City of Thousand Oaks

Hill Canyon Treatment Plant
Public Works Department
9600 Santa Rosa Road • Camarillo, CA 93012
Phone 805/498.4011 • Fax 805/498.5727 • www.toaks.org

October 18, 2019

Dr. Jeong-Hee Lim, Chief
Municipal Permitting Unit (NPDES)
Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Comments on Tentative Order for City of Thousand Oaks, Hill Canyon Treatment Plant

Dear Dr. Lim:

The City of Thousand Oaks (City) staff has reviewed the September 18, 2019 Tentative Order issued by your office for our Hill Canyon Treatment Plant. We have comments and request revisions pertaining to

- Wet weather limits for Salts
- Effluent limits for MBAS, boron, chlorinated pesticides, PCBs
- Toxicity effluent limits and provisions
- Monitoring Program modifications
- Recycled Water Specifications
- Climate Change Plan
- Wetlands Requirements

Comments pertaining to these topics along with requested corrections and clarifications are provided below.

Wet weather limits for Salts

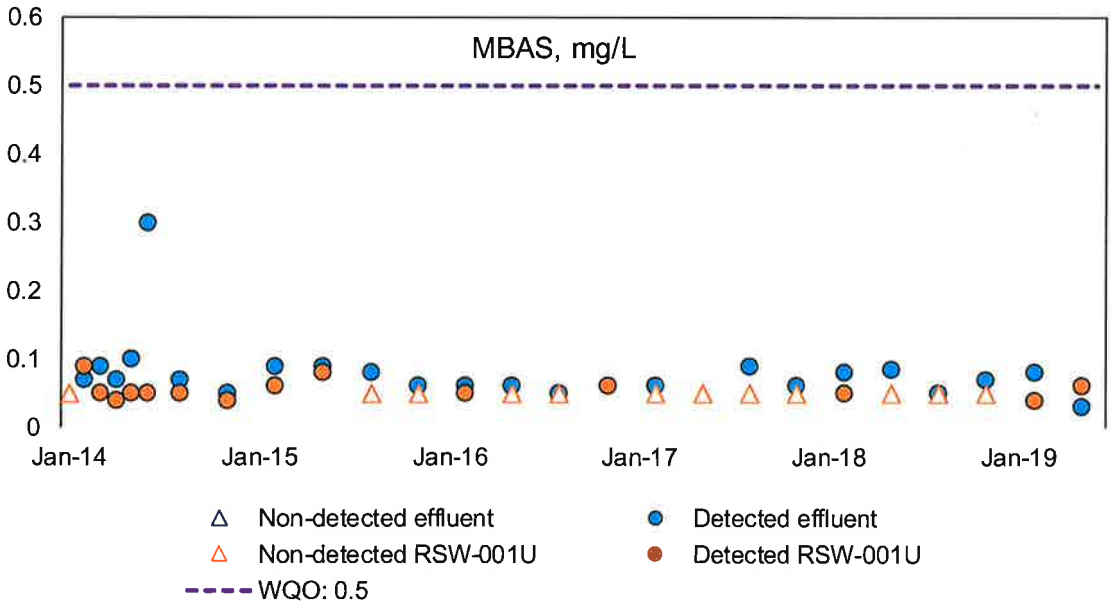
The City requests that the wet weather effluent limitations for TDS, sulfate, and chloride in Table 4 be removed because there is no reasonable potential for the effluent to cause or contribute to a water quality exceedance for salts during wet weather. Attachment F, Section IV.C.2.b.vi. on pg. F-25 of the Tentative Order states that, during wet weather, the limits for TDS, sulfate, and chloride are based on the water quality objectives found in Basin Plan Table 3-8. However, as noted in the dry weather definition found in Section VII.O. (pg. 32), "Any discharges from the Facility during wet weather would be assimilated by these large storm flows and would not cause exceedances of water quality objectives." Therefore, no reasonable potential exists during wet weather to

exceed the water quality objectives for TDS, sulfate, or chloride and no effluent limitation is required for wet weather. 40 C.F.R. §122.44(d)(1)(i) and (iii).

Additionally, the CCW Salts TMDL specifically identified that only dry weather allocations were needed to address any identified impairments. Therefore, only dry weather effluent limitations for TDS, sulfate, and chloride are needed to implement the CCW Salts TMDL WLAs.

Effluent limit for MBAS

An effluent limit for MBAS is included in Table 4 (pg. 6) that is set equal to the drinking water Maximum Contaminant Level (MCL) of 0.5 mg/L. As shown below, neither the effluent nor ambient data exceed the MCL, with a maximum observed effluent concentration of 0.3 mg/L and a maximum ambient concentration of 0.09mg/L. Therefore, there is no reasonable potential for the effluent to exceed the MCL.



In addition, this MCL is not applicable to the receiving water based on its beneficial uses. Attachment F, Section IV.C.2.b.ix. (pg. F-27), states that this effluent limitation "was developed based on the Basin Plan incorporation of Title 22 Drinking Water Standards… to protect the surface water MUN beneficial use." However, MUN is not applicable to the surface receiving waters downstream of Hill Canyon as is stated in Section III.C.1. (p. F-14) and in footnote 1 of Table F-4 (pg. F-15) of the Tentative Order Fact Sheet. MBAS is discussed in Chapter 3 of the Basin Plan in the section covering Regional Objectives for Inland Surface waters, which clearly states that this objective only applies to [surface] waters designated MUN. Title 22 MCLs are also referenced under the Groundwater objectives. However, even though groundwater recharge is not considered an acceptable justification to apply these objectives to the Hill Canyon discharge, MBAS is not specifically listed in the Tables referenced from Title 22 in

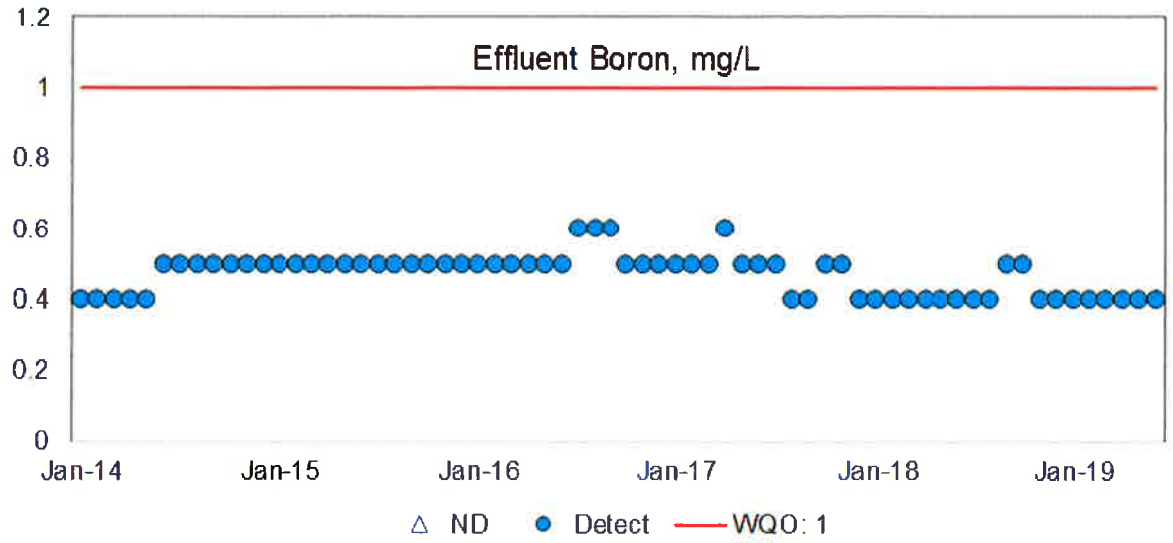
Chapter 3 of the Basin Plan in the section under Groundwater – Chemical Constituents and Radioactivity (Basin Plan, pg. 3-18). Furthermore, Groundwater Recharge (GWR) is not a recognized or mandatory Clean Water Act use, so protection of this use is not required by federal law and requires additional analysis under Water Code sections 13263 and 13241 prior to imposing such an effluent limitation that is more stringent than required by federal law. *City of Burbank v. SWRCB,* 35 Cal. 4th 613, 618, 628 (2005). Further, application of MCLs at end of pipe ignores dilution in receiving waters and removal through soil aquifer treatment. No evidence has been presented that there is a lack of assimilative capacity in local aquifers that would justify an end-of-pipe effluent limit for MBAS equal to the MCL.

In addition, Attachment F, Section IV.C.2.b.viii. (pg. F-33) states "given the nature of the Facility which accepts domestic wastewater into the sewer system and treatment plant, and the characteristics of the pollutants discharges, the discharge has reasonable potential…." This is not an adequate justification for requiring an effluent limit for MBAS (or any other pollutant without reasonable potential). The fact that a pollutant may be present in domestic wastewater in no way correlates with its potential for that pollutant being discharged at a level that impacts the beneficial uses of the receiving water or causes an exceedance of an applicable water quality standard. This same reasoning would apply to *any* constituent that is regularly detected in wastewater treatment plant effluent and, unless the concentration of the constituent exceeds water quality criteria, the constituents are not assigned effluent limits. 40 C.F.R. §122.44(d)(1)(iii).

Therefore, given that the water quality criteria are not applicable and that, if it were, since effluent and ambient concentrations have never exceeded the criteria, the City requests that the effluent limit for MBAS be removed as unnecessary.

Effluent limit for Boron

As shown below, boron also does not have reasonable potential to exceed the objective of 1 mg/L with a maximum effluent concentration of 0.6 mg/L and a maximum ambient concentration of 0.5 mg/L. Additionally, the Salts TMDL does not include a WLA for boron because there were no exceedances of the objective in the receiving water or effluent at the time of TMDL development. Therefore, the City requests that the effluent limit be removed.



Effluent limits for chlorinated pesticides and PCBs.
Table 4 of the Tentative Order contains effluent limits for chlordane, 4,4-DDD, 4,4-DDE, 4,4-DDT, dieldrin, PCBs and toxaphene. These effluent limits are based on the WLAs set forth in the CCW Organochlorine Pesticides, PCB and Siltation TMDL established in 2005 by the Regional Water Board. However, none of these constituents have been detected in the effluent or the receiving water since at least January 2007 (i.e., the beginning of the time frame for which data was evaluated for this permit). For the current permit term, this is confirmed in the Tentative Order Fact Sheet in Table F-7, Summary of Reasonable Potential Analysis. The Maximum Effluent Limit and Maximum Detected Receiving Water Concentration for all these constituents is shown as being below detection limits along with an answer of 'No' for the column titled 'RPA Result – Need Limitation?' (p. F-45). Therefore, since there is no reasonable potential for the effluent to cause or contribute to an exceedance of a water quality criteria in the receiving water, it is requested that the effluent limits be removed. *See accord City of Woodland v. California Regional Water Quality Control Board, Central Valley Region,* Alameda County Superior Court Case No. RG04-188200 (May 16, 2005) at pgs. 4, 13. To address any concern associated with the TMDL, a detected value of one of these constituents at a level near the applicable WLA could be included as a performance goal or trigger for a source investigation, and detection at or above the applicable WLA would trigger reasonable potential and the related reopener clause.

Toxicity effluent limits and provisions
Numeric effluent limitations for chronic toxicity are listed in Table 4 on p. 7 of the Tentative Order as 'Pass' as a Median Monthly Effluent Limitation (MMEL) and 'Pass or <50% effect' as a Maximum Daily Effluent Limitation (MDEL). These limitations are consistent with the aquatic toxicity provisions in the State Water Resources Control Board (SWRCB) First Revised Draft Water Quality Control Plan for Inland Surface

Waters, Enclosed Bays, and Estuaries of California (First Revised Draft ISWEBE)[1]. However, these limits are not consistent with Toxicity TMDL (Resolution No. R4-2004-009) which states that

> *"WLAs would be implemented as a trigger for initiation of the TRE/TIE process as outlined in EPA's 'Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program' (2000) and current NPDES permits held by dischargers to the CCW."*

Therefore, the City requests that the numeric effluent limits be changed to a trigger to be consistent with the Toxicity TMDL.

In addition, with respect to implementation, the Tentative Order is not consistent with the toxicity provisions in the First Revised Draft ISWEBE related to the triggering of toxicity reduction evaluations (TRE).

The Tentative Order specifies accelerated monitoring to be triggered by a single exceedance of the effluent limitations with an additional four toxicity tests at approximately 2-week intervals, and if any of the tests fail, a TRE would be initiated and accelerated monitoring ended. Per the First Revised Draft ISWEBE, there is no accelerated monitoring after an exceedance of the effluent limitations[2], and a TRE would only be triggered[3] if two or more effluent limitations are exceeded within two concurrent months (two in one month, or two or more over two concurrent months).

In Section V.A.23.c, the Tentative Order receiving water limitations require accelerated toxicity testing for the effluent if downstream receiving water toxicity cannot be attributed to upstream receiving water toxicity[4]. The First Revised Draft ISWEBE does not contain accelerated monitoring and there is no discussion of linking receiving water results to actions for the effluent in the toxicity provisions.

Therefore, the City requests that the requirement to conduct accelerated testing be removed and the triggering for the TRE to be consistent with the Statewide Toxicity Provisions.

As discussed below under Corrections and Clarifications, if accelerated testing is required, the City is requesting that language be added to state that accelerated testing

---

[1] https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/docs/toxicity_2019_provisions_1strevdraft.pdf

[2] If routine monitoring is a longer frequency than monthly and an effluent limitation is exceeded, monitoring is required in the concurrent month.

[3] A TRE may be required if there is evidence of toxicity (e.g. fish kills), or recurring intermittent toxicity.

[4] "...if toxicity is observed upstream and downstream of the discharge, but effluent passes toxicity no accelerated monitoring is triggered."

under this circumstance would not be required if the effluent results could not be linked to the downstream receiving water toxicity.

Monitoring Program Modifications

The CCW group has been implementing a coordinated monitoring program for TMDL implementation for over 5 years. However, Section I.P. and IX.B of the Monitoring and Reporting Program requires submittal of quarterly progress reports regarding the implementation of a watershed monitoring program. The watershed TMDL monitoring program is already established and there is no need to submit progress reports detailing efforts to establish the monitoring program. The City requests that the progress reporting requirements be removed in this Tentative Order. In addition, as noted under Corrections and Clarifications, the City is asking for revisions to these sections to clarify that watershed-wide monitoring is conducted to implement the TMDL requirements.

Additionally, consistent with State Board Resolution 2013-0029 regarding 'Reducing Costs of Compliance while Maintaining Water Quality Protection', Water Board staff should work with Permittees to identify duplicative or unnecessary monitoring during reissuance of NPDES permits.

We request the following changes to the monitoring program to reduce unnecessary monitoring:

- Monitoring under the approved Calleguas Creek Watershed TMDL monitoring program has established quarterly as the necessary monitoring frequency for determining compliance with the TMDL requirements. The City requests reduction in the monitoring frequencies for effluent (Table E-3) and receiving water (Table E-7) for all nitrogen and phosphorus compounds, copper, mercury, and nickel from monthly to quarterly to be consistent with the approved TMDL monitoring program.
- Because chlorinated pesticides and PCBs have not been measured at concentrations above detection limits, the monitoring frequencies listed in Tables E-3 (Effluent Monitoring) and E-7 (receiving water monitoring requirements) for all these constituents should change from quarterly to semi-annually. Based on historic data, more frequent monitoring is unnecessary. Specifically, this change is requested for 4,4-DDD,4,4-DDE,4,4-DDT, Dieldrin, Chlordane, Heptachlor epoxide, PCB (cogeners and arochlors), and 2,3,7,8-TCDD.
- PCB concentrations in receiving waters and effluent have always been below detection limits so there is no reason to measure influent levels. The City requests that the requirement to test for PCBs in the influent (Table E-2) be removed.
- Similarly, there is no reason to monitor for total phosphorus, orthophosphorus, hardness, or boron in the influent. There is no applicable water quality criteria or other purpose for hardness, phosphorus or orthophosphorus to be measured in the influent. Similarly, for boron, there are no exceedances of the objective for

boron in the effluent and, therefore, no reason to monitor for boron in the influent. The City requests that these influent monitoring requirements be removed.

- It is also requested that the monitoring frequency for boron be reduced from monthly to quarterly because it is consistently well below the objective of 1 mg/L.
- The City requests the monitoring of Total Organic Carbon in the receiving water be removed. If monitoring requirements remain, the frequency should be changed from monthly to annually.
- The City requests that the receiving water monitoring for MBAS be changed from monthly to quarterly to be consistent with the effluent monitoring frequency.
- Monitoring for Total Trihalomethanes is required quarterly for effluent and monthly for receiving water. This requirement is duplicative of the requirement to monitor for the individual constituents (bromoform, chloroform, dibromochloromethane, bromodichloromethane) and serves no purpose because there is no potential for total trihalomethanes to exceed any applicable water quality objective. The City requests that the monitoring requirement for Total Trihalomethanes be removed. If this monitoring requirement is retained, the City requests the frequency be changed to annual for both the effluent and receiving water.
- The City requests that the receiving water monitoring for perchlorate, 1,4-dioxane, 1,2,3-trichloropropane and methyl tert-butyl-ether be changed from semi-annual to annual to be consistent with the effluent monitoring frequency for these constituents which have never been detected.

Recycled water studies

Discharge Specification IV.C. of the Tentative Order requires the City to "continue to investigate the feasibility of increasing the amount of recycling, conservation, and/or alternative disposal methods for wastewater (such as groundwater injection), and/or beneficial use of storm water and dry-weather urban runoff and submit an update to this feasibility study as part of the submittal of the Report of Waste Discharge (ROWD) for the next permit renewal." The City currently recycles approximately 90% of its effluent for irrigation use. In addition, the City is required to discharge to the creek to maintain habitat support and is, therefore, limited in its ability to develop additional recycled water uses. While the City continues to evaluate recycled water uses, based on the City's current recycled water program, the permit requirement for this study is unnecessary. Therefore, it is requested that this requirement be removed.

Climate Change Plan

Provision VI.C.4.b. requires the City to prepare a Climate Change Plan. The City is committed to protecting the treatment facility from the impacts of climate change but would appreciate some additional explanation of what is expected to be included in this plan.

Wetlands Requirements

Receiving Water Limitations in V. A.20 and V.A.21. refer to the protection of natural conditions in wetlands. However, the City does not discharge to a natural wetland. A

portion of its flow is stored in 3 constructed ponds on the treatment plant site but these do not qualify as natural wetlands or natural habitats. Therefore, it is requested that these provisions be removed.

Corrections and Clarifications

The following changes are requested provide corrections or further clarification:

- The City requests that the name of the permitted facility be changed from Hill Canyon Wastewater Treatment Plant to Hill Canyon Treatment Plant in order to be consistent with internal City documentation. Please, remove 'Wastewater' from the name of the facility in the title, the headers, Table 1 and throughout the Tentative Order.
- Table 4 contains an effluent limitation for Temperature of 86 deg F. In the 2014 permit, the limitation stated; "The temperature of wastes discharged shall not exceed 86°F except when the ambient temperature of the receiving water is higher than 86°F, in which case the temperature of the waste discharged shall not exceed the ambient temperature of the receiving waters." The City requests that this language be added as a footnote to Table 4.
- As discussed above, Section V.A.23.c., the chronic toxicity receiving water objective, states that accelerated monitoring is required when '..toxicity cannot be attributed to upstream toxicity..'. This provision could be interpreted to mean that accelerated testing would be required if upstream and effluent toxicity thresholds are met but the downstream toxicity is a 'Fail'. If the effluent toxicity test result is a 'pass', then it cannot be causing the downstream toxicity. The City is requesting that this provision be removed to be consistent with the Statewide Toxicity Provisions. If accelerated testing is required, it is requested that this statement be revised to state:

  "(if) the toxicity cannot be attributed to upstream toxicity OR THE EFFLUENT, as assessed by the Permittee…"
- In Section VII.D on p. 28, the City requests that the following statement regarding applicability of mandatory minimum penalties be added consistent with the language in VII.C.

  "If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, **this will represent a single violation for the purpose of calculating mandatory minimum penalties, though** an alleged violation will be flagged and the Permittee will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance ..."
- In Section VII.O. on p. 32 of the Tentative Order, the gauge used to define dry and wet weather is identified as USGS Gauge station 11106550. In 2016, USGS ceased to operate this flow gauge at CSUCI. The Ventura County Watershed Protection District currently reports mean daily **flows** and other flow parameters for **Station 805** *Calleguas Creek at CSUCI*[5] . **Rainfall** is monitored at **Station**

[5] https://www.vcwatershed.net/hydrodata/php/getstation.php?siteid=805#top

505 *Camarillo - CSUCI (Type B)*[6] . References to these stations should replace references to USGS Gauge Station 11106550 throughout the Tentative Order. For example, this should also be revised in Table E-1 under the descriptions of RSW-003D.

- The City requests a correction in Section IV.A. of the Fact Sheet (p. F-27), that the 'Discharge Points 001 and 002' be changed to 'Discharge Point 005'.
- In Section VI.C.2.a (p. 18), the Tentative Order states that the Calleguas Creek Watershed Management Plan Quality Assurance Project Plan (QAPP) was approved in 2009 and is in the process of being revised. This should be corrected to describe the current status of the QAPP and state that it was revised in December 2014 and addressed the monitoring and reporting for all CCW TMDLs (Nitrogen, OC and PBs, Toxicity, Salts, and Metals and Selenium).
- Sections IX.A. and IX.B. of the Monitoring and Reporting Program (MRP, p. E-27) refer to the TMDL monitoring program (IX.A.) and Watershed Monitoring (IX.B.). However, there is no watershed-wide monitoring program beyond the TMDL monitoring. As such, the City requests that Section IX.B. be removed from the MRP. In addition, Section I.P. of the MRP should be revised to change 'Watershed-wide Monitoring Program' to 'TMDL Monitoring Program'.

Thank you for the opportunity to provide these comments on the Tentative Order. If you have any questions regarding the City's comments, please contact me at jminkel@toaks.org or (805) 491-8121 or Santos Marquez at smarquez@toaks.org or (805) 491-8123.

Sincerely,

John M. Minkel
Utilities Superintendent

[6] https://www.vcwatershed.net/hydrodata/php/getstation.php?siteid=505#top