Response to Comments

City of Oxnard
Oxnard Wastewater Treatment Plant
Tentative NPDES Permit

This Table describes all significant comments received from interested persons with regard to the above-mentioned tentative permit. Each comment has a corresponding response and action taken.

Commenter	#	Comment	Response	Action Taken
Heal the Bay	1	**CEC monitoring should continue for the life of the Permit for the full suite of parameters** We support the inclusion of monitoring for contaminants of emerging concern (CECs). This is an important addition to the Permit. However, we are concerned that monitoring is only part of a "special study" and does not continue for the life of the Permit. In fact, the proposal calls for annual monitoring for two years – thus, only two samples will be collected. We believe annual monitoring at a minimum is necessary for adequately capturing year-to-year variability in the discharge of pollutants. Thus, we urge the Regional Board to include monitoring for all CEC parameters for the life of the Permit.	Regional Water Board staff disagree. The Regional Water Board has determined that 2 years is an appropriate initial time period to determine whether and what CECs are present in POTW effluent. The Regional Water Board staff have based this decision on the review of the results of a recent CEC-related study by the Southern California Coastal Water Research Project (SCCWRP), the approach taken by the State Water Resources Control Board with respect to recycled water, and feedback from permittees who are currently required to conduct CEC monitoring. The Regional Water Board's approach fulfills identified data gaps without overly burdening any one permittee. A yearly evaluation of CEC data will be required as part of the Discharger's Annual Report. After two years, an evaluation of the need for continued CEC monitoring will be performed. If data indicate that there is a need to continue monitoring CECs after two years, the Regional Water Board may require additional monitoring pursuant to Water Code sections 13267 and/or 13383.	None necessary.
Heal the Bay	2	**Performance goals should be replaced with enforceable effluent limitations** Performance goals are extremely poor regulatory mechanisms, and thus, should be replaced with	Regional Water Board staff disagree. Appendix VI of the Ocean Plan, entitled *Reasonable Potential Analysis Procedure for determining which Table B Objectives require effluent limitations*, provides direction to the regional water boards for determining if a pollutant discharge causes, has the reasonable	None necessary.

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		enforceable effluent limitations. The Tentative Permit argues that "This approach is consistent with the antidegradation policy in that it requires the Discharger to maintain its treatment level and effluent quality, recognizing normal variations in treatment efficiency and sampling and analytical techniques." (Tentative Permit Page F-22). "If the exceedance [of performance goals] persists in three successive monitoring periods, the Discharger shall submit a written report within 90 days to the Regional Water Board on the nature of the exceedance, the results of the investigation as to the cause of the exceedance, and the corrective actions taken or proposed corrective measures with timetable for implementation, if necessary." (Tentative Permit at 8). What happens in the event that the Permittee exceeds a performance goal every other monitoring period? Under the Tentative Permit, the discharger may be exceeding Ocean Plan water quality objectives without being held accountable. How many performance goals were exceeded in the last permit cycle? What actions, if any, were taken by the Regional Board and the Permittee? Plainly, performance goals are extremely ineffective and should be replaced with effluent limitations that prevent backsliding and will ensure the Permittee takes appropriate actions to meet water quality objectives. If the Regional Board fails to eliminate these ineffective performance goals, it should, at a minimum, modify the performance goal provisions in the Tentative Permit that allow effluent quality to *decrease*. For instance, according to the Permit, performance goals may be increased, "if the Discharger requests and has demonstrated that the change is warranted." (Tentative Permit Page 8). Does this mean that when a performance goal is exceeded the only result is an increase in the performance goal itself? The Permittee should not be allowed this mechanism to	potential to cause, or contributes to an excursion above Table B water quality objectives in accordance with 40 CFR part 122.44(d)(1)(iii). Staff used a computer program called RPcalc (Version 2.0), which was developed by the State Water Board, to make these determinations. In calculating the effluent limitations/performance goals, the Ocean Plan allows the use of dilution factors; thus, in most cases, the calculated limits are orders-of-magnitude higher than the actual levels in the discharge. Effluent limitations alone will not be effective as a control mechanism. For constituents that have reasonable potential to exceed water quality objectives or where the results of the reasonable potential analyses are inconclusive, the Regional Water Board prescribed effluent limitations. For constituents that did not show reasonable potential, the Regional Water Board prescribed performance goals. The performance goals are based upon the actual performance of the Oxnard WWTP and are specified only as an indication of the treatment efficiency of the Facility. Performance goals are intended to minimize pollutant loading (primarily for toxics), while maintaining the incentive for future voluntary improvement of water quality whenever feasible. The performance goals only require the discharger to maintain its current level of treatment. They are not enforceable limits. When exceeded, they serve as triggers to the discharger to investigate the cause so that proper operation of the plant is maintained and source control measures are properly implemented. The exceedance of any performance goal is not expected to have substantial impact on the ocean environment. However, the use of performance goals supports the antidegradation policy in that it at least maintains the level of pollutants currently discharged to the receiving water. The Discharger is required to submit an Annual Report containing a discussion of the previous year's influent/effluent analytical results and receiving water bacterial monitoring data. The Annual Report shall also contain a separate section titled "Reasonable Potential Analysis," which discusses whether or	

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		decrease their effluent quality.	not reasonable potential was triggered for pollutants that do not have a final effluent limitation in the NPDES permit. The Annual Report also contains the following statement: "The analytical results for this sampling period did/ did not trigger reasonable potential." If reasonable potential was triggered, then the following information should also be provided: a. A list of the pollutant(s) that triggered reasonable potential; b. The Basin Plan or CTR criteria that was exceeded for each given pollutant; c. The concentration of the pollutant(s); d. The test method used to analyze the sample; and e. The date and time of sample collection. If warranted by the above results, this permit may be reopened and modified to incorporate new effluent limitations based on the results of the reasonable potential analysis.	
Heal the Bay	3	**The Spill Reporting Requirements should consider spill proximity to the receiving water, receiving water flow, and time of day** We support that under the Spill Reporting Requirements for POTWs Initial Notification section the Tentative Permit requires the Discharger to notify the Regional Water Board or California Emergency Management Agency (Cal EMA) of any unauthorized release of sewage from its POTW that causes, or probably will cause, a discharge to any waters of the State as soon as possible, but no later than two (2) hours after becoming aware of the release. (Tentative Permit at 26). However, the permit goes on to put a 1,000 gallon threshold on spills that require monitoring and reporting. The 1,000 gallon spill volume trigger is arbitrary and unnecessary. How was this threshold volume generated? Is the Regional Board suggesting that a 999 gallon spill to receiving water will not be problematic? In fact, in some instances spills of a volume less than 500 gallons can be as much of a water quality and public health concern as a	Section V.C.6.b of the permit was revised to clarify that spill notification, monitoring, sampling, and reporting requirements are irrespective of the volume of a spill. Section V.C.6.a.ii. of the tentative permit states "In accordance with the requirements of CWC section 13271, the Discharger shall provide notification to the California Emergency Management Agency (Cal EMA) of the release of reportable amounts of hazardous substances or sewage that causes, or probably will cause, a discharge to any waters of the state as soon as possible, but not later than two hours after becoming aware of the release. The CCR, Title 23, section 2250, defines a reportable amount of sewage as being 1,000 gallons. The phone number for reporting these releases to the Cal EMA is (800) 852-7550." Thus, the 1,000 gallon volume trigger is not arbitrary as it is based upon the Reportable Quantities and Reporting Requirements contained in section 2250 of Title 23 of the California Code of Regulations (CCR). There is no volume cut-off for monitoring and sampling sewage spills, overflows, or bypasses that reach waters of the State (including surface and groundwater) and notification of such	Revisions were made on the permit.

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		1,000 gallon spill. In addition, these requirements fail to account for other circumstances such as proximity to receiving waters, time of spill, and flow volumes entering the receiving water. In many cases, the location of the spill is a more important factor than the volume spilled. For instance, less than 1,000 gallons of raw sewage were spilled into the wave-wash, this would definitely be a public health issue. Yet as written in the Tentative Permit, the 950 gallon sewage spill would not have to be reported in a timely manner. Shouldn't factors such as proximity to the receiving water, receiving water flow, and time of day be accounted for in the spill reporting and public notification requirements? In addition, frequent, small volume sewage spills can be indicative of a larger issue with plant performance. Thus, receiving early notification on sewage spills under the current 1,000 gallon trigger can be extremely valuable.	spills by the Discharger must occur no later than two hours after the Discharger becomes aware of the release. Section V.C.6., subdivisions b and c, specify that all spills, overflows, or bypasses of any volume that reach any waters of the State must be reported and monitored. These requirements are consistent with the NPDES standard provisions for reporting noncompliance at 40 CFR part 122.41. In addition, the City of Oxnard is enrolled under the State Water Board's Statewide General Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems (Order No. 2006-003-DWQ, as amended), which also contains a 2 hour notification requirement.	
Heal the Bay	4	**Public Notification should take place as soon as possible but not later than two hours after knowledge of an incident for all spill incidents, regardless of volume.** Also, we are concerned that the Permit does not contain a provision for notifying the public. After a spill is identified by a responsible party, notification of the public should take place *immediately*, so that water quality and public health are not compromised due to a reporting time-lag and appropriate protective measures are implemented in a timely fashion. A two-hour maximum for completing public notification in addition to notification of the Regional Water Board and Cal EMA is appropriate as public notification should be a priority for the discharger in the event of a spill and not just an after-thought. Notification cannot consist of leaving a message on an answering machine. Notification must be directly to a RWQCB staff member. In addition, the Regional Board should require that the Discharger to include local media as part of the public notification protocol.	The spill notification requirements in this permit are consistent with the initial notification requirements for spill reporting contained in California's Health and Safety Code and Water Code. The requirements are also consistent with the monitoring and reporting requirements in the State Water Board's Statewide General WDRs for Sanitary Sewer System. Upon receipt of any spill notification, the local health officer, the director of environmental health with jurisdiction over the affected water body, and/or Cal EMA will take appropriate action.	None necessary.

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Heal the Bay	5	**The Tentative Permit should include a special study to look at nutrient impacts on receiving water quality** The Permittee has collected data for many years on nutrient discharge and on benthic community health within receiving waters in its area of influence. However, little has been under taken to determine the nexus and correlation between the two. This information would be very valuable in protecting critical coastal resources and ocean water quality. The Tentative Permit should include an additional special study requiring Oxnard to look at existing data and data collected during the term of this permit in order to assess the impacts of nutrients on benthic community health and other aspects of water quality. In particular, dissolved oxygen measured at various depths is an important parameter to be compared with nutrient concentrations in the effluent.	The Bight'13 Comprehensive Monitoring Program for the Southern California Bight is expected to answer some questions about the effects of discharges of nutrients and potential impacts to receiving waters and adverse effects on water quality. The planning phase to develop the design for this monitoring component is nearly complete, with sampling slated to begin during the summer of 2013. The Bight' 13 Nutrients Committee is proposing an approach to answer the question: "What are the status and trends (i.e., spatial extent and seasonality) of subsurface chlorophyll concentrations, dissolved oxygen concentrations and depressed aragonite saturation state (i.e., acidification) in the Southern California Bight?". This approach includes historical analysis of existing datasets (including Publicly Owned Treatment Works Ocean Monitoring data) and collection of new data where appropriate, as well as development of a model to predict water quality throughout the Bight. Other nutrient-related questions to be addressed by the Bight'13 monitoring are: "What is the frequency and duration of subsurface high chlorophyll, low dissolved oxygen and low pH events in the Bight?", "How do anthropogenic nutrient impacts affect biological productivity, dissolved oxygen concentrations and pH in the Bight?", and "Has there been an increase in biological response (i.e., algal blooms) in response to increased anthropogenic nutrient contributions over time (decade to century timescales) in the Santa Barbara Basin?". After the Bight'13 studies have been completed, the Regional Board will be able to determine whether additional studies focused on nutrients would be desirable or necessary. If so, the Regional Board would recommend such monitoring during our annual consultation with the discharger to discuss proposed special studies.	None necessary.
City of Oxnard	1	The City requested that the rescreening for chronic toxicity testing every 24 months should start in 2014 and not 2013. The City stated that the last screening they performed was in 2012.	Regional Water Board staff agree. The next chronic toxicity screening shall be conducted in 2014.	Revision was made on page E-11 of the MRP.

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City of Oxnard	2	Table 5: CECs monitoring requirements "Nonylphenol & Nonylphenol polyethoxylates" and "Octylphenol & octylphenol polyethoxylates" As of now, we can only do 4-tert-Octylphenol, Nonylphenol, Nonylphenol monoethoxylate, and Nonylphenol diethoxylate. We need to inform the Board about this difficulty.	Regional Water Board staff disagree. The Regional Water Board understand that the City's laboratory may not be able to analyze all the CEC constituents as required in the permit. However, there are several other laboratories that are able to conduct these tests. It may be necessary for the City to subcontract the analysis of these CECs to these other laboratories.	None necessary.
City of Oxnard	3	**Issues with Performance Goals and Effluent Limitations** The Lab's reporting limits are the lowest that TestAmerica can report. The above compounds represent a challenge for the lab to meet the effluent limits and the performance goals. We should inform the Board of this issue.	Regional Water Board staff disagree. The Monitoring and Reporting Program of this tentative permit, starting at section I.H, page E-5, address the City's concern regarding Minimum Level (ML)/Reporting Level (RL). This section states that the Discharger shall select the analytical method that provides an ML lower than the permit limit established for a given parameter, unless the Discharger can demonstrate that a particular ML is not attainable, in accordance with procedures set forth in 40 CFR part 136, and obtains approval for a higher ML from the Executive Officer. If the effluent limitation is lower than all the MLs in Appendix II of the 2009 Ocean Plan, the Discharger must select the method with the lowest ML for compliance purposes. The Discharger shall include in the Annual Summary Report a list of the analytical methods employed for each test.	None necessary.