.10	FOSCR requests that the water quality of recycled water should be addressed in this permit to ensure that the operator does not try to avoid water quality requirements through some process of re-directing the recycled water and circumvents surface water quality requirements. This is important because higher chloride levels or other pollutants applied to landscaping will eventually end up in the Santa Clara River through runoff. We appreciate that the LARWQB has listed permit requirements for recycled water, but still urge a statement in the permit that will ensure that the recycled water will meet the same water quality goals in order to protect the watershed.	Comment noted; however, issues pertaining to the regulation of recycled water are outside the scope of the proposed revised Tentative NPDES Permit. Water Recycling Requirements (WRRs) for the Newhall Ranch WRP will be regulated under a separate WRR Order. It is premature to speculate on what those WRRs would require, given that the final design for the Newhall Ranch WRP has not been completed, the Newhall Ranch WRP has not been constructed, the Title 22 Engineering Report has not been prepared, and the State Water Board's Division of Drinking Water has not approved a Title 22 Engineering Report for the project.	None necessary.
2.11	FOSCR requests that the discharger should conduct influent effluent and receiving water monitoring for all of the priority pollutants within the first month of discharge.	The following language has been added to sections III.A on page E-6 for the influent and IV.B.1 on page E-8 for the effluent monitoring and in section VIII.A.1 on page E-18 for the receiving water monitoring: "Note that within the initial month of discharge, all parameters in this MRP section shall be sampled and analyzed."	Language was added to the MRP.
2.12	FOSCR requests that the Regional Water Board require bioassessment monitoring at a frequency to [sic] twice per year. They believe that monitoring at least twice per year, ideally in the spring and fall, to capture conditions before the rainy season and after the rainy season, would be appropriate.	The Sanitation Districts will participate in the Santa Clara River Watershed-Wide Monitoring Program and Implementation Plan (SCRWMP) that was submitted to the Regional Water Board on December 15, 2011 . The annual bioassessment frequency is consistent with the requirement for existing facilities in the watershed.	None necessary.
2.13	FOSCR requests that the Regional Board clarify the spill monitoring requirements to define "feasible" and "accessible" with regards spill monitoring.	Revised language has been added to section VI.C.6.b on page 21 to provide clarity on the spill monitoring requirements and section VI.C.6.b now reads: "To define the geographical extent of the spill's impact, the Permittee shall obtain grab samples (if feasible, accessible, and safe) for all spills, overflows	Revisions were made to the permit.

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		or bypasses of any volume that reach any waters of the state (including surface and groundwaters). <u>If a grab sample cannot be obtained due to accessibility or safety concerns that cannot be addressed with the appropriate personal protective equipment or following proper sampling procedures, the sample shall be obtained as soon as it becomes safe to do so.</u> "	
2.14	FOSCR commented that the Regional Board should use the average effluent discharge flow instead of the design flow. FOSCR believes by utilizing the design flow, much higher mass emissions are allowed than is merited based on plant operation.	The design flow is utilized to establish the quantity of a pollutant, expressed in lbs/day, that should not be exceeded if the facility were to discharge at its peak capacity. In addition, the Code of Federal Regulations at § 122.45(b)(1) requires using the design flow rate of the POTW to calculate effluent limitations.	None necessary.
Comments received from the Santa Clarita Organization for Planning and the Environment (SCOPE) – May 4, 2019			
3.1	SCOPE commented that they hope that sufficient and rigorous conditions will be included in this permit to eliminate recurrence of the upstream water quality issues in the new WDR.	Comment noted.	None necessary.
3.2	SCOPE understands that the NPDES permit is not legally linked to other land use approvals. Furthermore, SCOPE appreciates the efforts in this permit to ensure that new pollutant action levels or other changes, including Emerging Contaminants of Concern (especially, PFAS), are addressed and that the permit is being revised to incorporate new data and new conditions.	Comment noted.	None necessary.
3.3	SCOPE points out that many reaches of the Santa Clara River are on the 303d list for exceedances of chlorides, ammonia and bacteria. Generally, SCOPE attributes those exceedances to the effluent from the two upstream Sanitation District plants' outfalls. They believe that any additional contaminants from a new plant therefore have an increased cumulative impact to basins that are already	Comment noted. The Regional Water Board adopted Total Maximum Daily Loads (TMDLs) for ammonia, chloride, and bacteria containing waste load allocations for the impaired reaches of the Santa Clara River, as well as implementation tasks so that over time the water quality objective can be met. The TMDLs were approved by USEPA and became	None necessary.

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	impaired by these exceedances. SCOPE appreciates the permit's strong conditions and regulatory enforcement mechanisms such as daily fines that will guard against any further exceedances as described.	effective in 2004 for ammonia, 2005 for chloride, and 2012 for bacteria.	
3.4	SCOPE commented that water wells that are supposedly going to be used for the first phases of the project (i.e. Well E15) indicate higher Chloride and TDS levels than ground water found elsewhere in the Santa Clarita Valley. SCOPE added that charts are available in the Newhall Ranch and Sanitation Plant EIR and will be submitted upon request.	Potable water supply chloride concentrations are outside the scope of the proposed revised Tentative NPDES Permit because the NPDES permit does not regulate potable water supply. However, irrespective of fluctuating potable water chloride concentrations, the Newhall Ranch WRP effluent, as a new discharger, is required to meet all effluent limitations beginning on the first day of discharge.	None necessary.
3.5	SCOPE commented that the recent Engineering Report for this POTW, adopted by the Los Angeles County Board of Supervisors on March 26th, stated that deep well injection would not be used for this facility. SCOPE urges the Regional Water Board to ensure that the WDR conforms with this Engineering Report. SCOPE believes this change was due to the public uproar over the Sanitation District's attempt to use deep well injection in a seismically active area. The four wells proposed in the Well Injection permit would also be sited in a seismically active area.	The two brine disposal options included in the proposed revised tentative NPDES permit are based upon the information that was submitted by the Sanitation Districts in their report of waste discharge (ROWD) dated June 29, 2018. The ROWD states that the Newhall Land and Farming Company, Inc., have a Class I Non-hazardous Underground Injection Control (UIC) permit, which was issued by the United States Environmental Protection Agency on November 13, 2013. The UIC permit is valid for a period of ten (10) years. A prohibition on deep well injection, which is a permitted action by another governmental agency, is the outside of this Regional Water Board's jurisdiction. The final design for the Newhall Ranch WRP has not been completed yet. Once the final design for the Newhall Ranch WRP is complete, the Sanitation District will submit a copy to the Regional Water Board.	None necessary.
3.6	SCOPE supports the lower temperature receiving water limitation as it is more supportive of downstream beneficial uses (particularly fish habitat). They believe that this limit will be more protective of the fish and amphibian species, including the Unarmored Three-spine stickleback fish, a listed endangered species and California Species of	Comment noted. See also response to Comment 2.8 above.	None necessary.

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	Special Concern that exist in the Santa Clara River in these reaches. SCOPE commented that there seems to be a discrepancy between the table on page 9 (86 degrees) and the revised text on page 16 (80 degrees).		
3.7	SCOPE commented that this permit puts off the issue of reuse of the water, saying it will be addressed in another order. SCOPE objects to the deferring of this issue, because once the permit allows discharge of 100%, the Newhall Sanitation District could abandon their plans to reuse the water with no consequence, in spite of the adequacy of the water supply depending on a maximum use of recycled water.	Newhall Ranch Sanitation District entered into a Joint Sewer Services Agreement (JSSA) with Santa Clarita Valley Sanitation District (SCVSD), also referred to as the Los Angeles County Sanitation Districts Nos. 26 and 32 of Los Angeles County, on December 12, 2017. While SCVSD is committed to providing recycled water where possible, it has limited authority in developing recycled water projects due to the Service Duplication Act (California Public Utilities Code, Div. I, Part 1, Chapter 8.5), which generally prevents SCVSD from directly serving recycled water in the service area of an existing, privately-owned public utility, that has been franchised under the Constitution or by a certificate of public convenience. Delivery of both potable and recycled water to customers is the responsibility of the local retail and/or wholesale water purveyors, and decisions on the timing and scope of recycled water projects are made by those entities. Newhall Ranch Sanitation District will need to work with the water agencies responsible for distributing water to ensure that the appropriate permit applications, along with the supporting documentation, are submitted to secure water recycling requirements for the recycling of the treated effluent that will be produced at the Newhall Ranch WRP. See also response to Comment 2.10 above.	None necessary.
3.8	SCOPE commented that they concur with comments submitted to this Board by the Friends of the Santa Clara River.	Comment noted. See responses to Comments 2.2 to 2.14 above.	None necessary.