

**RESPONSE TO COMMENTS  
OJAI VALLEY SANITARY DISTRICT  
OJAI VALLEY WASTEWATER TREATMENT PLANT  
TENTATIVE ORDER NO. R4-2023-XXXX  
NPDES NO. CA0053961**

**Comment Email dated November 17, 2023, from Ojai Valley Sanitary District (Discharger)**

No.	Comment	Response	Action Taken
A1	<p><b>Order, Section 4.1.1., Table 4. Effluent Limitations at Discharge Point 001</b></p> <p><b>Re: Exception for mass-based effluent limits during storm events</b></p> <p>The effluent limits in the 2018 Permit included an exception for meeting mass-based effluent limits (those expressed as lbs/day) during storm events causing effluent flow rates above design capacity. The Tentative 2023 Permit eliminates that exception. The original exception in underlined text is found in Footnote 1 of Table 4 in Section 4.1.1 in the 2018 Permit below:</p> <p>The 2018 Permit – “Footnote 1: The mass-based effluent limitations are based on the plant design flow rate of 3 MGD and are calculated as follows: Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs./day. <u>During wet-weather storm events in which the flow exceeds the design capacity, the mass discharge rate limitations shall not apply, and</u></p>	<p>The regulations at section 122.45(b)(1) of title 40 of the Code of Federal Regulations (40 CFR) require permit effluent limitations for POTWs to be calculated based on design flow, with no exceptions during wet-weather storm events. Consistent with this regulation, the mass-based effluent limitations for this facility have been calculated using the design flow of 3 million gallons per day (MGD). The mass-based limits are required pursuant to 40 CFR 122.45(f), except for: 1) pH, temperature, radiation, or other pollutants which cannot be appropriately expressed by mass; 2) when applicable standards and limitations are expressed in terms of other units of measurement; or 3) limitations expressed in terms of mass are infeasible because the mass of the pollutant discharged cannot be related to a measure of operation, and permit conditions ensure that dilution will not be used as a substitute for treatment. The first and third exceptions do not apply here because mass-based effluent limitations are included in the Tentative Order only for pollutants that can be expressed in</p>	None necessary.

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	<p><u>concentration limitations will provide the only applicable effluent limitations.”</u></p> <p><b>Request:</b> Storm-related high flow events causing effluent discharges exceeding the design capacity could dramatically increase the calculated results for mass-based effluent limits, leading to exceedances of lbs/day limits. The Discharger requests that the tentative 2023 Permit maintain the footnote language from the 2018 Permit.</p>	<p>units of mass and these pollutants are all related to proper operation of a treatment plant. These pollutants include BOD, TSS, oil and grease, total residual chlorine, total dissolved solids, sulfate, chloride, boron, MBAS, ammonia, nitrate+nitrite, nitrite, and selenium. The second exception to mass-based effluent limits applies when applicable standards and limitations are expressed in other units of measurement. This exception does not apply for this facility because although effluent limitations are also expressed as concentrations, the concentration-based effluent limitations don't ensure that dilution will not be used as a substitution of treatment. During wet weather events where the flow rate is elevated, the concentrations of pollutants are already diluted, so it would not be possible to determine if the treatment plant was operating properly if only concentration-based effluent limits apply. The mass-based effluent limits ensure the facility is being properly operated and maintained. Incorporation of mass-based effluent limits into NPDES permits without a wet weather exception is consistent with other recently adopted inland surface water NPDES permits in the region.</p>	
A2	<p><b>Order, Section 4.1.1., Table 4. Effluent Limitations at Discharge Point 001</b></p> <p><b>Re: Location where total coliform limit applies</b></p>	<p>The Los Angeles Water Board agrees to add the suggested language to footnote c of Table 4 of the Order and footnote d of Table F-12 of the Fact Sheet for clarity, as follows:</p>	<p>Revisions were made to the permit.</p>

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	<p>Table 4., Footnote 5 in the 2018 Permit specified the location within the treatment train where the effluent total coliform limit applies. The footnote for Table 4 in the Tentative 2023 Permit (footnote “c”) omits the specification. The omitted underlined language is found in Footnote 5 of Table 4 in Section 4.1.1 in the 2018 Permit below:</p> <p>The 2018 Permit – “Footnote c: The wastes discharged to water courses shall at all times be adequately disinfected. For the purpose of this requirement, the wastes <u>collected at the end of the ultraviolet (UV) channel during normal operation when the UV system is in use, and at the end of the chlorine contact chamber when the backup method is used</u> shall be considered adequately disinfected if: .....”</p> <p><b>Request:</b> The specification about where in the treatment train the total coliform limits apply is needed for clarity. Please retain the footnote language in the 2018 Permit footnote marked in red above for the tentative 2023 Permit.</p>	<p>“The wastes discharged to water courses shall at all times be adequately disinfected. For the purpose of this requirement, the wastes <u>collected at the end of the ultraviolet (UV) channel during normal operation when the UV system is in use, and at the end of the chlorine contact chamber when the backup method is used</u>, shall be considered adequately disinfected if ...”</p>	
A3	<p><b>Order, Section 5.1 Surface water limitations</b></p> <p><b>Re: typo</b></p> <p>Section 5.1.10. appears to contain a typo (“Waters” should be “wastes”). Please correct the typo as follows:</p>	<p>The Los Angeles Water Board agrees to revise section 5.1.10 of the Order as requested.</p>	<p>Revisions were made to the permit.</p>

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	<p><del>“Waters</del> <u>The wastes</u> discharged shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.”</p>		
A4	<p><b>Order, Section 6.3.5.d</b>  <b>Re: Filter bypass</b>  The Tentative 2023 Permit contains a new section related to filter bypass, as follows (emphasis added):  <i>“6.3.5.d. Filter Bypass</i>  <i>Conditions pertaining to bypass are contained in Attachment D, Section 1.7 Bypass. The bypass or overflow of untreated or partially treated wastewater to waters of the State is prohibited, except as allowed under conditions stated in 40 CFR section 122.41(m) and (n). <u>During periods of elevated, wet weather flows, a portion of the secondary treated wastewater is diverted around the tertiary filters as a necessary means to avoid loss of life, personal injury or severe property damage. There are no feasible alternatives to this diversion. These anticipated discharges are approved under the bypass conditions when all storage has been utilized and the resulting combined discharge of fully</u></i></p>	<p>The Discharger is required to meet both concentration-based and mass-based effluent limitations during a Filter Bypass. Otherwise, the Discharger is subject to the bypass requirements in section 1.7 of Attachment D. If the facility is unable to meet the effluent limitations during a bypass, the Discharger must provide evidence that the conditions in section 1.7.3. of Attachment D were met to avoid penalties.</p> <p>For comments relating to the applicability of mass-based effluent limits during storm events see response to comment A1.</p>	None necessary.

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	<p><u><i>treated (tertiary) and partially treated (secondary) wastewater complies with the effluent and receiving water limitations in this Order.</i></u></p> <p>During storm-related filter bypasses, there is a possibility that mass-based effluent limits affected by tertiary filters could be exceeded. The 2018 Permit contained an exception to mass-based effluent limits during storm events when plant capacity is exceeded. Filter bypasses may be paired with exceedances of plant capacity. An exception to meeting mass-based effluent limits during filter bypass events should be provided in section 6.3.5.d.</p> <p><b>Request:</b> Please make the edits below:</p> <p>“6.3.5.d. Filter Bypass</p> <p>Conditions pertaining to bypass are contained in Attachment D, Section 1.7 Bypass. The bypass or overflow of untreated or partially treated wastewater to waters of the State is prohibited, except as allowed under conditions stated in 40 CFR section 122.41(m) and (n). During periods of elevated, wet weather flows, a portion of the secondary treated wastewater is diverted around the tertiary filters as a necessary means to avoid loss of life, personal injury or severe property damage. There are no feasible alternatives to this diversion. These anticipated discharges are</p>		

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	approved under the bypass conditions when all storage has been utilized and the resulting combined discharge of fully treated (tertiary) and partially treated (secondary) wastewater complies with <u>the concentration-based effluent limits</u> and <u>the receiving water limitations</u> in this Order.”						
A5	<p><b>Attachment E. Monitoring and Reporting, Section 2. Monitoring Locations</b></p> <p><b>Re: Kingston Rain Gage</b></p> <p>In Table E-1 (Monitoring Station Locations), the Ventura – Kingston Rain Gage D 122 is characterized as a “TMDL wet-weather flow receiving water monitoring station at the County of Ventura Department of Public Works’ Ventura”. This description and the coordinates are incorrect. Although this rain gage is used to define wet weather for TMDL-related effluent limits and some monitoring purposes, it is not a <i>flow</i> monitor nor a <i>receiving water station</i>. It is correctly named as the “Ventura-Kingston Reservoir Gage 122” and is a recording precipitation gage operated by the Ventura County Watershed Protection District (see <a href="https://www.vcwatershed.net/hydrodata/get-station/?siteid=122">https://www.vcwatershed.net/hydrodata/get-station/?siteid=122</a>) .</p> <p><b>Request</b></p> <p>Please rename the rain gage from “Ventura – Kingston Rain Gage D 122” to “Ventura-</p>	<p>Although the rain gage is not a flow meter, it is used to determine when the wet-weather effluent limitations apply. The Los Angeles Water Board agrees to revise Table E-1 of the Monitoring Reporting Program for clarity, as follows:</p> <table><tr><th>Monitoring Location Name</th><th>Monitoring Location Description</th></tr><tr><td>Ventura–Kingston Rain-Reservoir Gage-D 122</td><td><del>TMDL wet-weather flow receiving water monitoring station at the County of Ventura Department of Public Works’ Ventura – Kingston Rain Gage D 122 in Ventura River.</del> Latitude: 34.34413?, Longitude: -119.29620? <u>Recording Rain Gage is operated by the Ventura County Watershed Protection District and is used to determine when the wet-weather effluent limitations apply.</u> Latitude: 34.34294?, Longitude: -119.29489?</td></tr></table>	Monitoring Location Name	Monitoring Location Description	Ventura–Kingston Rain-Reservoir Gage-D 122	<del>TMDL wet-weather flow receiving water monitoring station at the County of Ventura Department of Public Works’ Ventura – Kingston Rain Gage D 122 in Ventura River.</del> Latitude: 34.34413?, Longitude: -119.29620? <u>Recording Rain Gage is operated by the Ventura County Watershed Protection District and is used to determine when the wet-weather effluent limitations apply.</u> Latitude: 34.34294?, Longitude: -119.29489?	Revisions were made to the permit.
Monitoring Location Name	Monitoring Location Description						
Ventura–Kingston Rain-Reservoir Gage-D 122	<del>TMDL wet-weather flow receiving water monitoring station at the County of Ventura Department of Public Works’ Ventura – Kingston Rain Gage D 122 in Ventura River.</del> Latitude: 34.34413?, Longitude: -119.29620? <u>Recording Rain Gage is operated by the Ventura County Watershed Protection District and is used to determine when the wet-weather effluent limitations apply.</u> Latitude: 34.34294?, Longitude: -119.29489?						

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	<p>Kingston Reservoir Gage 122” and revise the table entry in Table E-1 of the Tentative Permit as shown by the edits below:</p> <p><del>“TMDL wet weather flow receiving water monitoring station at the County of Ventura Department of Public Works’ Ventura Latitude: 34.34413°; Longitude: 119.29620°</del></p> <p><u>Recording Rain Gage operated by the Ventura County Watershed Protection District</u></p> <p><u>Latitude: 34.34294°, Longitude: - 119.29489°”</u></p>	<p>The name of the rain gage was also modified throughout the Order to “Ventura-Kingston Reservoir Gage 122.”</p>	
A6	<p><b>Attachment E. Monitoring and Reporting, Table E-3. Effluent Monitoring Re: conditions for sampling E. coli</b></p> <p>Footnote “10” for Table E-3 in the 2018 Permit specified that E. coli testing should be conducted only if total coliform testing is positive. This qualifier is now missing from the footnote for Table E-3 in the Tentative 2023 Permit (footnote “d”). The footnote language is compared below; underlined text indicates the text missing from the new footnote.</p> <p>The 2018 Permit – “Footnote 10: Daily grab samples shall be collected at monitoring location EFF-001, Monday through Friday only, except for holidays. <u>E.coli shall be conducted only be if the total coliform testing is positive.</u> If the total coliform</p>	<p>Los Angeles Water Board staff consulted with the State Water Board’s Environmental Laboratory Accreditation Program (ELAP) staff and determined that since the Discharger analyzes total coliform using multiple-tube fermentation, the <i>E. coli</i> analysis can be conducted after a presumptive positive reaction is observed. Footnote d for Table E-3 of the Tentative Order has been revised as follows:</p> <p>“Daily grab samples for total coliform and <i>E.coli</i> shall be collected Monday through Friday only, except for holidays. <u><i>E.coli</i> analysis shall be conducted only if the total coliform testing is positive. If the total coliform analysis results in no detection, a result of (&lt;) the reporting limit for total coliform shall be reported for <i>E.coli</i>.</u>”</p>	<p>Revisions were made to the permit.</p>

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	<p><u>analysis results in no detection, a result of (&lt;) the reporting limit for total coliform will be reported for E.coli.”</u></p> <p><b>Request</b></p> <p>Please explain the reason for omitting the qualifier for sampling effluent for E. coli. only after positive total coliform results in the tentative 2023 Permit.</p>		
A7	<p><b>Attachment E. Monitoring and Reporting, Section 10.4.2.</b></p> <p><b>Re: Due date for annual summary reports</b></p> <p>The Tentative 2023 Permit establishes an April 30<sup>th</sup> due date for (1) annual monitoring reports, (2) pretreatment reports, and (3) volumetric reports (See Tentative Permit Table E-7, Monitoring Periods and Reporting Schedule). However, the Tentative Permit retains an April 15<sup>th</sup> due date for the “annual summary report” from the 2018 Permit (see 10.4.2 in the Tentative Permit), which was previously also the due date for the annual monitoring report (see in Table E-6 in the 2018 Permit).</p> <p><b>Request</b></p> <p>Please change the due date of the Annual Summary Report to April 30<sup>th</sup> to maintain consistency with other annual reporting deadlines, as shown below:</p>	<p>The Los Angeles Water Board agrees to revise section 10.4.2 of the Monitoring Reporting Program to be consistent with Table E-7, as follows:</p> <p>“By April 15 <del>30</del><sup>th</sup> of each year, the Permittee shall submit an annual report containing a ...”</p>	<p>Revision was made to the permit.</p>



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	<p>“10.4.2. Annual Summary Report</p> <p>By April 15 <del>30</del> of each year, the Permittee shall submit an annual report containing a discussion of the previous year’s influent/effluent analytical results and receiving water monitoring data. The annual report shall contain an overview of any plans for upgrades to the treatment plant’s collection system, the treatment processes, or the outfall system. The Permittee shall submit an annual report to the Los Angeles Water Board in accordance with the requirements described in subsection 10.2.7 above.”</p>		
A8	<p><b>Attachment F. Section 2.4. Compliance Summary</b></p> <p><b>Re: Selenium passage</b></p> <p>The Tentative 2023 Permit has a narrative regarding selenium that needs a minor correction based on clarifications OVSD discussed with staff during draft permit development.</p> <p><b>Request</b></p> <p>Please make the following edit:</p> <p>“Selenium: An effluent selenium concentration of 8.91 µg/L was recorded on July 17, 2019, and exceeded the monthly average limit of 3.4 µg/L. <del>A subsequent effluent selenium sample was collected on the same day</del> <u>A subsequent test was</u></p>	<p>The Los Angeles Water Board agrees to revise the compliance summary for selenium in section 2.4 of the Fact Sheet for clarity, as follows:</p> <p>“An effluent selenium concentration of 8.91 µg/L was recorded on July 17, 2019, and exceeded the monthly average limit of 3.4 µg/L. A <del>subsequent</del> <u>The effluent selenium sample from July 17, 2019 was collected on the same day retested</u> and the reported concentration was 4.24 ug/L, also above the average monthly effluent limit of 3.4 ug/L. <del>The monthly average effluent concentration calculated for selenium for July 2019 was 6.58 µg/L, which exceeded the average monthly effluent limit of 3.4 ug/L.</del> The cause of the selenium exceedance was not reported, and no follow-up actions were taken by the Discharger. On September 13, 2023, the</p>	<p>Revisions were made to the permit.</p>

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	<p><u>conducted on the same sample which was still within holding time</u> and the reported concentration was 4.24 ug/L, also above the average monthly effluent limit of 3.4 ug/L. The monthly average effluent concentration calculated for selenium for July 2019 was 6.58 µg/L, which exceeded the average monthly effluent limit of 3.4 ug/L. The cause of the selenium exceedance was not reported, and no follow-up actions were taken by the Discharger. On September 13, 2023, the Los Angeles Water Board issued Settlement Offer No. R4-2023-0323 for \$3,000 for the selenium monthly average violation.”</p>	<p>Los Angeles Water Board issued Settlement Offer No. R4-2023-0323 for <u>\$6,000, which includes a mandatory minimum penalty of \$3,000</u> for the selenium monthly average violation.”</p>	
A9	<p><b>Attachment H. Pretreatment Reporting Requirements Section 2.1.</b>  <b>Re: Due date for technical evaluation of the need for local limits revision</b>  Section I.B.1 of the 2018 Permit had an apparent cut-and-paste mistake from a Hyperion Treatment Plant permit, specifying that a written technical evaluation of the need to revise local limits was due within 180 days after permit adoption. The analogous section of the 2023 Tentative Permit is I.2.1. Although the new language does not repeat the typo regarding the Hyperion plant, it lacks a due date.  <b>Request</b></p>	<p>The regulations at section 122.44(j)(2)(ii) of the Code of Federal Regulations do not include a due date for the technical evaluation of the need to revise local limits. This section of the Tentative Order is different from the 2018 Order to provide the Discharger with flexibility to conduct the evaluation of the need to revise local limits any time during the permit cycle. Since this evaluation must be submitted before the expiration date of the Order, section 2.1 of Attachment H of the Tentative Order has been revised to reflect this due date.</p>	<p>Revision was made to the permit.</p>

<b>No.</b>	<b>Comment</b>	<b>Response</b>	<b>Action Taken</b>
	Please provide a deadline for the submission of the written technical evaluation of the need to revise local limits.		