



July 23, 2018

Mazhar Ali
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles CA 90013

Sent via e-mail to: losangeles@waterboards.ca.gov; mazhar.ali@waterboards.ca.gov; cassandra.owens@waterboards.ca.gov>

RE: Los Angeles Waterkeeper Comments on Tentative Waste Discharge Requirements (WDR) and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0064203 and Tentative Time Schedule Order (TSO) for the Los Angeles Turf Club, Inc. Santa Anita Park

Dear Mr. Ali:

Los Angeles Waterkeeper (LAW or Waterkeeper) thanks you for this opportunity to comment on the Tentative WDR/NPDES Permit and Tentative TSO (collectively “Orders”) for the Los Angeles Turf Club, Inc. Santa Anita Park (Santa Anita or Facility).

Founded in 1993, LAW is an environmental non-profit with over 3,000 members who live and/or recreate in and around the Los Angeles area. LAW is dedicated to protecting and restoring Los Angeles County's inland and coastal surface and ground waters from all sources of pollution and degradation. For more than two decades, LAW has pursued these goals through a combination of education, advocacy, and litigation.

Waterkeeper submits the following comments on the Orders:

Numeric Effluent Limitations

LAW supports the use of properly determined numeric effluent limitations in WDR/NPDES permits, as opposed to, for example, the BMP-based requirements established in the WDR/NPDES permits for CAFOs in other regions.¹ Specifically, LAW supports the importation of the numeric Waste Load Allocations (WLAs) from the underlying Total Maximum Daily Loads (TMDLs) into the WDR/NPDES Permit as Water Quality Based Effluent Limitations

¹ See California Regional Water Quality Control Board Colorado River Basin Region, Order No. R7-2013-0800, Waste Discharge Requirements and General National Pollutant Discharge Elimination System (NPDES) Permit for Concentrated Animal Feeding Operations Within the Colorado River Basin Region (2013).

(WQBELs), as well as the use of WQBELs consistent with Basin Plan Objectives and California Toxics Rule (CTR) criteria. LAW, thus, commends the use of numeric effluent limitations in this WDR/NPDES Permit.

LAW does, however, have some concerns regarding the Tentative WDR/NPDES Permit effluent limitations. Attachment F states that because the discharger did not provide monitoring data for the Arcadia Wash, the “median hardness value from all effluent monitoring conducted was used to complete the [Reasonable Potential Analysis] RPA,” which was 60 mg/L as CaCO₃. (F-25.) However, to prescribe the wet weather effluent limitations for cadmium, copper, and zinc (based on the WLAs in the Los Angeles River Metals TMDL R15-004), the 50th percentile hardness value of 141 mg/L as CaCO₃ was used. The tributaries of the Los Angeles River are very different systems than the mainstem of the Los Angeles River. In light of this, LAW believes it may be more appropriate to collect site-specific monitoring data on hardness values in the Arcadia Wash or use the lower hardness value of 60 mg/L as CaCO₃ to prescribe the more stringent effluent limitations for cadmium, copper, and zinc.

Antidegradation

LAW also supports the discharge limitations applicable to the Concentrated Animal Feeding Operations (CAFO) area of the Facility that require the Facility be “designed, constructed, operated and maintained to contain all manure, litter, and process wastewater plus the runoff and direct precipitation from a 25-year, 24-hour rainfall event” (F-20).

LAW is, however, concerned that with our changing climate, the frequency of large, intense rain events greater than the 25-year, 24-hour rain event may increase. In the event of stormwater discharges from the CAFO area (and non-CAFO area, which is not subject to this discharge limitation) of the Facility, there is the potential for degradation of waterways/further degradation of already impaired waterways. Attachment F states that “[b]ased on the RPA, pollutants that demonstrate reasonable potential [to exceed applicable water quality criteria or objectives] are chromium (III), chromium (VI), cyanide, mercury, nickel, selenium, thallium, and bis(2-ethylhexyl)phthalate.” (F-28.) LAW also notes that while the Interim Effluent Limitations in Table 3 of the Tentative TSO represent a substantial reduction from the maximum Reported Values provided in Table F-2 of the Order (F-7), the Interim Effluent Limitations are still significantly higher than the Final Effluent Limitations in Table F-9 in the Tentative WDR/NPDES Permit (F-41), with some of the Interim Effluent Limitations, such as the initial daily maximum limitations for Total Suspended Solids, exceeding the Final Effluent Limitations by as much as two orders of magnitude, (Tentative TSO, pp. 2, 15).

Thus, in light of the potential for degradation, particularly during the 5-year period contemplated in the Tentative TSO, LAW recommends that the tentative WDR/NPDES permit be revised to include findings consistent with both the state and federal antidegradation policies.

California Environmental Quality Act (CEQA)

LAW appreciates the statement regarding NPDES permits’ exemption from CEQA Chapter 3. (F-12.) LAW, however, recommends that the Tentative WDR/NPDES Permit be revised to

include findings on the consistency of the project with the applicable sections of CEQA, particularly Chapter 1 policies.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Kelly', with a horizontal line extending from the end of the signature.

Melissa Kelly
Staff Attorney
Los Angeles Waterkeeper