

**RESPONSE TO COMMENTS
CITY OF VENTURA
VENTURA WATER RECLAMATION FACILITY
TENTATIVE ORDER NO. R4-2025-XXXX
NPDES NO. CA0064726**

Comment Letter dated November 6, 2025 from City of Ventura (Discharger)

No.	Comment	Response	Action Taken
D1	<p>Findings (Section 2, page 6; Section 3.5, page 6; Section 6.1.2.h, page 13): The public notice for the Tentative Order makes it clear that this permit is only for the Ventura Water Reclamation Facility (Ventura WRF) ocean discharge and is in addition to the NPDES permit for the Ventura WRF Estuary discharge, but the Tentative Order does not make that clear. The Ventura WRF Estuary discharge would also violate the discharge prohibition in Section 3.5 and the provision in Section 6.1.2.h. of the Tentative Order. The Discharger requests to include the proposed text to be added after the last sentence of Section 2 to allow the City of Ventura to continue to operate the Ventura WRF discharge to the Estuary through a different discharge point:</p> <p><u><i>This Order shall not modify or otherwise affect the waste discharge authorization, terms, conditions or requirements of Order 2020-0024, NPDES NO. CA0053651 Waste Discharge Requirements For The City Of</i></u></p>	<p>The scope of the Tentative Order is listed in the title of the Tentative Order and summarized in Table 2 of the Permit. Additionally, Section 1.3 of the Fact Sheet in the Tentative Order explains that the intent of the Tentative Order is to only regulate the discharge from the Ventura WRF to the Pacific Ocean while NPDES No. CA0053651 pursuant to Order No. R4-2020-0024 (Estuary Discharge Permit) regulates discharge to the Santa Clara River Estuary (Estuary). Section 1.4 of the Fact Sheet in the Tentative Order further provides an explanation of why a separate Order is being issued for the ocean discharge and states "...this Order only regulates the discharge from the Ventura WRF to the Pacific Ocean. The Estuary Discharge Permit will continue to remain in effect unless and until it is revised and/or terminated..." Nevertheless, the Los Angeles Water Board agrees that the body of the Tentative Order could provide additional clarity on the separate permits and has proposed revisions as follows:</p>	<p>Revisions have been made to the Tentative Order.</p>

No.	Comment	Response	Action Taken
	<p><u>Ventura Water Reclamation Facility Discharge To The Santa Clara River Estuary Via Wildlife Ponds (the "Estuary NPDES Permit"). If there is any conflict, duplication, or overlap between provisions specified by this Order the provisions of the Estuary NPDES Permit , then the Estuary NPDES Permit shall control and compliance need not be duplicated under this Order.</u></p>	<ul style="list-style-type: none"> • Discharge Point 002 has been added to Table 1 of the Tentative Order. • Language has been added to Section 1 (Facility Information) of the Tentative Order specifying that the Order only applies to the ocean outfall and that the Estuary Discharge Permit separately regulates discharge from the Ventura WRF to the Estuary. <p>The revision proposed in this comment letter has not been accepted. The Los Angeles Water Board does not agree that the provisions of the Estuary Discharge Permit should take precedence over the Tentative Order. However, the Los Angeles Water Board acknowledges that there may be some overlap in requirements of the two Orders and, to the extent there are any conflicts between the requirements in the Tentative Order and the Estuary Discharge permit, has added the following language after Section 2.5 of the Tentative Order indicating that the more stringent requirement will prevail:</p> <p><u>Nothing in this Order is intended to supersede the requirements in the Estuary Discharge Permit, Order No. R4-2020-0024 (NPDES No. CA0053651). If there is any conflict between requirements stated in this Order and provisions stated in the Estuary Discharge Permit, Order No R4-2020-0024 (NPDES No. CA0053651), the more stringent requirements will prevail.</u></p>	

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		The Los Angeles Water Board also agrees to clarify the discharge prohibition in Section 3.5 and the provision in Section 6.1.2.h. to indicate that any other discharge is prohibited unless authorized by an NPDES permit.	
D2	Discharge Prohibitions (Section 3.4, page 6): The Discharger requests that the discharge prohibition language concerning bypasses and overflows also include upsets and reference Section 1.8 in Attachment D-Standard Provisions.	Section 1.8 in Attachment D is not intended to allow upsets to occur. Rather, Section 1.8 identifies the information the Discharger needs to provide to assert upset as an affirmative defense in a potential enforcement action. Because upset is not considered an authorized discharge, the requested changes have not been accepted.	None necessary.
D3	Final Effluent Limitations and Performance Goals – Discharge Point 002 (Section 4.1.1.a., page 7): This section does not address the potential mix of tertiary-treated flow and reverse osmosis concentrate. The Discharger requests that the language be changed to: <i>“... Attachment E. Performance goals are only applicable to tertiary-treated wastewater (not RO concentrate or mixed tertiary treated flow and RO concentrate) because they are based on actual performance data, which doesn’t reflect the quality of reverse osmosis concentrate because it is a byproduct of the proposed Advanced Water Purification Plant treatment process.”</i>	Section 4.1.1.a. requires the Discharger to maintain compliance with effluent limitations at Discharge Point 002 and that compliance be monitored at Monitoring Location EFF-002 as described in the Monitoring and Reporting Program (MRP), Attachment E. Attachment E, Table E-1 describes Monitoring Location EFF-002 as being downstream of where disinfected tertiary-treated effluent and reverse osmosis concentrate are mixed at the ocean outfall pump station. Also, Attachment E, Section 4.1 clarifies that the Discharger must monitor the discharge of tertiary-treated effluent and/or reverse osmosis concentrate into the ocean at EFF-002. The intent of the performance goals is to ensure the tertiary-treated effluent continues to achieve water quality that is consistent with current water quality or better, and to require additional	Revisions were made to the Tentative Order.

No.	Comment	Response	Action Taken
		actions to address any reduction in water quality. Since the proposed changes are consistent with the intent of the Tentative Order and provide additional clarity, the language has been revised to include the Discharger's suggested changes. In addition, since the Advanced Water Purification Plant is not yet built, the suggested changes also clarify that the RO concentrate is not currently being generated.	
D4	<p>Recycling Specifications (Section 4.3, page 12; Attachment E, Section 9.4 (page E-43), Sections 10.4.13. and 10.4.14. (page E-52); Attachment F, Section 3.3.14 (page F-14), Section 4.7.2 (page F-39), Section 8.5.4 (page F-56), Section 9.7 (page F-58): These requirements are also included in the Estuary Discharge Permit. The Discharger requests that this language be deleted and that only the Estuary Discharge Permit be relied upon for these requirements. The Discharger also requests that the recycled water feasibility investigation be met through implementation of the Transition Plan under the Estuary Discharge Permit.</p>	<p>Section IV.G. of the Fact Sheet and Section X.D of the MRP of the Estuary Discharge Permit (NPDES No. CA0053651) includes similar language regarding the Recycled Water Feasibility Investigation. The investigation included in Section 4.3 of the Tentative Order and Section 10.4.14 of the MRP, which are also discussed in Section 3.3.14, 4.7.1, and 9.7 of the Fact Sheet, are not duplicative with existing requirements in the Estuary Discharge Permit. The Tentative Order only requires the recycled water feasibility report in the Report of Waste Discharge. The Discharger previously satisfied the feasibility study requirement in the Estuary Discharge Permit by submitting an updated Transition Plan in the Report of Waste Discharge for the renewal of the Estuary Discharge Permit. Likewise, Section 4.3 of the Tentative Order can be satisfied by submitting an up-to-date copy of the Transition Plan in lieu of a separate feasibility report as part of its</p>	<p>Revisions were made to the Tentative Order.</p>

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		<p>Report of Waste Discharge submitted for the next permit renewal.</p> <p>In addition, the language regarding volumetric reporting is not currently included in the Estuary Discharge Permit. The Discharger has been monitoring and reporting recycled water usage since the volumetric reporting requirements were imposed via State Water Board Order No. WQ 2019-0037-EXEC as amended on January 14, 2020. The purpose of the recycled water volumetric reporting is for the State Water Resources Control Board to track the amount of recycled water being produced statewide. WQ 2019-0037-EXEC remains applicable to recycled water dischargers until the applicable regional water board reissues or otherwise amends its permits to incorporate the requirements of WQ 2019-0037-EXEC. Since the Estuary Discharge Permit had not been updated to directly incorporate the volumetric reporting requirements, the Los Angeles Water Board has included them in Section 4.3 of the Tentative Order. The Los Angeles Water Board acknowledges that WQ 2019-0037-EXEC amended the MRP for the Estuary Discharge Permit. To avoid double counting the recycled water produced at the Facility, the volumetric recycled water data shall only be submitted once to Geotracker, but the report upload confirmation from the Geotracker data system should be included in the annual report for both permits.</p>	

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		<p>Section 10.4.13 of the MRP has been updated to clarify this requirement.</p> <p>In addition, the subsections in section 9.4 of the MRP were updated to correct typographical errors. Subsections 9.5.1, 9.5.2, 9.5.3, and 9.5.4 were corrected to 9.4.1, 9.4.2, 9.4.3, and 9.4.4, respectively.</p>	
D5	<p>Los Angeles Water Board Standard Provisions (Section 6.1.2.a, page 12): Section 6.1.2.a. of the Tentative Order eliminates the force majeure exception to the prohibition against spills or bypasses set forth in Attachment D-Standard Provisions, Section 1.7 such that the Discharger would be liable for penalties as a result of a bypass, spill, or upset. The Discharger requests the following language modification to Section 6.1.2.a.:</p> <p><i>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 (such as failure to implement appropriate best management practices) and/or spills, bypass, or overflow of sewage or sludge, as determined by the Los Angeles Water Board, are prohibited-, <u>except as set forth in Provisions 1.7 and 1.8 of Attachment D, Standard Provisions.</u></i></p>	<p>Los Angeles Water Board staff agrees that nuisances that occur as a result of spills, overflows, or bypasses that fall under the exceptions in Attachment D, Sections 1.7 should be exempted from the provision in Section 6.1.2.a. of the Tentative Order. Los Angeles Water Board staff does not agree that it is appropriate to revise this provision to authorize upset as explained in response to Comment D2. Therefore, the language has been revised to include the Discharger's suggested changes, except reference to Attachment D, Section 1.8.</p>	<p>Revisions were made to the Tentative Order.</p>

No.	Comment	Response	Action Taken
D6	<p>Reopener Provisions (Section 6.3.1, page 16; Attachment F, Section 4.4.2 (page F-35) and Section 5 (page F-40)): The Discharger requests that the Los Angeles Water Board consider adding a reopener based on new limits and performance goals that may need to be imposed if the AWPf commences operation during the permit term. The Discharger recommends adding the following reopener provision:</p> <p><u><i>a. This Order may be reopened and modified to incorporate new Performance Goals based on new data and information provided regarding the constituents anticipated in discharges of reverse osmosis concentrate and commencement of discharges to accommodate operations of the Advanced Water Purification Plan as anticipated pursuant to the Transition Plan submitted and approved by the Los Angeles Water Board as set forth in Order 2020-0024, NPDES NO. CA0053651 Waste Discharge Requirements For The City Of Ventura Water Reclamation Facility Discharge To The Santa Clara River Estuary Via Wildlife Ponds.</i></u></p>	<p>A reopener provision regarding new effluent limits is already included in the Tentative Order. Section 6.3.1.a. of the Tentative Order specifies that the Order may be reopened or modified to include new limits based on future reasonable potential analyses based on ongoing monitoring data which includes water quality of the reverse osmosis concentrate. Since the effluent is anticipated to be mixed with reverse osmosis concentrate after the AWPf is operational, a more conservative reasonable potential analysis was conducted based on estimated concentrations of the reverse osmosis concentrate.</p> <p>Performance goals are used to evaluate a facility's treatment efficiency and ensure the level of treatment is maintained. The quality of the tertiary-treated wastewater is an indicator of treatment efficiency at the Ventura WRF and performance goals are therefore applicable to the tertiary-treated wastewater from the Ventura WRF. The performance goals are not applicable to the reverse osmosis concentrate since the concentrate is a byproduct of a treatment process and is not an indicator of treatment efficiency at the Ventura WRF. In addition, performance goals are based on historical concentrations of treated wastewater, not byproduct streams from treatment processes. Any modifications to the permit related to the RO concentrate would be in the form of new limits,</p>	None necessary.

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		<p>discharge prohibitions, or provisions and would not be in the form of new performance goals.</p> <p>Since the Reopener Provision in Section 6.3.1.a. allows the Los Angeles Water Board to reopen or modify the permit if monitoring data shows the discharge of the reverse osmosis concentrate will negatively impact the beneficial uses of the receiving water and performance goals are only applicable to the tertiary-treated wastewater, the proposed reopener is not necessary.</p>	
D7	<p>Reopener Provisions (Section 6.3.1, page 16): The Fact Sheet indicates a reopener would be granted to modify the dilution factor if a tracer study was conducted. The Discharger requests the following text be added to the Reopener Provisions:</p> <p><u><i>This Order may be reopened and modified to incorporate new limits based on a revised dilution factor for reverse osmosis concentrate if Permittee completes a tracer study supporting modification of the dilution factor used to derive the current effluent limitations in this Order.</i></u></p>	<p>Section 1.6 of the Fact Sheet indicates that if the Discharger presents data to the Los Angeles Water Board supporting the need for a higher dilution credit and conducts a tracer study that confirms a higher dilution credit is appropriate, the permit may be reopened to modify the dilution credit. The Tentative Order only includes effluent limitations for one parameter, chronic toxicity, that incorporates the dilution factor. Since the Los Angeles Water Board will consider updating the dilution factor if appropriate and supported by data, the Discharger's suggested language has been added to the Reopener Provisions in Section 6.3.1. as subsection k with some modifications as follows:</p> <p><u><i>k. This Order may be reopened and modified to revise the dilution factor (and any effluent limitations calculated using the dilution factor) if the Permittee presents data supporting the need for a higher dilution factor, completes a tracer study supporting an alternative dilution factor,</i></u></p>	Revisions were made to the Tentative Order.

No.	Comment	Response	Action Taken
		<u>and receives approval from the Los Angeles Water Board for a revised dilution factor.</u>	
D8	Climate Change Effects Vulnerability Assessment and Mitigation Plan (Section 6.3.4.c., page 21): This requirement is duplicative and should rely on requirement in the Estuary Discharge Permit.	The requirement to submit a Climate Change Plan is included in all NPDES permits issued within the Los Angeles region. The Climate Change Plan must consider climate-related impacts to the Facility, including all outfalls and pumping facilities. Since the existing Climate Change Plan for the Ventura WRF does not consider the ocean outfall and related structures, the Discharger is required to update the Climate Change Plan to include the new infrastructure. Since the Discharger has already developed a Climate Change Plan, the requirement has been revised in section 6.3.4.c. of the Tentative Order as well as in Section 10.4.10 of the MRP and Section 3.5.1. of the Fact Sheet to indicate a separate Climate Change Plan is not needed for this discharge, but the Climate Change Plan needs to be revised to incorporate the new infrastructure. The Discharger may submit the Climate Change Plan as a single document for the Facility. The Discharger does not need to conduct a separate Climate Change Plan for each NPDES permit but does need to submit the report to CIWQS under the regulatory measures for both permits.	Revisions were made to the Tentative Order.
D9	Pretreatment Requirements – Refer to Attachment I (Section 6.3.5.b.iv., page 23): The Los Angeles Water Board approved the	40 CFR 122.44 requires that all NPDES permits include pretreatment requirements when applicable. 40 CFR 122.44(j)(2)(ii) further	Revisions were made to the Tentative Order.

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	<p>Ventura WRF's revised local limits on July 26, 2023, and believes an evaluation of their local limits should not be required at this time. Attachment I in the Tentative Order is also duplicative since it is also included in the Estuary Discharge permit.</p>	<p>requires POTWs to provide a written technical evaluation of the need to revise local limits following permit issuance. Since the Discharger maintains an active pretreatment program, the pretreatment requirements are applicable to the Ventura WRF.</p> <p>The Discharger does not need to conduct a separate Local Limits Evaluation for each NPDES permit but does need to submit the report to CIWQS under the regulatory measure for both permits. When submitting pretreatment documents, the Discharger may indicate that the documents are relevant to both NPDES permits. Since the Los Angeles Water Board recently approved revised local limits, Attachment I of the Tentative Order has been revised to require the local limits evaluation to occur by the permit expiration date.</p>	
D10	<p>Influent Monitoring (Attachment E, Table E-6, page E-17): The Discharger suggests that when mercury is collected using a composite sample there is a potential for contamination and mercury loss through volatilization. The Discharger requests that the sample type be changed from 24-hour composite to grab.</p>	<p>The Tentative Order requires mercury to be monitored using USEPA Method 1631E unless another 40 CFR Part 136 method is sufficiently sensitive. Method 1631E suggests use of the procedures found in EPA Method 1669 to preclude contamination during the sampling process. According to EPA Method 1631 guidance, <i>Guidance for Implementation and Use of EPA Method 1631 for the Determination of Low-Level Mercury (EPA 821-R-01-023)</i>, EPA strongly suggests that samples for mercury be collected using one of the four sampling procedures given in Method 1669, which</p>	<p>Revisions were made to the Tentative Order.</p>

No.	Comment	Response	Action Taken
		includes both grab and continuous-flow (composite) sampling. The Los Angeles Water Board agrees to allow grab sampling for mercury; thus, the sample type in Tables E-6 and E-7 has been changed from “24-hour composite” to “24-hour composite or grab” for mercury.	
D11	Influent Monitoring (Attachment E, Table E-6, page E-17): The Discharger requests that the Tentative Order include a provision to drop the analysis of PCB congeners if there are no detects after one year of monitoring.	PCBs are included in the 303(d) list for nearby waterbodies (Ventura Maria Jetties, coastal bay, shoreline, and McGrath Lake), so monitoring needs to continue for PCBs to ensure the discharge is not contributing to PCB loading into the receiving water. Influent monitoring is required to better evaluate the source of PCBs and their fate during treatment. However, since PCBs as congeners are only reported for informational purposes and are also required to be monitored in the effluent, a reduction in influent monitoring after a year of no detections is acceptable. Therefore, the Discharger’s suggested change was added to Attachment E, Table E-6, footnote f.	Revision was made to the Tentative Order.
D12	Influent Monitoring (Attachment E, Table E-6, page E-17): The Discharger requests that the Tentative Order include a provision to drop the analysis of TCDD Equivalents if there are no detects after one year of monitoring.	Priority pollutants are monitored in the influent at least semiannually for source control and pretreatment purposes. This monitoring is necessary to determine the source of the pollutant if TCDD equivalents are observed in the effluent. This is especially important for public health since the Discharger plans to use	None necessary.

No.	Comment	Response	Action Taken
		the effluent from the Ventura WRF for indirect potable reuse in the future.	
D13	<p>Species Sensitivity Screening (Attachment E, Section 5.4, page E-23):</p> <p>The Discharger states that it's challenging to coordinate obtaining and acclimating three different marine organisms, particularly if organisms are collected by a diver and weather conditions are adverse. The Discharger requests that the Los Angeles Water Board remove the requirement to use a single effluent sample to initiate and concurrently conduct three toxicity tests and instead allow a renewal sample to be used to initiate tests so that the tests are still run concurrently. The Discharger also requests that the requirement be modified to allow them to resample and initiate a new test only for the species used in the invalid test within seven days of determining the invalid test. The Discharger also requests to be able to resample and initiate a new test only for the species that had an invalid test since it is prohibitively expensive to re-run all three tests when two of the tests are scientifically valid and the other eight Regional Boards do not require this of Permittees.</p>	<p>The purpose of the species sensitivity screen is to determine which species is most sensitive to the effluent sample. Due to variability in the composition of pollutants in effluent samples, each species needs to be exposed to the same sample. The chronic toxicity test for topsmelt, <i>Atherinops affinis</i> (Larval Survival and Growth Test Method 1006.0) is a seven-day static renewal test that uses an initial effluent sample and two renewal samples collected on days one, three, and five. Testing on the invertebrate and alga species is 40 minutes or 48 hours and are conducted with only a single effluent sample. Since the invertebrate and alga test methods are not renewed and only use a single sample, they may be initiated using any one of the samples used for the topsmelt test. This flexibility still ensures that each species will be exposed to at least one identical sample. To address any logistical challenges in implementing the species sensitivity screening, staff has modified the language in the Tentative Order to the following:</p> <p><i>...In each of the four sets, the Permittee shall collect a single effluent sample to initiate and concurrently conduct three toxicity tests using the fish, an invertebrate, and the alga species previously referenced. <u>Alternatively, a renewal sample from the topsmelt test may be used to initiate the invertebrate and alga tests as long as</u></i></p>	Revisions were made to the Tentative Order.

No.	Comment	Response	Action Taken
		<p><u>all three species are tested concurrently using the same renewal sample...</u></p> <p>Due to the potential variability in the quality and toxicity of the effluent over time, each test must be tested concurrently with the same sample during the species sensitivity screening. Therefore, it is inappropriate to use results from a toxicity test in a species sensitivity screening that uses a sample not used in the other screening tests.</p>	
D14	<p>Species Sensitivity Screening (Attachment E, Section 5.4, page E-24): The current language is inconsistent with previous language that specifies urchin and sand dollar as the primary test method. The Discharger requests the following change to the language in the Tentative Order:</p> <p><i>...toxicity testing until a new species sensitivity screening is conducted. If red abalone is used for toxicity testing, it must be conducted when red abalone is more likely to spawn (January to June). <u>Unless four successful tests can be conducted with red abalone, which is not currently anticipated based on unavailability, alternative invertebrate species, purple sea urchin (Strongylocentrotus purpuratus) or the sand dollar (Dendraster excentricus), shall be used.</u></i></p>	<p>Attachment E, Section 5.3.b. lists purple sea urchin, sand dollar, and red abalone as options for invertebrate chronic toxicity testing. The Ocean Plan also identifies red abalone, purple sea urchin, and the sand dollar as Tier 1 species, which means any one of these species is preferred to be used in whole effluent toxicity testing for compliance monitoring. The Discharger has the option of using any of these three invertebrates in the species sensitivity screening. However, the language in the Tentative Order has been modified to clarify that any of the species shown in Section 5.3.b. can be used for species sensitivity screening. In addition, the requirement to conduct the abalone toxicity tests in January through June is not possible during the species sensitivity screening since the screening tests need to be conducted once a quarter, therefore, this requirement has been removed from the Tentative Order. The</p>	<p>Revisions were made to the Tentative Order.</p>

No.	Comment	Response	Action Taken
		<p>language in the Tentative Order has been revised as follows:</p> <p><i>...toxicity testing until a new species sensitivity screening is conducted. <u>Any invertebrate specified in Section 5.3.b. may be used during the species sensitivity screening; however, the same invertebrate must be used for all screening tests.</u> If red abalone is used for toxicity testing, it must be conducted when red abalone is more likely to spawn (January to June). If four successful tests cannot be conducted with red abalone, an alternative invertebrate species, purple sea urchin (<i>Strongylocentrotus purpuratus</i>) or the sand dollar (<i>Dendraster excentricus</i>), may be used.</i></p>	
D15	<p>Quality Assurance and Additional Requirements (Attachment E, Section 5.5.4, page E-25): The Discharger requests that the Los Angeles Water Board consider a three-dilution series with one dilution at the IWC, one dilution above that concentration, and one dilution below that concentration since it is unlikely toxicity will be observed with an in-stream waste concentration of 0.96%. The Discharger also identifies the Oxnard Water Resource Recovery Facility NPDES permit as only requiring a one dilution test.</p>	<p>The Tentative Order requires reporting chronic toxicity units (TUc) using a five-concentration hypothesis test to determine chronic toxicity in the ocean discharge as described in Section 2.2.2 of the test methods manual (<i>Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms</i>). The multi-concentration test is also recommended to be used in Section 8.10.1 of the test methods manual. In order to identify the TUc, a dose-response relationship needs to be analyzed to determine the No Observed Effect Concentration (NOEC) (see Section 5.5.1 of the Tentative Order). Since multiple concentrations are needed to determine compliance with the</p>	None necessary.

No.	Comment	Response	Action Taken
		<p>effluent limitation in the Tentative Order and the test methods recommend using 5 concentrations, it is inappropriate to allow fewer concentrations when conducting the toxicity tests.</p> <p>The Oxnard Water Resource Recovery Facility NPDES permit does not specify a five-dilution series because the toxicity effluent limitation is expressed using the Test of Significant Toxicity. This analytical procedure requires comparing the control to the in-stream waste concentration, and therefore only two concentrations are used to determine compliance with the effluent limitation. Since the Tentative Order effluent limitation is expressed in terms of TUC instead of the TST, a five-concentration test is required.</p>	
D16	<p>Reporting (Attachment E, Section 5.9.7, page E-29): The Discharger requests that the language be modified to require the toxicity laboratory to submit laboratory performance data since toxicity testing isn't conducted at the Discharger's laboratory.</p>	<p>The Discharger is responsible for meeting the requirements in the Tentative Order as stated in Attachment D, Section 1.1. The Tentative Order does not identify the contract laboratory as a permittee and therefore cannot specifically require the contract laboratory to submit information to the Los Angeles Water Board. The Discharger is therefore responsible for ensuring the contract lab performs the work as required and provides all the information required in the Tentative Order, which includes the information specified in Section 5.9.7.</p>	None necessary.

No.	Comment	Response	Action Taken
D17	<p>General Monitoring and Reporting Requirements (Attachment E, Section 10.1.4, page E-44): The Discharger requests that the language requiring the Discharger to notify the Los Angeles Board well in advance of any construction or maintenance activity that could potentially affect compliance be modified as follows:</p> <p><i>The Permittee shall inform the Los Angeles Water Board <u>at least 30 days in advance</u> well in advance of any proposed construction or maintenance activity, or modification to the POTW that could potentially affect compliance with applicable requirements (including any modification to the POTW or outfall ports).</i></p>	<p>The intention of this language is for the Discharger to communicate to the Los Angeles Water Board any changes to the Ventura WRF that may affect compliance with the Tentative Order to identify control measures that could be implemented to prevent any noncompliance during the construction or maintenance activity. Planned changes that may involve long timelines are expected to be shared with the Los Angeles Water Board earlier than 30 days before the activity is initiated. However, unexpected changes that are needed may not be able to be reported to the Los Angeles Water Board 30 days in advance. For example, Section 6.1.2.o. of the Tentative Order requires the Discharger to file a Report of Waste Discharge at least 120 days before making any proposed change in the character, location, or volume of the discharge. Because of the variable circumstances that may arise with POTWs, a specific notification period for activities that may cause noncompliance isn't provided in the Tentative Order. To clarify the intent of this requirement, the following sentence has been added to this section of the Tentative Order:</p> <p><u><i>This notification shall be provided to the Los Angeles Water Board with sufficient time to identify control measures that may be implemented to prevent noncompliance during the activity.</i></u></p>	<p>Revisions were made to the Tentative Order.</p>

No.	Comment	Response	Action Taken
D18	<p>Discharge Point 001 – Santa Clara River Estuary (Attachment F, Section 2.2.1, page F-8): The Discharger requests the following language change to clarify that Discharge Point 001 is not regulated by the Tentative Order:</p> <p><i>2.2.1. Discharge Point 001 – Santa Clara River Estuary (Not regulated under this Permit; separately regulated under the Estuary Discharge Permit (Order No. R4-2020-0024/NPDES No. CA0053651))</i></p>	<p>Section 2.2.1 of the Fact Sheet already states that Discharge Point 001 is separately regulated under the Estuary Discharge Permit. Section 2.1.1. of the Fact Sheet also states that Discharge to the Estuary is regulated under the Estuary Discharge Permit. In addition, Table 2 on the first page of the Tentative Order only specifies Discharge Point 002 as the Discharge Location regulated under the Tentative Order. Since the Fact Sheet already clearly indicates the estuary discharge is not regulated by the Tentative Order, the added language is redundant and therefore has not been included in the revised Tentative Order. However, as specified in the response to Comment D1, clarifying language regarding the discharge regulated under the Tentative Order was added to Table 1 and Section 1 of the revised Tentative Order. In addition, the subsections in Section 2.2. of the Fact Sheet were updated to correct typographical errors.</p>	None necessary.
D19	<p>California Environmental Quality Act (Attachment F, Section 3.2, page F-10): The Discharger requests for the Tentative Order to specify that a study prepared under the Estuary Discharge Permit does not need to be duplicated if required under the Tentative Order. The Discharger requests adding the following language to the end of Section 3.2:</p>	<p>See the response to Comment No. D4 regarding duplicative recycled water feasibility study requirements.</p>	None necessary.

No.	Comment	Response	Action Taken
	<u>Compliance with the Estuary NPDES Permit constitutes compliance with this duplicative requirement.</u>		
D20	<p>Endangered Species Act Requirements (Attachment F, Section 3.3.8, page F-13): The Discharger requests that the following language be added to Section 3.3.8 to recognize that the Biological Opinions from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service authorize the diversion of the discharge from the Estuary:</p> <p><u>However, the Permittee shall implement the measures identified in the U.S. Fish and Wildlife Service (USFWS, August 3, 2022) and National Marine Fisheries Service (NMFS, June 14, 2022) Biological Opinions, which provide ESA Section 7 consultation determinations and establish conservation and monitoring requirements applicable to the operation of the Ventura Water Reclamation Facility ocean outfall.</u></p>	<p>Section 3.3.8 of the Fact Sheet indicates that the Permittee is responsible for meeting all requirements of the applicable Endangered Species Act.</p> <p>Since the Tentative Order regulates discharge from the ocean outfall into the Pacific Ocean and the Biological Opinions from NMFS and USFWS are mainly based on activities in the Estuary, it is not necessary to discuss the Biological Opinions in this section of the Tentative Order.</p>	None necessary.
D21	<p>Determination of Performance Goals (Detectable Rate < 20%) (Attachment F, Section 5.2, page F-44): The Discharger requests that the reference to Discharge Point 001 above Table F-10 be corrected to Discharge Point 002.</p>	<p>The Los Angeles Water Board staff agree with the Discharger's comment and has modified the language to the following:</p> <p><i>Table F-10 summarizes the performance goal determinations for Discharge Point 0042, based on criteria section 5.2.</i></p>	Revisions were made to the Tentative Order.

No.	Comment	Response	Action Taken
D22	<p>Biosolids and Sludge Management; Pretreatment Reporting Requirements (Attachments H and I): The Discharger requests that Attachments H and I be removed since they are already included in the Estuary Discharge Permit or add language suggested in Comment No. D1.</p>	<p>Attachments H and I are included in the Tentative Order since the Facility handles biosolids and has a pretreatment program.</p> <p>40 CFR 122.44(j) requires that each NPDES permit include pretreatment requirements as applicable. 40 CFR 403 specifies that pretreatment requirements apply to POTWs that receive wastewater from sources subject to National Pretreatment Standards, which is the case for the Ventura WRF. Although the Ventura WRF has an approved pretreatment program and pretreatment requirements are included in the Estuary Discharge Permit, the Tentative Order regulates a separate discharge from the Ventura WRF to the Pacific Ocean. Including pretreatment requirements in the Tentative Order helps ensure treated wastewater meets water quality standards in the Ocean Plan.</p> <p>The Los Angeles Water Board does not have the authority to implement the sewage sludge/biosolids program under 40 CFR Part 503. The sludge/biosolids requirements in Attachment H are subject to USEPA's enforcement authority. Nevertheless, the Discharger is responsible for meeting all requirements in Attachment H for the Facility since the Facility generates and disposes of biosolids.</p> <p>However, it is not the Los Angeles Water Board's intention to impose duplicative requirements for the Facility. Although the</p>	<p>Revisions were made to the Tentative Order.</p>

No.	Comment	Response	Action Taken
		<p>pretreatment and sludge/biosolids requirements are included in both the Tentative Order and the Estuary Discharge Permit, the Discharger does not need to create separate reports if they comply with the requirements in both permits. To demonstrate compliance with reporting requirements for both permits, the Discharger can either upload the reports to CIWQS under the regulatory measures for both permits or the Discharger can submit the report under one regulatory measure and reference the location of the report in a letter submitted under the other regulatory measure.</p> <p>To clarify which requirements prevail if there is any conflict between the requirements in the Tentative Order and the Estuary Discharge Permit, the following statement has been added to Attachment H and I:</p> <p><i>If there is any conflict between requirements stated in this attachment and provisions stated in the Waste Discharge Requirements (WDRs) or the Estuary Discharge Permit, Order No R4-2020-0024 (NPDES No. CA0053651), the more stringent requirements will prevail.</i></p>	

Staff also initiated non-substantive editorial corrections to Table F-8 in the Fact Sheet that were inadvertently omitted in the tentative Order:

- The temperature effluent limitation was moved from the MDEL column to the Instan. Max column.
- A row was added to include the effluent limitations for fecal coliform and clarifying language for the AMEL was added to footnote e.
- “a” was added to the Notes column for Chronic toxicity.