

May 23, 2018

California Regional Water Quality Control Board
Los Angeles Region
ATTN: Steven Webb
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Via e-mail to Steven.Webb@waterboards.ca.gov

RE: Order R4-2018-xxxx, Tentative Waste Discharge Requirements (WDR) and National Pollutant Discharge Elimination System (NPDES) Permit- West Basin Municipal Water District (West Basin), Juanita Millender-McDonald Carson Regional Water Recycling Plant (NPDES Permit No. CA0064246)

Dear Mr. Webb:

Los Angeles Waterkeeper (LAW) submits the following comments on the tentative WDR/NPDES Permit for the existing West Basin Regional Water Recycling Facility in Carson (the Facility), including stormwater discharges to the Dominguez Channel estuary.

LAW is a nonprofit environmental organization with over 3,000 members dedicated to protecting and restoring the inland and coastal surface and ground waters throughout Los Angeles County, and ensuring an environmentally sustainable water supply. LAW advocates for the “4R” approach to integrated water management: reduce use of water through conservation and efficiency; reuse greywater and capture stormwater; recycle through wastewater reclamation, preferably for potable uses; and restore watershed health through rehabilitation of our contaminated surface and drinking water sources.

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. 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.

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 <http://www.smarterwaterla.org/>). 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.) 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.

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.

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 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).

LAW concurs with the findings regarding anti-backsliding requirements. (Tentative pp. F-28 and F-29.)

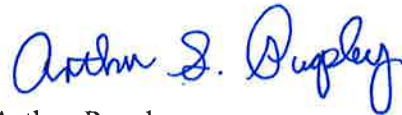
Santa Monica Bay is listed on the 303(d) list of impaired waterbodies for DDT, debris, PCBs, sediment toxicity, and fish consumption advisories. (Tentative p. F-16.) The Tentative

WDR includes waste load allocations for DDT and PCBs that appear consistent with the underlying TMDLs. (Tentative p. F-31.)

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 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 *any* 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.

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.

Sincerely,



Arthur Pugsley
Senior Attorney
Los Angeles Waterkeeper