

Response to Comments

**Water Replenishment District of Southern California
GRIP-AWTF
Tentative NPDES Permit**

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

Number	Order Section No.	Page # in Attachment A	Comments	Response	Action Taken
Comments received from Water Replenishment District of Southern California (WRD) on August 4, 2017 (Attachment B)					
1	Various (see Attachment A)	Various (see Attachment A)	<p>In addition to referring to the GRIP-AWTF and its advanced treated recycled water as “advanced water treatment facility”, “advanced treated water”, “advanced treated recycled water”, and “advanced treated effluent”, the tentative Order also uses phrases such as “waste,” “wastewater treatment facilities”, “waste treatment and/or disposal facilities”, “wastes discharged”, and “wastewater” to characterize them. WRD requests that the tentative Order be revised to consistently refer to the GRIP-AWTF as an “advanced water treatment facility” and its discharge as “advanced treated recycled water”. In addition, many of the requirements based on wastewater treatment facilities or publicly-owned treatment works (POTWs) do not apply to GRIP-AWTF, as further elaborated in the remainder of this document. WRD respectfully requests that the provisions specifically based on and/or referencing the discharge of “waste”, wastewater treatment facilities, or treating the GRIP-AWTF as a POTW be revised or removed, if appropriate. Modifications consistent with this comment are reflected in Attachment A – Redlined Word document of the Tentative Order.</p> <p>While WRD recognizes that the form of the permit may need to be initially phrased as a “waste discharge requirement” to avoid confusion with the Regional Water Board’s authorizing statute, in this</p>	<p>The Regional Board staff agrees that it is appropriate to use the terms that more accurately reflect the nature of the discharge and has revised the tentative order using the following terms, where appropriate, throughout this permit:</p> <ol style="list-style-type: none"> 1. Tertiary treated effluent to denote San Jose Creek effluent discharge. 2. Advanced treated recycled water to denote GRIP-AWTF effluent discharge. 3. Blended tertiary treated water to denote combined San Jose Creek Water Reclamation Plant (WRP) tertiary treated effluent and AWTF’s advanced treated recycled water. <p>The GRIP-AWTF discharges advanced treated wastewater to navigable waters of the United States – San Gabriel River. WRD, therefore, appropriately filed an NPDES permit application (Report of Waste Discharge or ROWD) as required by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act.</p>	Revisions were made to the permit.

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			<p>case Water Code section 13377 (authorizing issuance of NPDES permit as “waste discharge requirements”), WRD requests that the provisions avoid further characterization of the water produced as “waste,” and instead base regulatory requirements on the more applicable statutory framework for “water reclamation requirements” governing the use of “recycled water.”</p> <p>In addition, and as detailed further in this comment below, WRD would like to underscore the fact that the primary purpose of the GRIP-AWTF project is to support the beneficial use of groundwater recharge in the Central Basin by producing advanced treated recycled water for injection and spreading for groundwater replenishment purposes. Similar to a drinking water treatment plant whose source water may consist of a wastewater effluent-dominated supply but its purified product water would be referred to as drinking water, not wastewater, GRIP-AWTF’s advanced treated recycled water should not be regarded as wastewater, though its source water consists of the title 22 recycled water (tertiary treated recycled water) from the San Jose Creek Water Reclamation Plant (SJCWRP or San Jose Creek WRP).</p> <p>By way of further background, the State of California, through its repeated Legislative and regulatory mandates, has made clear that substantially augmenting the use of recycled water in California is crucial to providing for and sustaining local water supplies. Increasing the acceptance, and promoting the use, of recycled water is a recognized means for achieving those sustainable local water supplies; thus, the State, the State and Regional Water Boards, and local governments all share the same duty to promote recycled water use via protective, but <i>reasonable</i>, requirements. (See Water Code §13000) In this case, however, the tentative Order fails to further the goals of the State as the tentative Order proposes to regulate</p>	<p>Regional Water Board staff developed the tentative NPDES draft permit using the information provided by the WRD in accordance with applicable regulations.</p> <p>In drafting this NPDES permit, staff recognized that certain portions/sections of a typical NPDES permit do not apply to the GRIP-AWTF operations. Staff removed those sections (e.g., pretreatment standards, special provisions for POTWs, sanitary sewer provisions, etc.) that are not applicable to the GRIP-AWTF. Staff tailored the language even further throughout the permit draft, to make sure that only appropriate language and requirements are included in this permit.</p> <p>The Discharger commented that the GRIP-AWTF effluent discharge is not a “waste” or “wastewater” but rather “recycled water.” The Regional Water Board staff agrees that the effluent is highly treated and will be used as recycled water. However, the GRIP-AWTF effluent will be discharging into the waters of the U.S. and State. The effluent from GRIP-AWTF is a point source discharge that discharges pollutants into waters of the U.S. and the State and is, therefore, subject to the NPDES requirements that apply to the discharge of pollutants, including 40 CFR parts 122 to 133.</p> <p>WRD comments that only the issuance of water reclamation requirements is necessary. The Regional Water Board is in the process of developing water reclamation requirements for the WRD, however, the discharge subject to the tentative NPDES permit is the discharge of pollutants to waters of the U.S. that will protect all beneficial uses of the receiving water, not just uses addressed by reclamation</p>	

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			<p>the GRIP-ATWF as one that involves the disposal of “waste,” a characterization that will likely have a chilling effect on recycled water projects throughout the region at a time when recycled water use has the ability to substantially decrease the impact of drought conditions and improve water supply sustainability. Though State law, regulations, and policies related to recycled water require only the issuance of “water reclamation requirements” to regulate its beneficial reuse, the tentative Order is presented as “waste discharge requirements,” perhaps due to Water Code section 13377’s reference to the issuance of “waste discharge requirements” as interchangeable with issuance of a federal NPDES permit. While some use of the term “waste discharge requirements” may provide administrative ease and familiarity in the NPDES permit context, the use of the term, along with the terms “waste” and “wastewater,” when describing WRD’s recycled water, should not continue throughout the document or as a basis to impose inapplicable requirements. Given disposal of “waste” and the beneficial reuse of “recycled water” are mutually exclusive activities as defined by the Water Code, WRD seeks to minimize confusion as to the type of water being introduced for purposes of replenishing local water supplies. As such, WRD objects to the characterization of the project as one that involves the disposal of “waste,” rather than the beneficial use of “recycled water.” All references to “waste,” “wastewater,” and “waste discharge requirements” (save for a few necessary references related to the NPDES aspect of the permit), should be removed from the tentative Order, as they are not appropriate or necessary to regulate the beneficial reuse of “high quality advanced-treated recycled water.”</p> <p>While the Fact Sheet describes the GRIP-AWTF as one involving beneficial reuse of high quality recycled water, the tentative Order nonetheless includes the provisions noted in Attachment A, that instead attempt to regulate the project as the disposal of “waste.”</p>	<p>requirements. The requirements governing the use of recycled water under Title 22 regulations are not applicable and will not replace the regulatory requirements of an NPDES permit. WRD disagrees that treated effluent from GRIP-AWTF is a discharge of waste. As discussed above, the GRIP-AWTF, per NPDES regulation, is a point source discharge of pollutants into the waters of the U.S. The GRIP-AWTF discharge contains pollutants that can impact the beneficial uses, both receiving water and groundwater of the San Gabriel River.</p> <p>AWTF is a treatment process that is an extension of the San Jose Creek Water Reclamation Plant (SJCWRP) treatment system. The tertiary treated effluent from SJCWRP is derived from a municipal wastewater origin. Since AWTF is treating the same wastewater that originated from POTW sources, it is appropriate to describe the AWTF effluent as a wastewater discharge because it carries the inherent characteristics of a municipal wastewater discharge. AWTF is still part of the treatment works because it continues to treat the wastewater from SJCWRP.</p> <p>The Regional Water Board supports and promotes recycling of wastewater. However, the discharge to be regulated by this NPDES permit is not for the purpose of recycling wastewater but is a discharge of waste to waters of the U.S. and is subject to NPDES requirements.</p> <p>It is true that the discharge of the San Jose Creek WRPs tertiary treated effluent wastewater complies with NPDES requirements most of the time.</p>	

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			<p>Curiously, though, the tentative Order never specifically identifies how or why the recycled water could be or is considered a “waste,” or attempts to explain why waste discharge requirements or “waste”-related provisions are included. The tentative Order simply assumes, without justification or explanation, that the form of the permit and the references below are supported when, in fact, legal, technical and/or factual basis is lacking. Orders adopted by the Regional Water Board not supported by the findings, or findings not supported by the evidence, constitute an abuse of discretion. <i>Topanga Association for a Scenic Community v. County of Los Angeles</i>, 11 Cal.3d 506, 515; <i>California Edison v. SWRCB</i>, 116 Cal. App.3d 751, 761 (4th Dt. 1981); see also <i>In the Matter of the Petition of City and County of San Francisco, et al.</i>, State Board Order No. WQ-95-4 at page 10 (Sept. 21, 1995).</p> <p>In California, “waste” is defined as “sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed in containers of whatever nature prior to, and for purposes of, disposal.” (Cal. Water Code §13050(d)). “Recycled water” is defined as “water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.” (Cal. Water Code §13050(n) (emphasis added).) Importantly, “waste” cannot be “recycled water,” and “recycled water” by definition is not a “waste.” Therefore, for purposes of regulatory actions, the Regional Water Board must define the activity as one or the other, and regulate accordingly.</p> <p>The Water Code creates two distinct regulatory schemes for regulating “waste” disposal and the beneficial reuse of “recycled water.” “Waste” disposal is regulated by Chapter 4, Article 4 of the Porter-</p>	<p>The requirements in this tentative permit are supported by facts presented in the Fact Sheet and the Regional Water Board adoption of this permit does not abuse its power and discretion.</p> <p>The Discharger cited the wrong section of the CWC section 13523(b) when it should have been section 13523(a) to indicate the consultation between the Regional Water Board and DDW. Nevertheless, the section that the Discharger captioned that states, “Regional Water Boards shall appropriately rely on the expertise of DDW for the establishment or permit conditions needed to protect human health.” – does not apply to NPDES permitting. The Regional Water Board is not bound by the section of the Water Code to rely on DDW’s expertise in preparing an NPDES permit. However, the Regional Water Board staff is consulting with DDW since one of the beneficial uses of the receiving water is groundwater recharge of a source of drinking water.</p> <p>On January 10, 2017, the Permittee submitted a separate ROWD for WDRs/WRRs, to provide coverage for the groundwater recharge activities via surface spreading and injection wells using GRIP-AWTF advance treated recycled water. This application is not for an NPDES permit. Therefore, the reuse of the GRIP-AWTF’s recycled water for recharge and injection will be regulated under the applicable Title 22 recycled water regulations. For the WDRs/WRRs order, the GRIP-AWTF’s effluent discharge can be appropriately referred to as “recycled water.”</p> <p>Strictly speaking and in conformance with the provisions of the Clean Water Act and the</p>	

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			<p>Cologne Water Quality Control Act (Water Code sections 13260 – 13275), with Water Code section 13263 prescribing the issuance of “waste discharge requirements” (“WDRs”) for regulation and control. Beneficial reuse of “recycled water” is regulated by an entirely separate section of Porter-Cologne; specifically, Chapter 7, Article 7 (amongst other articles), with Water Code section 13523 prescribing the issuance of “water reclamation requirements” for recycled water projects. A significant difference between the two schemes is that the Division of Drinking Water (DDW) (formerly the California Department of Public Health) plays a major role in the definition of what constitutes “recycled water,” and the regulation of recycled water projects, as DDW is the state agency charged with adopting regulations to address all aspects of recycled water conditions, treatment, operations, and use restrictions. (See Water Code §§ 13520, 13521 (authorizing DDW to establish uniform statewide recycling criteria), 13523 (requiring water reclamation requirements be in conformance with DDW’s recycling criteria), 13562 (authorizing DDW to establish uniform water recycling criteria for indirect potable reuse for groundwater recharge), and 13563-13566 (authorizing DDW to investigate the feasibility of developing uniform water recycling criteria for direct potable reuse).) It is the prescribed level of treatment required by DDW pursuant to the uniform recycling criteria that transforms domestic wastewater from being legally considered a “waste” to being considered “recycled water” for regulatory purposes. In this case, WRD will be employing such a high level of treatment, the water produced is clearly “recycled water” as that term is defined in the Water Code.</p> <p>Per the Legislature’s expressly adopted language, if a recycled water project meets DDW’s requirements and is acceptable based on protection of human health, the recycled water project should proceed without obstacle; in fact, water reclamation requirements may</p>	<p>Water Code, the word “recycled water” cannot replace “waste/wastewater” when regulating discharges from a point source that contains pollutants. Because the GRIP-AWTF discharges contain pollutants or wastes, replacing “waste/wastewater” with “recycled water” is not appropriate. However, given the level of treatment this wastewater will have received it is reasonable to refer to the effluent as advanced treated effluent.</p> <p>The comments pertain to recycled water and reuse, which does not apply to discharge of waste to navigable waters.</p> <p>This is an NPDES permit and not WRRs. The MOA only applies to water recycling requirements.</p>	

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			<p>not even be required if both agencies (DDW and the Regional Water Board) see no need to add to the existing regulatory requirements imposed by DDW on a specific project. (See Water Code §13523(b) (“each regional board, after ... [consulting with DDW] ... shall, if in the judgment of the board, it is necessary to protect the public health, safety, or welfare, prescribe water reclamation requirements for water that is used or proposed to be used for recycled water.”); <i>see also</i> State Water Resources Control Board’s Recycled Water Policy, Resolution No. 2009-0011, (“Regional Water Boards shall appropriately rely on the expertise of DDW for the establishment or permit conditions needed to protect human health.”) Troubling, then, is the tentative Order, which conflicts with the Legislature’s clear distinction between the regulation of “waste” disposal and beneficial use of “recycled water,” and uses the concept of regulating “waste” as a justification for additional, unnecessary layers of regulatory requirements. WRD presumes the Legislature’s repeated proclamations of the safety of recycled water (<i>see, e.g.,</i> Water Code § 13576) and the regulatory/permitting distinctions between “waste” disposal and “recycled water” use, are meaningful and should be respected.</p> <p>Moreover, the distinction between “waste” disposal and beneficial reuse of “recycled water” is critical to securing public acceptability of increased recycled water use. Given previous Legislative goals for water recycling, and the State Water Resources Control Board’s recently enunciated goal, as stated in the Recycled Water Policy, to increase the use of recycled water in the state over 2002 levels by at least 1,000,000 acre-feet per year by 2020 and by at least 2,000,000 acre-feet per year by 2030, promoting the safety and acceptability of recycled water is crucial. (See Water Code §§13560(a), 13577.) Refraining from calling recycled water a “waste” would aid in the pursuit of the State Water Resources Control Board’s</p>		

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			<p>goals, while at the same time ensuring consistency with law.</p> <p>Other relevant Water Code provisions support the WRD's position:</p> <ul style="list-style-type: none"> • Water Code section 13511 states “[t]he Legislature finds and declares that a substantial portion of the future water requirements of this state may be economically met by beneficial reuse of <i>recycled water</i>.” (emphasis added) Water Code section 13512 declares that “[i]t is the intention of the Legislature that the state undertakes all possible steps to encourage development of water recycling facilities so that <i>recycled water</i> may be made available to help meet the growing water requirements of the state.” (emphasis added). • As early as 1974, California law provided that the State’s interest in conservation of water resources required the maximum reuse of reclaimed water¹ in the satisfaction of requirements for beneficial uses of water. (Water Reuse Law, Water Code Sections 461-465.) Under this law, the Department of Water Resources (“DWR”) was instructed to study the availability and quality of wastewater and the uses of reclaimed water for beneficial purposes, including, but not limited to, groundwater recharge, municipal and industrial use, irrigation use, and cooling for thermal electric power plants. (Water Code §462.) In 1977, the State Water Resources Control Board adopted Resolution 77-1, which echoed the findings set forth in Water Code section 13512 related to the State’s primary interest in the development of 		

¹ Under Water Code section 26, “recycled water” and “reclaimed water” have the same meaning as “recycled water” in Water Code section 13050(n).

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			<p>facilities to reclaim water containing waste to supplement existing surface and underground water supplies.</p> <ul style="list-style-type: none"> • In 1996, CDPH (now DDW) and the State Water Resources Control Board entered into a Memorandum of Agreement (MOA) regarding the use of reclaimed water. One of the primary missions of CDPH was “advising RWQCBs in the drafting of water reclamation requirements (permits),” and regional water boards were charged with the “issuance and enforcement of water reclamation requirements to producers and users of reclaimed water.” (See MOA at pg. 2.) This MOA stated that “[p]lanned indirect potable reuse of reclaimed water is commonly practiced in California through artificial ground water recharge with reclaimed water.” (See MOA at pg. 4.) Notably, the issuance of waste discharge requirements was not discussed. • The State Water Resources Control Board adopted a Strategic Plan Update for 2008-2012, which included a priority to increase, by 2015, the amount of sustainable local water supplies (e.g., recycled water) available for meeting existing and future beneficial uses by 1,725,000 acre-feet per year. • In 2009, the State Water Resources Control Board adopted a statewide Recycled Water Policy (State Water Board Resolution No. 2009-0011) intended to ensure statewide regulatory consistency for recycled water projects and support the recycled water priorities set forth in the Strategic Plan. The Recycled Water Policy declares that “when used in compliance with this Policy, Title 22 and all applicable state and federal water quality laws, the State Water Board finds that recycled water is safe for approved 		

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			<p>uses, and strongly supports recycled water as a safe alternative to potable water for such approved uses.” (See State Water Board Resolution No. 2009-0011) (emphasis added)</p> <ul style="list-style-type: none"> • The Recycled Water Policy expressly states that: “Groundwater recharge with recycled water for later extraction and use in accordance with this Policy and state and federal water quality law is to the benefit of the people of the state of California.” • In 2010, the Legislature adopted the Direct and Indirect Potable Reuse Law. (Water Code §§ 13560, <i>et seq.</i>) This law determined that the “use of recycled water for indirect potable reuse [IPR] is critical to achieving the state board’s goals for increased use of recycled water in the state” and that if “direct potable reuse [DPR] can be demonstrated to be safe and feasible, implementing direct potable reuse would further aid in achieving the state board’s recycling goals.” (Water Code §13560(c).) As a result, uniform recycling water recycling criteria were adopted and effective on June 18, 2014 for indirect potable reuse for groundwater recharge, which are the applicable state-law requirements in this case. 		
2	Table 2		<p>In Table 2, “tertiary treated effluent” appears under the effluent description (second column). This is inaccurate and should be changed to “advanced treated recycled water”. Tertiary treated recycled water will be blended with GRIP-AWTF’s “advanced treated recycled water” prior to discharge, as noted in the Fact Sheet; however, the generation of that tertiary treated water is not regulated by the GRIP-AWTF’s tentative Order (or treated by the GRIP-AWTF treatment system). Instead, the Regional Water Board has issued separate permit</p>	<p>The table heading was changed to “Discharge Description” and the descriptions were changed to: “Blended tertiary treated water.”</p>	<p>Revisions were made to the permit.</p>

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			<p>requirements to County Sanitation Districts of Los Angeles County (LACSD) for the San Jose Creek WRP that authorize and regulate that discharge. As such, “tertiary treated effluent” should not be considered the “Effluent Description” in the context of the tentative Order for the GRIP-AWTF produced advanced treated recycled water.</p> <p>Further, the discharge regulated by the tentative Order is not of “effluent,” but rather, is “recycled water.” (Effluent is defined by the United States Environmental Protection Agency (USEPA) as “wastewater - treated or untreated - that flows out of a treatment plant, sewer, or industrial outfall. Generally refers to wastes discharged into surface waters”.) If the Regional Water Board prefers to characterize the discharge from the GRIP-AWTF as a “blend of tertiary treated recycled water and advanced treated recycled water”, WRD could accept that description. Regardless, the heading of the second column should be changed from “Effluent Description” to “Discharge Description”. Modifications consistent with this comment are reflected in Attachment A.</p>		
3	Table 3, VI.C.3.b, and MRP	2, 17, E-2, and E-18	<p>The second row under Table 3 states “This Order shall become effective on: November 1, 2017”. Since the GRIP-AWTF will not be constructed by then, WRD requests the following modifications:</p> <p>1) Please add the following language at the beginning of Attachment E, section I: <u>“a. The provisions of this monitoring and reporting program become applicable once the GRIP-ATWF becomes operational and produces a discharge. Until that time, the Discharger shall submit monthly reports indicating no discharge.”</u></p> <p>2) Please modify the first sentence of the second paragraph under section VI.C.3.c, as follows: <u>“As of the effective date of the monitoring and reporting program, t</u>The Permittee shall develop and conduct a PMP...”</p> <p>3) Please modify the first sentence under Attachment E, section V.A.6, as follows: “The Permittee shall</p>	It is appropriate for the permit to be implemented upon its effective date. If the AWTF is not operational, the Discharger shall simply state in their Self Monitoring Report that it is not operational and there is no discharge.	None necessary.

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			prepare and submit a copy of the Permittee's initial investigation TRE work plan to the Executive Officer of the Regional Water Board for approval within 90 days of the effective date of this <u>permit monitoring and reporting program</u> ." Modifications consistent with these comments are reflected in Attachment A.		
4	IV.A.1.a Table 4 (and Fact Sheet sections III.C.6., III.E.3., IV. B., and IV.C.)	5, F-10, F-12, F-15 to F-34, F-49	WRD requests the removal of the technology-based effluent limitations ("TBELs") for BOD ₅ , total suspended solids, turbidity, pH, settleable solids, oil & grease, and total coliform, which are TBELs based on secondary and/or tertiary treatment technology, or derived from "best professional judgment." As noted in the Fact Sheet, at sections III.C., III.E.3, IV.B., and IV.C., the Regional Water Board is imposing these inapplicable technology-based limitations on the flawed basis that because the GRIP-AWTF's source water is tertiary treated recycled water (once derived from municipal wastewater) from the San Jose Creek WRP, which is a "publicly owned treatment works" ("POTW"), the GRIP-AWTF must be considered "part of the POTW" and therefore, subject to all the TBELs and other restrictions applicable to a POTW. This rationale is not factually supported and unreasonable, in contravention of Water Code section 13000. The Regional Water Board is basing the imposition of TBELs as follows: (1) for BOD ₅ and TSS, the limitations are based on the minimum level of effluent quality attainable by secondary treatment and values associated with tertiary treatment. See Fact Sheet at IV.B. (p. F-14-15) (with the tertiary treatment-related requirements being imposed on the incorrect basis that the GRIP-AWTF is "similar" to a tertiary treatment wastewater treatment system; notwithstanding these findings, the Regional Water Board later states that removal efficiency requirements for BOD ₅ and TSS applicable to POTWs do "not apply to GRIP-AWTF" since "the BOD ₅ and TSS have already been removed and the effluent limitations have consistently been met at the San Jose Creek WRPs..." see Fact Sheet at IV.D.3 (p. F-43)); (2) for pH, the limitations are based on the	<p>The Regional Water Board agrees that in this unique circumstance it is appropriate to delete the "TBELs" in accordance with 40 CFR part 133 for BOD, and total suspended solids, including the 85 percent removal for BOD and total suspended solids, because the San Jose Creek WRP is treating the wastewater to meet applicable TBELs prior to discharge to the GRIP-AWTF. In addition, it is appropriate to remove the effluent limitations for settleable solids and oil and grease. Although the pH TBEL of 6.0 to 9.0 is also not appropriate for this Order, it is appropriate for a pH effluent limitation of 6.5 to 8.5, based on the water quality objective Basin Plan to be included in the permit because the San Gabriel River starting from Firestone Boulevard to the Estuary is impaired for pH.</p> <p>It is appropriate for the effluent limitations for total coliform and turbidity to be included in the permit to protect human health, aquatic life, ground water recharge, water contact recreation, non-contact water recreation, wildlife habitat, and rare, threatened, or endangered species beneficial uses of the San Gabriel River. In addition, it is also appropriate for limitations for total coliform to be included in the permit because the San Gabriel River is impaired for coliform bacteria.</p> <p>The groundwater at the Main San Gabriel Basin and Central Basin has existing municipal and domestic supply (MUN) beneficial use.</p>	Revisions were made to the permit.

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			<p>same technology-based standards as cited for BOD₅ and TSS; later discussion of the Basin Plan's water quality objective for pH does not justify the limitations because the tentative Order already contains a receiving water limitation to protect surface waters consistent with the water quality objective (see Fact Sheet at IV.C.2.b.ii. (p. F-16)); (3) for total coliform, the limitations are based on the performance of a POTW implementing tertiary treatment-related requirements, established by the now Division of Drinking Water (see Fact Sheet at IV.C.2.x.a. (p. F-26-27)) (where the Regional Water Board incorrectly characterizes the GRIP-AWTF as a "wastewater treatment plant," where "pathogens are likely to be present in the effluent in cases where the disinfection process is not operating adequately."); (4) for turbidity, the limitations are based on the same Division of Drinking Water regulations associated with the performance of tertiary-treatment technology at a POTW (see Fact Sheet at IV.C.2.xii (p. F-28)), and (5) for oil & grease and settleable solids, the limitations are referenced repeatedly as TBELs, yet no technology-based derivation exists to impose such limitations; receiving water limitations at Section V.A. adequately protect the receiving waters from the concerns expressed by Regional Water Board staff at Fact Sheet page F-17 as a basis for imposing effluent limitations, and discharge limitations are unnecessary. None of the bases for imposing the proposed TBELs are appropriate, as discussed below, and WRD requests that these effluent limitations and all associated references be removed from the tentative Order prior to adoption.</p> <p>Contrary to Regional Water Board staff's statements, the GRIP-AWTF is not a part of the Los Angeles County Sanitation District's POTW system, and technology-based requirements related to secondary (Clean Water Act) and/or tertiary (Title 22, otherwise) treatment applicable to the POTW in this case (LACSD via the San Jose Creek WRP), are not</p>	<p>This limited source of drinking water needs to be protected. As WRD stated in its ROWD, the advanced treated recycled water from AWTF will be used to recharge the aquifer beneath the San Gabriel River. In order to protect beneficial uses of the San Gabriel River, including municipal supply and aquatic life, it is appropriate to include the effluent limitations for total coliform and turbidity.</p> <p>As indicated in the reopener provisions in section VI.C.1 of the Order, the permit can be reopened or modified, to revise effluent limitations once the GRIP- AWTF has established its own dataset sufficient to conduct reasonable potential analyses.</p>	

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			<p>automatically applicable to the GRIP-AWTF project simply because it seeks to access the finished tertiary treated recycled water so as to treat it further for enhanced beneficial use (groundwater recharge and/or indirect potable reuse). WRD's proposed activity does not legally transform WRD into a POTW, as that term is defined in federal law at 40 C.F.R. §§122.2 and 403.3, because the water WRD is accessing is no longer "municipal sewage or industrial waste." Technology-based requirements applicable to POTWs do not spring into applicability simply because WRD further handles water that has already been subject to such technology-based requirements at the appropriate location (collection system and the NPDES permit applicable to the San Jose Creek WRP). In other areas of the tentative Order, the Regional Water Board appears to recognize this (see Fact Sheet at VI.B.5., noting that special provisions for POTWs are not applicable, "since GRIP-AWTF is not a POTW.")</p> <p>Further, 40 C.F.R. § 122.44(a)(1) requires NPDES permits to include "applicable" technology-based requirements; there are no applicable technology-based requirements (promulgated under Clean Water Act section 301(b)) applicable to the activities undertaken by WRD; those that may have applied earlier in the treatment process have already been satisfied via the NPDES permit issued for the San Jose Creek WRP. For this reason, WRD requests that all technology-based effluent limitations or other requirements related to operation of a POTW be removed. In their place, Regional Water Board staff can indicate in appropriate sections of the tentative Order that the treatment employed as required by the San Jose Creek WRP NPDES Permit and Monitoring and Reporting Program (MRP) previously satisfied any such requirements. Of course, the tentative Order can continue imposing relevant water quality-based requirements. Modifications consistent with this comment are reflected in Attachment A.</p>		

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5	IV.A.1.a, Table 4 (Chronic Toxicity)	7	Numeric effluent limitations are included in Table 4 for chronic toxicity, based on Pass/Fail and % Effect (Test of Significant Toxicity), none of which are authorized. Given the complexity of the issues and the comment length, please see WRD's comments on the tentative Order's proposed requirements for chronic toxicity in the enclosed Attachment C. Other tentative Order provisions relevant to WRD's comments are sections V.A.19. (receiving water limitations), VII.J. (compliance determination), Attachment E (chronic toxicity monitoring requirements), and Attachment F. Modifications consistent with the comments in Attachment C are reflected in Attachment A.	The detailed response to Attachment C is presented after the Attachment B comments.	
6	IV.A.1.a.1. , Table 4 (Mass Limits)	5 to 9, F-38	The tentative Order prescribes effluent limitations in both mass and concentration for a variety of constituents set forth in Table 4. The mass limitations are based on the plant design flow rate of 14.8 mgd and the prescribed concentration limit. Federal regulations state that mass limits are not required "when applicable standards and limitations are expressed in terms of other units of measurement," such as concentration. (See 40 C.F.R. §§122.45(f)(1)(ii) and (f)(2)) Given the type of project involved here (contrary to the Fact Sheet at p. F-37, mass limitations are not necessary here to ensure proper treatment like for a POTW), and the fact that the constituents are already regulated by concentration (and the plant design flow rate), WRD requests the Regional Water Board elect to decline to impose dual mass limitations as unnecessary to regulate the facility. If the Regional Water Board is concerned about mass loading, the monitoring and reporting program could require WRD to submit the calculated mass result for each constituent, so that the information is available. Modifications consistent with the comments in Attachment C are reflected in Attachment A.	<p>The inclusion of concentration limits does not preclude the inclusion of mass limits. 40 CFR section 122.45(f)(1)(ii) does not act as a bar to imposing both limits, but expresses a preference for mass limits. Further, 40 CFR section 122.45(f)(2) explicitly states that "[p]ollutants limited in terms of mass additionally may be limited in terms of other units of measurement, and the permit shall require the permittee to comply with both limitations." (See also the USEPA's Technical Support Document (TSD) at pp. 110-111).</p> <p>The TSD states, "Mass-based effluent limits are required by NPDES regulations at 40 CFR 122.45(f). The regulation requires that all pollutants limited in NPDES permits have limits, standards, or prohibitions expressed in terms of mass with three exceptions, including one for pollutants that cannot be expressed appropriately by mass. Examples of such pollutants are pH, temperature, radiation, and whole effluent toxicity."</p> <p>Mass-based limits are particularly important for control of bioconcentratable pollutants. Concentration-base limits will not adequately</p>	None necessary.

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				<p>control discharges of these pollutants if the effluent concentrations are below detection levels. Controlling mass loadings to receiving water is critical for preventing adverse environmental impacts.</p> <p>As detailed in the Fact Sheet and accompanying Order, the tentative includes mass and concentration limits for some constituents in order to protect the designated beneficial uses.</p>	
7	VI.A.2.a; VI.A.2.b ~ VI.A.2.e; VI.A.2.i, VI.A.2.k.	12 to 13	<p>The provision at section VI.A.2.a., which states, “Neither the treatment nor the discharge or pollutants shall create a pollution, contamination, or nuisance as defined by section 13050 of the CWC,” should be removed. This provision is entirely duplicative of Discharge Prohibition III.E. Similarly, the provision at VI.A.2.i. is entirely duplicative of Discharge Prohibition III.A; therefore, section VI.A.2.i. should be removed. The following statements under section VI.A.2 apply specifically to POTWs that operate collection systems and are not relevant to the GRIP-AWTF. WRD requests the deletion of the following provisions:</p> <p>b. Odors, vectors, and other nuisances of sewage or sludge origin beyond the limits of the treatment plant site or the sewage collection system due to improper operation of facilities, as determined by the Regional Water Board, are prohibited.</p> <p>c. All facilities used for collection, transport, treatment, or disposal of wastes shall be adequately protected against damage resulting from overflow, washout, or inundation from a storm or flood having a recurrence interval of once in 100 years.</p> <p>d. Collection, treatment, and disposal systems shall be operated in a manner that precludes or impedes public contact with wastewater.</p>	<p>There are duplicates. However, section VI.A.2 also states that, “The Permittee shall comply with the following provisions. In the event that there is any conflict, duplication, or overlap between provisions specified by this Order, the more stringent provision shall apply.” If the duplicated requirements cited in different sections are identical, then the Discharger is not required to comply with the redundant requirement twice.</p> <p>Item “b” is deleted.</p> <p>Item “c” is deleted.</p> <p>Item “d” is deleted.</p>	Appropriate revisions were made to the permit.

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			<p>e. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Executive Officer of the Regional Water Board.</p> <p>Provision VI.A.2.k. makes reference to operation of a “waste disposal facility,” which the GRIP-AWTF is not. If the Regional Water Board wants to retain this provision, WRD requests that this section be re-phrased as follows: “These requirements do not exempt the operator of the waste disposal facility from compliance with any other laws, regulations, or ordinances which may be applicable; they do not legalize this waste disposal facility; and they leave unaffected any further restraints on the disposal of wastes <u>treatment of water</u> at this site which may be contained in other statutes or required by other agencies.” Modifications consistent with this comment are reflected in Attachment A.</p>	<p>Item “e” is deleted.</p> <p>Staff agreed and made revisions to the revised tentative order.</p>	
8	VI.C.1	16	<p>The Fact Sheet states that once the GRIP-AWTF has established its own dataset, the effluent limitations may be recalculated using the GRIP-AWTF data and the permit may be reopened to incorporate the new effluent limitations for GRIP-AWTF, if warranted. In light of that statement, WRD requests that the following provision be added to the very end of section VI.C.1: “This Order may be reopened or modified, to revise effluent limitations once the GRIP-AWTF has established its own dataset sufficient to allow recalculation of the CTR-based effluent limitations, which are currently based on the SJCWRP’s discharge data.” Modifications consistent with this comment are reflected in Attachment A.</p>	<p>Staff agreed and made revisions to the revised tentative order.</p>	<p>Revisions were made to the permit.</p>
9	VI.C.2.b	16	<p>WRD requests that the heading for section VI.C.2.b be revised to “b. Treatment Plant Capacity – <u>Not Applicable</u>” and that all of the language under this heading be removed, for reasons discussed herein regarding WRD and the GRIP-AWTF being treated as a POTW, and below.</p> <p>The provision states, “The Permittee shall submit a written report to the Executive Officer of the Regional Water Board within 90 days after the “30-day</p>	<p>Staff agrees that this section is not applicable to AWTF and staff has made changes in the revised tentative order.</p>	<p>Revisions were made to the permit.</p>

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			<p>(monthly) average” daily dry-weather flow equals or exceeds 75 percent of the design capacity of waste treatment and/or disposal facilities....” This provision applies specifically to POTWs and should not apply to GRIP AWTF. POTWs are considered “critical facilities” in that they represent man-made structures which because of their function, size, service area, or uniqueness have the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities if they are destroyed, damaged, or if their services are repeatedly interrupted. Ensuring adequate treatment plant capacity of POTW is necessary to prevent potential detrimental impacts to public health and safety resulting from discharge of inadequately treated sewage. A POTW must be designed with sufficient treatment capacity to be able to fully accommodate all wastewater flows from a sewershed area under reasonable conditions, with sufficient available capacity to consider various factors that could potentially lead to an increased influent volume, such as projected population growth.</p> <p>GRIP-AWTF does not fall into the “critical facilities” category. First, the interruption in or shut down of GRIP-AWTF operation will not result in: the discharge of inadequately treated water, impairment of receiving water, or detrimental impact on public health or safety. GRIP AWTF’s source water, which is SJCWRP’s tertiary treated effluent, is currently regulated under a separate NPDES permit and separate Water Recycling Requirements (WRRs). GRIP-AWTF provides additional treatment to further purify the quality of this source water so as to beneficially reuse the resource. However, even without this additional treatment, the source water is already adequately treated for surface water discharge and for decades has been used safely for groundwater recharge. Second, GRIP-AWTF has full control over and could limit the amount of source water that comes into the facility to ensure that the</p>		

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			<p>design treatment capacity is not exceeded. Therefore, the planning for plant treatment capacity should not be based on the “75 percent of the design capacity of waste treatment and/or disposal facilities” but should be left to WRD’s discretion and its groundwater replenishment goals and needs.</p> <p>Furthermore, WRD would like to note that this provision on the treatment plant capacity study is not found in the West Basin Municipal Water District (WBMWD)’s Juanita Millender-McDonald Carson Regional Water Recycling Plant’s NPDES permit (Order No. R4-2013-0046; NPDES No. CA0064246) and is noted as “Not Applicable” in the WBMWD’s Edward C. Little Water Recycling Plant’s NPDES permit ((R4-2012-0026; NPDES No. CA0063401). Both of these water recycling plants produce purified recycled water for various beneficial uses. Modifications consistent with this comment are reflected in Attachment A.</p>		
10	VI.C.3.a	17 and Attachment H	<p>WRD has sought coverage for the GRIP-AWTF under the statewide General Construction Activities Stormwater Permit (WDID No. 4 19C373780), and as part of the permit requirements, has prepared a Storm Water Pollution Prevention Plan (SWPPP). Once the construction is completed and prior to the facility operation, WRD will seek coverage for the GRIP-AWTF under the statewide General Industrial Activities Stormwater Permit and will comply with the necessary requirements, including preparation of a SWPPP. As such, the inclusion of the SWPPP requirement in this Order is deemed redundant and unnecessary. Therefore, WRD requests that the heading for this section be revised to read, “Storm Water Pollution Prevention Plan (SWPPP) – <u>Not Applicable</u>” and that all associated languages under this provision and Attachment H (Storm Water Pollution Prevention Plan Requirements) be removed. Modifications consistent with this comment are reflected in Attachment A.</p>	<p>This tentative permit does not apply to future actions contemplated by the Discharger. The requirements in this permit are current and appropriate and therefore not redundant or unnecessary. Once the enrollment to the stormwater general permit is completed, SWPP section can be revised and/or deleted through a permit revision. Until that happens, it is appropriate to keep this requirement in the permit because the storm water generated at the facility has not been delineated and the determination of whether all the storm water at the site will flow into the waters of the U.S. and the State has not been completed.</p>	None necessary.

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11	VI.C.3.b	17	<p>WRD requests that the heading for this section be revised to read "Spill Clean-up Contingency Plan (SCCP) - <u>Not Applicable</u>", and that all associated languages under this section be removed because the requirements under this section are intended to apply to POTWs and not an advanced treatment water facility, such as the GRIP-AWTF. This provision states, "Within 90 days of the effective date of this Order, the Permittee is required to submit a SCCP, which describes the activities and protocols to address clean-up of spills, overflows, and bypasses of untreated or partially treated wastewater from the Permittee's treatment facilities that reach water bodies, including dry channels and beach sands. At a minimum, the plan shall include sections on spill clean-up and containment measures, public notification, and monitoring." As mentioned in comment #9, GRIP AWTF's source water will consist of the SJCWRP's tertiary treated recycled water, which is currently regulated under a separate NPDES permit and separate Water Recycling Requirements (WRRs). GRIP-AWTF provides additional treatment to further purify the recycled water. However, even without this additional treatment, the source water is already adequately treated for surface water discharge and for decades has been used safely for groundwater recharge. Therefore, any spill or overflow of this source water should not be considered "untreated or partially treated wastewater" and should not trigger spill clean-up and containment measure, public notification and monitoring requirements. Therefore, the requirements of this provision are considered not applicable to GRIP-AWTF. Modifications consistent with these comments are reflected in Attachment A.</p>	<p>The Regional Board understands the wastewater is highly treated. However, the NPDES SCCP requirement does not only apply to POTWs but it also applies to any facility that has the potential to create nuisance as a result of spills from the AWTF.</p> <p>For example, when a pipe breaks and significant flooding occurs in the neighborhood, a contingency plan has to be in place to address the containment measures, notification, and clean up.</p>	No action necessary.
12	VI.C.4.b & c	18	<p>WRD requests the deletion of these provisions (VI.C.4.b & c), which are deemed not applicable to GRIP-AWTF, as further explained below. Section VI.C.4.b states, "The Permittee shall maintain in good working order a sufficient alternate power source for operating the wastewater treatment and disposal</p>	<p>Staff agreed to delete sections VI.C.4.b and c. The suggested language (with staff edits) were also included in the revision.</p>	Revisions were made to the permit.

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			<p>facilities.” As previously stated, GRIP-AWTF is not a wastewater treatment and disposal facility. Also, since it does not fall into the “critical facilities” category, having sufficient alternate power and standby or emergency power facilities is not as critical as it is for a POTW. Also, Section VI.C.4.c states, “The Permittee shall provide standby or emergency power facilities and/or storage capacity or other means so that in the event of plant upset or outage due to power failure or other cause, discharge of raw or inadequately treated sewage does not occur.” Since the GRIP-AWTF’s source water consists of tertiary treated recycled water, any potential power outage or failure will not result in a discharge of raw or inadequately treated sewage. In place of the deleted provisions, WRD recommends the inclusion of the following language found in the WBMWD’s Edward C. Little Water Recycling Plant’s NPDES permit ((R4-2012-0026; NPDES No. CA0063401): <u>“The Discharger shall provide safeguards to assure that, should there be a reduction, loss, or failure of electric power, the Discharger shall comply with the terms and conditions of this Order/Permit. Such safeguards may include alternate power sources, standby generators, retention capacity, operating procedures, or other means.”</u> Modifications consistent with this comment are reflected in Attachment A.</p>		
13	VI.C.6.a	19	<p>With respect to the provision requiring notification of “Regional Water Board and County Health or the local health department, if applicable, by telephone or electronic means of an unauthorized discharge of more than fifty thousand (>50,000) gallons of tertiary recycled water,” WRD seeks clarity as to when this provision is triggered. The Fact Sheet, sections II.A and II.B, specifically state that the discharge from GRIP-AWTF will consist of advanced treated recycled water that is blended with tertiary treated recycled water from the equalization tank that flows over a weir back into the 66-inch pipeline. Therefore, WRD’s</p>	<p>Any excess flows from the equalization tank that goes over the weir back into the 66-inch pipeline is not a spill and is not subject to the requirements of section VI.C.6.a of this Order.</p> <p>The spill reporting (>50,000 gallons) is triggered when any unauthorized discharge of the tertiary treated effluent occurs at any point other than the permitted outfalls at Discharge Points 001, 001A, and 001B, unless the discharge activity is covered under a separate permit.</p>	None necessary.

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			understanding is that discharge of tertiary treated recycled water from the equalization tank is allowed by this Order and not subject to the requirements of this provision.		
14	VI.C.6.b	19	WRD requests the deletion of this provision, as further explained below. This provision on Minor Spills (less than 50,000 gallons) states, "The Permittee shall immediately (but no later than two hours) notify the Regional Water Board of an unauthorized discharge of less than fifty thousand (<50,000) gallons of tertiary recycled water. Written confirmation must be provided electronically (e.g., email or fax) to all agencies within three (3) business days from the date of notification...." Water Code section 13529.2 specifies that notification requirements for unauthorized discharges of tertiary-treated recycled water apply when the volume of recycled water reaches 50,000 gallons or more (the volume is set at 50,000 gallons or more given the high quality of the water). Thus, there is no basis for requiring notification for volumes less than 50,000 gallons, and imposing such a requirement for such high quality discharges is unreasonable and inconsistent with the mandates of Water Code section 13000 (requiring that all terms of orders issued by the Regional Water Board be "reasonable.") Such notification is an unnecessary burden, and inconsistent with the Legislature's mandate. Modifications consistent with this comment are reflected in Attachment A.	Staff agreed to remove the minor spills notification.	Revisions were made to the permit.
15	Attachment D, Various	D-4, D-6	Attachment D includes references to 40 C.F.R. part 136. WRD would like to incorporate by reference comment #17, which requests to add the option of utilizing 40 CFR part 141 to conduct the required water quality analyses, in addition to 40 CFR part 136. Modifications consistent with this comment are reflected in Attachment A.	This issue is currently being investigated for the Montebello Forebay project. The results of that investigation will also be applied to the GRIP NPDES Order. The revised tentative order has been modified to accept 40 CFR part 141 analytical methods if approved by the Regional Water Board and the Department of Drinking Water.	Revisions were made to the permit.
16	Attachment D, Various	D-6, D-7, D-9	WRD understands that Standard Provisions are general requirements and may contain information that may not pertain to a particular facility. At the	Staff agreed and made revisions to the tentative order.	Revisions were made

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			<p>same time, for the record, WRD would like to note that Attachment D contains requirements that relate to combined sewer overflows, sanitary sewer overflows, sludge, or POTWs, which are not applicable to GRIP-AWTF, and therefore recommend their deletion to avoid potential confusion. Modifications consistent with this comment are reflected in Attachment A.</p>		to the permit.
Attachment E					
17	I.B and various	E-2 and various	<p>WRD requests that the existing language be revised to read, "Pollutants shall be analyzed using the analytical methods described in 40 CFR parts 136.3, 136.4, 136.5 or 141; or where no methods are specified for a given pollutant, by methods approved by this Regional Water Board or the State Water Board." in order to also add the option of utilizing part 141 to conduct the required analyses. WRD recognizes that NPDES permitting falls under the Clean Water Act regulations, which require the use of wastewater analytical methods. However, we would like to underscore the fact that the discharge from GRIP AWTF will also be regulated under the Waste Discharge Requirements/Water Recycling Requirements (WDRs/WRRs), which will contain DDW's requirements for using drinking water methods for the same constituents required to be monitored under this Order. For example, please refer to the Alamitos Barrier WDRs/WRRs Order No. 2014-0111 - see language under MRP.II.5 and also DDW's condition #10. As such, WRD would like to request a more flexible language that allows the use of either 40 CFR part 136 or part 141 methods, in order to avoid potential costly redundancy. WRD will ensure that any drinking water analytical methods used for analysis will meet the SWRCB's MLs specified for the wastewater analytical methods. This comment also applies to all other reference to 40 CFR part 136 in this order. Modifications consistent with this comment are reflected in Attachment A.</p>	<p>Please see response to comment #15, above. In addition the sentence was revised to read: "Pollutants shall be analyzed using the analytical methods described in 40 CFR parts 136.3, 136.4, and 136.5 or 141 when approved by this Regional Water Board and the State Water Board; or where no methods are specified for a given pollutant, by methods approved by this Regional Water Board or the State Water Board."</p> <p>Insertion of the similar language above will be included throughout the MRP, when appropriate.</p>	Revisions were made to the permit.

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18	I.M	E-4	<p>WRD requests that the recycled water flow from the equalization tank to the diversion structure, which is specifically authorized by this Order, not be considered an overflow, spill, or bypass for purposes of enforcement and implementation of provisions under this Order. The Equalization tank has been designed to allow the release of a certain volume of tertiary treated recycled water so that it may be blended with the advanced treated recycled water to achieve a desired blend ratio (e.g., 25% tertiary treated recycled water vs. 75% advanced treated recycled water). As such, WRD requests that the language in Attachment E, section I.M be modified as follows: “The Permittee shall develop and maintain a record of all spills or bypasses of tertiary treated recycled water from GRIP-AWTF and its conveyance pipeline according to the requirements in the WDR section of this Order. This record shall be made available to the Regional Water Board upon request and a spill summary shall be included in the annual summary report. <u>For the purpose of implementing this provision, the flow of tertiary treated recycled water from the equalization tank to the diversion structure, which is specifically authorized by this Order, will not be considered an overflow, spill, or bypass.</u>” On the other hand, if the Regional Water Board wishes the total monthly flow of the tertiary treated recycled water discharged from the equalization tank to be reported in the monthly reports, WRD could agree to reporting this data as part of flow (and not spill) monitoring.</p>	<p>The recycled water flow from the equalization tank to the diversion structure is NOT considered a spill. No clarifying language is necessary at MRP section I.M. However, the suggested language was appropriately placed at the Fact Sheet, section II.A.5.</p>	None necessary.
19	II. Table E-1	E-5	<p>Per comment #20, WRD requests that, in order to avoid duplicative reporting, the statement associated with INF-001 in Table E-1 should be modified as follows: “The calculated flow-weighted concentrations of the effluent reported for EFF-001, EFF001A, and EFF-001B from the <u>San Jose Creek WRP Order No. R4-2015-0070 (NPDES Permit No. CA0053911)</u> is the influent concentration that will be reported for the GRIP-AWTF.” In addition, per comment #22, WRD requests the deletion of the receiving water</p>	<p>The influent monitoring results shall be used to assess the AWTF’s performance. It should also be reported by the Discharger in order to create a database for the GRIP-AWTF in the CIWQS. This CIWQS database will provide a “one stop” process that the staff will utilize in performing compliance evaluations and conducting reasonable potential analysis. It is the responsibility of the Discharger to submit</p>	Revisions were made to the permit

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			monitoring stations and the TMDL stream flow monitoring stations from Table E-1. Modifications consistent with this comment are reflected in Attachment A.	the reports on time per the reporting schedule in Table E-9. Please refer to the response for comment 23 regarding the receiving water sample results.	
20	III.A.1 Table E-2	E-10	WRD requests the deletion of all constituents other than flow in Table E-2 (Influent Monitoring). As acknowledged in the paragraph preceding Table E-2, the water quality of the GRIP-AWTF influent is equivalent to the SJCWRP's tertiary treated recycled water, which is routinely monitored and reported by LACSD under SJCWRP's Order No. R4-2015-0070 (NPDES Permit No. CA0053911). LACSD's reporting includes the data for the SJCWRP-East discharge, SJCWRP-West discharge, and their flow-weighted calculations for the combined discharge to Discharge Outfalls 001A, 001B, or 001. If WRD has to also report the same calculated flow-weighted concentration data, it runs the risk of late reporting since the data has to be first received from the LACSD, which will happen either on or very close to the submission due date. WRD respectfully requests that the requirement for this duplicative reporting be removed. Accordingly, WRD recommends that the language preceding Table E-2 be modified as follows: "The Discharger shall monitor influent <u>flow</u> to the facility at INF-001 described in Table E-1. Monitoring requirements listed below may duplicate existing requirements under Waste Discharge Requirements Order No. R4-2015-0070 (NPDES Permit No. CA0053911) for the San Jose Creek WRPs. The San Jose Creek WRPs combined effluent tertiary treated recycled water is the influent water going to for the GRIP-AWTF. Therefore, the effluent results from SJCWRP will be accepted as equivalent to the influent monitoring requirements of the GRIP-AWTF for the parameters listed below. the discharge monitoring results generated and submitted by <u>LACSD under SJCWRP's Order No. R4-2015-0070 (NPDES Permit No. CA0053911) is deemed</u>	Please see response to comment #19. Influent monitoring is required for this permit. All monitoring reports shall also be submitted on the report due date. However, as stated in this permit, the effluent monitoring results from SJCWRP will be accepted as equivalent to the influent monitoring requirements of the GRIP-AWTF. In other words, the Permittee can skip the sampling/analysis but the reporting of the analytical results shall be submitted. The "24-hour composite" in the Sample Type column of Table E-2 was replaced with "calculated."	Revisions were made to the permit.

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			<p><u>representative of the GRIP-AWTF's influent water quality, and therefore a separate pollutant monitoring and reporting is not prescribed for the GRIP-AWTF's influent.</u> The Regional Water Board took a similar action in Order No. 2014-0111 (Alamitos Barrier permit). The MRP associated with the Order only required influent flow monitoring and reporting since the source water, Long Beach Water Reclamation Plant's tertiary treated water, is routinely monitored by LACSD under a separate NPDES permit. Modifications consistent with this comment are reflected in Attachment A.</p> <p>Should the influent pollutant monitoring/reporting requirements be retained notwithstanding WRD's request above, WRD asks that the Regional Water Board allow additional 30 days for influent data reporting, beyond the due dates specified in Table E-8, to allow sufficient time for WRD to receive the required data from the LACSD, which could be easily accomplished by adding a clarifying footnote to Table E-8. The suggested footnote language is reflected in Attachment A. Also, since this influent data comes from the flow weighted data for the SJC Outfall, the constituents listed as "24-hour composites" should instead be listed as "calculated".</p>	<p>The reporting deadline specified in Table E-8, Monitoring Periods and Reporting Schedule will be revised by adding 15 additional days. Please see revised Table E-8.</p>	<p>Revisions were made to the permit.</p>
21	IV.B, Table E-3; VIII.A, Table E-5	E-11, E-12, E-22	<p>Per comment #4 (in which WRD requests the removal of the TBELs for BOD₅, total suspended solids, turbidity, pH, settleable solids, oil and grease, and total coliform), please remove BOD₅, total suspended solids, turbidity, pH, settleable solids, oil and grease, and total coliform from effluent monitoring in Table E-3 and (should receiving water monitoring and reporting requirements be retained notwithstanding WRD's comment #23) receiving water monitoring in Table E-5.</p>	<p>Please refer to the response to comment #4.</p> <p>It is appropriate to include monitoring of the said constituents for both effluent and receiving water monitoring because those constituents, except BOD, TSS, settleable solids, and oil and grease have effluent limitations. The effluent monitoring frequency for BOD, TSS, and settleable solids has been reduced to quarterly. The TSS effluent monitoring frequency was increased to daily because the San Gabriel River is impaired for TSS.</p> <p>However, in order to avoid duplication of the receiving water monitoring requirements, the</p>	<p>Revisions were made to the permit.</p>

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				Regional Water Board will accept the results of the same receiving water monitoring station conducted for the San Jose WRP and the Whittier Narrows WRP. In addition, as previously stated, the results of those analyses shall be reported by the Permittee.	
21.5	IV.B.1 Table E-3	E-12	<p>WRD requests the removal of the requirement for a continuous total residual chlorine recorder of the final product water prior to blending with tertiary. Since the daily grab samples are to be used for compliance and follow-up purposes, and to eliminate potential data discrepancies between the recorder and grab samples, and because of the strict total chlorine residual control processes being implemented at GRIP to ensure low total chlorine residual (see next paragraph), the additional continuous recorder should not be required and would cause an unnecessary burden on the project.</p> <p>As will be described Section 3.2.2 of the re-submitted Title 22 Engineering Report, at the GRIP site the dosing rate of sodium bisulfate will be automatically controlled through the plant control system. The chlorine residual is monitored just prior to the UV system. The target free chlorine residual is 2.0 mg/L. The flow from the UV system then moves to the post treatment area where a portion of the flow is sent through the decarbonator and the remainder bypasses the decarbonator. Calcium Hydroxide and Sodium Hydroxide are then added to the combined flow before it enters the Product Water Tank. In order to prevent bio growth in the Product Tank, the chlorine residual is maintained in the tank. Because the Product Pumps, which pump water to the Supplemental Recharge Wells (SRW), are located on the top of the Product Tank, the product water to these SRW wells will also have a chlorine residual of approximately 1.0 to 2.0 mg/L. Product water delivered to the spreading basins flows over the weir in the Product Water Tank then flows by gravity</p>	<p>As the Permittee stated here, the Product Tank contains chlorine residual of 1-2 mg/L. The product water that is not used for injection flows over a weir in the Product Water Tank, where sodium bisulfite is added to dechlorinate the water. A grab sample alone will not provide assurance that spiking of the TRC above the effluent limitation of 0.1 mg/L is not occurring 24 hours a day. Grab sampling shall be complemented with a continuous recorder to monitor the fluctuations of the TRC concentration.</p> <p>Continued online monitoring of the total residual chlorine is necessary to provide the AWTF operators real-time results of the TRC and to alert them of any potential malfunctioning of the dosing system and any spike of TRC exceeding the 0.1 mg/L effluent limitation.</p> <p>In addition, section IV.B.2 of the MRP requires continuous monitoring of the total residual chlorine to serve as an internal trigger for the increase grab sampling, as required by this section.</p>	None necessary.

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			<p>pipeline to the diversion structure where it mixes with tertiary water and subsequently goes to the San Gabriel River or spreading basins. As the Product Water flows over the weir, sodium bisulfite (NaHSO₃) is added to dechlorinate the water. The dechlorination reactions, using sodium bisulfite proceeds very rapidly to completion and follows the equation: $\text{NaHSO}_3 + \text{HOCl} \rightarrow 2\text{H}^+ + \text{SO}_4^{2-} + \text{Cl}^- + \text{Na}^+$ On a weigh-to-weigh basis, approximately 1.5 mg of sodium bisulfite is required to dechlorinate 1.0 mg of free chlorine. The sodium bisulfite dose rate will be controlled automatically using flow and influent UVAOP chlorine residual values at a minimum of a 1.5:1 weight ratio. Daily grab samples of dechlorinated effluent will be performed to verify that chlorine residual is consistently less than 0.1 mg/L.</p>		
22	IV.B.1 Table E-3, Footnote 6	E-12	<p>Should the continuous monitoring of total residual chlorine using an online analyzer be required notwithstanding WRD's request for its deletion in comment #21.5, WRD has the following additional comment. The fourth sentence in Footnote 6 of Table E-3 states, "In addition, calibration records for the TRC analyzer shall be submitted quarterly." Typically, calibration records are required to be maintained at a facility, to be made available to the Regional Water Board staff during an inspection, and/or to be submitted upon request from the Regional Water Board. WRD would appreciate an explanation as to why the calibration records for the analyzer are being required to be submitted quarterly.</p>	<p>Per MRP, section I.E., it states that "The Permittee shall calibrate and perform maintenance procedures on all monitoring instruments to ensure accuracy of measurements, or shall ensure that both equipment activities will be conducted."</p> <p>The TRC has a very low effluent limitation of 0.1 mg/L. In order to verify the accuracy of the reported value, the reported value will be cross checked for accuracy if the TRC instrument is properly calibrated and the required accuracy of the instrument is within acceptable range.</p>	None necessary.
23	VIII and IX	E-21 to E-25	<p>WRD appreciates the Regional Water Board's intent to avoid duplicative monitoring efforts between permits with overlapping receiving monitoring stations. As noted in the MRP, the receiving water monitoring is already being performed by LACSD under the SJCWRP's NPDES Permit Order No. 2015-0070 and WNWRP's NPDES Permit Order No. R4-2014-0213-A01. These requirements may change when those permits are renewed in the future. Therefore, to avoid potential confusion, discrepancy, and duplication in monitoring and reporting, WRD</p>	<p>The receiving water monitoring is always required for any NPDES permit. It is not appropriate to waive this receiving water monitoring for WRD because compliance with the receiving water requirements cannot be determined without those receiving water data. Receiving water data is also necessary to conduct a reasonable potential analysis, when this permit is reopened or renewed. As stated in the tentative permit, the Regional Water Board will accept the receiving water</p>	None necessary.

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			<p>recommends that the receiving water monitoring provision be revised, such that the section VIII heading reads, “Receiving Water Monitoring Requirements – <u>Not Applicable</u>”, and that all associated languages provided in this section be replaced with the following language, which is similar to that found in the WBMWD’s Juanita Millender-McDonald Carson Regional Water Recycling Plant’s NPDES permit (Order No. R4-2013-0046; NPDES No. CA0064246) and the WBMWD’s Edward C. Little Water Recycling Plant’s NPDES permit ((R4-2012-0026; NPDES No. CA0063401): “<u>A receiving water monitoring and reporting program is not prescribed in this Order/Permit because receiving water monitoring for the Discharge Points 001, 001A, and 001B is covered under the SJCWRP’s NPDES permit Order No. R4-2015-0070 (NPDES No. CA0053911), Monitoring and Reporting Program CI-5542 and the WNWRP’s NPDES Permit Order No. R4-2014-0213-A01, Monitoring and Reporting Program CI-2848.</u>”</p> <p>Similarly, WRD recommends that section IX on “Other Monitoring Requirements” (i.e., watershed monitoring) be revised, such that the section heading reads, “IX. Other Monitoring Requirements – <u>Not Applicable</u>”, and that all associated languages provided in this section be replaced with the following language: “<u>A. Watershed Monitoring (Not Applicable). Watershed monitoring and reporting program is not prescribed in this Order/Permit because Watershed-wide Monitoring Program for the San Gabriel River, which was approved by the Regional Water Board on September 25, 2006, which includes an instream bioassessment monitoring for the reaches to be affected by the GRIP-AWTF’s discharge, is already being conducted by LACSD as required under the San Jose Creek WRP NPDES Order No.R4-2015-0070. (NPDES No. CA0053911), Monitoring and Reporting Program CI-5542, and the WNWRP’s NPDES Permit Order No. R4-2014-0213-A01, Monitoring and Reporting Program CI-2848.</u>”</p>	<p>monitoring and results performed by San Jose WRP and Whittier Narrows WRP to save costs of monitoring. If for some reason neither the San Jose WRP nor the Whittier Narrows WRP can fulfill this requirement, WRD is required to conduct its own receiving water monitoring as stated in this revised tentative permit. The receiving water monitoring requirements are applicable.</p> <p>This suggested language is not acceptable, as stated above. Receiving water monitoring and reporting is prescribed for this permit.</p> <p>The Regional Water Board agree to remove watershed monitoring requirements.</p>	<p>None necessary.</p> <p>Revisions were made to the permit.</p>

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			<p>Modifications consistent with this comment are reflected in Attachment A. Should the receiving water monitoring requirements be retained notwithstanding WRD's request above, WRD ask that the due dates for the receiving water monitoring data be extended for an additional 30 days beyond the dates specified in Table E-8, to allow sufficient time for WRD to receive the required data from the LACSD, which could be easily accomplished by adding a clarifying footnote to Table E-8. The suggested footnote language is reflected in Attachment A.</p>	<p>The staff revised the submission deadline of monitoring reports by adding 15 days to the stated deadline. Fifteen days is more than sufficient time to submit the reports because those reports are already prepared by Joint Outfall System.</p>	<p>Revisions were made to the permit.</p>
24	X.D.5	E-29	<p>This provision states that, "The Regional Water Board requires the Permittee to file with the Regional Water Board, within 90 days after the effective date of this Order, a technical report on his preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events." Based on the comments provided under sections VI.C.6.a and VI.C.6.b, which are incorporated herein by reference, the discharge of tertiary treated water should not trigger the need for cleanup plans for controlling accidental discharges and for minimizing the effect of such events because it is the same water that is discharged from the SJCWRP under an existing NPDES permit Order No. R4-2015-0070. Therefore, WRD recommends the deletion of this provision. Please note that a contingency plan for GRIP-AWTF will be prepared under the future Waste Discharge Requirements/Water Recycling Requirements to be issued for GRIP-AWTF's injection and spreading operations. The purpose of the contingency plan will be to address any discharge of recycled water that does not meet the State requirements associated with groundwater discharge and replenishment activities. Modifications consistent with this comment are reflected in Attachment A.</p>	<p>Please see response to comment #11.</p>	<p>None necessary.</p>

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Attachment F					
25	III.C.6.	F-10	Based on WRD's objection to the inclusion of specified TBELs, this section of the Fact Sheet must be revised. Further, the statement that "[c]ollectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA." is not accurate. Most of the TBELs are based on state law provisions in Title 22 of the California Code of Regulations/Division of Drinking Water that are separate and apart from any requirements imposed under federal law (and the tentative Order recognizes this when referencing that the TBELs imposed are more stringent than the secondary-treatment based requirements applicable to POTWs). For this reason, WRD requests this phrase be removed. Modifications consistent with this comment are reflected in Attachment A.	<p>The limitations imposed in the WDR/NPDES permit are required in order to protect the beneficial uses designated in the Basin Plan for the San Gabriel River. They are not more stringent than federal law requires, insofar as federal law requires protection of beneficial uses. Clean Water Act section 301(b)(1)(C) requires permits to contain "any more stringent limitation, including those necessary to meet water quality standards, treatment standards, or schedules of compliance, established pursuant to any State law or regulations. . . ." (33 U.S.C. § 1311(b)(1)(C)). The statement in the Order that "Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA," is accurate.</p> <p>To the extent that this permit includes terms or provisions that are authorized or required by state rather than federal authority, the tentative permit includes consideration of the factors specified in Water Code section 13241. Additional information has been provided in the Fact Sheet regarding the Board's consideration of these conditions.</p> <p>However, section III.C.6 - Stringency of Requirements for Individual Pollutant was revised to be consistent with the changes indicated in response to comment #4.</p>	Changes were made to the permit.
26	IV.B.1	F-14, F-15	WRD objects to inclusion of the POTW-related findings regarding technology-based requirements, and the following language and its conclusion: "The San Jose Creek WRP, a POTW, supplies the tertiary treated effluent water to the GRIP-AWTF. The GRIP-AWTF further treats this influent water using an	Please see response to comments #1 and #4	Revisions were made to the permit.

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			<p>advanced treatment system (i.e., ultrafiltration and reverse osmosis). Since the GRIP-AWTF is connected to the overall POTW treatment system and the origin of waste that will be treated by GRIP-AWTF comes from a POTW, the technology-based regulation is applicable to the GRIP-AWTF.”</p> <p>Contrary to Regional Water Board staff’s statements, the GRIP-AWTF is not a part of the Los Angeles County Sanitation District’s POTW system, and technology-based requirements related to secondary (Clean Water Act) and/or tertiary (Title 22, otherwise) treatment applicable to the POTW in this case (Los Angeles County Sanitation Districts via the San Jose Creek WRP), are not automatically applicable to the GRIP-AWTF project simply because it seeks to access the finished tertiary treated recycled water so as to treat it further for enhanced beneficial use (groundwater recharge and/or indirect potable reuse). WRD’s proposed activity does not legally transform WRD into a POTW, as that term is defined in federal law at 40 C.F.R. §§122.2 and 403.3, because the water WRD is accessing is no longer “municipal sewage or industrial waste.” Technology-based requirements applicable to POTWs do not spring into applicability simply because WRD further handles water that has already been subject to such technology-based requirements at the appropriate location (collection system and the NPDES permit applicable to the San Jose Creek WRP). Further, 40 C.F.R. § 122.44(a)(1) requires NPDES permits to include “applicable” technology-based requirements; there are no applicable technology-based requirements (promulgated under Clean Water Act section 301(b)) applicable to the activities undertaken by WRD; those that may have applied earlier in the treatment process have already been satisfied. For this reason, WRD requests that all technology-based requirements related to operation of the POTW be removed. In their place, Regional Water Board staff can indicate in appropriate sections of the tentative Order that the work performed as required by the San</p>		

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			Jose Creek WRP NPDES Permit and MRP previously satisfied any such requirements; the tentative Order can continue imposing relevant water quality-based requirements. Modifications consistent with this comment are reflected in Attachment A.		
27	IV.B.2	F-15	The tentative Order states, "This Facility is also subject to TBELs contained in similar NPDES permits, for similar facilities, based on the treatment level achievable by tertiary-treated wastewater treatment systems. These effluent limitations are consistent with the State Water Board precedential decision, State Water Board Order No. WQ 2004-0010 (City of Woodland)." WRD objects to this provision because POTWs and the GRIP AWTF are not similar facilities, they have different purposes, and their permits should reflect such differences. As noted above, TBELs applicable to the POTW (San Jose Creek WRP) are not appropriate to apply to WRD's activities, and the WRD has requested that they be removed along with findings that support their imposition. Further, this section misapplies the State Water Board's precedential decision in the City of Woodland matter, which affirmed the imposition of tertiary-treatment requirements to address virus and pathogen removal; the State Water Board's decision does not support the imposition of technology based-requirements on WRD, after the water has already been subject to such treatment at the San Jose Creek WRP.	Please see response to comment #4	Revisions were made to the permit.
28	IV.C.2.	F-16, F-17	As noted above, WRD objects to the inclusion of specified TBELs, and requests that they be removed from the tentative Order, along with the associated discussions in the Fact Sheet cited in comment #4. Modifications consistent with this comment are reflected in Attachment A.	Please see response to comment #4.	Revisions were made to the permit.
29	IV.C.2.b.vi i	F-18, F-19	WRD objects to the rationale/description used to establish the MBAS limit, as provided in the first paragraph of section IV.C.2 (shown below) and recommends the deletion of the rationale provided: "...Given the fact that the source water of the GRIP-AWTF is from San Jose Creek WRP) which accepts	The staff agreed to remove the MBAS effluent limitations for the reasons stated in the comment.	Revisions were made to the permit.

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			<p>domestic wastewater into the sewer system and treatment plant, and the characteristics of the treated wastewater discharged, the discharge has reasonable potential to exceed both the numeric MBAS WQO and the narrative WQO for the prohibition of floating material such as foams and scums. This treated wastewater from the San Jose Creek WRP will become the influent water to the GRIP-AWTF. Therefore an effluent limitation for MBAS is required.”</p> <p>In particular, the statement “the discharge has reasonable potential to exceed both the numeric MBAS WQO and the narrative WQO” is problematic for several reasons. First, the rationale provided does not appear to take into consideration the long history of compliance of the GRIP–AWTF’s source water, <i>i.e.</i>, SJCWRP’s tertiary treated recycled water, with the MBAS limit. For instance, based on WRD’s review of the last six years (2011 to 2016) of MBAS data associated with the San Jose Creek WRP’s tertiary treated recycled water, MBAS was consistently not detected (<i>i.e.</i>, below the method detection limit of 0.1 mg/L) in the SJCWRP East and West plants’ tertiary treated recycled water, with the exception of 11/5/2014 samples, which were measured at 0.15 mg/L (SJCWRP East) and 0.11 mg/L (SJCWRP West), both below the SJCWRP’s NPDES permit limit of 0.5 mg/L. The Regional Water Board failed to provide its quantitative rationale in the tentative Order for determining “reasonable potential” for this constituent as required, and WRD’s own analysis of influent data does not support such a finding. Also, WRD’s review of the reasonable potential analysis worksheet (file name – “GRIP RPA Discharge Point 001 and RSW-007 (4-13-2017).xlsm”), provided on 8/1/2017 by the Regional Water Board staff at WRD’s request, did not indicate a reasonable potential for MBAS. Second, GRIP-AWTF is an advanced water treatment facility, and its advanced treated recycled water will be very similar</p>		

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			<p>to that produced by WRD's Leo J. Vander Lans Water Treatment Facility (LVLWTF), an advanced water treatment facility with a treatment train very similar to that proposed for the GRIP AWTF. Based on the data for the most recent five years, the LVLWTF has produced an advanced treated recycled water that is consistently below the reporting level of 0.05 mg/L. The rationale provided in section IV.C.2 does not appear to take into consideration the fact that the advanced water treatment to be provided at GRIP-AWTF has shown to be capable of producing an advanced treated recycled water with MBAS concentrations consistently below the reporting level and therefore, does not pose a reasonable potential. For these reasons, WRD recommends the removal from the tentative Order the MBAS limit, associated rationale provided in section IV.C.2, MBAS effluent and receiving water monitoring. Modifications consistent with this comment are reflected in Attachment A.</p>		
30	IV.C.2.b.	F-18 to F-27	<p>Based on WRD's review of the reasonable potential analysis worksheet (file name – "GRIP RPA Discharge Point 001 and RSW-007 (4-13-2017).xlsm"), provided on 8/1/2017 by the Regional Water Board staff at WRD's request, indicated that there was no reasonable potential for ammonia, nitrate, nitrite, sulfate, and total phosphorus. The reasonable potential analysis for these constituents was performed using SJCWRP's discharge data and water quality criteria either lower than or the same as the numerical effluent limits imposed by this tentative Order (Note: No limit was assigned for total phosphorus). Therefore, since there was no reasonable potential demonstrated, WRD recommends the removal from the tentative Order the effluent limits for ammonia, nitrite, nitrite + nitrate, and sulfate, the associated rationale provided in section IV.C.2, associated receiving water monitoring and sulfate effluent monitoring. WRD agrees to perform effluent monitoring for ammonia, nitrite and nitrate. In addition, phosphorus has no associated</p>	<p>The Permittee stated that the effluent discharged to the San Gabriel River is for the purpose of intentionally recharging the aquifer beneath the San Gabriel River. Those nitrogen compounds at issue here are regulated by title 22 <i>Groundwater Replenishment Reuse Projects</i> of the title 22 CCR, division 4, chapter 3, article 5.1. Because San Gabriel River has GWR and aquatic life beneficial use, it is appropriate for the permit includes effluent limitations for nitrogen compounds, i.e., ammonia nitrogen, nitrate plus nitrite, nitrite, and sulfate to assure protection of the GWR and aquatic life beneficial uses. Regular monitoring is appropriate to confirm compliance with the effluent limitations. For these reasons, it is appropriate to maintain the effluent limitations and associated monitoring requirements for these compounds to protect the aquatic life and groundwater recharge beneficial use of the San Gabriel River.</p>	None necessary.

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			<p>water quality criteria. Therefore, WRD requests that total phosphorus be removed from influent, effluent, and receiving water monitoring. Modifications consistent with these comments are reflected in Attachment A.</p>	<p>The total phosphorus is not required for influent monitoring. However, the monitoring of total phosphorus at the effluent and the receiving water is required in order to determine compliance with the Basin Plan water quality objective and for future reasonable potential analysis.</p> <p>A reopener language is included in this Order such that the permit may be reopened or modified, to revise effluent limitations once the GRIP- AWTF has established its own dataset sufficient to conduct reasonable potential analysis. At that time, staff will appropriately remove those limitations, if warranted.</p>	
31	IV.C.3	F-30	<p>The fourth paragraph of section IV.C.3 contains the following statement: "Since the combined effluent from the San Jose Creek WRP (East and West) will be the same quality of water that is delivered to the GRIP-AWTF as influent water, during this permit cycle only, this permit will assume for the purposes of determining RPA, and based on best professional judgment, the data established for Discharge Points 001, 001A and 001B for the San Jose Creek WRP will be the same for the GRIP-AWTF." While it is true that the GRIP-AWTF is a new facility, and therefore, no effluent data is available, WRD does not believe that the SJCWRP's discharge data are reasonably representative of the GRIP-AWTF's future discharge water quality. In fact, using the SJCWRP's discharge data for the purpose of determining reasonable potential for the GRIP-AWTF is essentially assuming the worst-case scenario, where no treatment is provided by the GRIP-AWTF. GRIP-AWTF is an advanced water treatment facility, and its advanced treated recycled water will be very similar to that produced by WRD's Leo J. Vander Lans Water Treatment Facility (LVLWTF), an advanced water treatment facility with a treatment train very similar to</p>	<p>Comment noted. However, best engineering practice will not assume that the operating conditions and performance of the LVLWTF will be very similar to the proposed GRIP-AWTF. The influent/source water characteristics of these two treatment systems are different. For example, the effluent characteristics of the San Jose Creek WRPs that is the source water of the GRIP-AWTF has detected NDMA concentrations above the notification level. Using the WRD's analogy, if NDMA is not detected at LVWTF, there would be no NDMA concentration as well at the GRIP-AWTF. The assumption that there is no NDMA at the GRIP-AWTF is incorrect because San Jose Creek WRP has the highest NDMA concentration detected in their effluent discharge. Therefore, using best professional judgement, the use of the San Jose Creek WRPs effluent as the basis for the reasonable potential analysis is appropriate at this time when there is no available data from the GRIP-AWTF.</p>	None necessary.

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			that proposed for the GRIP AWTF. No changes are proposed.		
Attachment G					
32	Attachment G	G-1 to G-3	WRD would like to highlight that fact that most of the requirements contained in Attachment G are written specifically for POTWs, and as such, do not pertain to an advanced water treatment facility, such as GRIP AWTF. For instance, sections A.2.c (biodegradation kinetics calculations/assumptions), A.4 (primary sedimentation, activated sludge, and secondary clarification), A.6 (sludge processing, tertiary filter backwash, cooling water), A.7 (combined sewer overflow bypass data), A.8.a (use of polymer), A.8.c (use of alum), all of C (sewage residuals), and all of D (industrial waste survey) are not applicable to GRIP-AWTF. WRD requests that the provisions not relevant to the GRIP-AWTF be removed from Attachment G. Modifications consistent with this comment are reflected in Attachment A.	Attachment G – Toxicity Reduction Evaluation (TRE) Workplan outlines a typical content of a workplan. If a section is not applicable, then it is appropriate that there will be no discussion of that particular section in the workplan, or simply state not applicable. However, Attachment G is revised to remove the word “POTW” and replaced with “AWTF.”	Revisions were made to the permit.
Minor Edits for Clarification, Typographical/Factual Errors, and Inconsistencies					
33	I	4	Under Facility Information, please incorporate the following editorial correction: “Groundwater Reliability Improvement Program Project – Advanced Water Treatment Facility...” Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
34	III.D.	5	Please revise “State Water Board Resolution No. 68-16” to “State Water Resources Control Board (State Water Board) Resolution No. 68-16”, since the abbreviation is used for the first time in the tentative Order. Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
35	IV.A.1.a Table 4, footnote 6	7	As stated in the Fact Sheet, there is no discharge data for GRIP-AWTF because it is a new discharger. As such, the Regional Water Board performed reasonable potential analyses based on the water	Footnote #6 with regard to the chronic toxicity will not change. This Regional Water Board has been implementing the chronic toxicity	None necessary.

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			quality data associated with the San Jose Creek WRP's tertiary treated recycled water, which is the influent to the GRIP-AWTF. Therefore, please revise the statement in footnote 6 of Table 4 to reflect that any reasonable potential is based on the source water to be used by GRIP-AWTF, as follows: "A numeric <u>narrative</u> WQBEL is established because effluent <u>influent</u> data, <u>which were used in the absence of discharge data,</u> showed that there is reasonable potential for the effluent <u>influent</u> to cause or contribute to an exceedance of the chronic toxicity water quality objective. <u>Once sufficient discharge data from the GRIP-AWTF is generated, this reasonable potential analysis can be revisited and the permit modified accordingly.</u> " While WRD is willing to accept use of the influent source water to conduct the reasonable potential analysis, WRD would like to note that federal regulations pertaining to "new dischargers," authorize the use of estimated pollutant values based on expected performance for purposes of the reasonable potential analysis and permit issuance, and provide for two (2) years of data collection post-NPDES permit issuance to refine and establish any necessary effluent limitations. See 40 C.F.R. §122.21(k). The suggested edit from "numeric" to "narrative" is based on the rationales provided in Attachment C. Modifications consistent with this comment are reflected in Attachment A.	numeric effluent limitations using TST since 2014. Please see response to comments in Attachment C.	
36	V.B	11	For consistency, please incorporate the following editorial correction: "State <u>Water</u> Board Resolution No. 68-16". Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
37	VII.P	24	Since CIWQS only contains units of pCi/L, not millirem/year, WRD recommends that the first two sentences of section VII.P be modified as follows: "The monthly average effluent limitation for gross beta/photon is equal to 4 millirem/year. If the results of testing for all beta and photon emitters is less than or equal to 50 picoCuries per liter (pCi/L), the facility is in compliance and the value shall be reported as	The effluent limitation for gross beta/photon emitters is expressed as millirem/year. The CIWQS unit of reporting will be changed to be consistent with the expressed unit for gross beta/photon emitters.	None necessary.

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			<4 millirem/year <50 pCi/L.” Modifications consistent with this comment are reflected in Attachment A.		
38	VII.R.2	27	The sentence under this section, which currently reads, “For bacterial analyses, sample dilutions should be performed so the expected range of values is bracketed (for example, with multiple tube fermentation method or membrane filtration method, 2 to 16,000 per 100 ml for total and fecal coliform, at a minimum, and 1 to 1000 per 100 ml for enterococcus).” Please modify the above sentence by adding the acceptable dilution for E. coli, which is required to be monitored, and removing the information on enterococcus, which is not required to be monitored.	The paragraph was modified to include E.coli. Total coliform, fecal coliform and E. coli have the same dilution.	Revisions were made to the permit.
39	VII.R.4	27	The sentence under this section should be revised to read, “Detection methods used for enterococcus <i>E.Coli</i> shall be those presented in Table 1A of 40 CFR part 136....” since the tentative Order requires monitoring of <i>E. Coli</i> , not enterococcus. Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
Attachment C					
40	Attachment C	C-1	In Attachment C, please revise the description below the diagram to “Attachment C- <u>Advanced Treated Recycled Water Wastewater</u> Flow Schematic...”. Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
Attachment D					
41	V.C.2	D-6	Please correct the typographical error in the first sentence as shown: “...Regional Water Board Name or State Water Board...” Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
Attachment E					
42	Table of contents	E-1	For consistency with the remainder of the table of contents, WRD recommends the following edit: “VII. Recycling Monitoring Requirements (NOT APPLICABLE -Not Applicable)”. Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.

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43	Attachments E and F, Various sections	Various	According to Attachment F, II.A.1, "SJCWRP" is the acronym for the San Jose Creek Water Reclamation Plants. However, Attachments E and F of this Order use both "SJCWRP" and "San Jose Creek WRP" to refer to the San Jose Creek Water Reclamation Plants. For clarity, please streamline the use of the acronyms by redefining or removing one of the acronyms.	Both SJCWRP and San Jose Creek WRP are used in this tentative permit.	None necessary.
44	I.H	E-3	The provision states, "The monitoring report shall specify the USEPA analytical method used, the Method Detection Limit (MDL), and the Reporting Level (RL) [the applicable minimum level (ML) or reported Minimum Level (RML)] for each pollutant..." ML, MDL, and RL are defined in Attachment A. However, the tentative Order does not define the terms "reported Minimum Level (RML)". WRD requests that a definition for RML be provided in Attachment A.	RML is also ML. There is no need to provide another definition.	None necessary.
45	I.I	E-3	Please incorporate the following editorial correction to this provision: "unless the Permittee ... obtains approval for a higher ML from the Executive Officer, as provided for in section <u>JK</u> , below." Section K (and not section J) states that the Regional Water Board Executive Officer, in consultation with the State Water Board's Quality Assurance Program Manager, may establish an ML that is not contained in Appendix 4 of the SIP to be included in the Permittee's permit. Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
46	II. Table E-1	E-4	Should the influent flow-weighted concentration reporting requirement be retained notwithstanding WRD's request for its deletion (comment #20), WRD recommends that the following editorial correction be incorporated into the second sentence under the Monitoring Location Description associated with INF-001 in Table E-1: "The calculated flow-weighted concentrations of the effluent reported for EFF-001, EFF001A, and EFF-001B <u>from the San Jose Creek WRP Order No. R4-2015-0070 (NPDES Permit No. CA0053911)</u> is the influent concentration that will be reported for the GRIP-AWTF."	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.

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47	II. Table E-1	E-5	<p>Should the receiving water monitoring requirements be retained notwithstanding WRD's request for their deletion (comment #23), WRD has the following additional comments. The first paragraph in Section VIII of Attachment E states that, "GRIP-AWTF's receiving water monitoring station RSW-001 is also the same receiving water monitoring station for the Whittier Narrows WRP's RSW-002 (RA)." For clarity and consistency with the rest of Table E-1, please revise the description of RSW-001 in Table E-1 to read, "San Gabriel River, 100 feet downstream of the Whittier Narrows WRP Discharge Point 001 (R-A). This existing station (aka RSW-002 (RA) of Whittier Narrows WRP) will serve as the upstream monitoring station for the GRIP-AWTF."</p>	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
48	II. Table E-1	E-5	<p>Per the comment provided under Attachment E, section VIII (comment #23), WRD recommends the removal of the receiving water monitoring stations and TMDL stream flow monitoring stations from Table E-1 Should the receiving water monitoring requirements be retained notwithstanding WRD's request, WRD has the following additional comments. According to Table E-1, receiving water station RSW-001 is equivalent to WNWRP's receiving water station RSW-002 (RA), and RSW-002, RSW-003, and RSW-004 are equivalent to the SJCWRP's receiving water stations RSW-006 (R12), RSW-007 (R13), and RSW-005 (R2), respectively. The latitude and longitude provided in Table E-1 for the four receiving water monitoring stations do not match the latitude and longitude for these same stations as verified by LACSD and as stated in the SJCWRP Order No. R4-2015-0070, as further discussed below:</p> <p><u>WNWRP's RSW-002 (RA)</u> - Latitude: 34.0223611° Longitude: -118.054833° (verified by LACSD via email)</p>	The listed latitude and longitude for these stations in the tentative permit were provided by WRD in their ROWD application. However, staff agreed to make the revisions to the revised tentative Order.	Revisions were made to the permit.

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			<p>However, the latitude/longitude for RSW-002 in this tentative Order is shown as: Latitude: 33.02453° Longitude: -118.05322°. <u>SJCWRP's RSW-006</u> - Latitude 33.993862 N and Longitude -118.073457 W. However, the latitude/longitude for RSW-002 in this tentative Order is shown as: Latitude: 33.96972° Longitude: -118.088612°. <u>SJCWRP's RSW-007</u> - Latitude 33.969472 N and Longitude -118.088778 W. However, the latitude/longitude for RSW-003 in this tentative Order is shown as: Latitude: 33.96972° Longitude: -118.08861°. <u>SJCWRP's RSW-005</u> - Latitude 33.9295278 N and Longitude -118.1078056 W. However, the latitude/longitude for RSW-003 in this tentative Order is shown as: Latitude: 33.93056° Longitude: -118.10778° WRD recognizes that the latitude/longitude information associated with the receiving water stations in the tentative Order may have been based on the approximate data provided by the District. WRD requests that the receiving water station latitude/longitude in Table E-1 be updated to make them consistent with the WNWRP's RSW-002 and SJCWRP's RSW-006, 007, and 005.</p>		
49	II. Figure E-1	E-6	WRD recommends that the title of Figure E-1 be modified as follows: "GRIP-AWTF <u>Outfalls and Receiving Water Stations</u> ", and any references to Figure E-1 be updated appropriately. Modifications consistent with this comment are reflected in Attachment A.	The figure title was updated.	Revisions were made to the permit.
50	II. Figures E-2 and E-3	E-7, E-8	Since the tentative Order regulates surface discharge only, the groundwater recharge reference on Figures E-2 and E-3 should be removed. The text at the bottom of these figures should be revised to read, "When open, discharges to the unlined San Gabriel River"	As suggested, staff corrected and cleaned up Figures E-2 and E-3 that were submitted by WRD as part of ROWD.	Revisions were made to the permit.

Number	Order Section No.	Page # in Attachment A	Comments	Response	Action Taken
51	IV. Table E-3, footnote 4	E-11	Should the effluent turbidity limit be retained notwithstanding WRD's comment #4 regarding the inapplicability of TBELs and request for removal of the effluent turbidity limit, WRD has the following additional comments. For turbidity monitoring, the continuous sampling is for compliance with the 72 minutes above 5 NTU limit, the flow proportioned average daily value is for compliance with the 2 NTU limit, and the grab sample is for compliance with the 10 NTU limit. The SJCWRP's NPDES permit allows grab samples to be used as an option. Therefore, WRD recommends footnote 4 to be revised as follows: "...Grab sample may shall be collected at monitoring location EFF-001. It shall be used to determine compliance with the <u>10.5</u> NTU limit..."	Staff revised the effluent limitations for turbidity because the GRIP-AWTF's effluent discharge has to comply with California Code of Regulations, title 22 sections 60301.320(b) and 60320.108(b). (Please see Fact Sheet section IV.C.2.ix.) The revised footnote #4 now reads: "...Turbidity – Maximum daily value, total amount of time each day the turbidity exceeded 0.2 NTU, flow proportioned average daily value. Grab sample shall be collected to determine compliance with the 0.5 NTU limit. A flow-weighted 24-hour composite sample may be used in place of the recorder to determine the flow-proportioned average daily value."	Revisions were made to the permit.
52	IV.B.1 Table E-3, Footnote 7	E-12	Please incorporate the following editorial correction to the last sentence in Footnote 7 to Table E-3: "Furthermore, additional monitoring requirements specified in section IV.A.4 <u>IV.B.2</u> shall be followed." There is no section IV.A.4. The Total Residual Chlorine Additional Monitoring appears under section IV.B.2. Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order..	Revisions were made to the permit.
53	IV.B.1 Table E-3	E-13, E-14	The effluent monitoring frequency of many constituents is more stringent than that found in the 2015 SJCWRP NPDES permit Order No. R4-2015-0070. Since the GRIP AWTF advanced treated recycled water will have water quality that is far superior to the SJCWRP's tertiary treated recycled water, WRD requests modifications to at least match the effluent monitoring frequency to that in Order No. R4-2015-0070, as shown in Attachment A. Further, the word "waste" should be removed from the phrase "total waste flow" for the reasons set forth above. Modifications consistent with this comment are reflected in Attachment A.	Adjustments were made to the monitoring frequencies to be as frequent, or less frequent, than the San Jose Creek WRP effluent monitoring, except for copper, which was retained at monthly sampling. "Total waste flow" was edited to remove the word "waste."	Revisions were made to the permit.
54	IV.B.1 Table E-3,	E-12	Per the effluent monitoring frequency modification requested in comment #53, please revise the references to "daily" in footnote 8 to "weekly".	Footnote #8 is applicable to this discharge. The total coliform was changed from weekly to daily because it has an effluent limitation and the	Revisions were made

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	Footnote 8		Modifications consistent with this comment are reflected in Attachment A.	San Gabriel River is impaired for coliform bacteria..	to the permit.
55	V.A.3	E-16	Please define or spell out “ppt” referenced in the first sentence of Attachment E, section V.A.3.	“ppt” means parts per thousand.	Revisions were made to the permit.
56	V.A.4	E-16	The effective date of the tentative Order is November 1, 2017. The facility will not be in operation when the Order takes effect. Therefore, for clarity, please revise the first sentence of Attachment E, V.A.4., to read, “Species sensitivity screening shall be conducted beginning the first month the permit is in effect or the facility’s first month of operation.” Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
57	V.A.6	E-18	WRD requests that the fourth sentence in Attachment E, section V.A.6, be revised to read, “At a minimum, the TRE Work Plan must contain the provisions in Attachment G <u>that are relevant to the GRIP-AWTF.</u> ” WRD would like to highlight that fact that most of the requirements contained in Attachment G are written specifically for POTWs, and as such, do not pertain to an advanced water treatment facility, such as GRIP AWTF. For instance, sections A.2.c (biodegradation kinetics calculations/assumptions), A.4 (primary sedimentation, activated sludge, and secondary clarification), A.6 (sludge processing, tertiary filter backwash, cooling water), A.7 (combined sewer overflow bypass data), A.8.a (use of polymer), A.8.c (use of alum), all of C (sewage residuals), and all of D (industrial waste survey) are not applicable to GRIP-AWTF. As further detailed in the comments provided under Attachment G, WRD requests the removal of POTW-related provisions in Attachment G.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
58	V.A.6	E-18	WRD recommends that the third sentence in Attachment E, section V.A.6, be modified as follows: “The Permittee shall use USEPA manual EPA/833B-99/002 (municipal) as guidance, or most current version or EPA manual <i>Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations</i> (EPA/600/2-88/070, April 1989)”. The recommended	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.

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			language is consistent with that found in the WBMWD's Edward C. Little Water Recycling Plant's NPDES permit (R4-2012-0026; NPDES No. CA0063401) and will provide the GRIP-AWTF, which is not a municipal wastewater treatment plant, greater options and flexibility when preparing the initial investigation toxicity reduction evaluation (TRE) work plan. (According to section V.A.8.a, EPA/833B-99/002 (municipal) refers to USEPA manual <i>Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants</i> .) Modifications consistent with this comment are reflected in Attachment A.		
59	V.A.8.a	E-19	For the same reason as that stated in comment #58, WRD recommends that the first sentence in section V.A.8.a, be revised as follows: "The Permittee shall immediately initiate a TRE using, according to the type of treatment facility, USEPA manual <i>Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants</i> (EPA/833/B-99/002, 1999) or EPA manual <i>Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations</i> (EPA/600/2-88/070, April 1989)". Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
60	V.A.9.a	E-20	Should the chronic toxicity testing requirements be retained, as is, notwithstanding WRD's request for revision per Attachment C, WRD has the following additional comment. The second sentence in section V.A.9.a states, "All toxicity test results ...shall be reported on the SMR due date specified in Table E-7." The SMR due dates are contained in Table E-8, not Table E-7. Please revise accordingly. Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
61	VIII	E-21	Should the receiving water monitoring requirements be retained notwithstanding WRD's comment #23, WRD requests that the following clarifying edits be provided to the first paragraph under section VIII: "Monitoring requirements listed below may duplicate existing requirements under Waste Discharge	Staff modified section VIII to clarify that the Discharger is not required to conduct the monitoring when the San Jose Creek WRP and the Whittier Narrows WRP have conducted the receiving water monitoring that is identical to the GRIP-AWTF. However, the results of those	Revisions were made to the permit.

Number	Order Section No.	Page # in Attachment A	Comments	Response	Action Taken
			<p>Requirements <u>Order No. R4-2015-0070 (NPDES Permit No. CA0053911) for the San Jose Creek WRPs--and Order No. R4-2014-0213-A01 (NPDES Permit No. CA0053716) for the Whittier Narrows WRP.</u> The San Jose Creek WRPs receiving water monitoring stations (<u>RSW-005(R2), RSW-006 (R12), and RSW-007 (R13)</u>) for Discharge Points 001, 001A, and 001B are identical to the <u>receiving water monitoring stations (RSW-004, RSW-002, and RSW-003) in this for the GRIP-AWTF permit.</u> GRIP-AWTF's receiving water monitoring station RSW-001 is also the same receiving water monitoring station for the Whittier Narrows WRP's RSW-002 (RA). <u>To avoid Duplication, of receiving water sampling and monitoring activities are not required if the monitoring activities performed under San Jose Creek WRP's Order No. R4-2015-0070 and Whittier Narrows WRP's Order No. Order R4-2014-0213-A01 satisfies the requirements of this Order. The Permittee is required to complete shall ensure that the required receiving water monitoring required requirements in by this permit Order is completed. In addition to submitting the results under another order, the The results of all required receiving water monitoring, whether conducted by the Permittee or another agency, shall be submitted in the reports required by this Order. However, monitoring does not need to be conducted at RSW-001, RSW-002, RSW-003, and RSW-004 if there is no discharge through Discharge Point Nos. 001A, 001B, and 001."</u></p>	<p>monitoring shall also be reported to the GRIP-AWTF CIWQS database.</p> <p>When there is no discharge to the designated outfalls, no monitoring is required for that period.</p>	
62	VIII, Table E-5	E-21	<p>Should the receiving water monitoring requirements be retained notwithstanding WRD's comment #23, WRD has the following additional comments. Currently, Table E-5 on receiving water monitoring requirements specifies the same monitoring frequency for RSW-001, RSW-002, RSW-003, and RSW-004. However, the receiving water monitoring frequency specified in the WNW RP's Order No. R4-2014-0213-A01 is not identical to those specified in the SJCWRP's Order No. R4-2015-0070. WRD requests that separate receiving water monitoring</p>	<p>Staff agreed to revise the GRIP-AWTF tentative permit to match the receiving water monitoring requirements stated in the San Jose Creek WRPs and the Whittier Narrows WRP. As suggested, a separate receiving water monitoring table for RSW-001 that is identical to the Whittier Narrows WRP's RSW-002 (RA) is also provided in Table E-6.</p>	<p>Revisions were made to the permit.</p>

Number	Order Section No.	Page # in Attachment A	Comments	Response	Action Taken
			requirement tables be provided for RSW-001 to reflect the monitoring frequency consistent with the WNWWRP's Order No. R4-2014-0213-A01 and for RSW-002, RSW-003, and RSW-004 to reflect the monitoring frequency consistent with the SJCWRP's Order No. R4-2015-0070.		
63	VIII.A. Table E-5, Footnotes 20 & 21	E-22	Should the receiving water monitoring requirements be retained notwithstanding WRD's request for their deletion (comment #23), WRD has the following additional comments. Table E-5 includes references to "PCBs as aroclors ²⁰ " and "PCBs as congeners ²¹ ". However, footnote 20 is missing and should be provided. Footnote 21 pertains to the use of analytical methods described in 40 CFR 136 and is not related to PCBs as congeners. Please review footnote 21 and provide necessary revisions.	PCBs as aroclors is footnoted as #17 and PCBs as congeners is footnoted as #18 as indicated in Table E-3, page E-14. The typos were corrected to reflect the correct footnote number.	Revisions were made to the permit.
64	VIII.B.1	E-24	Should the receiving water monitoring requirements be retained notwithstanding WRD's request for their deletion (comment #23), for clarity and to avoid duplication in monitoring activities, please modify the first sentence under section VIII.B.1, as follows: "To ensure ..., the Discharger shall monitor the <u>ensure that ammonia concentrations are monitored</u> at RSW-002, RSW-003, and RSW-004..." This section on ammonia receiving water monitoring requirements applies to RSW-002, RSW-003, and RSW-004. To reflect the fact that there are multiple receiving water monitoring stations, please modify the second sentence to "The purpose of the monitoring locations <u>are</u> is to ensure...", and the third sentence to "Concurrent sampling ... will be required at this <u>these</u> monitoring locations."	Staff agreed and made revisions to the revised tentative Order.	Revisions were made to the permit.
65	VIII.B.2	E-24	Should the receiving water monitoring requirements be retained notwithstanding WRD's request for their deletion (comment #23), for clarity and to avoid duplication in monitoring activities, please modify the language in this section as follows: "The Discharger shall monitor <u>ensure that San Gabriel River at RSW-002, RSW-003, and RSW-004 is monitored,</u> depending on"	Staff agreed and made revisions to the revised tentative Order	Revisions were made to the permit.
66	VIII.C	E-25	Should the receiving water monitoring requirements	The typo was corrected in the revised tentative	Revisions

Number	Order Section No.	Page # in Attachment A	Comments	Response	Action Taken
			be retained notwithstanding WRD's request for their deletion (comment #23), for consistency with the SJCWRP's NPDES Permit Order R4-2015-0070, please change the reference to TMDL Stream Flow Monitoring Station from "RSW-003D" to "RSW-004D".	order.	were made to the permit.
67	X.B.4.b	E-27	WRD requests that the language provided in this provision be modified, as shown below, to also allow the reporting of the detected but not quantified results by J-flagging, which is used by WRD's commercial laboratory: "Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or "DNQ" or "J"." Modifications consistent with this comment are reflected in Attachment A.	"J" is not a recognized field in CIWQS reporting. "DNQ" and "J" have the same meaning. Please report "DNQ" when the analytical result is detected but not quantified.	None necessary.
68	X.B.5	E-27	WRD requests that the language under this provision be modified to read, "Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined above and Attachment A section VII of this Order." Please note that Attachment A is a list of definitions. Section VII of the tentative Order addresses compliance determination. Modifications consistent with this comment are reflected in Attachment A.	The typo was corrected in the revised tentative order.	Revisions were made to the permit.
69	X.D.4	E-29	GRIP-AWTF will not be operational for months after the Order takes effect. Therefore, WRD requests that the monitoring and reporting requirements be deferred until when the GRIP-AWTF starts its operation. In light of this request, WRD asks that the language in this provision be modified to read, "The Permittee shall submit to the Regional Water Board, together with the first monitoring report required by this permit <u>after the facility becomes operational</u> , a list of all chemicals and proprietary additives which could affect this waste discharge, including quantities of each..." As it gets much closer to the facility operation date, WRD will have more accurate estimates of the required chemicals and additives and their volume. Modifications consistent with this comment are reflected in Attachment A.	Staff accepted the suggested language with changes.	Revisions were made to the permit.

Attachment F

Number	Order Section No.	Page # in Attachment A	Comments	Response	Action Taken
70	Table of Contents	F-1	In the Table of Contents, please insert the phrase "Not Applicable" next to "Interim Effluent Limitations" and "Recycling Specifications". Modifications consistent with this comment are reflected in Attachment A.	The Table of Contents was updated to reflect the suggested changes.	Revisions were made to the permit.
71	I.D	F-4	Some of the dates included in this section are inconsistent with WRD's records. Therefore, WRD recommends the following updated language (The submittal and receipt dates are based on email transmittal dates.): "The Discharger filed a report of waste discharge and submitted an application for a waste discharge requirements (WDRs) and NPDES permit on January 4 0 11, 2017. Supplemental information was requested on February 4 0 2, 2017, and received on February 24 1 7, 2017. The application was deemed complete on March 13, 2017. A site visit was conducted on May 22, 2017, to observe operations and collect additional data to develop permit limitations and requirements for waste discharge." Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative Order.	Revisions were made to the permit.
72	I, Table F-1	F-3	In the third row of Table F-1, please correct the project name as follows: "Groundwater Reliability Improvement Project – Advanced Water Treatment Facility (GRIP-AWTF), Pico Rivera ". Modifications consistent with this comment are reflected in Attachment A.	The typo was corrected in the revised tentative order.	Revisions were made to the permit.
73	I.A	F-3	The GRIP-AWTF will not be in operation when the permit is issued. Therefore, WRD requests that the second sentence of this section be modified as follows: " At the time of permit issuance <u>During the initial phase following the Facility startup</u> , the Facility is <u>will be</u> operated by JF Shea Construction." Modifications consistent with this comment are reflected in Attachment A.	The reference to JF Shea Construction was removed.	Revisions were made to the permit.
74	II.A.2	F-4	For clarity, please revise the first sentence as follows: "The GRIP-AWTF will receive <u>tertiary treated recycled water flow</u> from SJCWRP through a 66-inch pipeline that is located just east of the GRIP-AWTF	Staff revised section II.A.2 language.	Revisions were made to the permit.

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			site. Modifications consistent with this comment are reflected in Attachment A.		
75	II.A.3	F-4, F-5	The treatment description should be edited to include chlorination and dechlorination. Chlorination will be provided to prevent biofouling of the supplemental recharge wells. Dechlorination will ensure that flows intended for discharge to the San Gabriel River will be able to meet the total residual chlorine limit in this tentative Order. Modifications consistent with this comment are reflected in Attachment A.	Chlorination and dechlorination were added in the treatment description.	Revisions were made to the permit.
76	II.A.1	F-4 and various	To be more accurate, WRD recommends that the third sentence of this section be revised as follows: <u>“The GRIP-AWTF receives tertiary treated recycled wastewater, which is also Title 22 recycled water, of from the San Jose Creek Water Reclamation Plants (SJCWRP), East and/or West facilities, owned and operated by the County Sanitation Districts of Los Angeles County (LACSD). Depending on the availability of the recycled water and operational conditions, the influent to the GRIP-AWTF may consist entirely of the SJCWRP East effluent tertiary treated recycled water, SJCWRP West effluent tertiary treated recycled water, or the combined effluent recycled water from the SJCWRP East and West.”</u> Also, where appropriate, references to the SJCWRP East and West should be changed to SJCWRP East and/or West. In addition, references to “combined tertiary treated effluent” appears in various places in the Order, MRP, and Fact Sheet. WRD recommends that the word “combined” be removed, with the exception of the above edits, for reasons described above. Modifications consistent with these comments are reflected in Attachment A.	Staff agreed to some of the edit modifications, however, the influent stream to the GRIP AWTF is tertiary treated effluent.	Revisions were made to the permit.
77	II.A.5	F-5	Once the tertiary treated recycled water reaches GRIP-AWTF, it should no longer be referred to as effluent to avoid potential confusion. WRD recommends that the second sentence be modified as follows: <u>“The UF feed pumps transfer the tertiary effluent treated recycled water to the treatment train consisting of UF, RO, and UVAOP, chlorination and</u>	At the diversion structure, the tertiary treated effluent from the SJC WRPs can either be discharged to the San Gabriel River under the NPDES permit or discharged to the Montebello Forebay as recycled water. Since it can be discharged to the river, the stream name used throughout the revised tentative order is “tertiary treated effluent”.	Revisions were made to the permit.

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			dechlorination.” Modifications consistent with this comment are reflected in Attachment A.		
78	II.A.5	F-5	<p>To be more factually accurate, WRD recommends that the language under this provision be revised as follows: “During normal operation, the main line slide gate to the Montebello Forebay Spreading Grounds is closed and all of the flow is diverted to the influent equalization basin. The UF feed pumps transfer the tertiary <u>treated recycled water effluent</u> to the treatment train consisting of UF, RO, and UVAOP, chlorination and dechlorination. Secondary UF filtrate, which is the water recovered from the UF backwash water for the purpose of achieving a higher plant recovery rate, is returned to the equalization tank. The fully advanced treated water, which has undergone UF, RO, UVAOP and chlorination, then flows into the product water storage tank from which some of the fully advanced treated water is pumped to the supplemental recharge wells, which will be covered under a separate permit. The fully advanced treated water that is not pumped to the supplemental recharge wells is dechlorinated and flows by gravity to the diversion structure through the open advanced treated water gate. <u>The equalization tank has been purposely designed to allow a certain volume of its water (i.e., tertiary treated recycled water and secondary UF filtrate) to be conveyed</u> Any excess flows from the equalization tank go over a weir from the equalization tank to the diversion structure where it is blended with the fully advanced treated water. The blended water will then flow back into the 66-inch pipe to <u>the unlined portions of the San Gabriel River adjacent to and downgradient from the Montebello Forebay Spreading Grounds.</u> The flow schematic diagram of the treatment is located in Attachment C. <u>The flows from the equalization tank to the diversion structure, which is specifically authorized by this Order and will not be considered an overflow, spill, or bypass for purposes of enforcement and implementation of provisions under this Order, will be referred to as tertiary treated</u></p>	Staff agreed to make modified revisions to the revised tentative order.	Revisions were made to the permit.

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			<p><u>recycled water in the remainder of this Order for simplicity and since the volume of the secondary UF filtrate is insignificant compared to the tertiary treated recycled water in the equalization tank.</u></p> <p>Modifications consistent with this comment are reflected in Attachment A.</p>		
79	II.A.7	F-5	<p>WRD recommends that the language under this section be modified as follows: "<u>GRIP-AWTF's bBrine wastes and other AWTF-similar waste streams (e.g., ultra-filtration UF backwash) will be discharged via LACSD's Los Angeles County Sanitation District's sewer system</u>". Modifications consistent with this comment are reflected in Attachment A.</p>	Staff agreed and made modified revisions to the revised tentative order.	Revisions were made to the permit.
80	II.B.1.a, II.B.1.b, II.B.1.c	F-5, F-6	<p>WRD requests that the first sentence of sections II.B.1.a, II.B.1.b, and II.B.1.c, which refers to the GRIP-AWTF discharges, be modified to read: "Discharge to San Gabriel River of the blended tertiary treated recycled water from the San Jose Creek WRPs (East and/or West) and the GRIP-AWTF advanced treated recycled water..."</p> <p>Modifications consistent with this comment are reflected in Attachment A.</p>	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
81	II.B.1.a	F-5	<p>For consistency, insert a dash between "GRIP" and "AWTF" in the first sentence. Also, the same error is noted in various places in the permit, which should be corrected. Modifications consistent with this comment are reflected in Attachment A.</p>	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
82	II.B.1.a	F-6	<p>For additional clarity, WRD requests that the following sentence be added to the end of section II.B.1.a: "<u>Typically, the GRIP-AWTF discharge is expected to flow into the San Gabriel River via Discharge Points 001A and/or 001B and fully percolate into the unlined portions of the San Gabriel River prior to reaching the lined portion, where Discharge Point 001 is located. The GRIP-AWTF's discharge via Discharge Point 001 is expected to be infrequent and small in volume, if any.</u>"</p> <p>Modifications consistent with this comment are reflected in Attachment A.</p>	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
83	II.B.1	F-6	<p>For accuracy, WRD requests that the sentence following section II.B.1.c be modified as follows:</p>	Staff agreed and made revisions to the revised tentative order.	Revisions were made

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			<p>“During dry weather (May 1 – October 31), the primary sources of water flow in San Gabriel River, downstream of the discharge outfalls, are the San Jose Creek WRP effluent, <u>GRIP-AWTF’s advanced treated recycled water</u>, and other NPDES-permitted discharges, including urban runoff conveyed through the municipal separate storm sewer systems (MS4).” Modifications consistent with this comment are reflected in Attachment A.</p>		to the permit.
84	II.B.1	F-6	<p>For clarity, WRD requests that the second to the last paragraph in section II.B.1, be revised as follows: “The San Gabriel River are <u>is</u> unlined near the points of discharge, except at Discharge Point 001. Groundwater recharge occurs, both incidentally and through separate WRRs, in these unlined areas of the San Gabriel River where the underlying sediments are highly transmissive to water and pollutants <u>conducive to percolation and groundwater recharge</u>. The Water Replenishment District of Southern California recharges <u>the aquifers beneath</u> the Rio Hondo and San Gabriel Spreading Grounds, located in the Montebello Forebay, with <u>using</u> the Title 22 recycled water purchased from JOS’s <u>LACSD’s Whittier Narrows WRP, Pomona WRP, and San Jose Creek WRP, imported water (when available) purchased from the Metropolitan Water District of Southern California, stormwater, and local urban runoff</u>. The recharge activity is regulated under WRRs Order No. 91-100, adopted by the Regional Water Board on September 9, 1991, - This order was <u>and amended on April 2, 2009, by Order No. R4-2009-0048 and on April 10, 2014, by Order No. R4-2009-0048-A-01.</u>” WRD recommends revising the phrase “highly transmissive to water and pollutants” to “highly conducive to percolation and groundwater recharge” because the former does not account for the pollutant attenuation that occurs as a result of soil aquifer treatment process as the water travels through the aquifers, while the latter is more factually accurate. Modifications consistent with this comment are reflected in Attachment A.</p>	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.

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85	II.C	F-7	<p>For clarity, WRD recommends that the language under this section be revised to read, “The discharged effluent at <u>via</u> Discharge Points 001, 001A, 001B is either a blend of the SJCWRPs’ tertiary treated effluent recycled water from the SJCWRPs or a blend of the tertiary treated effluent with <u>and the GRIP-AWTF’s fully advanced treated recycled water from the AWTF..</u></p> <p>Since the GRIP-AWTF is a new facility, there is no existing effluent data available <u>to reflect the quality of the advanced treated recycled water...</u>” Modifications consistent with this comment are reflected in Attachment A.</p>	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
86	III.C, Table F-2	F-8, F-9	<p>In Table F-2, for clarity, please add the river reach number and the WBD (watershed boundary database) No. to the receiving water name as shown below: <u>Receiving water name for Discharge Points 001A and 001B:</u> “San Gabriel Rive Reach 2 (Whittier Narrows Dam – Firestone Boulevard (Hydro Unit No. 405.15; WBD No. 180701060606)” <u>Receiving water name for Discharge Points 001:</u> “San Gabriel Rive Reach 1 (Firestone Boulevard – Estuary) (Hydro Unit No. 405.15; WBD No. 180701060606)” <u>Receiving water name for Discharge Points 001:</u> “San Gabriel River Estuary (Hydro Unit No. 405.15; WBD No. 180701060606)” Table 2-1 of the Basin Plan, which details the beneficial uses of a particular water body, refers to the WBD No. associated with the water body. Therefore, the addition of the WBD in Table F-2 would be helpful. Modifications consistent with this comment are reflected in Attachment A.</p>	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
87	III.C, Table F-2	F-9	<p>For consistency with the rest of Table F-2, for Discharge Point 001, San Gabriel River Estuary, under existing uses, please insert footnote 1 after REC-1 as shown below:</p>	In Table 2-1a. Beneficial Uses of Inland Surface Water of the Basin Plan, the San Gabriel River Estuary beneficial use of “REC-1” does not have footnote 1 because it is not applicable at the estuary. Footnote 1 states,	None necessary.

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			“Existing: IND, navigation (NAV), REC-11...” Modifications consistent with this comment are reflected in Attachment A.	“Access prohibited by Los Angeles County Department of Public Works in the concrete-channelized areas.” The estuary is not concrete-channelized.	
88	III.C.6	F-10	Should the TBELs be retained notwithstanding WRD’s request for their removal (comment #4), WRD has the following additional comment. As stated in the Fact Sheet, section IV.C.2.b.1, the percent removal for BOD and TSS is not applicable to GRIP-AWTF. Therefore, the second sentence of the first paragraph should be modified to remove the reference to percent removal of BOD and TSS, as follows: “The TBELs consist of restrictions on BOD, TSS, oil and grease, settleable solids, turbidity, and pH, and percent removal of BOD and TSS. ”	Staff removed the strikeout words and edited the paragraph to be consistent with the Order.	Revisions were made to the permit.
89	III.C.10	F-11	WRD requests that this section be amended as follows to recognize that the Water Code section 1211 process is not an NPDES permit requirement (but rather, a state law requirement): “...and receive approval for such a change <u>outside of the NPDES permit context.</u> The State Water Board retains the jurisdictional authority to enforce such requirements under CWC Section 1211. <u>This is not an NPDES permit requirement.</u> ” Modifications consistent with this comment are reflected in Attachment A.	Staff disagree that the proposed language is necessary. To clarify the State Water Board’s role, the text shown below was added, “and receive approval for such a change from the State Water Board”.	Revisions were made to the permit.
90	III.C.11	F-11	The first sentence, which states, “In accordance with statewide policies concerning water reclamation...” appears to be missing a footnote associated with “water reclamation” that provides the citations for relevant policies and regulations. For clarity, please insert the following footnote (found in the 2015 SJCWRP NPDES Permit, page F-26) next to “water reclamation”: “ <u>See, e.g., CWC sections 13000 and 13550-13557, State Water Board Resolution No. 77-1 (Policy with Respect to Water Reclamation in California), and State Water Board Resolution No. 2009-0011 (Recycled Water Policy).</u> ” Modifications consistent with this comment are reflected in Attachment A.	Footnote #3 was added to the Water Recycling paragraph.	Revisions were made to the permit.

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91	III.D.	F-11, F-12	<p>This section contains references to the Calwater Watershed number (8-digit), which are not found in the latest version of the electronic copy of the Basin Plan available from the Regional Water Board's website. The current version of the Basin Plan seems to refer to the WBD no. instead. To avoid potential confusion, WRD requests that the Calwater Watershed number be replaced with WBD no. as shown below:</p> <p>"San Gabriel River Reach 1 (Estuary to Firestone Blvd.) Hydrologic unit 405.15, WBD No. 180701060606"</p> <p>"San Gabriel River Reach 2 (Firestone Blvd. to Whittier Narrows Dam) Hydrologic unit 405.15, WBD No. 180701060606"</p> <p>San Gabriel River Estuary Hydrologic unit 405.15, WBD No. 180701060606"</p> <p>Modifications consistent with this comment are reflected in Attachment A.</p>	The Calwater Watershed number designation is consistent with the approved 303(d) List.	None necessary.
92	IV (Intro)	F-14	<p>WRD requests that the following phrase be added to the last sentence of the first paragraph under this section, to accurately reflect federal regulations, "...;and 40 C.F.R. section 122.44(d) requires that, <u>where reasonable potential is demonstrated, permits include water quality-based effluent limitations...</u>"</p> <p>Modifications consistent with this comment are reflected in Attachment A.</p>	Staff disagree that it is necessary to specifically call out "reasonable potential" in this brief summary of 40 C.F.R. 122.44(d). Reasonable potential is included in 122.44(d) and is not necessary to repeat in this standardized NPDES permit language.	None necessary.
93	IV	F-14	<p>Since the GRIP-AWTF is a new facility with no prior or existing discharge, please modify the first sentence of the second paragraph, as follows: "The variety of potential pollutants <u>expected to be</u> found in discharges from the Facility <u>may</u> presents a potential for aggregate toxic effects to occur." Modifications consistent with this comment are reflected in Attachment A.</p>	The sentence in the tentative order is correct and will be retained.	None necessary
94	IV.A.	F-14	<p>For accuracy, WRD requests that the second and third sentences of this section be modified, as follows: "This eOrder authorizes the discharge of tertiary treated wastewater <u>recycled water and advanced treated recycled water</u> from Discharge Points 001, 001A, and 001B. It does not authorize</p>	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.

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			any other types of discharges.” Modifications consistent with this comment are reflected in Attachment A.		
95	IV.B.1.	F-15	Please modify the first sentence of the second paragraph as follows: “The San Jose Creek WRP, a POTW, supplies the tertiary treated effluent <u>recycled</u> water to the GRIP-AWTF. The GRIP-AWTF further treats this influent water using an advanced treatment system (i.e., ultrafiltration, and reverse osmosis, <u>ultraviolet advanced oxidation, chlorination and dechlorination</u>). Modifications consistent with this comment are reflected in Attachment A.	Staff agreed to some of the edits and made revisions to the revised tentative order. Referring to the San Jose Creek WRP as recycled water, however, is not correct.	Revisions were made to the permit.
96	IV.C.2.b.i	F-16, F-17	Should the TBELs be retained notwithstanding WRD’s request for their removal (comment #4), to be more accurate, WRD requests that the last sentence of the second paragraph of this section be modified as follows: “ <u>The GRIP-AWTF’s source water, i.e., SJCWRP’s tertiary treated recycled water, has consistently complied with the numerical limits for both BOD₅20°C and TSS, where applicable, at the POTW. The GRIP-AWTF facility is expected to achieves significant, additional solids removal that are better than secondary-treated wastewater by using through its use of ultrafiltration and reverse osmosis systems.</u> ” Modifications consistent with this comment are reflected in Attachment A.	Please refer to the response to comment #4.	Revisions were made to the permit.
97	IV.C.2.b.v	F-18	The paragraphs under section IV.C.2.b.v contain repeated references to the chlorine toxicity to aquatic life and a minor grammatical error (incorrectly uses “exposure of chlorine” instead of “exposure to chlorine”). WRD recommends the following editorial modifications to the paragraphs to read: “Disinfection of wastewaters with chlorine produces a chlorine residual. Chlorine and its reaction products are toxic to aquatic life, <u>and short term exposure to chlorine may cause fish kills.</u> The limit for residual chlorine is based on the Basin Plan water quality objective, “Chlorine residual shall not be present in surface water discharges at concentrations that exceed 0.1 mg/L and shall not persist in receiving waters at any concentration that causes impairment of beneficial	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.

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			uses..... Chlorine is very toxic to aquatic life and short term exposure of chlorine may cause fish kills." Modifications consistent with this comment are reflected in Attachment A.		
98	IV.C.2.b.vi	F-18	Per comment #30 (request for deletion of the effluent limit for sulfate), and for clarity, WRD requests that the second sentence of the first paragraph be modified as follows: " The TDS = 750 mg/L; Sulfate = 300 mg/L and Boron = 1.0 mg/L. <u>The effluent limitations for TDS and boron are 750 mg/L and 1.0 mg/L, respectively.</u> " Modifications consistent with this comment are reflected in Attachment A.	Staff agreed with the proposed edits but retained sulfate and made revisions to the revised tentative order.	Revisions were made to the permit.
99	IV.C.2.b.ix .(a)(1)	F-21	To be more accurate and complete, WRD recommends that the language under this section be edited as follows: "...The San Jose Creek WRP and the GRIP-AWTF shares the same discharge outfalls, namely, Discharge Points <u>001, 001A and 001B.</u> "	Discharge Point 001 was inserted in the sentence.	Revisions were made to the permit.
100	IV.C.3	F-29	WRD recommends editing the first sentence of this section as follows: "The Regional Water Board developed WQBELs <u>for copper...</u> " Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made the revision to the revised tentative order.	Revisions were made to the permit.
101	IV.C.4.b	F-34	For clarity, WRD recommends the following minor edits to the language under this section: "Section 7- (Implementation Recommendations) of the EPA-established metals TMDLs <u>USEPA's report on Total Maximum Daily Load for Metals and Selenium for San Gabriel River and Impaired Tributaries</u> describes the implementation procedures and regulatory mechanisms that could be used to provide reasonable assurances that water quality standards will be met. For POTWs NPDES permits, USEPA suggest that permit writers could translate waste load allocations (WLAs) into effluent limits by applying the SIP procedures or other applicable engineering practices authorized under federal regulations." Also it is unclear why the reference to USEPA's suggestion for POTWs NPDES is included, since an AWTF is not a POTW. Please either delete the reference or explain how it is relevant to the GRIP-AWTF.	Staff edited this section for clarity.	Revisions were made to the permit.

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102	IV.C.4.b	F-35	The first sentence of the first paragraph under the heading “Discharge Point 001, Reach 1” states, “According to Table 2-9, Summary of dry-weather and wet weather impairments, San Gabriel River Estuary has only a dry-weather impairment for copper.” As written, it is unclear what document is being referenced in the sentence. For clarity, WRD requests that the sentence be modified slightly, as follows: “According to Table 2-9 (Summary of dry-weather and wet weather impairments) of the USEPA’s San Gabriel River Metals TMDLs report, San Gabriel River Estuary has only a dry-weather impairment for copper.” Also, WRD requests that the first sentence in the first paragraph under the heading “Discharge Point 001A and 001B, Reach 1” be revised in a similar manner. Modifications consistent with this comment are reflected in Attachment A.	Staff edited this section for clarity.	Revisions were made to the permit.
103	IV.C.4.d	F-37	Please correct the typographical error in the first sentence of this section, as follows: “Federal NPDES regulations contained in 40 CFR part 122.45 continuous Permittees , states that all permit limitations...”. Modifications consistent with this comment are reflected in Attachment A.	Staff edited this section for clarity.	Revisions were made to the permit.
104	IV.C.4.e, Table F-8, footnote 6	F-39	Should the chronic toxicity effluent limit be retained, as is, notwithstanding WRD’s request for its revision (Attachment C), WRD has the following additional comments. In light of the fact that the GRIP-AWTF is a proposed facility and that the Regional Water Board used the influent data for all reasonable potential analyses, WRD requests that footnote 6 associated with Table F-8 be modified, as follows: “A numeric WQBEL is established because <u>SJCWRP’s effluent discharge</u> data showed that there is reasonable potential...”	The rationale for conducting the RPA was already discussed in section IV.C.3 of the Fact Sheet, indicating that SJCWRP data was used in the RPA. There is no need to repeat it here in the footnote.	None necessary.
105	IV.D.1	F-43	The last two sentences in the first paragraph of section IV.D.1 states, “The GRIP-AWTF is a new discharge. However, the effluent limitations in this Order are based on TBELs and WQBELs that are protective of the receiving water beneficial uses.” For clarity, please delete the word “However”, which does not seem to make sense in the context presented.	Staff agrees that it is appropriate to remove “However”, as well as the reference to the TBELs, even though the pH limitation is retained due to the basin plan narrative limit. Please see response to comment #4.	Revisions were made to the permit.

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			Also, since WRD is requesting the removal of TBELs from the tentative Order (comment #4), please delete the words " TBELs and " from the above sentence. Modifications consistent with this comment are reflected in Attachment A.		
106	IV.D.2	F-43	For clarity, the second, third, and fourth sentences in the second paragraph of section IV.D.2 should be revised as follows: "The influent to the GRIP-AWTF comes from <u>consists of the San Jose Creek WRPs</u> tertiary treated effluent that is already complying <u>recycled water from the San Jose Creek WRPs,</u> which has consistently complied with its own NPDES permit (CA0053911, Order No. R4-2015-0070). The tertiary treated effluent recycled water is further treated by the GRIP-AWTF. Further treatment at the GRIP-AWTF will produce <u>an advanced treated recycled water of superior</u> much higher water quality than the San Jose Creek WRP and will <u>only further</u> assure <u>the</u> attainment of the water quality standards in the receiving water." Modifications consistent with this comment are reflected in Attachment A.	Staff edited this paragraph for clarity.	Revisions were made to the permit.
107	IV.D.2	F-44	Please revise the second sentence in the third paragraph, as follows: "The Regional Water Board may modify the terms of this Order to prevent degradation of high quality waters based on any change in the concentration of these constituents in the effluent or receiving water that indicates that a degradation of high quality waters may occur." Since there are no specific constituents referenced in the preceding paragraphs, the phrase "these constituents" should be changed to "the constituents". Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
108	IV.D.3, Table F-9	F-44 to F-47	Should mass limits be retained notwithstanding WRD's request in comment #6, to be consistent with the information presented in Table 4, the average weekly BOD ₅ 20°C mass-based limit should be 3,703 lb/day, not 3,704 lb/day as shown in Table F-9.	The effluent limitations for BOD ₅ 20°C have been removed. Suggested edit not necessary.	Changes were made to the permit accordingly

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109	IV.D.3, Table F-9, footnote 3	F-44 to F-47	Under the column for units, footnote 3 is shown adjacent to lb/day. However, footnote 3 is not defined. Please add a definition for footnote 3.	This footnote has been previously defined in Table 4 footnote that says: “The mass emission rates are based on the plant design flow rate of 14.8 mgd, and are calculated as follows: Flow (mgd) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day, or Flow (mgd) x Concentration (µg/L) x 0.00834 (conversion factor) = lbs/day. During wet-weather storm events in which the flow exceeds the design capacity, the mass discharge rate limitations shall not apply, and concentration limitations will provide the only applicable effluent limitations.”	Changes were made to the permit accordingly
110	IV.E	F-47	For consistency, please edit the heading of section IV.E, as follows: “Interim Effluent Limitations – <u>Not Applicable</u> ”. Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
111	IV.G	F-48	For consistency, please edit the heading of section IV.G, as follows: “Recycling Specifications – <u>Not Applicable</u> ”. Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
112	V.B	F-48	Since multiple discharge points are associated with the GRIP-AWTF, for clarity, WRD recommends that the second sentence be modified, as follows: “Sections of the San Gabriel River, near the points of discharge, are designated as GWR beneficial use.” Modifications consistent with this comment are reflected in Attachment A.	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
113	VI.B.2.a	F-49	For clarity, WRD requests that the fifth sentence of this section be modified as follows: “Prior to <u>discharging pursuant to</u> an plant expansion, this provision requires the Permittee to submit the Antidegradation Analysis and Engineering Report for the proposed Plant Expansion to the Regional Water Board for approval.” Modifications consistent with this comment are reflected in Attachment A.	Staff disagree. The antidegradation analysis and engineering report for the future expansion of the facility is required “prior to expansion” and not “prior to discharging.” This requirement is necessary because the staff needs to review the antidegradation analysis that has to be included in the submittal of the engineering report before the construction begins. The review of the antidegradation analysis and engineering report takes time because the process is iterative. It will be too late if those reports are submitted just before “discharging.”	None necessary.

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114	VI.B.2.c	F-49	Per the comment provided under section VI.C.2.b of the tentative Order, WRD believes that provision VI.B.2.c of the Fact Sheet is not applicable to the GRIP-AWTF and therefore requests that the phrase "Not Applicable" be added to the section heading and the language following the section heading be removed, as follows: "c. Treatment Plant Capacity <u>(Not Applicable)</u> ".	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
115	VI.B.5	F-49	For consistency with the rest of the tentative Order, please add the phrase "Not Applicable" next to the heading for section VI.B.5 and remove the statement in VI.B.5.a, as follows: "5. Special Provisions for Publicly-Owned Treatment Works (POTWs) <u>(Not Applicable)</u> "	Staff agreed and made revisions to the revised tentative order.	Revisions were made to the permit.
116	VIII.A.	F-51	WRD request that the reference to sanitary sewer overflow reporting, and requirements for standby or emergency power be deleted from the last sentence of section VIII.A., as they should not apply to the GRIP-AWTF, as previously explained. Modifications consistent with this comment are reflected in Attachment A.	Staff agree and has deleted the words referencing sanitary sewer overflow and emergency power requirements in the revised tentative order.	Revisions were made to the permit.
117	VIII.G	F-52, F-53	The GRIP-AWTF is being constructed solely for the purpose of producing high quality recycled water to replenish the Central Basin. Therefore, WRD recommends the following edits to the last sentence of section VIII.G: " To encourage recycling, the Permittee is required by this Order to continue to explore the feasibility of recycling to maximize the beneficial reuse of tertiary treated effluent. Most of the effluent to be discharged under this Order will be reused for beneficial purposes. <u>The GRIP-AWTF is constructed specifically for the purpose of producing advanced treated recycled water to replenish the Central Basin and to help improve the water quality of the groundwater resources in the area. As such, the GRIP-AWTF clearly and effectively advances the goals of the Recycled Water Policy.</u> " Modifications consistent with this comment are reflected in Attachment A.	Section VIII – Consideration of Need to Prevent Nuisance and CWC section 13241 are the factors to be considered by the Regional Water Board in establishing water quality objectives. One of the objectives is stated in section VIII.G of the tentative Order. WRD is expressing that the operation of the GRIP-AWTF will fulfill the objectives stated in section VIII.G. To this end, the Regional Water Board is acknowledging the WRD's efforts in helping to attain the water quality objectives.	None necessary.

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118	IX.E	F-54	The first sentence states, "The Report of Waste Discharge, other supporting documents, and comments received are on file and may be inspected at the address above...". However, the address of the Regional Water Board is not provided. In fact the only addresses provided "above" are for City of Simi Valley Council Chamber (the proposed location for the public hearing) and the PO Box address for the State Water Board (for reconsideration of WDRs). Therefore, for clarity, WRD request that the sentence be modified appropriately to include the address of the Regional Water Board.	Staff agrees and has changed the revised tentative order to include the Regional Water Board's address.	Revisions were to the permit.
Comments received from Water Replenishment District of Southern California (WRD) on August 4, 2017 (Attachment C)					
1			Non-Authorized Effluent Limitations for Chronic Toxicity		
			Table 4 presents effluent limitations for chronic toxicity based on Pass/Fail and % Effect, none of which are authorized. On September 16, 2003, the State Water Resources Control Board (State Water Board) adopted two precedential orders, WQO 2003-0012, in response to petitions filed by the County Sanitation Districts of Los Angeles County (LACSD) and Santa Monica Baykeeper for the Los Coyotes and Long Beach Water Reclamation Plants (WRPs) NPDES permits [SWRCB/OCC File Nos. A-1496 and A-1496(a)], and WQO 2003-0013, in response to a petition filed by LACSD and Bill Robinson on the 2002 version of the Whittier Narrows WRP permit [SWRCB/OCC File Nos. A-1509 and A-1509(a)]. In these 2003 precedential orders applicable to the LACSD, which will supply the GRIP-AWTF with source water, the State Water Board found that the use of final numeric whole effluent toxicity ("WET") limitations in permits for POTWs, particularly those that discharge to inland surface waters, is an issue of	The GRIP-AWTF tentative National Pollutant Discharge Elimination system (NPDES) permit is written consistent with the direction provided by USEPA's Formal Objection Letter regarding the Pomona and Whittier Narrows WRP permits, dated September 4, 2014. The Regional Water Board has concluded that the numeric effluent limitations for chronic toxicity in these permits are required by the Clean Water Act and federal regulations; are feasible, appropriate and necessary to maintain the water quality standard in the receiving water; and that existing State Water Board precedent does not restrict the Board's authority to impose numeric effluent limitations where the Regional Water Board has determined that numeric limits are feasible and appropriate based on current circumstances and information.	None necessary.

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			<p>statewide importance that should be addressed in a statewide plan or policy.</p> <p>In addition, the State Water Board instructed Regional Water Quality Control Boards (Regional Water Boards) to replace any numeric chronic toxicity effluent limitations under the prescribed narrative chronic toxicity limitation until a statewide toxicity policy is adopted. These State Water Board Orders (WQO 2003-0012 and WQO 2003-0013) are considered precedential orders, binding upon and required to be followed by all Regional Water Boards in the state until overturned or new regulations overturned or revised the decision. Government Code §11425.60. Although the Fact Sheet at p. F-39 states that “many facts have changed since the State Water Board adopted [these orders] in 2003,” nothing has changed in the law, and the cited “guidance documents” cannot modify regulations or precedential orders.</p> <p>These precedential decisions were later upheld and followed in other, subsequent and more recent State Water Board orders, including WQO 2008-08 (City of Davis) and WQO 2012-0001 (City of Lodi). The 2012-0001 Lodi Order at page 22 recognized that “[t]he Board previously addressed this issue in a precedential decision” and “concluded that <u>a numeric effluent limitation for chronic toxicity was not appropriate</u> in the permit under review, but that the permit had to include a narrative effluent limitation for chronic toxicity.” In the Lodi case, the State Water Board also determined that because the discharge had the reasonable potential to cause or contribute to an excursion above the Basin Plan’s narrative toxicity objective, the Central Valley Regional Water Board, on remand, was ordered to amend that permit “to add an appropriate narrative chronic toxicity limitation.” <i>Id.</i>; see also State Water Board WQO 2008-0008 at pp. 5-7 (concluding that a numeric effluent limitation for chronic toxicity is not appropriate at this time).</p>	<p>The State Water Board has not made a determination regarding the propriety (and feasibility) of numeric effluent limitations for chronic toxicity. (See WQ Orders 2003-0012 and 2003-0013). The State Water Board declared in the 2003 Orders that the issue would be better addressed through a modification to the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP). The State Water Board replaced the numeric effluent limits for toxicity in the permits at issue with narrative effluent limits (i.e., a series of actions performed by the permittee intended to address effluent toxicity), with the expectation that the SIP would soon be modified. More than fourteen years and two NPDES permit cycles have since passed, and no such modification has been made. (See draft Policy for Toxicity Assessment and Control, SWRCB, October 2012). Concerns about the application of mandatory minimum penalties for violations of a numeric toxicity effluent limitation have been addressed through revisions to the Water Code. (See Water Code § 13385(h)(2)(i)(1)(D)). This Regional Water Board exercises its own discretion to determine whether numeric effluent limitations for chronic toxicity are feasible and appropriate at this time.</p> <p>Today, numeric limits for chronic toxicity are endorsed by USEPA. The TST statistical approach simplifies the interpretation of toxicity test results and increases confidence in the results as compared to the statistical approaches, such as NOEC-LOEC.</p> <p>Because of the availability of toxicity testing methods, and the need to include effluent limits</p>	

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			<p>Thus, four precedential State Water Board orders over a span of a decade require that NPDES permits contain a <u>narrative</u> chronic toxicity effluent limit. All of these precedential orders directly conflict with the requirements contained in the tentative Order that includes Pass/Fail chronic toxicity limits. The Regional Water Board must follow the State Water Board's binding precedent and include a narrative effluent limitation, which states: "There shall be no chronic toxicity in the effluent discharge." This is consistent with the Los Angeles Regional Water Board's Basin Plan's narrative objective, and should be included along with a monthly median trigger for additional accelerated testing based on the No Observable Effect Concentration (NOEC) and chronic toxicity units (TUc).</p> <p>"Pass" or "Less than 50% Effect" are not approved maximum daily or average monthly effluent limitations. Use of a "Pass/Fail" endpoint obtained through any statistical analysis is not included in 40 Code of Federal Regulations (CFR) §136.3(a), Table 1A, and the Test of Significant Toxicity (TST) statistical method is not listed in Table 1A. In addition, the United States Environmental Protection Agency (USEPA) has explained that (emphasis added):</p> <p style="padding-left: 40px;">"The agency is concerned that single concentration, pass/fail, toxicity tests <u>do not provide sufficient concentration-response information on effluent toxicity to determine compliance</u>. It is the Agency's policy that all effluent toxicity tests include a minimum of five effluent concentrations and a control."</p> <p style="padding-left: 40px;"><u>"Use of pass/fail tests consisting of a single effluent concentration (e.g., the receiving water concentration or RWC) and a control is not recommended"</u></p>	<p>that will achieve and maintain compliance with water quality standards, the Regional Water Board has found that numeric effluent limits for toxicity are both feasible and appropriate to protect water quality standards. The majority of the other states already utilize numeric effluent limitations for chronic (or acute) toxicity, and have done so for some time. This permit is not the first in the state to adopt a numeric effluent limitation for chronic toxicity, or to utilize the TST. (See, e.g., R9-20013-0026 (General NPDES Order for discharges from boatyards); R8-2012-0035 (NPDES Order for Orange County Sanitation District)). The State's Ocean Plan also sets numeric limits for chronic toxicity that have been incorporated into NPDES permits as numeric effluent limitations. This Regional Water Board has already endorsed the TST and has begun fully implementing it across the Region by integrating chronic-toxicity testing in its monitoring programs and requiring reporting of TST results in its Los Angeles MS4 permit, wastewater permits, and individual industrial stormwater permits. A numeric chronic toxicity effluent limitation utilizing the TST was also included in NPDES permit Order No. R4-2013-0172 (NPDES permit for the University of Southern California, adopted by the Regional Water Board on November 7, 2013) and NPDES permit Order No. R4-2014-0033 (NPDES permit for the Calleguas Municipal Water District Regional Salinity Management Pipeline). On May 8, 2014, this Regional Water Board adopted NPDES permits for the Simi Valley Water Quality Control Plant Order No. R4-2014-0066, the Camarillo WRP Order No. R4-2014-0062, and the Hill Canyon Wastewater Treatment Plant Order No. R4-2014-0064 that included numeric chronic toxicity effluent limitations using the TST method. On November 6, 2014,</p>	

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			<p>No changes in state or federal law warrant the effluent limits for chronic toxicity prescribed in the tentative Order. Because of the general unreliability and inaccuracy of these biological test methods, and the amplifying effects on the false positive error rate imposed by use of a non-prescribed two-concentration TST approach, strictly construed numeric ("Pass" or "% Effect") effluent limits for toxicity are inappropriate, infeasible to comply with, and should not have been imposed. The effluent limits for chronic toxicity in Table 4 of the tentative Order should be removed and changed to the narrative effluent limitation currently contained in the Receiving Water Limitations section of the tentative Order (Provision V.A.19.a.) with a numeric trigger for additional investigations (e.g., the Toxicity Reduction Evaluation process).</p>	<p>this Regional Water Board adopted NPDES permits for Pomona and Whittier Narrows WRPs that include numeric chronic toxicity effluent limitations based on the TST statistical approach. On April 9, 2015, this Regional Water Board adopted NPDES Permits for San Jose Creek WRP, Valencia WRP, and Saugus WRP that include numeric chronic toxicity effluent limitations based on the TST statistical approach. On June 11, 2015, this Regional Water Board adopted NPDES Permits for Long Beach, Los Coyotes, and Terminal Island WRPs that include numeric chronic toxicity effluent limitations based on the TST statistical approach. On March 2, 2017, this Regional Water Board adopted NPDES Permits for Los Angeles-Glendale, Donald C. Tillman, and Burbank WRPs that include numeric chronic toxicity effluent limitations based on the TST statistical approach. On February 2, 2017, this Regional Water Board adopted NPDES Permit for Hyperion WRP that includes numeric chronic toxicity effluent limitations based on the TST statistical approach. On June 1, 2017, this Regional Water Board adopted NPDES Permit for Tapia WRP that includes numeric chronic toxicity effluent limitations based on the TST statistical approach. On September 7, 2017, this Regional Water Board adopted an NPDES Permit for the County Sanitation District of Los Angeles County's Joint Water Pollution Control Plant (JWPCP) that includes numeric chronic toxicity effluent limitations based on the TST statistical approach.</p> <p>Also, the commenter cites two State Water Board orders in addition to 2003-0012 (Los Coyotes) for the proposition that State Water Board orders mandate a narrative toxicity limit for discharges from POTWs to inland surface waters (the commenter also cites 2003-0013,</p>	

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				<p>which was not a precedential order). WQ 2008-08 (City of Davis) and WQ 2012-001 (City of Lodi) do not control the Regional Water Board's decision to include numeric toxicity limits in this permit. Although the State Water Board did not order the Central Valley Regional Water Board to include numeric effluent limitations in the two orders referenced above, in both cases, the Central Valley Regional Water Board had first concluded that numeric effluent limitations for chronic toxicity were not appropriate. The State Water Board merely upheld the decision of the Regional Water Board to not include numeric limits. In contrast, here, the Regional Water Board has determined that numeric limitations are both appropriate and feasible. Furthermore, the permits at issue in City of Davis and City of Lodi included numeric acute toxicity effluent limitations. This permit does not include a separate effluent limitation for acute toxicity.</p> <p><u>Numeric versus Narrative Toxicity</u></p> <p>The narrative effluent limits with accelerated monitoring and toxicity reduction evaluation triggers that have been used in NPDES permits in this Region have not adequately addressed toxicity. The narrative approach is an oversight-driven model that essentially requires the Regional Water Board to manage dischargers' efforts to reduce and control toxicity and lack incentives for permittees to address the toxicity in a timely manner.</p> <p>The numeric effluent limitation for chronic toxicity in this Order employs the Test of Significant Toxicity (TST), statistical approach. The TST is recommended by the most recent USEPA guidance as an appropriate statistical approach for toxicity</p>	

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				<p>testing. USEPA, this Regional 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-41 through F-44 of the GRIP-AWTF revised tentative NPDES Order.</p> <p>This Order must include effluent limitations that will achieve and maintain compliance with water quality standards in the San Gabriel River and its tributaries (Clean Water Act § 301(b)(1)(C); 40 C.F.R. § 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 assure that the discharge will not cause or contribute to a violation of this standard.”</p> <p>Federal regulations establish an explicit presumption that a numeric effluent limit – rather than a non-numeric limit – is required by the Clean Water Act to make reasonable further progress toward the goal of eliminating pollutants into the nation’s waters. Non-numeric effluent limits may only replace numeric effluent limits in an NPDES permit if a numeric limit is “infeasible.” (40 C.F.R. § 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. 23868, 23871. Because a numeric limit for chronic toxicity is feasible, a numeric limit must be included in this Order.</p> <p>Whole effluent toxicity (whether chronic or acute) is the aggregate toxic effect of an</p>	

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				<p>effluent measured directly by an aquatic toxicity test. Because it is both measured and <i>defined</i> by the WET test, it is a method-defined analyte. (<i>Edison Elec. Institute v. USEPA</i>, 391 F.3d 1267, 1270 (D.C. Cir. 2004); 40 CFR § 136.6(a)(5))</p> <p>An effluent limitation for whole effluent toxicity must be stated in terms of the results of a whole effluent toxicity test, by definition. The Clean Water Act defines “effluent limitation” broadly, as “any restriction ... on the quantities, rates and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters ... including schedules of compliance.” (CWA § 502(11).) But a narrative toxicity “limit” fails to answer the question of how “no chronic toxicity” is to be translated into particular test results. The narrative prohibition is not a valid effluent limitation under the Clean Water Act because it is inoperable and does not function as a restriction on the discharge. The narrative prohibition is insufficient to achieve and maintain the water quality standard in the receiving water because it is not a limit that can be measured or enforced.</p> <p>The Clean Water Act and its implementing regulations also require that effluent limitations be expressed numerically unless a numeric limit is not feasible. Because numeric limits for whole effluent toxicity expressed in terms of the whole effluent toxicity test are feasible for the discharges from the GRIP-AWTF, numeric limits are required.</p>	
2			A Receiving Water Limitation for Chronic Toxicity is Not Required or Necessary		
			Where, as in the tentative Order, an effluent limitation is proposed, then a duplicative receiving water	Regional Water Board staff disagrees with the comment. Following 40 CFR 122.44(d), a	None necessary.

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			<p>limitation for the same constituent or parameter is unnecessary as the effluent limitation will control the discharge to protect the receiving water. Where no reasonable potential exists, then a Receiving Water Limitation would be appropriate to ensure compliance with the Basin Plan. However, as proposed, there are two separate and overlapping requirements (effluent and receiving water limitations) that are not necessary or authorized. One of these requirements should be removed. Based on the comments and reasoning in the remainder of this attachment, the effluent limitations for chronic toxicity should be removed.</p>	<p>WQBEL – not a narrative “limit” which is only a “trigger” for conducting an investigation --- is required because Regional Water Board staff has made a determination of reasonable potential for chronic toxicity potentially present in the effluent to exceed the Basin Plan objective during a critical receiving water period when discharge is authorized (e.g., off spec treated water, etc., into a receiving water dominated by other NPDES permit.) Furthermore, the chronic toxicity receiving water limit is not duplicative of the proposed chronic toxicity WQBELs. Rather, the receiving water limit is necessary because it serves as a “catch all” restriction (accompanied by instream monitoring upstream and downstream of the discharge) when the effluent and its potential pollutants are mixing, contributing to, and interacting with other pollutants in the river. Effluent chronic toxicity tests are conducted with effluent sample in laboratory controlled water to evaluate the absolute chronic toxicity of the discharge in relation to the WQBELs. Receiving water chronic toxicity tests are conducted with river water samples to evaluate the toxicity of the receiving waters. Because the receiving water where mixing of the discharge occurs is constituted of many upstream sources of water, including NPDES discharges with their own quality and pollutant load, the permit includes both effluent limits and the receiving water limits to protect water quality standards should effluent and receiving water toxicity results required by the permit show chronic toxicity.</p>	
3			<p>The Compliance Determination Section and Monitoring Requirements Violate Federal Rules.</p>		
			<p>The tentative Order at Provision VII.J and Attachment E, Section V.A.5 state that: “The discharge is subject to determination of “Pass” or “Fail” and “Percent</p>	<p>Regional Water Board staff disagrees with the claim that the 2010 TST is a rule, underground or otherwise (see TST Implementation</p>	<p>None necessary.</p>

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			<p>Effect” from a chronic toxicity test using the Test of Significant Toxicity (TST) statistical t-test approach described in National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document (USEPA 833-R-10-003, 2010), Appendix A, Figure A-1, Table A-1, and Appendix B, Table B-1.” These citations refer to an unpromulgated guidance document currently being litigated as an underground rule by the Southern California Alliance of POTWs (SCAP), the Bay Area Clean Water Agencies (BACWA), the Central Valley Clean Water Association (CVCWA) and the National Association of Clean Water Agencies (NACWA). Notwithstanding this challenge, the federal rules make clear that all compliance monitoring and determinations must be made in conformance with 40 CFR Part 136 approved methods . See 40 CFR §122.44(i)(1)(iv)(requiring each NPDES permit to include monitoring requirements to assure compliance with permit limitations, including requirements to monitor according to sufficiently sensitive test procedures (i.e., methods) approved under 40 CFR part 136) and §122.41(j)(4)(monitoring must be conducted according to test procedures approved under 40 CFR Part 136); applicable to states through 40 CFR §123.25(a)((12) and (15).</p> <p>There is no evidence that the TST’s null hypothesis that water is presumed toxic, the use of a single Instream Waste Concentration set at 100% effluent compared against a control, the use of Pass/Fail or % Effect endpoints, or the prescribed TST t-test are part of any 40 CFR Part 136 approved test procedures or methods. The proposed TST methods (as used herein, includes the null hypothesis of toxic water, the TST statistics used, the two concentration test approach, and the “pass/fail” test endpoint) are discussed in 2010 USEPA Guidance Documents, but have not been approved and promulgated under 40 CFR Part 136. Although the 2002 Methods have been modified or proposed for modification twice over</p>	<p>Document and Technical Guidance Document.) Evidence against this claim are the facts that most reissued California permits do not use TST and not all LA Regional Water Board permits use TST (see CIWQS database). Moreover, in responding to comments on the 2002 WET rule, EPA explained that the WET methods are not water quality criteria and do not completely address regulatory implementation of state WET control programs (e.g., compliance determination, thresholds, etc.) as such, following the 2002 WET rule, states like California continued to use the WET method testing procedures to translate narrative and numeric water quality objective --- for example, the LA Basin Plan numeric “percent survival” acute toxicity objectives and the narrative toxicity objectives -- into WQBELs. It is the responsibility of the permitting authority to select the WET method and end point (e.g., descriptive statistics or inferential statistics) for the permit that is consistent with the applicable water quality standards. State may specify through a variety of mechanisms including guidance, policy, or regulations how to translate water quality criteria for WET for use in permits. The 2002 rulemaking did not obligate EPA to confirm each possible intended use of the methods by state before standardizing the WET testing procedures used in the permitting program. (See 2002 WET rule RTC, p 333.) EPA has explained that statistical approaches for expressing toxicity/endpoints are recommended and that although others are available, states have the choice of determining which they will use. An example is the No Observable Adverse Effect Concentration (NOAEC) for acute toxicity which is not listed in Table IA of 40 CFR 136.3; nonetheless, EPA identified that some states</p>	

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			<p>the last decade and half, the TST has never been promulgated or proposed as a rule. Because the proposed TST procedures are not part of the promulgated 2002 Methods, the TST cannot be used in lieu of the currently recommended NOEC or IC25 endpoints or one of the four indicated statistics.</p> <p>In addition, no promulgated rule requires daily toxicity limits to protect against chronic effects where the test itself runs 4 to 8 days. See Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) at p. 30; see also 67 Fed. Reg. 69953 (2002 Final WET Rule) (“short term methods for estimating chronic toxicity use longer durations of exposure (up to nine days) to ascertain the adverse effects of an effluent or receiving water on survival, growth and/or reproduction of the organisms.”) (emphasis added). Daily limits are thus “impracticable” and not prescribed by law. 40 CFR §122.45(d).</p>	<p>and regions are using the NOAEC for compliance and should increase replications (during test executions) for statistical analysis when using the statistical flow chart guidance in the methods manual. (See on 2002 WET Rule RTC, pp. 155 and 262.) The statistical approach chosen by the Regional Water Board for this permit is the TST because it is more protective than NOEC (Diamond et al., 2013).</p> <p>The Order is consistent with the letter dated February 11, 2015, from USEPA to the State Water Resources Control Board withdrawing approval of the alternate test procedure using a two-concentration test design. As written, the Order requires the test methods described in <i>Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms</i> (October 2002) (EPA-821-R-02-013), including a multi-concentration test design, when required.</p> <p>Use of the TST was not deemed unlawful when USEPA withdrew its ATP. What was discontinued was the sole use of a two-concentration test design for NPDES effluents evaluated for chronic toxicity using some 2002 WET methods.</p> <p>The State permitting authority, here, the Regional Water Board, has the discretion to select the statistical approach for analyzing WET test data that is most appropriate for use in a particular permit. (See Section 9.4.1.2 of <i>Short-term Methods</i>, October 2002, EPA-821-R-02-013 (“[T]he statistical methods recommended in the manual are not the only possible methods of statistical analysis.”)) The Regional Water Board has selected the TST statistical approach for use in this Order.</p>	

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				<p>The Test of Significant Toxicity is an alternate approach to statistical analysis of WET test data. Section 9.4.1.2 of the EPA test method (Short-term Methods, October 2002) recognizes that “the statistical methods recommended in the manual are not the only possible methods of statistical analysis.” The concentration-response relationships required by the approved method apply only to multi-concentration tests, and therefore are not required or applicable when evaluating a toxicity test using the TST because the TST only compares the IWC to the control.</p> <p>The commenter notes that USEPA’s 2010 publication regarding the TST statistical analysis is guidance and not regulation. Similarly, USEPA’s published materials on the point-estimate technique and NOEC-LOEC hypothesis testing methods are guidance and not required statistical approaches. The 2002 Chronic Toxicity Testing Method clarifies that the “statistical methods recommended in this manual are not the only possible methods of statistical analysis ... there are other reasonable and defensible methods of statistical analysis for this kind of toxicity data.” (Chronic WET Testing, October 2002, 9.4.1.2.) Contrary to the commenter’s allegation, the Regional Water Board does not consider itself bound by USEPA’s 2010 publication. The permitting authority has the discretion in this circumstance to select the means of statistical analysis that is most appropriate in an NPDES permit and therefore required for compliance and reporting purposes. (See 40 CFR §§ 122.44(d) and 122.43.)</p> <p><u>Daily Limits are Impracticable:</u></p>	

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				<p>Regional Water Board staff disagrees with your assertion that a chronic toxicity limitaton is impracticable. Your analysis ignores that the intent of this MDEL is to restrict both acute toxicity (mortality) and fast acting toxicants causing chronic toxicity in the authorized discharge during critical conditions, when instream flow may be low, zero, or dominated by other NPDES effluents. For example, complete mortality can occur in the first hours of the 3-brood water flea test (i.e, six to eight day chronic toxicity test), resulting in exceedance of the MDEL. It is long standing practice in California to restrict NPDES discharges using daily and monthly limits for toxics and toxicity to protect water quality standards for aquatic life. Moreover, EPA has explained that the WET methods are neither water quality criteria or WQBELs, and states may specify through the use of a variety of mechanisms --- including guidance, policy, or regulations --- how to translate a narrative water quality objective for WET for using permits.</p> <p>In January 2010, USEPA prepared a document titled, "<i>EPA Regions 8, 9 and 10 Toxicity Training Tool</i>," which provides interpretation on the permit limit expression for chronic toxicity. Note, this document was designed to assist permit writers in the interpretation of the existing EPA guidelines, regulations and methodology. The document acknowledges that NPDES regulations at 40 CFR 122.45(d) require that all permit limits be expressed, unless impracticable, as both a Maximum Daily Limitation (MDL) and an Average Monthly Limitation (AML) for all dischargers other than POTWs, and as an average weekly limit (AWL) and AML. Following section 5.2.3 of the Technical Support Document (TSD), the use of</p>	

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				<p>an AWL is not typically appropriate for WET. In lieu of an AWL for POTWs, USEPA recommends establishing an MDL for toxic pollutants and pollutants in water quality permitting, including WET. This is appropriate for multiple reasons. The basis for the average weekly requirement for POTWs derives from secondary treatment regulations and is not related to the requirement to assure achievement of water quality standards. In this case, use of an AWL is impracticable to protect water quality standards. An average weekly requirement comprising up to seven daily samples could average out daily peak toxic concentrations for WET and therefore, the discharge's potential for causing acute and chronic effects would be missed. Furthermore, the results of the TST approach are expressed as Pass/Fail and therefore are not subject to averaging. An average weekly limit is therefore impracticable.</p> <p>The maximum daily effluent limit is intended to protect the aquatic life beneficial uses from survival and sublethal effects that may not be detected by an average weekly limitation. If the chronic toxicity maximum daily effluent limit is removed from the tentative, then a final effluent limitation for acute toxicity would need to be added to the Revised Tentative Order to protect the water quality standard as well as corresponding effluent and receiving water monitoring for acute toxicity. Additionally, this approach would not protect against high magnitude sublethal effects in a chronic test; meaning it would not be protective of both acute and chronic effects.</p>	
4			The Fact Sheet Findings are Inconsistent with State and Federal Law.		

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			<p>a. <u>Inconsistency with the SIP</u></p> <p>The Fact Sheet at Finding III.C.3. states: “The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.”</p> <p>The SIP requires a chronic toxicity effluent limit only where there is reasonable potential. SIP at p. 30. Reasonable potential is not triggered from a single sample test that exceeds 1 TUC as described in the Fact Sheet at p. F-39. Instead, chronic toxicity is persistent toxicity adversely affecting aquatic life in the ambient receiving water.</p> <p>Additionally, the SIP requires use of the Short-Term Methods for Estimating Chronic Toxicity-Fresh Water, which does not include or authorize the use of the TST.</p>	<p>Regional Water Board Staff disagree with your assertions that WQBELs are required only where chronic toxicity is persistent in the receiving water body and is adversely affecting aquatic life. If this were the case, the hypothetical waterbody you describe would need to be degraded in quality due to chronic toxicity and placed on the CWA 303(d) list for TMDL development before a WQBEL is authorized. This line of reasoning is incorrect ignoring both the Basin Plan antidegradation standard which authorizes a lowering of existing water quality under specific limited circumstances, but below water quality standards; and 40 CFR 122.44(d) regulations which require a WQBEL if a discharge has the reasonable potential to cause an exceedance of water quality standards, including antidegradation standards. Chronic toxicity WQBELs are required for this discharge --- which may include the discharge of off spec water, etc., during critical conditions when instream flow is low, zero, or dominated by other NPDES effluents ---because there is potential during such period for the discharge to exceed the Basin Plan narrative water quality standard for toxicity. The WET methods are neither water quality criteria nor WQBELs. As previously explained, the TST is an inferential statistical approach chosen by the Regional Water Board for this permit to, in part, translate the narrative toxicity objective to a chronic toxicity WQBEL because it is more protective than the NOEC. (Diamond et al.)</p>	<p>None necessary.</p>
			<p>b. <u>Reasonable Potential and the Necessity for Chronic Toxicity Limits</u></p>	<p>Regional Water Board staff disagree with the narrow interpretation that when the discharge is new, then no WQBEL is required by NPDES regulation. Such interpretation is not consistent with 40 CFR 122.44(d) which authorized a</p>	<p>None necessary</p>

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			<p>Under applicable federal regulations, reasonable potential is determined in accordance with 40 CFR §122.44(d)(1). Where the Basin Plan contains a narrative objective for toxicity, subsection 122.44(d)(1)(v) controls. Here, the Basin Plan's toxicity objective is a narrative objective that requires "no chronic toxicity in ambient waters outside mixing zones." (Basin Plan at p. 3-17.) To determine reasonable potential under subsection (v), the permitting authority must use the procedures in subsection (ii), toxicity testing data, and other information that the discharge causes, has the reasonable potential to cause, or contributes to an instream excursion above a narrative criterion within an applicable State water quality standard.</p> <p>The Fact Sheet at p. F-39 states that "The effluent limitations for chronic toxicity were established because effluent data showed that there is reasonable potential for the pollutants to be present in the discharge at levels that would cause or contribute to a violation of water quality standard." Here, because the GRIP-AWTF is a new discharge, there is no effluent data to review. Instead, the Regional Water Board used influent information to conclude that the effluent would have reasonable potential. Nothing authorizes such a finding.</p> <p>The tentative Order at p. F-39 finds: "No exceedances of the 1.0 TUC monthly median accelerated testing trigger were reported in the effluent from either plant. However, there are few exceedances of the 1.0 TUC in a single test observed for both East and West plants. Regional Water Board staff determined that, pursuant to the SIP, reasonable potential exists for chronic toxicity." As previously stated, USEPA recommends against the use of single toxicity hits. "Single measurements on effluent involve some uncertainties about the true concentration or toxicity related to the representativeness of the sample... Like all analytical measurements, WET</p>	<p>WQBEL for chronic toxicity if an effluent discharge has the reasonable potential to cause or contribute to an exceedance of applicable water quality standards, including antidegradation. Moreover, in this particular case, the permitting authority expects there to be no ambient water outside the area where effluent mixing with receiving water occurs because during critical receiving water conditions instream flows are low, zero, or dominated by other NPDES discharges. As a result, the permitting authority expects surface waters receiving the discharge will be effluent dominated and incompletely mixed above and below the discharge point most of the time. Consequently, it is protective of the water quality standard to directly apply the chronic toxicity water quality objective at the end of the discharge pipe via chronic toxicity WQBELs without considering either dilution with the receiving waterbody or the individual pollutants chronic toxicity.</p> <p>In addition, 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 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 as Tier 3 RP, or "little bpj". 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,</p>	

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			<p>measurements (NOEC, EC25, LC50) are inexact.” USEPA, Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications under the NPDES System, USEPA 833-R-00-003 at p. 6-2 (June 2000). Reliance upon a single test is also highly problematic and imprecise given that toxicity tests often inaccurately identify non-toxic samples as toxic. Further, the results from a single effluent test provide no indication of actual chronic aquatic toxicity in the ambient (“in-stream”) receiving waters outside a mixing zone, as proscribed by the Basin Plan’s toxicity objective and federal regulations.</p> <p>In addition to not being able to demonstrate reasonable potential, the applicable federal regulations do not even require limits where the permitting authority demonstrates in the fact sheet that chemical-specific limits (such as for ammonia, copper, and lead) will be sufficient to attain and maintain water quality standards. 40 CFR§122.44(d)(1)(v). Thus, no effluent limitation has been demonstrated to be necessary. Instead, the Regional Water Board should require monitoring for chronic toxicity and use the reopener provision, if necessary, to add chronic toxicity limits later if deemed necessary based on actual effluent and related receiving water data.</p>	<p>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.” Combining the multiple exceedances of the 1.0 TUC as stated in the Fact Sheet and other factors have been considered above, the effluent discharge from the GRIP shows <i>reasonable potential</i>. Similar to the SIP, <i>the USEPA’s Technical Support Document For Water Quality-based Toxics Control (TSD) (EPA/505/2-90-001, March 1991)</i>, at Section 3.1.3 (page 49), discusses factors that the regulatory authority should consider when determining the need for a limit, “In other words, effluent data alone, showing toxicity at the RWC, may be adequate to demonstrate the need for a limit for toxicity or for individual toxicants. Likewise, other factors may form an adequate basis for determining that limits are necessary. for example, where available dilution is low and monitoring information shows that toxic pollutants are frequently discharged at concentrations that have caused toxicity when discharged from similar facilities, the permitting authority may reason that a whole effluent toxicity limit is necessary even without whole effluent toxicity data from the specific facility.” Furthermore, section 3.2 of the TSD states that, “When determining whether or not a discharge causes, has the reasonable potential to cause, or contributes to an excursion of a numeric or narrative water quality criterion for individual toxicants or for toxicity, the regulatory authority can use a variety of factors and information where facility-specific effluent monitoring data are unavailable.</p>	

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				<p>EPA has made no recommendations regarding use of single toxicity test. Rather, EPA enforcement policies recommend that an initial response to a single exceedance of a WET limit causing no known harm not be subject to a formal enforcement action with a civil penalty, but rather be subject to an additional testing period. Such an exceedance may be the result of one toxicity test (for daily limit compliance) or possibly more toxicity tests (for monthly limit compliance). Moreover, for this permit, no single toxicity test result based on inferential statistical approach (e.g., TST) will result in an effluent exceedance. Regarding WET test precision, EPA's 1999 inter laboratory studies demonstrated high level of precision for all 2002 WET test methods. For the purpose of WET testing, EPA has defined precision as a measure of reproducibility within a dataset. The inter-laboratory study measures method precision by calculating the CV --- a statistic use to quantify the relative variation of the distribution of the data in the test method -- - and these CV to be within the range consistent with the range of the variability of chemical specific method used for NPDES permits. Furthermore, the commenter has not provided to this Regional Water Board any supported peer reviewed/published scientific journal papers, supporting individual toxicity test result, raw test data, toxicity laboratory controlled test data (CVs, standard deviation, and means), etc., and study data quality assurance procedures (by WET method upon which their assertions ("...toxicity tests often inaccurately identify non-toxic samples as toxic.")) is based. Rather, EPA's inter-laboratory studies showed that in practice the WET method had very low false positive rates (a 5% or less when the true percent effect is zero). Likewise, for each WET method, the</p>	

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				TST statistical approach is designed to maintain a 5% probability of declaring toxicity when the true percent effect is less than 10, and this probability can be low or higher depending on the toxicity laboratories methods/specifics long run average CVs for controls and number of test replicates used (e.g., 2010 TST Technical Document section 3.1).	
			<p>c. <u>The TST is Not Authorized for Use in NPDES Permits without an Approved ATP</u></p> <p>On March 17, 2014, USEPA issued an Alternative Test Procedure (“ATP”) letter approving statewide use of a two-concentration TST test approach without consideration of concentration-response relationships. See Letter from Eugenia McNaughton, USEPA Region 9 Quality Assurance Office Manager to Renee Spears, State Water Board Quality Assurance Officer, untitled, dated March 17, 2014 (“ATP Approval Letter”). In its ATP Approval Letter, USEPA ostensibly granted the State Water Board and Regional Water Boards a “Limited Use Alternative Test Procedure” under Part 136 (40 CFR §136.5(a)).</p> <p>The validity of the ATP approval was litigated in federal court (see SCAP and CVCWA v. USEPA, Case No. 2:14-cv-01513 MCE-DAD, U.S. District Court, Eastern District), and prior to a final decision by the District Court judge, USEPA withdrew its ATP approval on February 11, 2015. Thus, even if there were an argument that the ATP allowed statistical analysis using the Instream Waste Concentration (“IWC”) and a negative control in compliance determinations as has been proposed in the tentative Order, or allowed the use of the TST, that potential authorization ended on February 11, 2015, and there is no current authorization for the use of the TST approach.</p>	<ol style="list-style-type: none"> 1. Regional Water Board staff disagree with your assertion regarding TST and ATP. This permit is consistent with the 2002 WET methods testing procedures, 2010 TST statistical approach guidance, May 12, 2015 State Water Board Office of Information Management and Analysis instruction memorandum to Regional Water Boards using TST in permits, and current regulations at 40 CFR 136. The permit specifies that a multi-concentration WET test be conducted when required by Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms and the negative control and IWC be statistically analyzed using TST; because of this, concentration-response information - a review step for calculating some multi-concentration statistical endpoints - is not pertinent to compliance determination with WQBELs for this permit. (See 2002 WET rule preamble citation, below.) 2. Regional Water Board staff have already responded to the assertion that the 2002 WET rule promulgated statistical approaches (i.e., LC50, EC25, NOEC) for use in State permitting programs. As noted in the responses above; EPA allows permitting authorities a choice in the 	None necessary

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			<p>If numeric effluent limits are maintained notwithstanding the other comments contained herein, the tentative Order must be amended to explicitly and clearly specify use of the 2002 Methods (i.e., NOEC or IC25), including a multi-concentration test design with full evaluation of the concentration-response prior to any compliance determination. Review of only one concentration against a control is unreliable for NPDES compliance purposes. See accord 2002 Methods at p. 45, Section 9.6.5.1 (“If in the calculation of an NOEC by hypothesis testing, two tested concentrations cause statistically significant adverse effects, but an intermediate concentration did not cause statistically significant effects, the results should be used with extreme caution.”)</p> <p>The Fact Sheet at p. F-40 states: “...in June 2010, USEPA published another guidance document titled, Test of Significant Toxicity Implementation Document (USEPA 833-R-10-003, June 2010), in which they recommend the following: “Permitting authorities should consider adding the TST approach to their implementation procedures for analyzing valid WET data for their current NPDES WET Program.” (emphasis added). Thus, the TST was meant to be supplemental, not a replacement for promulgated methods.</p> <p>The Fact Sheet also states on p. F-40 that “Use of the TST approach does not result in any changes to USEPA’s WET test methods.” This is not true. The TST modifies the hypothesis from “not toxic” to “toxic,” ignores the concentration response and percent minimum significant difference (PMSD) that are required quality assurance/quality control (QA/QC) procedures to ensure reliability of the result, and uses “Pass/Fail” on a single sample, both of which are not recommended under the promulgated</p>	<p>context of the LA Basin Plan and Regional Water Board toxicity WQBELs. Statistical approaches are recommended by EPA.</p> <p>3. Regional Board Staff have a[so responded to your assertion that the TST statistical approach changes the way a laboratory conducts a toxicity test using a WET method testing procedure; it does not. Rather, the NOEC, TST, EC25 are inferential statistical approaches well suited for WET test data analysis that will sometimes differ in the results, depending on properties of the analyzed data. Within laboratory variability, by WET method, is key (2010 TST Technical Document). The statistical approach chosen by the Regional Water Board for this permit is TST because: (1) it is more protective than NOEC (Diamond et al., 2013; 2010 TST Technical Document), and (2) a toxicity laboratory can more easily take steps to reduce variability - if needed to increase confidence in results - through improved WET test execution and/or adding replication in tests (e.g., see 2010 TST Technical Document section 3.1).</p> <p>4. Regional Water Board staff disagree with your conclusions regarding review of concentration-response relationships. The 2002 WET rule explains that such reviews are limited to proper identification of some multi-concentration statistical endpoints, where periodically the occasional non-ideal pattern is encountered. This permit does not use a multi-concentration statistical analysis of WET test data so such an encounter is not a concern. We note that an ideal concentration-response relationship is not a "mandatory"</p>	

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			<p>methods. These changes actually can produce different test results, demonstrating that the methods have been modified.</p> <p>The null hypothesis used with the TST, which presumes all water to be toxic until the Whole Effluent Toxicity (WET) test results prove otherwise, is exactly opposite of the promulgated hypothesis for hypothesis testing. Such a negative presumption that water is presumed toxic until proven otherwise contradicts the promulgated hypotheses in USEPA's 2002 methods (USEPA, Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms - 4th Ed. October, 2002, USEPA-821-R-02-013 ("2002 Methods")).</p> <p>Failure to utilize all 5 test concentrations against a control also modifies the prescribed methods. According to USEPA, additional concentrations are essential in order to reduce the number of false positives:</p> <p style="padding-left: 40px;">"In today's action, EPA proposes to require the review of concentration-response relationships generated for all multi-concentration WET tests reported under the NPDES program. EPA proposes to modify section 10 of the two chronic method manuals and section 12 of the acute method manual to incorporate this required test review procedure...Use of the concentration-response review procedures would ensure that a valid concentration-response relationship is demonstrated prior to the determination of toxicity...the use of these review procedures reduced the rate of reported false positives in the WET Variability Study from 11.1% to 3.7% in the Ceriodaphnia dubia Survival and Reproduction Test and from 12.5% to 4.35% in the Fathead minnow Larval Survival and Growth Test."</p>	<p>requirement for a valid WET test and it is not the "basis" for a valid WET test (i.e., it is not a Test Acceptability Criterion in the 2002 WET methods). Moreover, for this permit, WET testing is constrained by the highest effluent concentration able to be tested (i.e., 100%), also the concentration of regulatory concern (IWC). We anticipate this can inhibit the ability to establish an ideal concentration-response relationship that extends gradually from no effect at a lower concentration to complete effect at some higher concentration for this effluent described in the permit application to receive state-of-the-art advanced treatment. (See 2002 WET rule preamble, pp. 69962-69963.)</p> <p>5. The comment discussing the number of "false positives" in Table 1 does not provide sufficient detail regarding the actual analysis (e.g., your selection of "blank" data, the underlying characteristics of the selected data, how it was analyzed, etc.) to reach the presented conclusion. Moreover, we note the EPA blank study data were used by EPA to take steps to reduce within test variability via new method guidance (e.g., 2000) and to further refine the test methods incorporated into the final 2002 WET rule. Simply put, the analysis you present using pre-2002 WET rule data is not pertinent to 2017 laboratory performance in California, which improved as labs took up use of and increased proficiency executing the 2002 methods. Moreover, your assertion postulating doubled or even quadrupled false positive rates of TST over NOEC is not consistent with the analysis results in the 2010 TST Technical Document,</p>	

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			<p>Since the TST procedure does not utilize the information obtained from the multiple different effluent concentrations, the TST procedure produces insufficient data to evaluate the validity of the dose-response relationship. Without this important tool to identify anomalous results that frequently lead to false indications of toxicity, it is not surprising that the TST reports twice as many test failures as are observed when using the promulgated method. According to the two USEPA scientists most directly responsible for developing the 2002 Methods:</p> <p>“A predictable dose-response curve is one of the mandatory requirements for a valid toxicity test. We would never accept analytical results from an instrument producing an abnormal standard curve. The predictable dose-response curve, that is increasing toxicity with increasing concentration, is the analogue of the analytical standard curve and is of equal importance in toxicity testing.” (emphasis added)</p> <p>“The dose response curve is the basis for the validity of a toxicity test. The control serves as the starting point from which the dose response is evaluated. If a dose response is not obtained, then toxicity cannot be inferred.” (emphasis added)</p> <p>The TST procedure fails to provide the necessary dose-response curve to ensure actual toxicity exists. This failure can place the permitted entity at risk of non-compliance without adequate justification and provides an explanation why toxicity data can show more TST failures than those under the other two promulgated methods. The proposed TST procedure has been demonstrated to not accurately identify non-toxic samples. When non-toxic method blank data from USEPA’s Interlaboratory WET Variability</p>	<p>California's 2011 TST Test Drive report, and Diamond et al., 2013. Using environmental sample data where relative percent effects of not zero are readily anticipated, these 2011 and 2013 studies concluded that, in contrast to the NOEC, TST is more likely to identify environmental samples toxic when effects are fairly substantial (e.g., 25% effect in chronic tests) and less likely to identify samples toxic when effects are negligible (10% effect) - implying a lower probability of declaring toxicity in most environmental samples when toxicity is truly negligible (less than 10%). This is a predictable (not surprising) benefit of well-designed and well-executed toxicity test methods with sufficient statistical power to distinguish between biologically significant and insignificant effects when they occur. Some toxicity laboratories will maintain low control variability and others will not (2010 TST Technical Document). This is why our permits require reporting of a laboratory's long run control performance (means, standard deviations, CVs) by WET method and number of tested replicates. Using these (and other) measures of data quality, a TST permittee can shop for quality data and a toxicity laboratory can more easily take steps to increase confidence in results - if needed - by improving WET test execution (e.g., better control over biological, chemical, and physical conditions in the laboratory) and/or increasing replication in testing (e.g., 2010 TST Technical Document section 3.1).</p> <p>6. Regional Water Board staff disagree that the 2001 variability study execution processes followed by EPA for toxicity test</p>	

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			<p>Study is re-evaluated using the TST procedure, the number of false positives increases dramatically. Approximately 15% of all non-toxic samples would be declared “toxic” in the Ceriodaphnia dubia reproduction tests – 4 times more than occurred when using either the NOEC or IC25 method. And, 7.4 % of all non-toxic samples were declared “toxic” using the TST procedure to evaluate Fathead minnow growth. This is double the rate at which similar false conclusions occurred when evaluating the same data with the traditional NOEC or IC25 methods (see Table 1 below).</p> <table border="1" data-bbox="569 605 1201 930"> <thead> <tr> <th>Chronic Test Endpoint</th> <th>TST</th> <th>NOEC</th> <th>IC25</th> </tr> </thead> <tbody> <tr> <td>C. dubia Reproduction</td> <td>4 of 27 (14.8%)</td> <td>1 of 27 (3.7%)</td> <td>1 of 27 (3.7%)</td> </tr> <tr> <td>C. dubia Survival</td> <td>2 of 27 (7.4%)</td> <td>0 of 27 (0%)</td> <td>0 of 27 (0%)</td> </tr> <tr> <td>Fathead minnow Growth</td> <td>2 of 24 (8.3%)</td> <td>1 of 24 (4.2%)</td> <td>1 of 24 (4.2%)</td> </tr> <tr> <td>Fathead minnow Survival</td> <td>0 of 24 (0%)</td> <td>0 of 24 (0%)</td> <td>0 of 24 (0%)</td> </tr> </tbody> </table> <p>In addition, recent Southern California Coastal Water Research Project (SCCWRP) studies call into question presumed false failure rates as being much higher than anticipated. Recent efforts by SCCWRP to assess the accuracy of the TST technique on method blanks as USEPA had done in the Interlaboratory WET Variability Study to validate the NOEC and IC25 confirmed these problems, which may be worse than shown above (and potentially up to 50% false failures). These serious issues with the unpromulgated TST cannot be ignored.</p> <p>Many of the important QA/QC procedures established by USEPA to assure the accuracy and reliability of WET test results become obsolete and irrelevant if</p>	Chronic Test Endpoint	TST	NOEC	IC25	C. dubia Reproduction	4 of 27 (14.8%)	1 of 27 (3.7%)	1 of 27 (3.7%)	C. dubia Survival	2 of 27 (7.4%)	0 of 27 (0%)	0 of 27 (0%)	Fathead minnow Growth	2 of 24 (8.3%)	1 of 24 (4.2%)	1 of 24 (4.2%)	Fathead minnow Survival	0 of 24 (0%)	0 of 24 (0%)	0 of 24 (0%)	<p>data and those followed by the SCCWRP works using new toxicity data are comparable. For exemplary report of procedures used for an interlaboratory study of WET tests, consult the EPA 2001 study report of WET variability. Rather, the SCCWRP work was set up to provide additional specificity when following the 2002 WET methods to get more comparability among toxicity laboratories for stormwater testing. Nevertheless, maintaining adequate precision (low variability) at a laboratory is key to obtaining quality results and to reliably determine toxicity in samples. (e.g., 2010 TST Technical Document, Figures 1-1 and 1-2, section 3.1 with figures, etc.) However, in the SCCWRP works, precision was not fully evaluated. To compare/contrast with TST, information should be presented on measurement scales used in the TST Technical Document and as shown in Diamond et al., 2008. The SCCWRP studies did not present for each test method (species/endpoints) the participating laboratories' ongoing control charts for reference toxicant and control performance (mean, standard deviation, CV), for at least the last 50 or more tests. This is the information needed to assist in evaluating laboratory performance over time and with the same testing conditions (e.g., same organism supplier, same type/composition of dilution water, same feeding regime, same glassware type, etc.). Test metadata and chain-of-custody are not presented. Documentation regarding makeup, chemical confirmation, and distribution of WET samples to testing laboratories is not presented. Current journal articles describing hardness</p>	
Chronic Test Endpoint	TST	NOEC	IC25																						
C. dubia Reproduction	4 of 27 (14.8%)	1 of 27 (3.7%)	1 of 27 (3.7%)																						
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			<p>the TST method is mandated. For example, laboratories routinely prepare control charts reporting the results of their reference toxicant tests based on the NOEC or IC25. Neither USEPA nor the State has established an equivalent control chart metric for the TST. Nor is it clear whether or how the discharger would demonstrate compliance with the existing requirement to calculate the PMSD (a mandatory regulatory measure of test sensitivity) using the TST. Instead, the Fact Sheet at p. F-42, without authority, states that this mandatory PMSD requirement does not apply.</p> <p>The TST is not an approved statistical method. While the 2002 Methods and the tentative Order Fact Sheet at p. F-40 recognize that “[t]he statistical methods recommended in this manual are not the only possible methods of statistical analysis,” the tentative Order ignores other language stating that “[m]any other methods have been proposed and considered.” Nevertheless, USEPA chose the specific statistical methods and hypothesis tests in that manual, which were incorporated by reference into Part 136, “because they are (1) applicable to most of the different toxicity test data sets for which they are recommended, (2) powerful statistical tests, (3) hopefully ‘easily’ understood by nonstatisticians, and (4) amenable to use without a computer, if necessary. 2002 Methods at p. 40, Section 9.4.1.2. The promulgated methods standardized testing procedures to be consistent nationwide, even though other procedures existed.</p> <p>No field studies demonstrate that chronic WET test results derived using the TST two-concentration pass/fail procedure are well-correlated with actual instream conditions. Such studies are essential to prove that the TST produces results “comparable” to the existing methods that have already been field-validated.</p>	<p>differences between test dilution water and culture water and lab performance of the water flea chronic method were not presented and they should be. The SCCWRP works simply cannot be used to draw rigorous conclusions for TST because analyses were not conducted to provide the probability - a long run property - of each participating laboratory declaring toxicity when true percent effect is low.</p> <p>7. Regional Water Board staff disagree that "many" QA/QC procedures are obsolete when the biological data from a WET test are statistically analyzed using TST and that the result is an unreliable test of unknown and unacceptable quality. The permit specifies that all required and applicable elements of the WET method testing procedure must be followed. The permit also specifies the TST statistical approach which does not change the methods manual QA/QC procedures followed by a toxicity laboratory, although the laboratory may more closely follow and take steps sooner to improve control performance. We note that Percent Minimum Significant Difference (PMSD) will typically apply only when multi-concentration hypothesis testing is conducted to address a test result that may be either too sensitive, or not sensitive enough. When using either the NOEC or TST, within test variability is key and - as explained above for TST - maintaining a low probability of declaring toxicity when true effects are negligible (10% effect) and a high probability of declaring toxicity when true effects are unacceptable (25% effect) is contingent upon individual laboratories</p>	

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			<p>Any claim that the TST is “at least as sensitive” as the NOEC or IC25 is based solely on the observation that the TST indicates the presence of toxicity more often than either of those previously promulgated methods. However, more frequent failure only indicates greater sensitivity if the results are actually accurate. As noted above, the TST procedure finds non-toxic method blank samples to be “toxic” at least twice as often as the NOEC or IC25. Consequently, no reason exists to conclude that the proposed method is better than (or even as good as) the current promulgated statistical measures. And, there is no basis to believe that TST results will correlate well with the richness and abundance of aquatic organisms downstream of any given discharge. This is particularly true when USEPA has admitted that it lacks any field data on the predictive reliability of WET testing for effluent-dependent ecosystems, such as the San Gabriel River.</p> <p>In addition, the correlation between WET test results and instream conditions in USEPA’s existing field validation studies is based almost entirely on failures induced by excess mortality. USEPA has acknowledged that WET test failures caused solely by changes in growth or reproduction (not survival) may not accurately predict instream impairment.</p> <p>“The U.S. EPA studies have been criticized for selecting sites with high instream toxicity and known biological impact. Further, none of these studies demonstrated predictive accuracy.”</p> <p>Independent, peer-reviewed scientific studies clearly show that WET tests results are not correlated with the abundance or diversity of species found in aquatic ecosystems after properly controlling for other influential variables, such as available habitat. The best such study was performed by the very same</p>	<p>maintaining adequate precision (low variability).</p> <p>8. Regional Water Board staff have already responded to your claims that: (1) statistical approaches for WET data are not guidance, but promulgated; and (2) TST finds non-toxic method blank samples to be toxic at least twice as often as the NOEC or IC25. As explained in the responses above, the presented arguments are flawed. In contrast, we maintain that the simulations conducted by EPA to determine: (1) WET method performance in 2010, in terms of control response and within test control variability; and (2) WET method-specific alpha values, have resulted in another robust statistical approach available for use with WET test data in NPDES permits (2010 TST Technical Document). As explained, the TST is a statistical approach, not a WET method. Consequently, it is strictly in this context that we respond to your footnoted (8-13) comments which resurrect arguments litigated and decided in the 2004 court decision on the 2002 WET methods rule. Your footnoted arguments (8-12) dispute the "representativeness" of EPA's chronic WET methods. ("Representativeness" means that chronic WET tests accurately predict that an effluent showing toxicity will correspond to an observed negative impact on the aquatic life in the receiving waters.) We point to page 12 of the 2004 decision which addresses your "representativeness" argument. There, the court found that EPA reasonably applied correlation studies results in the 2002 WET rule record (e.g., CETTP studies, 1999 EPA Review Report,</p>	

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			<p>expert that developed the TST method for USEPA - Dr. Jerry Diamond:</p> <p>“There is nearly a 50% probability that toxicity exhibited in WET tests may not be reflected instream, even for those effluents exhibiting a relatively high failure rate (>90%) ... A surprising result of this study was the lack of relationship between Ceriodaphnia acute or chronic WET endpoints and instream biological results.” (emphasis added).</p> <p>Therefore, unless the TST procedure can show nearly perfect consistency with the results reported using the NOEC or IC25, the method must be independently validated (in accordance with 40 CFR Part 136.5) before being used as a primary indicator of potential instream impairment. According to USEPA’s own Administrative Law Judge:</p> <p>“... the proposed [toxicity] tests must be reasonably related to determining whether the discharge could lead to ‘real world’ effects. The Clean Water Act objective to prohibit the discharge of ‘toxic pollutants in toxic amounts’ concerns toxicity in the receiving waters of the United States, not the laboratory tank” (emphasis added).</p> <p>And, this obligation to more fully validate the TST procedure is entirely consistent with USEPA’s own guidance on the matter:</p> <p>“A fully validated and standardized method is a method that has been ruggedized by a systematic process and is applicable for its intended use. Ideally, only those methods that have been fully validated and standardized should be used for Agency [EPA] needs. However, due to resource and time constraints, it is not always possible to fully validate and standardization required for a given method depends to some extent on the intended use</p>	<p>1996 SETAC Report, Dickson et al., 1989 and 1996) supporting the representativeness of the WET methods in general, and several demonstrate representativeness with regard to particular Western waters. Also, on page 4 of the decision, the court found that the 1988 Report to Congress in footnote 13 of your comment is guidance, not strictly binding, and that EPA adequately accounted for departures from this guidance in the 2002 WET method validation process.</p> <p>9. The TST is a statistical approach, not a WET method. When using either the NOEC or TST, within test variability is key and - as explained above for TST - maintaining a low probability of declaring toxicity when true effects are negligible (10% effect) and a high probability of declaring toxicity when true effects are unacceptable (25% effect) is contingent upon individual laboratories maintaining adequate precision (low variability). For an example, see discussion, figures, and tables in 2010 TST Technical Document section 3.1., for the chronic water flea.</p>	

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			<p>of the data. For example, methods which will be used extensively for regulatory purposes or where significant decision must be based on the quality of the analytical data normally require more extensive validation and standardization than methods developed to collect preliminary baseline data... Where possible, and in all cases for methods that will have extensive regulatory use, a method should be fully validated and standardized. This increased level of validation verifies that the method is suitable for its intended purpose." (emphasis added).</p> <p>The TST procedures proposed in the tentative Order have not been subjected to the validation efforts that USEPA undertook for the NOEC and IC25. Until such time that USEPA promulgates the TST as part of an approved 40 CFR Part 136 method, the Regional Water Board must provide the comprehensive validation documentation normally prepared by USEPA and obtain a valid ATP, or wait until USEPA completes this validation, which includes appropriate inter-laboratory studies, analysis of method blanks, and confirmation of a correlation to instream conditions.</p> <p>To date, none of this supplemental information has been compiled or submitted to formal Peer Review as required by both state and federal law. As such, the Regional Water Board lacks the authority to require use of the TST procedure in lieu of the formally promulgated methods (NOEC or IC25) for the purpose of determining the need for, imposing, and assessing compliance with, effluent limitations in an NPDES permit.</p> <p>Finally, although the proposed permit at Fact Sheet p. F-42 offers an option to request a Time Schedule Order (TSO), such a TSO would not be needed if monitoring only or a narrative effluent limit with</p>	<p>Staff made a technical error in the tentative permit in stating that a TSO is available to the Discharger when they exceed the effluent limitations for chronic toxicity. This is not a correct statement and should be deleted. A</p>	<p>Revisions were made to the permit</p>

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			<p>numeric triggers were adopted as prescribed by federal and state law.</p> <p>For the reasons set forth above, the chronic toxicity provisions in the tentative Order should not be adopted as presently drafted.</p>	<p>compliance schedule/TSO is not allowed for new discharges. The last paragraph in section IV.C.5 is deleted.</p>	
Comments received from Los Angeles County Sanitation Districts (LACSD) on August 3, 2017					
1			<p>Language Applicable to POTWs</p> <p>The Tentative Permit includes various requirements and language related to wastewater treatment facilities or publicly-owned treatment works (POTWs) that do not apply to the GRIP-AWTF. POTWs and the GRIP-AWTF have fundamentally different purposes and this permit should reflect such differences. The primary purpose of POTWs is to protect public health and the environment by accepting and treating wastewater. Recycled water is produced at many POTWs, but Clean Water Act and Porter-Cologne provisions relating to POTWs are focused on the primary purpose of protecting public health and the environment. The primary purpose of the GRIP-AWTF is to supplement water supply by producing advanced treated recycled water for injection and spreading to replenish groundwater basins. As such, the provisions treating the GRIP-AWTF as a POTW need to be removed, as detailed in the Water Replenishment District of Southern California's (WRD's) comments to the Regional Board on this Tentative Permit.</p> <p>Furthermore, contrary to statements in the Tentative Permit the GRIP-AWTF is not a part of the Sanitation Districts' POTW system, and certain requirements applicable to the POTW (i.e., the San Jose Creek Water Reclamation Plant (SJCWRP)), are not</p>	<p>Please see response to comment #1 above.</p> <p>As stated above, WRD applied for an NPDES permit under the premise that the GRIP-AWTF will be regulated under the POTW related regulations. Regional Water Board staff also recognized that some parts of NPDES permits that have very specific requirements regarding POTW operations were removed from this tentative NPDES permit.</p> <p>The GRIP-AWTF effluent will be discharged into the San Gabriel River, a water of the U.S. The effluent discharge contains pollutants, therefore, an NPDES permit is required. As the commenter stated, the primary purpose of the GRIP-AWTF AWTF is to supplement water supply by producing advanced treated recycled water for injection and spreading to replenish groundwater basins. The Regional Water Board understands that. The GRIP-AWTF product water will be injected into the groundwater and will be spread at the Montebello Forebay. This groundwater recharge activity is going to be covered under a separate Waste Discharge Requirements/Water Reclamation Requirements.</p>	<p>Revisions were made to the permit.</p>

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			<p>automatically applicable to the GRIP-AWTF simply because it utilizes the tertiary treated recycled water from the SJCWRP as a raw material. The Sanitation Districts own and operate the SJCWRP, and meet all Clean Water Act and Porter-Cologne requirements relevant to POTWs. It is not necessary to impose these requirements on the GRIP-AWTF as well.</p>		
2			<p>Reporting for Minor Spills</p> <p>The Tentative Permit requires that “The Permittee shall immediately (but no later than two hours) notify the Regional Water Board of an unauthorized discharge of less than fifty thousand (<50,000) gallons of tertiary recycled water...” The requirement to report all spills is excessive and should be removed from the Tentative Permit, as further explained below.</p> <p>Water Code Section 13529.2 specifies that notification requirements for unauthorized discharges of tertiary treated recycled water apply when the volume of recycled water reaches 50,000 gallons or more. Thus, there is no basis for requiring notification for volumes less than 50,000 gallons. Minor spills of highly purified recycled water would not be expected to have adverse impacts on public health or the environment, so it is not clear what is to be gained by an immediate reporting requirement. Additionally, this provision on reporting of minor spills is not found in other NPDES permits for facilities producing advanced treated recycled water for various uses (i.e., West Basin Municipal Water District (WBMWD) Juanita Millender-McDonald Carson Regional Water Recycling Plant (Order No. R4-2013-0046, NPDES No. CA0064246); WBMWD Edward C. Little Water Recycling Plant (Order No. R4-2012-0026, NPDES No. CA0063401)). It is also not found in the State Water Resource Control Board’s (State Water Board) Recycled Water Policy, the State Water Board’s general permit for recycled water use (Order WQ</p>	Reporting for minor spills is deleted.	Revisions were made to the permit.

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			2016- 0068-DDW, Water Reclamation Requirements for Recycled Water Use), or, to our knowledge, other permits issued by the Regional Board.		
3			<p>Duplicative Receiving Water Monitoring and Reporting</p> <p>The Tentative Permit includes monitoring and reporting requirements for receiving water monitoring. As noted in the Monitoring and Reporting Program (MRP), receiving water monitoring is already performed by the Sanitation Districts under the SJCWRP NPDES Permit (Order No. 2015-0070) and the Whittier Narrows Water Reclamation Plant (WNWRP) NPDES Permit (Order No. R4-2014-0213-A01) at these same receiving water monitoring stations. To avoid duplicative monitoring efforts between permits with overlapping receiving monitoring stations, the Tentative Permit allows existing monitoring to cover the requirements of this permit. However, monitoring requirements may change when the SJCWRP and WNWRP NPDES permits are renewed. WRD would then be compelled to continue to do any monitoring no longer required under the SJCWRP and WNWRP permits, incurring an unnecessary expense.</p> <p>Additionally, the Tentative Permit requires receiving water data already collected and reported under the SJCWRP and WNWRP NPDES permits to be submitted under the GRIP-AWTF NPDES permit. It is not clear what is meant to be accomplished by this duplicative reporting. The Regional Board will already have the information that is submitted by the Sanitation Districts, and the information will already be available to the public via the CIWQS system. Such duplicative reporting imposes an unnecessary cost and is contrary to the State Water Board's direction to encourage recycled water usage. It also introduces a source of errors in the CIWQS database, due to the potential for errors when WRD submits the</p>	<p>The GRIP-AWTF's permit has a receiving water monitoring that is identical to the receiving water monitoring for the San Jose Creek WRP and the Whittier Narrows WRP. Regional Water Board staff agrees that it is not necessary for the Permittee to conduct duplicate sampling and monitoring if it is already performed by San Jose and Whittier Narrows WRP. However, the results of those receiving water monitoring should be submitted to the GRIP-AWTF CIWQS database because receiving water monitoring is essential in evaluating compliance with the requirements of this NPDES permit.</p> <p>The Permittee is requesting to remove the receiving water monitoring requirements. When this happens, the GRIP-AWTF database is incomplete and will become a problem for the staff to conduct a reasonable potential analysis (RPA), which is required to be evaluated prior to renewing this permit. The effluent data and receiving water data both have to reside in one database folder for the RPA program to work.</p> <p>In addition, when the San Jose Creek WRP and Whittier Narrows WRP NPDES permits are renewed or revised, the new receiving water monitoring requirement for the same monitoring locations stated for San Jose Creek WRP and Whittier Narrows WRP receiving water monitoring will replace the receiving water monitoring requirements in Tables E-5 and E-6.</p>	Revisions were to the permit.

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			<p>Sanitation Districts' data. It also may cause difficulties when the State Water Board migrates CIWQS dates to the CEDEN system, because there will be duplicate data in the system. Therefore, to avoid potential confusion, discrepancy, and duplication, no separate receiving water monitoring program should be required in the Tentative Permit. Instead, the receiving water monitoring provision in the MRP (Section VIII) should be revised to replace all existing language with the following:</p> <p>"A receiving water monitoring program is not prescribed in this Order because receiving water monitoring for the Discharge Points 001, 001A, and 001B is covered under the SJCWRP NPDES Permit (Order No. R4-2015-0070, NPDES No. CA0053911) and Monitoring and Reporting Program (CI-5542), and the WNWWRP NPDES Permit (Order No. R4-2014-0213-A01, NPDES No. CA0053 716) and Monitoring and Reporting Program (CI-2848)."</p>		
Comments received from United States Environmental Protection Agency (USEPA) on August 4, 2017					
			<p>Thank you for the opportunity to review both the preliminary and draft NPDES permits for discharge from the GRIP facility. The fact sheet well describes and supports the proposed effluent limitations and monitoring requirements for the new discharge from this important infrastructure project advancing water reclamation in the LA region. Based on the submitted NPDES application underpinning the publicly noticed draft permit, the proposed requirements developed by your staff are technically sound. Relying on the information provided in the permit package, at this time we do not recommend additional changes to the publicly noticed draft permit.</p>		