Response to Comments

City of Simi Valley
Simi Valley Water Quality Control Plant
Tentative Waste Discharge Requirements and National Pollutant Discharge Elimination System 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.

Table 1. Comments received from City of Simi Valley on October 17, 2019 (Letter)

Comment Number	Comment	Response	Action Taken
1	**Wet weather limits for Salts** The wet weather effluent limitations for TDS, sulfate, boron and chloride in Table 4 (pg. 6) should be deleted because there is no reasonable potential for the effluent to cause or contribute to a water quality exceedance for chloride during wet weather. Section F.IV.C.2.b.vi and F.VI.C.2.b.vii, (pg. F-28) states that, during wet weather, the limit for TDS, sulfate, boron, and chloride is based on the water quality objectives found in Basin Plan for the Calleguas Creek Watershed (CCW). However, as noted in the wet weather definition found in Section Vll.O. (pg.29), "Any discharges from the Facility during wet weather would be assimilated by these large storm flows and would not cause exceedances of water quality objectives." Therefore, no reasonable potential exists during wet weather for the chloride water quality objective to be exceeded and no effluent limitation for chloride is required in wet weather. 40 C.F.R. §122.44(d)(1)(i) and (iii). Additionally, the CCW Salts TMDL specifically identified that only dry weather allocations were needed to address any identified impairments. Therefore, only dry weather chloride effluent limitations are needed to implement the Salts TMDL WLAs.	The wet- and dry-weather effluent limitations provide year-round protection of the beneficial uses of the receiving water. The wet weather limitations for total dissolved solids (TDS), sulfate, chloride and boron are the same as the limitations that were in the 1996 NPDES permit (Order No. 96-043), prior to the incorporation of the TMDL WLA-based limits. The concentration-based, wet weather limitations only apply when the flow in Calleguas Creek above Potrero Road is above 31 cubic feet per second (cfs). The effluent limitations that apply under these conditions are equivalent to the water quality objectives (WQOs) for Calleguas Creek and tributaries above Potrero Road as specified in Basin Plan (Table 3-10 on page 3-36). Since none of the backsliding exemptions apply, there is no justification for removal of the wet weather limitations for TDS, sulfate, chloride, and boron.	None necessary.
2	**Impact of climate change and drought on ability to comply with effluent limits for Salts**	As noted in the IV A.(c) in the Order, the facility is currently complying with the effluent limitations for TDS, sulfate, chloride and boron, so the compliance schedule and	None necessary.

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	Section IV.A.2.c (pg. 8) of the Tentative Order states that the WQCP can meet final effluent limits for TDS, sulfate and boron. However, as a result of the drought conditions from climate change, salts levels in the water supply and the effluent have increased and are expected to increase further. Therefore, it is likely that the City will have difficulty complying with effluent limits while these conditions persist. This was recognized in previous drought resolutions, and must be recognized now in the Tentative Order. The California Water Code allows for interim effluent limit and compliance schedules if unanticipated changes in the water supply are the cause of unavoidable changes in the composition of wastewater effluent. Specifically, §13385(j)(3)(B) (iii) states that interim requirements are allowed if: 'Unanticipated changes in the quality of the municipal ... water supply available to the discharger are the cause of unavoidable changes in the composition of the waste discharge, the changes in the composition of the waste discharge are the cause of the inability to comply with the effluent limitation, no alternative water supply is reasonably available to the discharger, and new or modified measures to control the composition of the waste discharge cannot be designed, installed, and put into operation within 30 calendar days' One of the goals of the CCW Salts TMDL was to establish a procedure to address drought conditions and to reasonably protect beneficial uses while still accounting for the increased salt loads in the incoming water supply. The process allows for the POTWs to offset increased effluent concentrations by removing salt load from another source (like groundwater desalting) and the wasteload allocations include an adjustment factor that allows for consideration of this process. However, implementing this process requires the development of watershed infrastructure and projects that are not yet in place. The CCW Salts TMDL provided a compliance schedule that would allow time to implement these projects and develop a watershed solution to bring the watershed into a salt balance. The POTW discharges	interim limits set in the TMDL are not necessary. While the Regional Water Board understands concerns about the drought, the Discharger would need to provide data quantifying the changes/increase in salt concentrations in their potable water supply and justifying a compliance schedule in the Order before the Regional Water Board staff can assess whether a compliance schedule and interim limits are appropriate. (See 40 CFR section 122.47, which states, in part, that any schedules of compliance shall require compliance as soon as possible, and that a schedule of compliance shall be available only when necessary to allow a reasonable opportunity to attain compliance.)	

Comment Number	Comment	Response	Action Taken
	cannot be considered independently of the watershed solutions in determining the need for a compliance schedule. Until the full watershed solution is implemented, climate change and drought conditions will cause increased concentrations in POTW effluent that cannot be predicted or be reasonably addressed through actions conducted at the wastewater treatment plant. The purpose of the TMDL was to provide the time and structure necessary to develop the watershed solutions and POTWs should be given the time provided in the TMDL to ensure they do not exceed effluent limitations during drought conditions prior to the construction of watershed solutions to offset increased loads and reasonably protect beneficial uses.		
3	**Effluent Limit for MBAS** An effluent limit for MBAS is included in Table 4 (pg. 6) that is set equal to the drinking water Maximum Contaminant Level (MCL) of 0.5 mg/L. During ten years of monitoring MBAS, neither the effluent nor ambient data exceed the MCL, with a maximum observed effluent concentration of 0.21 mg/L and a maximum ambient concentration of 0.39 mg/L. Therefore, there is no reasonable potential for the effluent to exceed the MCL. Section IV.C.2.b.viii. of the Fact Sheet (pg. F-30), states that this effluent limitation "was developed based on the Basin Plan incorporation of Title 22 Drinking Water Standards... to protect the surface water MUN beneficial use." However, MUN is not applicable to the surface receiving waters as is stated in footnote 1 of Table F-4 (pg. F-13) of the Tentative Order. MBAS is discussed in Chapter 3 of the Basin Plan in the section covering Regional Objectives for Inland Surface waters, which clearly states that this objective only applies to [surface] waters designated MUN. Title 22 MCLs are also referenced under the Groundwater objectives. However, even though groundwater recharge is not considered an acceptable justification to apply these objectives to the Simi Valley discharge, MBAS is not specifically listed in the Tables referenced from Title22 in Chapter 3 of the Basin Plan in the section under Groundwater - Chemical Constituents and Radioactivity (Basin Plan, pg. 3-18). Furthermore, Groundwater Recharge (GWR) is not a recognized or	The comment misquotes Section IV.C.2.b.viii of the Fact Sheet. Nowhere in this section or anywhere in the Fact Sheet or permit does it state that the MBAS effluent limitation was developed to protect the surface water MUN beneficial use. The effluent limitation for MBAS is included to protect the existing GWR beneficial use that is designated for the surface receiving waters downstream of the discharge as well as the existing MUN beneficial use of the underlying groundwater basin. Water from the soft-bottomed Arroyo Simi incidentally recharges the underlying Simi Valley groundwater basin. The Simi Valley aquifer is an existing source of potable water for the citizens of Simi Valley and nearby communities. USEPA has determined that it is reasonable for the permit to include WQBELs for MBAS, as reasonable potential is determined by the Regional Water Board (letter from USEPA dated October 17, 2006, regarding the revised tentative NPDES permit for the Burbank WRP dated October 10, 2006). Such requirements will ensure that the effluent discharged from the facility will not degrade the quality of downstream receiving waters currently providing recharge of groundwater for the purposes of future extraction and/or maintenance of water quality. Reasonable potential can be determined by considering all sources of information, it does not necessarily have to be as a result of a calculation. NPDES regulations require the	None necessary.

Comment Number	Comment	Response	Action Taken
	mandatory Clean Water Act use, so protection of this use is not required by federal law and requires additional analysis under Water Code sections 13263 and 13241 prior to imposing such an effluent limitation that is more stringent than required by federal law. *City of Burbank v. SWRCB,* 35 Cal. 4th 613, 618, 628 (2005). Further, application of MCLs at end of pipe ignores dilution in receiving waters and removal through soil aquifer treatment. No evidence has been presented that there is a lack of assimilative capacity in local aquifers that would justify an end-of-pipe effluent limit for MBAS equal to the MCL. In addition, Attachment F, Section IV.C.2.b.viii. (pg. F-30) goes on to say that "given the nature of the Facility which accepts domestic wastewater into the sewer system and treatment plant, and the characteristics of the pollutants discharges, the discharge has reasonable potential. ... " This is not an adequate justification for requiring an effluent limit for MBAS (or any other pollutant without reasonable potential). The fact that a pollutant may be present in domestic wastewater in no way correlates with its potential for that pollutant being discharged at a level that impacts the beneficial uses of the receiving water or causes an exceedance of an applicable water quality standard. This same reasoning would apply to *any* constituent that is regularly detected in wastewater treatment plant effluent and, unless the concentration of the constituent exceeds water quality criteria, the constituents are not assigned effluent limits. 40 C.F.R.§122.44(d)(1)(iii). Therefore, given that the water quality criteria is not applicable and that, if it were, effluent and ambient concentrations never exceed the criteria, the City requests that the effluent limit for MBAS be removed.	use of all relevant information and all available factors in determining whether or not a discharge has reasonable potential (RP) to cause or contribute to an exceedance. This is usually referred to Tier 3 RP. Section 1.3, Step 7 of the SIP lists the type of information, which under the permit writer's "best professional judgment," can be used to determine RP. The SIP, at page 7, states: "Information that may be used to aid in determining if a water quality-based effluent limitation is required includes: the facility type, the discharge type, solids loading analysis, lack of dilution, history of compliance problems, potential toxic impact of discharge, fish tissue residue data, water quality and beneficial uses of the receiving water, CWA 303(d) listing for the pollutant, the presence of endangered or threatened species or critical habitat, and other information." Simi Valley has Tier 3 RP because it receives MBAS and other detergents in its influent from multiple sources. The MBAS limitation also protects the recreational, aquatic life, and wildlife beneficial uses of the surface receiving water downstream of the discharge against foam and implements the Basin Plan water quality objective for floating material. Volume 44, No. 179 of the Federal Register (at page 53467) explains that foaming is a characteristic of water that has been contaminated by the presence of detergents and similar substances. The 0.5 mg/L limitation for the foaming agent MBAS is based upon the fact that at higher concentrations the water may exhibit undesirable taste and foaming properties. Since the MBAS limitation is protective of both Waters of the US and groundwater, a 13241 analysis is unnecessary because the permit requirements do not exceed CWA requirements. In addition, the Facility has been able to meet the existing MBAS limitation. So, no additional expenditures are expected to be necessary to achieve compliance with the MBAS limitation. In addition, State Water Board precedent clearly rejects the Discharger's argument here. Specifically, the issue of establishing final effluent limitations to protect the GWR beneficial use were raised by County Sanitation Districts in a petition to State Water Board (SWRCB/OCC Files A-	

Comment Number	Comment	Response	Action Taken
		1509 and A-1509(a)), where the District contended the Regional Water Board improperly included MUN-based effluent limits in its permit to protect the GWR use. The District objected for three reasons, two of which mirror Simi Valley's objections here: (1) there were no federally-adopted criteria or water quality objectives for the GWR use and (2) the federal Clean Water Act did not apply to discharges to groundwater. However, the State Water Board made the following findings in Water Quality Order No. 2003-0009: The Regional Water Board was legally required to include any effluent limits in the District's permit that were necessary to protect the GWR beneficial use of surface waters. Because the surface waters recharged a groundwater aquifer currently used for drinking water, the Regional Water Board reasonably based the effluent limits on groundwater objectives intended to protect the MUN use. The fact that there are no criteria or objectives specific to the GWR use did not deprive the Regional Water Board of the ability to protect the use. The Clean Water Act contemplates protection of both beneficial uses as well as criteria in state water quality standards. In the petition, the District also argued that the Regional Water Board violated Water Code section l3263(a) in establishing these limits. However, the State Water Board found that, "Further, the effluent limits were retained from the District's prior permit. According to the Regional Water Board, over the last decade, the District has consistently complied with the limits; thus, economic considerations were not obviously in issue." The same is true here. The 0.5 mg/L final effluent limitation for MBAS was originally included in the City of Simi Valley's Order No. 87-046 and the facility has been able to comply with the same MBAS NPDES limitation for more than three decades. Nonetheless, the Fact Sheet includes a consideration of the factors set forth in Water Code section 13241 based on the fact that the permit contains more stringent tertiary treatment requirements than the secondary treatment requirements required by federal law. A CEQA finding that	

Comment Number	Comment	Response	Action Taken
		the WDRs fall under the Existing Facilities exemption has been added to the Fact Sheet as well. Finally, as noted earlier, the City of Simi Valley has been able to meet the MBAS effluent limit and none of the conditions exist that would justify removal of the limitation under the anti-backsliding provisions.	
4	**Toxicity effluent limits and provisions** Numeric effluent limitation for chronic toxicity are listed in Table 4 (pg. 7) of the Tentative Order as 'Pass' as a Median Monthly Effluent Limitation (MMEL) and 'Pass or <50% effect' as a Maximum Daily Effluent Limitation (MDEL). These limitations are consistent with the aquatic toxicity provisions in the State Water Resources Control Board (SWRCB) First Revised Draft Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (First Revised Draft ISWEBE)[1]. However, these limits are not consistent with Toxicity TMDL (Resolution No. R4-2004-09) which states that *"WLAs would be implemented as a trigger for initiation of the TRE/TIE process as outlined in EPA's 'Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program' (2000) and current NPDES permits held by dischargers to the CCW."* Therefore, the City requests that the numeric effluent limits be changed to a trigger to be consistent with the Toxicity TMDL. In addition, there are two aspects of the toxicity implementation in the Tentative Order that are not consistent with the toxicity provisions in the First Revised Draft ISWEBE including: • sensitive species screening, • triggering of toxicity reduction evaluations (TRE). The Tentative Order specifies accelerated monitoring on an exceedance of the effluent limitations with an additional four toxicity tests at approximately two-week intervals, and if any of the tests fail, a TRE would be initiated and accelerated	The numeric effluent limitation for chronic toxicity in this Order employs the Test of Significant Toxicity (TST). The TST is recommended by the most recent USEPA guidance as an appropriate and preferred test for chronic toxicity. USEPA, this Regional Water Board, and other regional boards are using the TST to determine compliance with numeric effluent limitations for toxicity. Additional information about and the basis for utilizing a TST-based limit is included in the fact sheet on pages F-44 through F-47. The commenter raises two issues regarding the effluent limitation for chronic toxicity. First, whether the limit should serve as a numeric effluent limitation or, rather, as a trigger for additional evaluation of toxic constituents in the effluent. Second, the Discharger requests removal of the accelerated testing to be consistent with the Statewide Toxicity Provisions. This Order must include effluent limitations that will achieve and maintain compliance with water quality standards in Calleguas Creek. (Clean Water Act § 301(b)(1)(C); 40 CFR section 122.44(d)). The Basin Plan for the Los Angeles Region includes a narrative water quality standard for toxicity that requires all surface waters to "be maintained free of toxic substances in concentrations that are toxic." Effluent limitations in this Order must ensure that the discharge will not cause or contribute to a violation of this standard. A numeric effluent limit – rather than a non-numeric limit – is presumed unless certain exceptions are met. (See 40 CFR section 122.44.) This presumption applies to effluent limitations for toxicity: "A limit on whole effluent toxicity refers to a numeric effluent limitation ...." (54 Fed. Reg.	None necessary.

Comment Number	Comment	Response	Action Taken
	monitoring ended. Per the First Revised Draft ISWEBE, there is no accelerated monitoring after an exceedance of the effluent limitations, and a TRE would only be triggered[3] if two or more effluent limitations are exceeded within two concurrent months (two in one month, or two or more over two concurrent months). In Section V.A.22.c (pg. 10), the Tentative Order receiving water limitations require accelerated toxicity testing for the effluent if downstream receiving water toxicity cannot be attributed to upstream receiving water toxicity [4]. The First Revised Draft ISWEBE does not contain accelerated monitoring and there is no discussion of linking receiving water results to actions for the effluent in the toxicity provisions. Therefore, the City requests that the requirement to conduct accelerated testing be removed to be consistent with the Statewide Toxicity Provision. As discussed below under Clarification and Corrections, if accelerated testing is required, the City is requesting that language be added to state that accelerated testing under this circumstance would not be required if the effluent results could not be linked to the downstream receiving water toxicity.	23868, 23871). Because a numeric limit for chronic toxicity is feasible, a numeric limit must be included in this Order. Simi Valley WQCP's 2014 Permit already contains numeric chronic toxicity final effluent limitations using the TST approach. The Implementation Plan for the TMDL states that the WLAs for toxicity established for the major point sources, including POTWs, will be implemented through NPDES permit effluent limits in accordance with USEPA, State Water Board, and Regional Water Board resolutions, guidance and policy at the time of permit issuance or renewal. The Implementation Plan explains that "[c]urrently, these WLAs would be implemented as a trigger for initiation of the TRE/TIE process as outlined in USEPA's 'Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program' (2000) and current NPDES permits held by dischargers to [Calleguas Creek Watershed]." This approach was consistent with the State Water Board's then-recent determination that a definite instruction regarding effluent limitations for chronic toxicity would soon be provided by the SIP. Today, almost two permit cycles later, numeric testing methods for chronic toxicity are endorsed by USEPA. The TST simplifies interpretation of toxicity test results and increases confidence in the results as compared to prior methods. The "trigger" approach referenced in the TMDL implementation plan was not approved by USEPA under CWA section 303(d). Moreover, it has been criticized by USEPA in public comments (2008 letter regarding renewal of the Camarillo Water Reclamation Plant, the Simi Valley Water Quality Control Plant, and the Hill Canyon Wastewater Treatment Plant) and during quality reviews of California's NPDES program (2008 final report, 2014 final report). USEPA's current criticism of this approach is not new. More than 25 years ago, in the 1989 preamble to 40 CFR 122.44(d)(1) [NPDES rules governing water quality based permitting], responding to public comment requesting that whole effluent toxicity (WET) not be used	

Comment Number	Comment	Response	Action Taken
		as an enforceable effluent limit, USEPA stated: "EPA requires [WET] limits where necessary to meet water quality standards. EPA does not believe that a whole effluent toxicity trigger alone is fully effective because it does not by itself, restrict the quantity, rate, or concentrations of pollutants in an effluent." (54 Fed. Reg. 23868, 23875.) Later, in response to comments on the Great Lakes Initiative (GLI) that permits should include monitoring with a TRE trigger and any limit should serve only as the objective for a TRE, USEPA replied: "While EPA agrees that TREs are valuable tools in identifying and eliminating whole effluent toxicity, EPA does not agree that TREs can be used as a substitute for WET limits in permits." The Regional Water Board concurs with USEPA's criticism of the "trigger" approach. USEPA's updated guidance regarding whole effluent toxicity in the "National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document" (June 2010), describes the TST as a feasible method to implement numeric WLAs as numeric effluent limitations. USEPA formally endorsed the TST as an improved hypothesis testing tool to evaluate data collected using WET methods following an extensive external peer review process. This approach has undergone a "test drive" in California and been published in peer reviewed toxicological journals. USEPA explained that the TST improves understanding of the discharge condition by correctly identifying toxic and non-toxic samples more often than when using the NOEC-LOEC. The permit's proposed numeric effluent limits for chronic toxicity, expressed in terms of the TST hypothesis test, are equivalent to the NOEC hypothesis test. They are equivalent to and unambiguously achieve the approved TMDL WLA of 1.0 TUc and requirements for NPDES effluent limits under the CWA and its implementing regulations. Because of the availability of toxicity testing methods and applicable EPA guidance endorsing these methods, the Regional Water Board finds that numeric effluent limits for toxicity are both feasible and appropriate to protect water quality standards. Simi Valley WQCP's 2014 Permit	

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		already contains numeric chronic toxicity final effluent limitations using the TST approach. All but two of the POTW permits within the Los Angeles Regional Water Board's jurisdiction currently contain numeric chronic toxicity final effluent limitations using the TST approach. This Regional Water Board has already endorsed the TST and has begun implementing it in the Los Angeles County MS4 permit, wastewater permits, and individual industrial stormwater permits, to fully integrate chronic toxicity testing programs and their results across the Region. A numeric chronic toxicity effluent limitation utilizing the TST was also included in NPDES permits for industrial facilities since November 7, 2013 (Order No. R4-2013-0172, NPDES permit for the University of Southern California; and Order No. R4-2014-0033, NPDES permit for the Calleguas Municipal Water District Regional Salinity Management Pipeline). The Statewide Toxicity Provisions in the Inland Surface Water, Enclosed Bays and Estuaries (ISWEBE) have yet to be adopted. Due to the Alaska Rule, draft water quality provisions including removal of accelerated monitoring may not be implemented by the Regional Water Boards until after they have undergone the full approval process, including approval by the Office of Administrative Law and by USEPA.	
5	**Monitoring Program Modifications** Consistent with State Board Resolution 2013-0029 regarding 'Reducing Costs of Compliance while Maintaining Water Quality Protection' and in support of Gov. Newsom's Water Resilience Portfolio, Water Board staff should work with Permittees to identify duplicative or unnecessary monitoring during reissuance of NPDES permits. We request the following changes to the monitoring program to reduce unnecessary monitoring:	The following are the corresponding bulleted responses:	--
	• Monitoring under the approved Calleguas Creek Watershed TMDL monitoring program has established quarterly as the necessary monitoring frequency for determining compliance with the TMDL requirements. It is requested that the	• The frequency of effluent monitoring will not be reduced because it is necessary to demonstrate compliance with the final effluent limitations. In addition, Simi Valley WQCP has exceeded the final effluent limitations for ammonia as nitrogen.	Revisions were made to the MRP.

Comment Number	Comment	Response	Action Taken
	monitoring frequencies for effluent (Table E-3) and receiving water (Table E-7) for all nitrogen and phosphorus compounds, copper, mercury, and nickel be reduced from monthly to quarterly consistent with the approved TMDL monitoring program.	However, the receiving water monitoring requirements will be reduced to quarterly to coincide with the TMDL monitoring program.	
	• Receiving Water toxicity and priority pollutant monitoring data under Ventura County MS4 permit be used to comply with monitoring requirements on Table E- 7.	• The receiving water data collected under the MS4 monitoring can be used as long as the requirements specified in this MRP are met.	None necessary.
	• Because chlorinated pesticides and PCBs have not been measured at concentrations above detection limits, the monitoring frequencies listed in Tables E-3 (Effluent Monitoring) and E-7 (receiving water monitoring requirements) for all these constituents should be reduced from quarterly to semi-annually. Based on historic data, more frequent monitoring is unnecessary. Specifically, this change is requested for 4,4-DDD,4,4-DDE,4,4-DDT, Dieldrin, Chlordane, Heptachlor epoxide, PCB (congeners and arochlors), and 2,3,7,8-TCDD.	• The frequency of effluent monitoring for chlorinated pesticides and PCBs will not be reduced because it is necessary in order to demonstrate compliance with the final effluent limitations. The receiving water monitoring frequency for 4,4-DDD, 4,4-DDE, 4,4-DDT, dieldrin, chlordane, PCB (aroclors) will remain quarterly, consistent with the TMDL monitoring program approved by the Executive Officer. Note that the required monitoring frequency in the current permit for heptachlor epoxide, PCB congeners, and 2,3,7,8-TCDD is already semi-annually for both effluent and receiving water. A frequency of semi-annually is retained in this permit renewal. 40 CFR section 136.3, Table ID, lists the Approved Test Procedures for Pesticides. However, many of these pollutants have method detection levels (MDLs) that are not as sensitive and the resulting reporting levels/minimum levels will almost certainly result in reported values that are orders of magnitude higher than the applicable WLA. The Facility uses EPA Analytical Test Method 608 to analyze organochlorine pesticides and PCBs. Take 4,4-DDE, for example. Using EPA Method 608, the MDL is 0.0018 µg/L, but the Facility's reporting level was 0.05 µg/L. That means that the Facility's sampling results were reported as < 0.05 µg/L. There is no way of knowing with certainty that the effluent does not contain concentrations of 4,4-	None necessary.

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		DDE at concentrations between 0.05 µg/L and the effluent limitation of 0.00059 µg/L. In other words, a non-detect value does not necessarily mean that there are no concentrations of the pollutant present. Instead, that means that the laboratory analytical equipment/technology and/or procedures currently available are unable to detect the pollutants down to a low enough level to be able to know with assurance that the pollutant is not present in the sample. According to the Monitoring and Reporting Program (MRP), if the effluent limitation is lower than all the minimum reporting levels, then the Discharger must select the method with the lowest ML for compliance purposes.	
	• The requirement to test for PCB congeners in the influent (Table E-2) should be removed. PCB congener concentrations in receiving waters and effluent are always below detection limits so there is no reason to measure influent levels.	• Monitoring for PCB as congeners at the influent shall remain for pretreatment purposes and to be able to calculate the plant removal efficiency. Also, please see the above bulleted discussion on MDLs.	None necessary.
	• For the last ten years, MBAS has below the water quality objective. It is requested that effluent and receiving water monitoring frequency for MBAS be reduced from monthly to quarterly.	• The Board concurs to reduce the monitoring frequency from monthly to quarterly for MBAS at the effluent and receiving water.	Revisions were made to the MRP.

Table 2. Comments on the Tentative Order, City of Simi Valley on October 17, 2019 (Attachment A)

Comment Number	Comments	Response	Action Taken
1	The wet weather effluent limitations for TDS, sulfate, and chloride in Table 4 should be deleted because there is no reasonable potential for the effluent to cause or contribute to a water quality exceedance for salts during wet weather.	See response to comment #1 in Table 1 above.	None necessary.
2	For clarification of Ammonia Limit - Why is the factor of 2.9 used when calculating the Maximum Daily limit in lbs/day when the Maximum Daily concentration limit is 3.3 mg/L?	The Calleguas Creek Nitrogen Compounds and Related Effects TMDL assigns the ammonia nitrogen waste load allocation for Simi Valley WQCP as equal to = 2.9 x Q.	None necessary.
3	The TST is the comparison of 100 percent effluent to a control without the use of a multi-concentration dose response, and without the Percent Minimum Significant	As the permit specifies, the TST and only two concentrations (the IWC and the control) are tested and analyzed for compliance purposes. In the Los Angeles	None necessary.

Comment Number	Comments	Response	Action Taken
	Difference (PSMD) used to determine the effect of toxicity. These all represent unpermitted and unauthorized modifications to the approved regulatory test methods for determining chronic toxicity contained in the 2002 Methods formally adopted by the USEPA in 40 C.F.R. Part 136. Because there is no longer an approved Alternative Test Procedure (ATP) in California allowing these modifications, their use is unlawful and should not be included in the Simi Valley Water Quality Control Plant (SVWQCP) permit.	Region, the vast majority of its inland waters are effluent-dominated and its inland dischargers have not conducted mixing zone studies to warrant receiving dilution credits. Therefore, the IWC represents whole effluent, i.e. 100% effluent to be evaluated, therefore five-concentration tests are not necessary. Consequently, concentration-response relationship does not need to be generated. The Permittee has the option of conducting a multi-concentration test. However, only the 100% effluent concentration and the control will be used for compliance determination. The commenter argues that the use of ATP without the use of the five-concentration procedure and Percent Minimum Significant Difference (PMSD), was unlawful. The legality of USEPA's approval is subject to ongoing litigation. The approval is valid and applicable until and unless a court determines otherwise. USEPA's approval does not mandate use of the two-concentration test instead of the five-concentration test procedure. The effect of the approval is that a permitting authority may exercise its discretion to determine whether a two-concentration or five-concentration test procedure is appropriate to determine compliance with NPDES permit effluent limitations for toxicity, when using the TST approach.	
4	Effluent Limitations - Footnote 12 describes a TUc limit based on the Calleguas Creek TMDL. However, the effluent limitation in the Table is described as a TST Pass/Fail and% effect result. Please clarify whether toxicity test data should be reported as TUc in addition to TST.	As indicated in Table 4 – Effluent Limitations, the chronic toxicity results shall be expressed as Pass or Fail, % Effect.	None necessary.
5	Limits for 4,4, DDE, 4,4, DDD, and 4,4, DDT cannot be met with current test methods. Permit limits are 0.00059 ug/L, 0.00084 ug/L, and 0.00059 ug/L respectively. MDL's are 0.0029 ug/L, 0.0038 ug/L, and 0.0038 ug/L respectively.	This comment is already addressed in section I.I of the MRP which states that, "If the effluent limitation is lower than all the MLs in Appendix 4, SIP, the Discharge must select the method with the lowest ML for compliance purposes."	None necessary.

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6	Limits for Dieldrin, Chlordane, and Toxaphene cannot be met with current test methods. Permit limits are 0.00014 ug/L, 0.00059 ug/L, and 0.00016 ug/L respectively. MDL's are 0.0019 ug/L, 0.076 ug/L and 0.24 ug/L respectively.	Please see response #5 above.	None necessary.
7	Limits for PCBs cannot be met with current test methods. Permit limit is 0.00017 ug/L. MDL is 0.24 ug/L.	Please see response #5 above.	None necessary.
8	Simi Valley temperatures in summer months can exceed 100°F and the limit of 80°F will be difficult to meet. The last sentence should state: "At no time shall these WARM-designated waters be raised above 80°F as a result of waste discharge except as a result of external ambient temperature."	This temperature language is verbatim from the Basin Plan and cannot be changed. In addition, based on the review of the facility's temperature data for this permit cycle, the downstream receiving water station RSW-002 has never exceeded the 80°F maximum temperature. Likewise, for the upstream receiving water station RSW-001, the temperature has never exceeded the 80°F maximum temperature. Therefore, it does not appear that the receiving water temperature has ever been raised above 80 degrees F as a result of the facility's effluent discharge.	None necessary.
9	USGS gauge station 11106550 is no longer operational. The Ventura County Watershed Protection District currently reports mean daily flows and other flow parameters for Station 805 Calleguas Creek at CSUCI. Rainfall is monitored at Station 505 Camarillo - CSUCI (Type B). References to these stations should replace references to USGS Gauge Station 11106550 throughout the Tentative Order.	Station 11106550 was replaced by the Ventura County Watershed Protection station 805.	Updated MRP pages E-5 and E-22; and WDR pages 28 and 29.
10	Based on 10 years of data not exceeding 50 pCi/L for Gross Beta, we recommend removing requirements for Photon Emitters and monitoring for Potassium-40.	The gross beta and the photon emitters requirements are standard language from Title 22 regulations that are applicable to POTWs. In addition, testing for the individual photon emitters and potassium-40 is not required when the screening level of 50 pCi/L for gross beta is not exceeded.	None necessary.
11	Based on 10 years of data that have not exceeded the permit limit for MBAS, we recommend reducing monitoring frequency from Monthly to Quarterly.	The Board concurs with reducing the MBAS monitoring frequency of the effluent from monthly to quarterly.	Revisions were made to the MRP.
12	Based on 10 years of data being not detected (ND) for Chlordane, we recommend reducing monitoring frequency from Quarterly to Semi- Annual.	The chlordane effluent monitoring frequency will not be reduced because it is necessary to demonstrate compliance with the final effluent limitations.	None necessary.
13	Based on 10 years of data being not detected (ND) for Toxaphene, we recommend reducing monitoring frequency from Quarterly to Semi-Annual.	The toxaphene effluent monitoring frequency will not be reduced because it is necessary to demonstrate compliance with the final effluent limitations.	None necessary.

Comment Number	Comments	Response	Action Taken
14	Based on 5 years of data being not detected (ND) for PCBs as Arochlors, we recommend reducing monitoring frequency from Quarterly to Semi-Annual.	The PCBs as aroclors effluent monitoring frequency will not be reduced because it is necessary to demonstrate compliance with the final effluent limitations.	None necessary.
15	The requirement for sediment monitoring in Section E.IV.4. (pg. E-13) should be deleted. Sediment monitoring is not required by the metals TMDL.	The Board is unable to remove the sediment toxicity monitoring requirements because the TMDL Technical Report contemplates monitoring of sediment under certain conditions to determine compliance with the Sediment Toxicity component of the Toxicity TMDL. Note that this monitoring requirement is only triggered if the TSS and mercury limits are exceeded simultaneously. A similar requirement was included in the NPDES permit Order No. R4-2013-0157 adopted by the Regional Water Board on October 3, 2013 for Tesoro Wilmington Calciner, to determine compliance with the sediment toxicity component of the TMDL for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters (Harbor Toxics TMDL). In addition, the monitoring and reporting requirements in the permit are required pursuant to Water Code sections 13383 and 13267, not 13325. In accordance with Water Code section 13267, the Regional Water Board has justified the need to include sediment monitoring in the fact sheet.	None necessary.
16	Clarification - Why is Receiving Water in this section?	This section (Sample Volume and Holding Time) applies to both effluent and receiving water samples collection.	None necessary.
17	Species Sensitivity Screening - This should be re-worded: "Species sensitivity screening shall be conducted during this permit's first required sample collection, or within 24 months of the prior species sensitivity screening event."	The Regional Water Board requires the permittee to conduct the species sensitivity screening immediately after the effective date of this permit or during the permit's first required sample collection.	None necessary.
18	Generally, the EC50 is reported with reference toxicant results. This should be re-worded to: "results should be reported as EC25 or EC50".	USEPA prefers the results of EC25.	None necessary.
19	Toxicity laboratories measure all of the parameters in here as part of routine laboratory procedures and they are included in the current costs for the bioassay tests, with the exception of the major geochemical ions. Removal of the statement "as well as major geochemical ions" is warranted since this is not typical for routine toxicity	USEPA has recommended the analysis of major geochemical ions.	None necessary.

Comment Number	Comments	Response	Action Taken
	testing and the increased costs associated with the extra analysis.		
20	Accelerated Monitoring Schedule - For clarification, this should be re- worded to state, "Accelerated testing shall be conducted when the Monthly Median Effluent limitation results in a "Fail" or the Maximum Daily Effluent Limitation of Fail and ≥50% effect is exceeded."	This comment in section V.A.7 refers to the title of the section, i.e., **Accelerated Monitoring Schedule for Median Monthly Summary Result: "Fail"; and Accelerated Monitoring Schedule for Maximum Daily Single Result: "Fail and % Effect ≥50."** The discussion and description of each ensues in the succeeding paragraph.	None necessary.
21	Based on Governor Gavin Newsome's [sic] California Water Resilience Portfolio program, the City recommends using data from the MS4 program to meet Receiving Water requirements. The MS4 currently monitors the Receiving Water. This would result in reduction of Receiving Water monitoring and be a significant cost savings to the City.	If the MS4 receiving water stations are identical to this permit's monitoring locations, the MS4 receiving water data can be submitted only if the sampling type and required method analysis as required by this permit for a POTW are met.	None necessary.
22	There is no basis to increase monitoring E.coli for Receiving Water from monthly to weekly. Upstream monitoring data for E.coli is consistently higher than downstream Receiving Water and Effluent E.coli concentrations, we request to keep the frequency of E.coli for Receiving Waters to Monthly.	The Board concurs and will change the monitoring frequency from weekly to monthly.	Revision was made to the MRP.
23	The City is committed to protecting the treatment facility from the impacts of climate change but would appreciate some additional explanation of what is expected to be included in this plan. The City is currently part of a TMDL group that is involved with climate issues.	The city of Simi Valley should conduct an assessment to identify which, if any, of its wastewater treatment plant infrastructure is vulnerable to damage due to current and future impacts resulting from climate change, including but not limited to extreme wet weather events, flooding, storm surges, and projected sea level rise. Once the vulnerabilities have been identified, the city of Simi Valley should explain what measures it will take to address those issues and manage the risks.	None necessary.
24	This section seems to be missing information.	Attachment G – Toxicity Reduction Evaluation Work Plan only provides an outline and does not provide a detailed description of each. Detailed guidance about the TRE Work Plan can be found in USEPA manual EP/833B-99-002.	None necessary.

Table 3. Comments received from Heal the Bay on October 17, 2019

Comment Number	Comment	Response	Action Taken
1	**The Simi Valley Water Quality Control Plant should transition from chlorination to ultraviolet water purification.** The Facility currently uses chlorination during the final disinfection process, then requiring dechlorination prior to discharge to the Arroyo Simi to protect in-stream aquatic health. However, the best available science indicates that ultraviolet water purification is a preferred method for this process because it is proven effective while minimizing the potential for by-product formation, which has been observed in the chlorination process[1]. Additionally, ultraviolet water purification requires less maintenance. We request that the Regional Board work with the Facility to investigate the feasibility of converting from chlorination to ultraviolet water purification.	Section 13360(a) of the California Water Code prohibits the Regional Water Board from specifying the design, location, type of construction, or particular manner in which compliance may be had with waste discharge requirements or other orders issued by the Regional Water Board. The Facility had an exceedance of the total residual chlorine final effluent limitation due to instrumentation malfunction. However, it was not a recurring violation.	None necessary.
2	**Sources of chronic toxicity in receiving waters must be identified and remediated.** As currently written, the Tentative WDR states "[i]f the chronic toxicity median monthly threshold of the receiving water at both upstream and downstream stations is not met, but the effluent chronic toxicity median monthly effluent limitation was met, then accelerated monitoring need not be implemented." However, if chronic toxicity is observed in receiving waters, the sources of the toxicity must be identified and remediated in order to protect in stream aquatic health. If the permittee is able to determine that the discharge from the Facility is not causing or contributing to the in stream chronic toxicity, we agree that the Permittee shall not be responsible for the identification of the source of the toxicity. However, we recommend that the Regional Board clearly identify, in the permit, the entity that shall be responsible for such testing to ensure that the chronic toxicity is addressed.	Footnote #25 below MRP Table E-7 already contains the following language which addresses the concern: The Permittee shall conduct whole effluent toxicity monitoring as outlined in section V. Please refer to section V.A.7 of this MRP for the accelerated monitoring schedule…. If the chronic toxicity median monthly threshold at the immediate downstream receiving water location is not met and the toxicity cannot be attributed to upstream toxicity, as assessed by the Permittee, then the Permittee shall initiate accelerated monitoring.	None necessary.
3	**Enforcement Action must be taken in the event of permit violation.** There are seven violations at the Facility reported on the CIWQS website[2]: Total Sulfate Monthly Average on	All permit exceedances are being reviewed by the Enforcement Unit. Each exceedance is evaluated, and a corresponding action is taken by the Enforcement Unit.	None necessary

Comment Number	Comment	Response	Action Taken
	02/05/2019 and 03/05/2019, Dieldrin Monthly Average and Daily Maximum on 05/07/2018, 4.4-DDD Monthly Average and Daily Maximum on 05/28/2019, and 4.4-DDD Daily Maximum on 05/29/2019. These are not included in the Preliminary List of Exceedances in Attachment F, Table F-3 of the Tentative WDR. We request that the status of the above listed violations be added to Table F-3, and that enforcement action be taken immediately in response to these violations and any future violations.	Table F-3 lists the exceedances/violations and their corresponding actions taken by the Enforcement Unit. The majority of these violations have already been settled.	
4	**The permittee must be liable for any and all effluent limit exceedances, even during the event of a Single Operation Upset.** Under the Tentative WDR, a single operational upset (SOU) is defined as a single unusual event that temporarily disrupts the usually satisfactory operation of a system in such a way that it results in violation of multiple pollutant parameters. As currently written, a "SOU that leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation…" However, the discharge of multiple pollutants can have cumulative effects on in-stream ecological health, and must, therefore, be considered as multiple individual water quality violations. We recommend that the exception given for an SOU be removed from the Tentative WDR.	Single operational upsets are addressed in the permit in accordance with Section 13385(f) of the California Water Code which reads: (1) Except as provided in paragraph (2), for the purposes of this section, a single operational upset that leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation. (2) (A) For the purposes of subdivisions (h) and (i), a single operational upset in a wastewater treatment unit that treats wastewater using a biological treatment process shall be treated as a single violation, even if the operational upset results in violations of more than one effluent limitation and the violations continue for a period of more than one day, if all of the following apply: (i) The discharger demonstrates all of the following: (I) The upset was not caused by wastewater treatment operator error and was not due to discharger negligence. (II) But for the operational upset of the biological treatment process, the violations would not have occurred nor would they have continued for more than one day. (III) The discharger carried out all reasonable and immediately feasible actions to reduce noncompliance with the applicable effluent limitations.	None necessary.

Comment Number	Comment	Response	Action Taken
		(ii) The discharger is implementing an approved pretreatment program, if so required by federal or state law. (B) Subparagraph (A) only applies to violations that occur during a period for which the regional board has determined that violations are unavoidable, but in no case may that period exceed 30 days. All effluent limit exceedances including a single operational upset will be addressed through enforcement actions by the Regional Water Board's Enforcement Unit.	
5	**For any one calendar month during which no sample (daily discharge) is taken and no reasonable justification is provided, an AMEL violation should be determined for that calendar month.** As currently written in the Tentative WDR, "[f]or any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month with respect to the AMEL." However, it is important that samples are taken on schedule, as required by the permit, unless there are safety concerns, or sampling was otherwise not possible. We therefore recommend that if no sample is taken, and no reasonable justification is provided, that an AMEL violation be determined for that month. We recommend the following language be added to the first paragraph under Section VII.C. of the Tentative WDR: "For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month with respect to the AMEL. If reasonable justification is provided in the absence of a sampling event (i.e. unsafe sampling conditions, no discharge, etc.), no compliance determination will be made. If no reasonable justification is provided in the absence of a sampling event for a calendar month, an AMEL violation will be determined for that calendar month."	A violation of the AMEL occurs when the reported value exceeds the AMEL specified in the permit. However, if a sample is not collected during a given month, that constitutes a monitoring violation, not an AMEL violation. A reporting violation would occur if the Discharger failed to include a statement in the monthly report explaining why the sample was not collected within the specified monitoring period.	None necessary.
6	**The Tentative WDR must clearly explain that in the absence of Interim Effluent Limitations, Final Effluent Limitation are applicable.**	The following clarifying language was added to the WDR section IV.A.2, as requested:	Added requested

Comment Number	Comment	Response	Action Taken
	Under the Metals TMDL-based Interim limits, the Tentative WDR states "As of March 27, 2017, the effluent from the Simi Valley WQCP has consistently achieved the final waste load allocations for the Metals TMDL. Therefore, no interim effluent limitations are included in this permit." However, as currently written, the Tentative WDR does not explicitly state that final effluent limits apply to Metals TMDL-based Interim limits, as is stated for Organo Chlorine Pesticides, PCBs, and Siltation TMDL-based Interim limits; and for Boron, Chloride, Sulfate, and TDS (Salts) TMDL-based Interim limits. We support the use of final effluent limits for metals in the Tentative WDR. For the purpose of clarity and transparency in the permit requirements, and to ensure accountability for violations of metals effluent limitations, we suggest the following additions to section IV.A.2.a. of the Tentative WDR: "Therefore, no interim effluent limitations are included in this permit, and only the final effluent limitations for these pollutants are applicable in this permit."	Therefore, no interim effluent limitations are included in this Order for these pollutants ", and only the final effluent limitations for these pollutants are applicable in this Order."	language to WDR on page 8.
7	**Reporting for anticipated non-compliance or modifications cannot lead to unenforced violation of water quality standards.** The Tentative WDR states "The Permittee shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements. (40 CFR section 122.41(l)(2).)" We suggest the following clarifying language to Attachment D, section V.G., to ensure that The Board review the proposed changes/anticipated non- compliance and determine if this is allowable, and to ensure that other parties should be able to review the proposal and provide comments on the potential impact the proposal will have: "The Permittee shall ~~give advance notice to the~~ submit a plan for public review and Regional Water Board approval of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements. (40 CFR section 122.41(l)(2).) Reporting	The following permit requirement is taken verbatim from the anticipated non-compliance reporting requirement in 40 CFR 122.41(l)(2), where the Regional Water Board acts as the Director: The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may ay result in noncompliance with permit requirements. The statute does not require submittal of a plan for public review, nor approval by the Regional Water Board of such a plan. Any enforcement action would be carried out consistent with the California Water Code and with the State Water Board's Enforcement Policy.	None necessary.

Comment Number	Comment	Response	Action Taken
	anticipated noncompliance does not preclude enforcement action by the Regional Water Board in the event of effluent limit violations under this permit during the period of anticipated noncompliance.”		