

## Response to Comments

West Basin Municipal Water District  
 Juanita Millender-McDonald Carson Regional Water Recycling Plant  
 Waste Discharge Requirements and 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
<b>Comments received from the West Basin Municipal Water District on May 23, 2018.</b>				
West Basin Municipal Water District	1	<p><b>Table 3. Page 2. EFFECTIVE DATE</b></p> <p>West Basin requires reasonable relief on timing of permits, or at minimum, flexibility with deadlines within permits.</p> <p>West Basin submitted the application for this permit renewal as required on time - 180 days prior to the expiration date. The application for reissuance was submitted on August 3, 2017 and was deemed complete on September 20, 2017. West Basin also submitted a permit renewal application for the ECLWRF Brine (CA0063401) as required back on June 23, 2016 which was deemed complete on July 21, 2016.</p> <p>Despite West Basin's timely submittal of renewal applications nearly two years apart, both the ECLWRF and this Carson permit have been scheduled for adoption on the same date. This will result in implementation on the same date and the proposed ten special studies, work plans or program documents are currently all due at the</p>	<p>The effective date is set by regulatory requirement, established by the 1989 Memorandum of Agreement between the State Water Resources Control Board and the United States Environmental Protection Agency used in the implementation of the Clean Water Act. Even though the effective date of the permit may not be revised, the West Basin Municipal Water District (West Basin) may submit the Report of Waste Discharge (ROWD) for either facility earlier than 180 days prior to the permit expiration date. Irrespective of when the ROWD are submitted, the Regional Water Board staff will work with West Basin to stagger the adoption date of the NPDES permits for both facilities.</p>	Revisions were made to the permit.

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		<p>same time. The renewal packages will also be due concurrently. This creates a challenge between balancing staff time and duties, as well presenting a challenge to budgeting of public dollars each fiscal year. West Basin requests relief in this situation and urges the Board to delay the effective date of this Carson brine permit for West Basin until January 1, 2019 at a minimum. If West Basin's request is not allowed under statute or regulation, then allowing the plans or program documents in the permit to be submitted within one year (instead of 90 days) would be reasonable while still ensuring protection of water quality.</p>	<p>With the storm water monitoring and reporting requirements removed (see response to comment #22) and the brine discharge comparison study removed (see response to comment #15) in the Revised Tentative Order, there are only two reports due 90 days from the effective date of the Order: TRE Work Plan and a Technical Report on Preventative and Contingency Plans. The due dates were modified to 120 days from the effective date of the Order to give West Basin additional time to complete these documents.</p>	
West Basin Municipal Water District	2	<p><b>POTW LANGUAGE</b></p> <p>There are several requirements in the tentative permit that are directed toward POTWs (Publicly Owned Treatment Works). The permit explicitly includes language discussing how to treat or clean up untreated wastewater or sewage. Carson is an advanced water treatment supply plant and does not have any sewage or untreated wastewater on its site. Carson treats already permitted disinfected tertiary Title 22 water (File No. 94-062, CI 01-7453) as its feed source, which is already permitted for use at schools and in dual plumbed facilities. Please delete the below references along with their POTW requirements:</p> <p><b>1. P 21 VI.C.3.b – Spill Clean-up Contingency Plan (SCCP)</b> Requirements for SCCP are not applicable to this facility. This requirement in the tentative</p>	<p>As noted in the POTW definition in Attachment A, a POTW is a treatment works which is owned by a State or municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. Since the Carson WRP is a publicly-owned facility that recycles municipal sewage or industrial wastes of liquid nature, the facility is considered a POTW. Because the Carson WRP does not include primary and/or secondary treatment of municipal sewage; however, some POTW requirements are not applicable and were not included in the tentative Order. The SCCP requirement is addressed below.</p> <p>The Carson WRP produces brine waste on-site so a plan must be in place to minimize the</p>	Revisions were made to the permit.

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		<p>order states this plan is necessary to address "...bypasses of untreated wastewater from the Discharger's influent system..." This facility does not receive untreated wastewater nor have a need to bypass. Furthermore, spill clean-up protocols exist and are filed with the Los Angeles Certified Unified Participating Agencies, in addition to being outlined in the SWPPP required by the industrial stormwater program in which West Basin enrolled on May 23, 2018.</p> <p><b>2. Page F-35 – Spill Clean Up Contingency Plan</b></p> <p>West Basin requests removal of this plan as it also relates to a POTW. This section explicitly refers twice to the clean-up of sewage. There is no sewage at the Carson Plant. The Carson plant is an advanced water treatment facility purifying already treated water. References to sewage should be removed from the document.</p>	<p>environmental impact of any brine waste spill from the facility. The Carson WRP brine line experienced two separate spills during the last permit cycle including 1,200 gallons of brine waste that flowed into the storm drain in 2013 and 35,550 gallons of brine that flowed into the Dominguez Channel in 2016. West Basin should address the procedures to be carried out in the event that there is an unpermitted discharge to a surface water body. Since these concerns may be addressed in another plan such as the SWPPP or the Technical Report on Preventative and Contingency Plans, the SCCP requirement was removed in the revised Tentative Order. In addition, the compliance summary in Section II.D of the Fact Sheet was revised to include two additional spills that were reported during the last permit cycle.</p>	

<p>West Basin Municipal Water District</p>	<p>3</p>	<p><b>LOS ANGELES COUNTY SANITATION DISTRICTS RECEIVING WATER MONITORING</b></p> <p>The tentative permit states on page 10, “The receiving water monitoring is conducted by the Los Angeles County Sanitation Districts (LACSD) to ensure that the mixture of JWPCP [Joint Water Pollution Control Plant] effluent and Carson brine discharge is in compliance with receiving water limitations and to characterize the water quality of the receiving water.” For consistency, and to clarify that West Basin does not have any bacteriological monitoring responsibilities at the outfalls in the ocean, please delete the following:</p> <ul style="list-style-type: none"> <li>• <b>Section V.A.</b> - in its entirety, from page 11–13.</li> <li>• <b>Page 7, IV.A.1.c</b> – refers to the JWPCP’s limits for bacteria at shoreline compliance points. However, West Basin does not have access to these points.</li> <li>• <b>Pages 10-12 and 19–20</b> - refer to LA County’s monitoring of surface receiving water. This is a permit for the Carson Plant and therefore this language should be omitted.</li> <li>• <b>Page E-3, I.L.1–2</b> - This section discusses bacteria limits which are the purview of the JWPCP.</li> </ul>	<p>The brine waste from the Carson WRP shall not cause a violation of water quality objectives in the receiving water. The Los Angeles County Sanitation Districts (LACSD) monitors the receiving water to ensure the combined effluent is in compliance with the receiving water quality objectives. The receiving water limitations would still apply even if discharge of effluent from JWPCP was suspended to ensure compliance with the California Ocean Plan; therefore, the receiving water limitations in Section V.A. and the receiving water monitoring are appropriate for this facility’s discharge.</p> <p><b>Section V.A.</b> – These receiving water limitations are based on the water quality objectives in Section II.B. of the Ocean Plan for all discharges to the ocean in California.</p> <p><b>Section IV.A.1.c.</b> – Inshore monitoring, as defined in JWPCP Order No. R4-2017-0180, for LACSD is conducted to demonstrate that bacteria that may originate from the outfall are not transported to the beaches. However, if LACSD should terminate discharge and/or monitoring from JWPCP, West Basin would be responsible for the monitoring since the brine discharge has the potential to impact bacterial concentrations at the beach. To clarify, the text in IV.A.1(d) has been modified as follows:</p> <p>The Discharger shall ensure that bacterial concentrations in the effluent discharged from Discharge Points 001 and 002 do not result in an exceedance of JWPCP’s waste load</p>	<p>Revisions were made to the permit.</p>
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			<p><del>allocation</del> of zero (0) days <del>exceedance</del> of the single sample numeric limits or geometric mean limits (based on Basin Plan bacteria objectives for marine waters designated REC-1, see Section VI.A.1.b <u>and the Santa Monica Bay Bacteria TMDLs</u>) at shoreline compliance points, as specified in Regional Water Board Resolutions Nos. 2002-004 and 2002-022.</p> <p>The Harbor Toxics TMDL monitoring on pages 19-20 have been removed. (Refer to Comment #22)</p> <p><b>Pages 10-12 and 19–20</b></p> <p>For pages 10-12, see above response for Section V.A. The Harbor Toxics TMDL requirements have been removed (see response to comment #22).</p> <p><b>Page E-3, I.L.1-2</b></p> <p>See response above for Section IV.A.1.c.</p>	

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West Basin Municipal Water District	4	<p><b>Page E-12 V.B.4. Most Sensitive Species Screening.</b></p> <p>The first species sensitivity screening test under this tentative permit, is to be conducted during the permit's first required sampling period which would be in September 2018. However, the current permit dictates that a most sensitive test be conducted in August 2018. During 2017, extensive 3 species testing (five sets of samples) was done which resulted in kelp being the most sensitive species. Since testing will occur in August 2018 for the most sensitive species (kelp), West Basin requests that the first toxicity testing under the tentative order begin the following year – in August of 2019. This schedule would require the three species rescreening testing be done in 2019, 2021, and 2023, which would align better with the reissuance process. West Basin has been conducting toxicity testing during the past two permits, therefore this rescheduling would seem appropriate and allow for relief in the above discussed compacted schedules of multiple permits, while still protecting water quality and the environment.</p>	<p>Order No. R4-2013-0046 requires 3-species screens every 24 months and screening began in the third quarter of 2013. The last 3-species screening was initiated in August 2017. This Tentative Order also requires 3-species screens to be conducted every 24 months. Since less than 24 months have elapsed since the last 3-species screen and to be consistent with the 3-species screening frequency for this facility, Section V.B.4. of the Tentative Order has been revised to require initiation of the next 3-species screening 24 months after the last screening or August 2019.</p>	<p>Revisions were made to the permit</p>
West Basin Municipal Water District	5	<p><b>Attachment G</b></p> <p>Toxicity Reduction Evaluation for POTW should be deleted as the Carson plant is not a POTW.</p>	<p>See Comment #2 for definition of a POTW. If toxicity is consistently observed in the brine discharge, a TRE is required to determine what is causing the toxicity and what actions may be performed to reduce the toxicity.</p> <p>There are three TRE requirements in the Tentative Order. The initial TRE Work Plan is a</p>	<p>Revisions were made to the permit</p>

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			<p>requirement that was carried over from the previous permit and is required to be submitted after the effective date of the Order. The provisions in Attachment G have been modified to correspond to the major applicable components identified in the <i>Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants</i> (EPA 833-B-99-002). The second TRE requirement is to conduct the TRE if the chronic toxicity tests conducted in compliance with this Order consistently result in “Fail” (Section VI.B.2.d.).</p> <p>The third TRE requirement is to prepare a Detailed TRE Work Plan if a TRE is initiated (see section V.B.7.a.).</p>	
West Basin Municipal Water District	6	<p><b>Page E-11. Toxicity.</b></p> <p>The Tentative draft refers to language in the Order for JWPCP. For clarity and to avoid confusion, West Basin requests that the specifications and requirements be listed in the tentative permit instead of another agency’s permit.</p>	<p>Staff agrees. All chronic toxicity requirements should all be included in the Order to avoid confusion. The dilution water shall be prepared as specified in section V.B.5.c. and the Order has been revised to remove reference to the JWPCP Order.</p>	<p>Revisions were made to the permit.</p>
West Basin Municipal Water District	7	<p><b>Page E-10 – Remove Chronic Toxicity Test</b></p> <p>Carson WRP brine does not exhibit potential for chronic toxicity. The requirements for toxicity testing are significant and its inclusion in this permit is not consistent with the finding on page E – 10 that “..the Carson WRP does not show reasonable potential for chronic toxicity.” The amount of brine that is the final effluent from JWPCP is 0.48%. This very small percentage of</p>	<p>The Tentative Order acknowledges that the Carson WRP discharge does not have reasonable potential to exceed the water quality objectives for toxicity; therefore, no chronic toxicity final effluent limitation was included in the Tentative Order. Annual monitoring is still required for chronic toxicity because chronic toxicity takes into account pollutants that are not being monitored individually and it also accounts</p>	<p>None necessary.</p>

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		the effluent, as well as the fact that historically the brine has never shown any significant effects to plant, animal or invertebrate populations, makes it reasonable to request that this requirement be removed.	for the combined effects of multiple pollutants present in the discharge. Although the discharge flow is currently a small percentage compared to the JWPCP discharge, the Carson WRP's discharge will become more significant as LACSD moves toward recycling more of JWPCP final effluent.	
West Basin Municipal Water District	8	<p><b>Undisinfected Secondary Effluent Page E-11, V.B.1.</b></p> <p>The tentative permit specifies using undisinfected secondary effluent from the JWPCP for toxicity testing – the current existing permit calls for secondary effluent. JWPCP uses disinfected secondary effluent for compliance with their NPDES permit (and dechlorinates it as allowed under the permit). The JWPCP does not collect composite samples of undisinfected effluent for compliance. Therefore, West Basin asks for the removal of the requirement for undisinfected secondary effluent from the JWPCP for toxicity testing from the tentative permit, if toxicity testing is not removed from the order entirely.</p>	Staff agrees. The previous Order and the NPDES permit for JWPCP do not specify undisinfected secondary effluent. West Basin shall use the same sample LACSD uses to conduct chronic toxicity tests for JWPCP.	Revisions were made to the permit.
West Basin Municipal Water District	9	<p><b>Sampling Seven Days a Week. MRP Section IV.B.1. Page E-5</b></p> <p>The Carson Plant is a satellite facility which is remotely operated from the ECLWRF Control Room. Operators are on-site at Carson five days a week on a rotating basis. The only days that consistently have operators on site are Monday, Wednesday, and Friday. The requirement to have effluent sampling on a different day of the week every month presents a staffing challenge</p>	Staff agrees. The footnote has been revised to exclude Saturday and Sunday.	Revisions were made to the permit.



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		<p>particularly on weekends without full staffing or lab operation. Due to some very short holding times (pH, Total Suspended Solids, nitrate, chlorine residual, temperature) samples could not be collected Saturday or Sunday and still be analyzed within holding times. West Basin requests this footnote 5 on page E-5 instead say to rotate samples Monday - Friday only.</p>		
West Basin Municipal Water District	10	<p><b>Influent Sampling Page E-4</b></p> <p>The location for influent sampling is listed as the ECLWRF in El Segundo. West Basin suggests the influent sample point be located at the actual Carson Plant. West Basin believes this would provide a better and more accurate representation of the influent water.</p>	<p>Staff agrees. The influent monitoring location has been revised in Table E-1 of Section II of the MRP.</p>	<p>Revisions were made to the permit.</p>
West Basin Municipal Water District	11	<p><b>Peak Flow Page E-5</b></p> <p>The flow demand for the refinery Carson services is not predictably cyclical, but rather is based on a fairly consistent refinery demand. Exact peak flow is not known until the end of the day, and the timing may vary from day to day. Collecting oil and grease and TSS grabs at peak flow over a 24 hour period would be challenging since flows for the recycled water are based on customer demand and not known ahead of time. In addition, operators are not at this facility 24/7. West Basin requests the “peak flow” language to be removed from the permit and instead samples be taken during a specific window of time when flows may be typically higher.</p>	<p>Staff agrees. Since the flow at the Carson WRP is dependent on the demand from the recycled water users, it will be difficult to predict the peak flow rate on any given day. The footnote was removed.</p>	<p>Revisions were made to the permit.</p>

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West Basin Municipal Water District	12	<p><b>New USEPA Method for Mercury sampling Page E-6</b></p> <p>The method listed for sampling mercury, USEPA Method 1631E, would require the purchase of a new expensive piece of equipment or utilizing a subcontract lab to perform this costly analysis. West Basin currently uses EPA method 200.8 which is an industry wide method utilized with accurate results. Therefore, West Basin requests being able to continue to use standard analytical method EPA 200.8.</p>	<p>The Tentative Order requires the use of the most sufficiently sensitive test methods (Attachment D, Section III.B.). The most stringent water quality objective in the California Ocean Plan for mercury is 0.04 µg/L. The method currently being used to conduct mercury analyses only has a minimum level of 0.5 µg/L. Since method EPA 200.8 does not provide the sensitivity required to collect detectable and quantifiable data and to determine reasonable potential, a more sensitive test method is required to achieve detection levels below the water quality objective. Since this is a new requirement and using method 1631E adds an additional cost to West Basin, the frequency of monitoring for mercury has been reduced to semiannually and a footnote has been added to Table E-3.</p>	<p>Revisions were made to the permit.</p>
West Basin Municipal Water District	13	<p><b>PCB's Page E-9</b></p> <p>Footnote 14 on E-9 requires the use of USEPA Method 1668c and 608 for PCBs as congeners. The use of method 1668c, which is not a part of 40 CFR 136, is for informational purposes only. Rather, it is to help assess concentrations in the receiving waters. Testing using 1668c is costly and West Basin is not responsible for testing in the receiving waters – it is the responsibility of LACSD. Therefore, West Basin requests the requirement for testing PCBs with both methods be changed to testing only by standard method 608.</p>	<p>Although West Basin does not conduct receiving water monitoring, West Basin is still responsible for the impact the brine discharge has on the receiving water. PCBs as congeners is a requirement in the Tentative Order based on USEPA's recommendation in the Santa Monica Bay TMDL for DDTs and PCBs (page 49), to require monitoring and reporting using sufficiently sensitive test methods in addition to the currently approved 40 CFR 136 methods for NPDES monitoring of DDTs and PCBs. Method 1668c is a sufficiently sensitive test method for PCBs as congeners; therefore the monitoring requirement satisfies the recommendations in</p>	<p>Revisions were made to the permit.</p>

Committer	#	Comment	Response	Action Taken
			<p>the Santa Monica Bay TMDL for DDTs and PCBs.</p> <p>Although it is not appropriate to remove monitoring of PCBs as congeners using method 1668c from the Tentative Order, the Regional Water Board is aware of the additional costs associated with conducting method 1668c for PCBs as congeners so the frequency of monitoring has been reduced from semiannually to annually and a footnote was added to Table E-3. Furthermore, the Tentative Order only requires monitoring PCBs as congeners using method 1668c for 3 years if none of the PCB congeners are detected using method 1668c. The reduced frequency of monitoring required in the Revised Tentative Order for PCBs as congeners in the Tentative Order satisfies the recommendations in the Santa Monica TMDL for DDTs and PCBs without being overly burdensome.</p>	

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West Basin Municipal Water District	14	<p><b>Dilution Factor Page 6, footnote 3</b></p> <p>The dilution factor of 24,070 is based on the maximum flow from Carson diluted by the lowest JWPCP effluent flow (between 2012 and 2016), and diluted again coming out of the outfall. The most conservative dilution factor for Outfall 004 (the 60" outfall) was used in this calculation, which is the lowest value for all of the outfalls. However, Outfall 004 is rarely used - the Discharge Prohibitions in the permit specify that discharge to Outfalls 003 and 004 is prohibited except under rare circumstances (emergencies, preventative maintenance, or major capital improvement projects when there is no other feasible alternative). It seems more reasonable to use the dilution factor from Outfalls 001 and 002, which yields an overall dilution factor of 34,700. West Basin requests the dilution factor be changed to reflect more accurately the outfalls that are used for discharge of the Carson brine, resulting in a dilution factor of 34,700.</p>	<p>The effluent limitations in Table F-4 only include conventional pollutants and pollutants with Waste Load Allocations from an applicable Total Maximum Daily Load. No Water Quality-Based Effluent Limitations were calculated for nonconventional or toxic pollutants, so the applicable dilution ratio was not used to determine any of the final effluent limitations. As noted in the comment, the dilution ratio of 24,070 was calculated based on the maximum flow from the Carson WRP diluted by the minimum flow from JWPCP, and diluted again coming out of Discharge Point 004. West Basin is not permitted to discharge to Discharge Point 004 under the discharge prohibitions in Section III.A. of the Order so if a Water Quality-Based Effluent Limitation was calculated for the Carson WRP using this dilution, it would only be applicable to Discharge Point 004. However, since no Water Quality-Based Effluent Limitations were calculated for nonconventional or toxic pollutants in this Order, footnote 3 of Table 4 has been modified to delete the sentence pertaining to the most conservative dilution ratio for Discharge Point 004.</p>	<p>Revisions were made to the permit.</p>
West Basin Municipal Water District	15	<p><b>BRINE DISCHARGE DATA COMPARISON STUDY</b></p> <p>Instead of performing the grab versus composite study described on page 19, (2.b), West Basin would like to recommend that the described sampling at Carson be done by composite as originally suggested by RWQCB staff.</p>	<p>Staff agrees. If West Basin collects 24-hour composite samples for the conservative pollutants required in the MRP instead of grab samples, no brine comparison study is required.</p>	<p>Revisions were made to the permit.</p>

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West Basin Municipal Water District	16	<p><b>Section VI.C.2.a (page 18)</b></p> <p>TRE – the first word in paragraph should be changed from <b>If</b> to <b>when</b></p>	<p>“If” is more appropriate for this paragraph because the discharge will not necessarily consistently exceed the water quality objective for chronic toxicity during the permit term.</p>	<p>None necessary.</p>
West Basin Municipal Water District	17	<p><b>Page F-6, Section II. Facility Description</b></p> <p>Please amend first paragraph to:</p> <p>The Discharger is a public agency that provides wholesale water to local utility companies and municipal water departments within its service area. The Discharger provides potable water and recycled water to 17 cities and unincorporated areas of southwest Los Angeles County. The <b>Plant</b> is owned by the Discharger and is located at 21029 South Wilmington Avenue, Carson, California. The <b>Plant produces advanced-treated recycled water from a feed source of distributed disinfected tertiary Title 22 water from ECLWRF. The disinfected tertiary feed source is also used at schools, golf courses, parks and medians through-out the District, as well as for dual plumbed toilets, before reaching the Plant.</b> The <b>disinfected tertiary Title 22</b> recycled water is continuously treated by microfiltration and reverse osmosis <b>for refinery boiler feed</b>, or by nitrification at the <b>Plant for refinery cooling towers</b>. The reverse osmosis brine is the only waste stream produced at the <b>Plant</b> that discharges to the Pacific Ocean (see section II.B of Attachment F for detailed information), via the JWPCP outfalls, a water of the United States. Storm water runoff is discharged to the County of Los Angeles storm</p>	<p>Staff agrees that additional clarity is needed to distinguish between Carson WRP and the ECLWRF and to identify the uses of the recycled water. Modifications have been made as appropriate.</p>	<p>Revisions were made to the permit.</p>

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		<p>drain system tributary to the Dominguez Channel Estuary, a water of the United States. All other wastes from the treatment processes at the Facility are discharged to the sanitary sewer.</p>		
West Basin Municipal Water District	18	<p><b>Page F-7, II.A.2.</b></p> <p>Please correct paragraph to:</p> <p>Biosolids are only processed at the Edward C. Little Water Recycling <b>Facility</b>, not at the Carson WRP. Since the Carson WRP only processes <b>disinfected</b> tertiary-treated <b>Title 22</b> recycled water, biosolids requirements were not included in this Order.</p>	Staff agrees.	Revisions were made to the permit.
West Basin Municipal Water District	19	<p><b>Page F-22, under Table F-7</b></p> <p>Please change to:</p> <p>Since the influent is <b>disinfected</b> tertiary treated <b>Title 22 permitted</b> recycled water from the E.C. Little Water Recycling <b>Facility</b> and the effluent from the Carson WFP is brine, requiring 75% TSS removal efficiency is not appropriate for the Carson WRP. As permitted in the 2015 Ocean Plan, since the monthly effluent limitation included in this Order for TSS is 60 mg/L, the Discharger is not required to remove the 75% of suspended solids from the influent stream before discharge to the ocean. All other effluent limitations established in the 2015 Ocean Plan have been included in the Order.</p>	Staff agrees.	Revisions were made to the permit.

Commenter	#	Comment	Response	Action Taken
West Basin Municipal Water District	20	<p><b>Page 18, Section VI.C.2.a</b></p> <p>Please revise paragraph to:</p> <p>If the discharger consistently exceeds the water quality objective for toxicity or an effluent limitation for an Ocean Plan Table B water quality objective specified in IV.A.1, the Discharger shall conduct a Toxicity Reduction Evaluation (TRE) defined in Attachment A. The TRE shall include all reasonable steps to identify the source of toxicity. The Discharger shall take all reasonable steps to reduce toxicity to the required level once the source of toxicity is identified.</p> <p>The Discharger shall prepare and submit a copy of the Discharger's initial investigation TRE work plan in accordance with Monitoring and Reporting Program section V <b>if the above conditions are met.</b></p>	<p>West Basin is required to submit an initial Toxicity Reduction Evaluation Work Plan that outlines the activities that will be conducted if the discharge consistently exceeds the water quality objective for toxicity. This initial work plan must be submitted regardless of Carson WRP's compliance with the toxicity water quality objectives so that West Basin is prepared to conduct a TRE if consistent toxicity is observed in the Carson WRP's effluent. Once the TRE Work Plan is initiated, West Basin is required to submit a detailed TRE Work Plan which shall follow the generic initial TRE Work Plan revised as appropriate for the specific toxicity event (see response to comment #5).</p>	None necessary.

Commenter	#	Comment	Response	Action Taken
West Basin Municipal Water District	21	<p><b>Page F-4, Section I.B</b></p> <p>Please correct paragraph to:</p> <p>The Facility discharges reverse osmosis brine waste, after being mixed with JWPCP effluent, to the Pacific Ocean <b>via JWPCP lines</b> and storm water runoff into the Dominguez Channel, both of which are waters of the United States. The Discharger was previously regulated by Order No. R4-2013-0046 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0064246 adopted on March 7, 2013, and expired on February 10, 2018, but was administratively extended until the adoption of this Order. Attachment B provides a map of the area around the Facility, Attachment C1 provides a site layout of the Facility, and Attachment C2 provides a flow schematic of the Facility.</p>	Staff agrees.	Revisions were made to the permit.
West Basin Municipal Water District	22	<p><b>Storm Water</b></p> <p>West Basin does not agree with the assessment that this satellite plant must comply with stormwater requirements because it contains 'wastewater' equipment. However, per understanding with Los Angeles Regional Water Quality Control Board staff discussions, West Basin agreed to enroll in the Industrial Stormwater Program general permit on May 23, 2018 under the condition that all the stormwater monitoring language is removed from the tentative RO Brine permit.</p>	The Regional Water Board has determined that the West Basin Carson WRP is subject to NPDES storm water requirements pursuant to 40 CFR section 122.26(b)(14)(ix). Storm water regulatory requirements were thus incorporated into the tentative Order. Since West Basin submitted a Notice of Intent with the State Water Resources Control Board to receive coverage under the <i>General Permit for Discharges of Storm Water Associated with Industrial Activities</i> , the storm water requirements are no longer required in this Order. The storm water requirements in the Tentative Order have been removed to avoid duplicative requirements and	Revisions were made to the permit.



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			the storm water reopener VI.C.1. of the Order has been modified.	
<b>Comments received from the LA Waterkeeper on May 23, 2018</b>				
LA Waterkeeper	1	LAW recognizes the leadership role West Basin Municipal Water District has historically played in the field of recycled water. LAW supports the water recycling efforts conducted by West Basin at the Facility, and supports approval of the tentative WDR as revised to address the concerns raised in this letter. The Facility currently provides advanced treatment (with a design treatment capacity of 7.15 million gallons per day) for recycled water that first undergoes tertiary treatment at West Basin's Edward C. Little water recycling facility approximately 10 miles to the northwest in El Segundo. The advanced treatment is necessary for the recycled water to be suitable for its intended end uses, which are high quality boiler and cooling tower water at nearby industrial facilities. None of the advanced-treated recycled water from the Facility is used for landscaping. In the context of the nearby industrial uses generating significant demand for boiler and cooling tower water, the use of recycled water from the Facility to meet these industrial demands appears reasonable at this time.	This Tentative Order does not consider any proposed ocean desalination facility, only the brine discharge produced at the Carson WRP; however, the Regional Water Board encourages water recycling whenever feasible.	None necessary.

Commenter	#	Comment	Response	Action Taken
		<p>LAW suspects this water would otherwise likely be wasted by discharging into the ocean after secondary treatment from the Hyperion system, with potable water most likely substituting as the water supply for the industrial users. Use of recycled water from the Facility represents an environmentally superior outcome.</p> <p>LAW urges West Basin to consider greatly expanding its capacity for recycling water from Hyperion to help meet future potable use needs. The ongoing review of the Environmental Impact Report for the proposed West Basin Ocean Desalination Facility represents the appropriate forum for this broader analysis of expanded use of recycled water. LAW believes it is unnecessary to delay approval of the WDR/NPDES renewal for the existing Facility until resolution of the wider, and much more contentious, issues surrounding the proposed ocean desalination project, but LAW wishes to go on record here with a few observations. LAW continues to oppose the proposed ocean desalination facility as part of a broad coalition of environmental groups (see <a href="http://www.smarterwaterla.org/">http://www.smarterwaterla.org/</a>). While reserving judgment on the adequacy of the EIR for the proposed ocean desalination facility, LAW continues to believe expanded use of recycled water from Hyperion is a viable long term water supply alternative for West Basin. West Basin is currently evaluating several modifications at the Facility to produce higher quality product water for the nearby refinery, and it appears that the modifications are feasible. (Tentative p. F-12.)</p>		

Commenter	#	Comment	Response	Action Taken
		LAW sees no reason why an appropriate level of treatment could not be applied to water from Hyperion to similarly produce product water suitable for indirect or direct potable re-use.		
LA Waterkeeper	2	The Tentative (p. F-12) cites to Water Code Section 13389 in support of the claim that adoption of NPDES Permits are “exempt from the provisions of Chapter 3 of CEQA” and correctly states the scope of the exemption. However, the tentative WDR does not include any findings on the consistency of the project with the applicable sections of CEQA, especially the Chapter 1 policies. LAW recommends the tentative WDR be revised to include CEQA findings. There is ample substantial evidence in the tentative WDR that could support such findings, as well as findings that the renewal of the WDR will not have a significant negative impact on the environment or significant cumulative effects.	This comment is pertinent to ongoing litigation and will only be briefly discussed. A Regional Board’s NPDES permit is exempt from all requirements of CEQA. ( <i>County of Los Angeles v. State Water Resources Control Board</i> (2006) 143 Cal.App.4 <sup>th</sup> 985, 1007.).	None necessary.
LA Waterkeeper	3	Similarly, pursuant to Article X, section 2 of the Constitution and Water Code section 100, the tentative WDR should include findings demonstrating how the WDR ensures recycled water will be put to reasonable beneficial uses and not wasted—findings that must be based on the Regional Board’s analysis of supporting record evidence. This reasonable beneficial use analysis should, at a minimum, consist of determining what specific uses of recycled water are both reasonable and beneficial in the context	This comment is pertinent to ongoing litigation and will only be briefly discussed. Article X section 2 and Water Code section 100 do not impose a mandatory duty on the Regional Water Board to conduct a waste and unreasonable use analysis. No case has ever held that a regional water board has a mandatory duty to review every water quality permit that authorizes a discharge to determine whether or not the discharge is a waste or unreasonable use of such water.	None necessary.

Commenter	#	Comment	Response	Action Taken
		of the watersheds where the recycled water will be used, and the amount of recycled water reasonably required for those beneficial uses. LAW notes that in the context of this project, such findings should be readily supportable on the existing record. To the extent the Regional Board requires the assistance of the State Board to conduct this required reasonable use analysis, the Regional Board can, and should, consult with the State Board pursuant to Water Code section 13225(a).		
LA Waterkeeper	4	<b>Fact Sheet Pages F-28 to F-29.</b> LAW concurs with the findings regarding anti-backsliding requirements.	Comment noted.	None necessary.
LA Waterkeeper	5	<b>Fact Sheet Pages F-16 and F-31.</b> Santa Monica Bay is listed on the 303(d) list of impaired waterbodies for DDT, debris, PCBs, sediment toxicity, and fish consumption advisories. The Tentative WDR includes waste load allocations for DDT and PCBs that appear consistent with the underlying TMDLs.	Staff agrees.	None necessary.
LA Waterkeeper	6	<b>Anti-degradation</b> LAW recommends the tentative WDR be revised to include record citations in support of the conclusions regarding consistency with anti-degradation policies. Additionally, LAW is concerned that analysis of the tentative WDR for consistency with the federal anti-degradation	Section IV.D.2. of the Fact Sheet has been revised to include additional analysis of those pollutants for which Santa Monica Bay is impaired. Section III.D. was also revised to update to the 2014-2016 303(d) listing information for Santa Monica Bay.	Revisions were made to the permit.

Commenter	#	Comment	Response	Action Taken
		<p>policy appears to be entirely lacking. The California anti-degradation policy incorporates the federal anti-degradation policy. (Tentative p. F-15.) The federal policy does not permit <i>any</i> additional degradation of impaired waterbodies. (See 40 C.F.R. §131.12.) Thus, LAW requests the tentative WDR be revised to include additional analysis on a pollutant-by-pollutant basis of the consistency of the tentative WDR with applicable requirements for those pollutants for which Santa Monica Bay is impaired (i.e., DDT, debris, PCBs, sediment toxicity, and fish consumption advisories). The finding that the minimal additional degradation allowed by the Ocean Plan (see p. F-29) is fully consistent with all applicable anti-degradation policies is not well supported by record evidence without this additional analysis specific to listed impairments. For DDT and PCBs, this analysis could be as simple as citations to the applicable WQBELs coupled with citations and a short narrative discussing how the required monitoring associated with the permit and reopener language is adequate to ensure that any unanticipated water quality degradation is promptly detected and remediated.</p>		
LA Waterkeeper	7	<p>LAW recognizes that West Basin has long been a leader in water recycling, and LAW is supportive of water recycling efforts at the Facility. LAW supports the approval of the tentative WDR subject to the comments above. Thank you for this opportunity to comment.</p>	Comment noted.	None necessary