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November 7, 2007

Tracy Egoscue
Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Re: Comments on the Tentative Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System Permit (NPDES) – City of San Buenaventura Ventura Water Reclamation Facility (NPDES Permit No. CA0053651) and Tentative Time Schedule Order (TSO) for the Ventura Water Reclamation Facility dated October 23, 2007

Dear Ms. Egoscue:

On behalf of Heal the Bay, we submit the following comments on the *Tentative WDRs and NPDES Permit for the City of San Buenaventura Ventura Water Reclamation Facility* (“Tentative Permit” or “Permit”) and the *Tentative TSO for the Ventura Water Reclamation Facility* (“TSO”) dated October 23, 2007. As requested in the Regional Board’s cover letter, we limit our comments to changes in this draft version of the Permit and TSO. We appreciate the opportunity to provide comments.

Estuary Discharge

The Ventura Water Reclamation Facility (“VWRF”) has discharged to the Santa Clara River Estuary (“SCRE” or “Estuary”) for approximately forty-five years. This discharge is in direct conflict with the State Water Quality Control Board’s *Water Quality Control Policy for the Enclosed Bays and Estuaries of California* (“EBE Policy”), passed in 1974, which mandates that wastewater discharges to estuaries be phased out as soon as practicable. SWRCB Resolution No. 74-43. According to the EBE Policy, exceptions may be granted *only* in the rare circumstance where a regional board finds that the discharge enhances the estuary. Of note, the discharge from the VWRF is the only remaining permitted point source discharge to an estuary in the State of California.

As described in detail in our June 6, 2007 comment letter, Heal the Bay strongly supports the Regional Board’s decision to incrementally decrease the VWRF discharge to the SCRE until there is zero discharge to the Estuary. The VWRF discharge to the Estuary must be removed in accordance with the EBE Policy, as enhancement was not demonstrated. By removing the discharge, the Estuary will return to more “natural” conditions and water quality will improve. In turn, this should greatly improve coastal lagoon habitat.



Revisions to the Tentative Permit give the discharger three years from the date of permit adoption to initiate the 1 mgd per year incremental decrease in discharge. The Regional Board contends that the discharger needs this extra time to install recycled water distribution pipes. Further, the Permit states that the discharge must be completely removed from the Estuary by 2018. Has the discharger already submitted an implementation plan for removing the discharge from the Estuary that includes water reclamation as the first step? If so, the Permit should describe the details of the implementation plan. If not, the three year allowance for pipe installation is premature. Regardless, the Regional Board should require that within one year of adoption of the permit the discharger submit a detailed implementation plan for removing the discharge to the Estuary. Heal the Bay strongly supports the discharger pursuing water reclamation opportunities. This should be the first priority. Upstream discharge should also be considered, if water reclamation and associated storage cannot accommodate 100% of the effluent. Upstream discharge of denitrified effluent would allow time for the water to percolate into the ground and cause less direct impact to the SCRE. In addition, this alternative would allow for continued freshwater flows into the Estuary.

Also, in the event that the numbers do not add up to reduce the discharge by exactly 1 mgd per year, the Regional Board should consider setting discharge reduction milestones every few years until the final milestone in 2018. For example, after a three year timeframe, a three mgd reduction would be required. This would also address the technological difficulty of decreasing the discharge by exactly 1 mgd each year.

Water Effects Ratio

The Tentative Permit includes modified copper effluent limitations and monitoring requirements from the previous draft of the Permit. Staff bases these modifications on a water effects ratio (“WER”) and metal translator study conducted by the discharger. Using a WER in the calculation of the effluent limitation is inappropriate, given that the Los Angeles Regional Board has not deemed the WER study consistent with the USEPA WER Guidance and has not adopted the WER as a Basin Plan amendment. To our knowledge the only copper WER that has been adopted by the Los Angeles Regional Board is for Calleguas Creek and Mugu Lagoon. The Calleguas copper WER was issued for extensive public comment before Regional Board approval on November 9, 2006. Why was this same public process not taken for this copper WER and why wasn’t the WER provided as a document as part of the permit package?

Special Studies

The Tentative Permit includes new descriptions of several special studies undertaken by the discharger in the last year. For instance, section VI.C of the Permit briefly describes the Reclamation Market Survey and Estuary Water Balance studies. Heal the Bay raised concerns about several aspects of these studies during stakeholder meetings. For example, the Reclamation Market Survey does not adequately look outside of the City limits for water reclamation opportunities and does not consider storage possibilities. In the south Ventura County area, the Calleguas Municipal Water District has successfully found agricultural areas for water reclamation markets. Thus, the Regional Board should not consider the “conclusions” in these studies as the final word on these topics.



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If you have any questions or would like to discuss any of these comments, please feel free to contact us at (310) 451-1500.

Thank you for your consideration of these comments.

Sincerely,

Kirsten James, MESM
Water Quality Director
Heal the Bay

Mark Gold, D.Env
President
Heal the Bay