

Item 13
Response to Comments
for
Tentative Order Dated October 23, 2007

City of San Buenaventura
Ventura Water Reclamation Facility
Tentative NPDES Permit and Time Schedule Order

The Regional Board received an additional comment letter dated November 7, 2007 from Heal the Bay. The Regional Board staff's responses are as follows.

| Letter from Heal the Bay Dated on November 7, 2007 | | | |
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| <p><u>Estuary Discharge</u></p> <p>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.</p> | | <p></p> <p>X</p> <p>The Discharger has indicated that relocating the outfall further upstream is not a viable option, since it will pose significant operating cost to pump the effluent upstream</p> | <p>None necessary</p> <p>None necessary</p> |

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| | 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. | | | See Response to Comment above. | None necessary |
| | <p><u>Water Effects Ratio</u></p> <p>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?</p> | | X | <p>The WER and Metal Translator Study were conducted in 2004 and 2001, respectively, in accordance with the State Implementation Plan (SIP) and is consistent with the USEPA WER Guidance. The SIP allows for WERs and metal translators to be incorporated into NPDES permits without a Basin Planning Process. The WER and Metal Translator statements in section 1.2 of the SIP are as follow:</p> <p><i>"The RWQCB may adjust the criteria/objective for metals with discharger-specific Water Effect Ratios established in accordance with USEPA guidance – Interim Guidance on Determination and Use of Water Effect Ratios for Metals (EPA-823-B-94-001) or Streamlined Water-Effect-Ratio Procedure for Discharges of Copper (EPA-822-R-01-005), if appropriate.</i></p> <p><i>It is the discharger's responsibility to provide all data and other information requested by the RWQCB before the issuance, reissuance, or modification of a permit to the extent feasible. When implementing the provisions of this Policy, the RWQCB shall use all available, valid, relevant, representative data and information, as determined by the RWQCB. The RWQCB shall have discretion to consider if any data are inappropriate or insufficient for use in implementing this Policy. Instances where such consideration is warranted include, but are not limited to, the following: evidence that a sample has been erroneously reported or is not representative of effluent or ambient receiving water quality; questionable quality control/quality assurance practices; and varying seasonal conditions. The lack of a site-specific objective for a priority pollutant shall not be considered insufficient data.</i></p> | None necessary |

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| | | | <p><i>When implementing the provisions of this Policy, the RWQCB shall ensure that criteria/objectives are properly adjusted for hardness or pH, if applicable, using the hardness or pH values for the receiving water, and that translators are appropriately applied (in accordance with section 1.4.1), if applicable. The RWQCB shall also ensure that pollutant and flow data are expressed in the appropriate forms and units for purposes of comparability and calculations."</i></p> <p>Please note that the permit no longer provides a compliance schedule or interim limits for copper.</p> | |
| | <p><u>Special Studies</u></p> <p>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.</p> | X | <p>Regional Board staff are only providing information to the Regional Board on the conclusions of the studies and are not opining on the discharger's conclusions of those studies.</p> | <p>None necessary</p> |