Response to Comments

Las Virgenes Municipal Water District
Tapia Water Reclamation Facility (Tapia WRF)
Tentative Time Schedule Order

This Table describes all significant comments received from interested persons with regard to the above-mentioned time schedule order. Each comment has a corresponding response and action taken.

Commenter	#	Comment	Response	Action Taken
Comments received from the Las Virgenes Municipal Water District on May 08, 2017				
Las Virgenes Municipal Water District	1	Thank you for the opportunity to comment on the tentative Time Schedule Order (TSO) that will provide additional time for compliance with the proposed application of a lower chloride limit to discharges from the Tapia Water Reclamation Facility (Tapia) to the Los Angeles River. We appreciate the support of your staff to prepare the tentative TSO, considering the unique circumstances surrounding the chloride limit for Tapia's discharge. In 1999, Tapia began discharging its treated effluent to the Los Angeles River to protect the beneficial uses of Malibu Creek and comply with a Malibu Creek discharge prohibition from April 15th to November 15th each year. The discharges to the Los Angeles River are low in volume, totaling an average of 77 million gallons annually, and normally only occur at the beginning and end of the discharge prohibition period. The discharges to the Los Angeles River were originally permitted under NPDES Order No. 99-066, which prescribed a chloride limit of 190 mg/L rather than the 150 mg/L Basin Plan Water Quality Objective. The rationale for the higher chloride limit was Resolution No. 97-02 that revised the chloride limit from 150 to 190 mg/L for various surface waters, including certain	Regional Water Board staff agree that the situation surrounding the chloride water quality objectives in the Los Angeles River is unique. After reviewing the water quality objectives for chloride in the reaches impacted by the Tapia WRF, and the rationale behind the final effluent limitation for chloride for discharges to the Los Angeles River in the Tapia WRF NPDES permit, staff realized that the rationale was not appropriate for the reach to which the Tapia WRF discharges. The segment of the Los Angeles River upstream of the Sepulveda Flood Control Basin was not considered when staff determined the appropriateness of modifying the water quality objectives for chloride in downstream portions of the Los Angeles River. Regional Water Board staff is committed to reviewing data and other information that will be submitted by the Discharger (required under this TSO) and will consider solutions proposed by the Discharger which may include a discharge-specific variance, the development of a site-specific water quality objective or other Basin Plan amendment similar to the one developed for other downstream reaches in the Los Angeles River and consistent with discharge requirements for other POTWs in the upper Los Angeles River.	Revisions were made to the TSO.

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		reaches of the Los Angeles River, due to the impact of drought on chloride levels in potable water sources. The 190 mg/L chloride limit has been maintained in all subsequent permits for Tapia. It was recently discovered the long-standing application of Resolution No. 97-02 to Tapia's discharges may have been in error because the Resolution only covered the portions of the Los Angeles River downstream of the Sepulveda Flood Control Basin and Tapia's discharge occurs upstream. We believe the 1997 Resolution did not include the portions of the Los Angeles River upstream of Sepulveda Flood Control Basin because there were no discharges from publicly owned treatment works upstream of the Tillman Water Reclamation Plant, which is adjacent the Sepulveda Flood Control Basin. Tapia's permitted-discharges to the upstream reach of the Los Angeles River did not begin until two years later in 1999. Nevertheless, the findings that supported adoption of Resolution No. 97-02 are all directly applicable to Tapia's discharge to the Los Angeles River. Given the circumstances, we believe there is merit for the Board to consider a simplified, streamlined version of the tentative TSO, culminating in a proposed Basin Plan Amendment. The tentative TSO would consist of an investigation to characterize the sources of chloride in Tapia's effluent, an evaluation of reasonable source control measures to minimize chloride concentrations, and a determination on whether or not the findings that supported Resolution 97-02 are applicable to Tapia's discharges. If applicable, a proposed Basin Plan Amendment would be prepared to change the upstream limit for the existing 190 mg/L Water Quality Objective for the Los Angeles River from the Sepulveda Flood Control Basin to the point of Tapia's discharge.	The milestone schedule in the Tentative TSO has been modified to include some of the revisions requested by the Discharger in the revised version of Table 3 submitted with the comments (See Attachment 1); however, Regional Water Board staff has concerns with several modifications in the proposed schedule as detailed below: 1. Concrete deadlines are required in a TSO to ensure all activities are conducted on time and compliance is achieved by the end of the effective life of the order. 2. Removal of the identification of source reduction activities is not appropriate because there may be cost-effective solutions that can reduce the chloride load. The Regional Water Board encourages dischargers to reduce pollutants at the source while completing other activities associated with a TSO. 3. There are several regulatory options that may be considered after the Regional Water Board reviews the information and determines its applicability; therefore, it is inappropriate to limit regulatory options by specifying that the data will only support a Basin Plan Amendment. 4. Removal of the “Identification of Options” and “Recommendation” sections is inappropriate because the Regional Water Board staff must evaluate the options and recommendations before implementation to ensure that the recommendations will be effective.	

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		Attached is a revised version of "*Table 3. Tapia WRF Milestone Schedule*," reflecting the proposed simplified, streamlined approach. Also, following is the supporting rationale for the tentative TSO to culminate with a proposed Basin plan Amendment.		
Las Virgenes Municipal Water District	2	The lower chloride limit is an obstacle for the JPA's major potable reuse project, called the Pure Water Project Las Virgenes-Triunfo, which will serve to improve water resilience and improve water quality in Malibu Creek. The JPA is currently pursuing an ambitious, $100-million plan, called the Pure Water Project Las Virgenes-Triunfo, to utilize nearly all of Tapia's excess wintertime effluent for potable reuse. The project will provide up to 5,151 acre-feet of new, local drought-resilient water supplies to the JPA's service area and effectively eliminate discharge from Tapia to Malibu Creek. The project serves as the cornerstone of the JPA's compliance strategy for the recently-adopted Implementation Plan for the *2013 Malibu Creek and Lagoon Maximum Daily Loads for Sedimentation and Nutrients to Address Benthic Community Impairments* (TMDL Implementation Plan Resolution No. R16-009). A 6 MGD advanced water treatment facility (AWT) will be constructed to purify recycled water to drinking water standards. However, in accordance with the Implementation Plan, the JPA will need to be capable of handling 11 MGD before mass-based final effluent limitations are applicable for storm-related discharges to Malibu Creek. The 11 MGD threshold was based on 6 MGD processed at the AWT and an additional 5 MGD discharged to the Los Angeles River. With the lower chloride limit of 150 mg/L for the Los Angeles River discharge, the JPA would not be able to discharge at this location and could not handle the 11 MGD flow, resulting in a violation of the concentration-based final	The Regional Water Board staff understands the integral role discharging from the Tapia WRF to the Los Angeles River plays in complying with the Malibu Creek nutrient Waste Load Allocations. Staff also understands the Discharger's concerns with the uncertainty associated with permitting the discharge to the Los Angeles River once the TSO expires. The TSO requires that the Discharger perform several activities to identify sources and reduce chloride in the final effluent while also organizing and submitting data to the Regional Water Board. The data and information required in the TSO are necessary for the Regional Water Board to consider and make the most appropriate regulatory determination. Regional Water Board staff agrees that a discharge-specific variance, a site-specific water quality objective, or a Basin Plan amendment may be appropriate in light of the discharge requirements for other POTWs in the upper Los Angeles River. In the event that the Discharger accelerates the TSO schedule, the Regional Water board staff will schedule regulatory action for Regional Water Board consideration as soon as possible.	None necessary

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		effluent limitation for Malibu Creek. The JPA needs certainty that its large investment in the Pure Water Project Las Virgenes-Triunfo will result in full regulatory compliance.		
Las Virgenes Municipal Water District	3	**The lower proposed chloride limit has interrupted plans by the JPA to support local municipalities with MS4 compliance through diversion of low-flow urban runoff to Tapia.** As a potentially cost-effective regional solution for compliance with MS4 Permits in the watershed, the JPA has been working with local cities, the County of Los Angeles, and the Ventura County Watershed Protection District to set parameters for the acceptance the diversion of low-flow urban runoff to the sanitary sewer system. Attached is a copy of the Policy Principles adopted by the JPA Board on January 3, 2017. The strategy would prevent polluted stormwater flows from entering receiving waters and allow for the beneficial reuse of a new source of water. However, urban runoff has high levels of chloride and would push Tapia's effluent further from the 150 mg/L limit. At this time, the JPA has had to suspend its discussions regarding urban runoff diversions to the sanitary sewer system given the concern with chloride.	The Regional Water Board supports low-flow urban runoff diversion to wastewater treatment plants if the wastewater treatment plant is able to maintain compliance with the final effluent limitations in the permit and other water quality objectives. Low flow diversions can be a key component of non-stormwater discharge control under the MS4 program. The Regional Water Board understands the impact the chloride final effluent limitation may have on future plans at the Tapia WRF and is committed to working with the Discharger to determine the best alternatives that could support treating low-flow urban runoff through the wastewater treatment facility. In the meantime, the TSO provides interim limits of 190 mg/L for 5 years. In the long-term, Regional Water Board staff is committed to working with the Discharger on developing the most appropriate regulatory action. The following text has been added to Finding 26: *The Regional Water Board intends that staff will schedule for its consideration, a Basin Plan amendment, a site-specific objective, or a discharge-specific variance for chloride as soon as possible following receipt of the complete reports for Tasks 1-4 set forth in Table 3 in this Order.*	Revisions were made to the TSO.

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Las Virgenes Municipal Water District	4	**Tapia has been permitted to discharge to the Los Angeles River with a chloride limit of 190 mg/L for nearly two decades.** For 18 years, chloride concentrations in Tapia's discharge to the Los Angeles River have not resulted in the impairment of downstream beneficial uses.	The Regional Water Board staff understands that the Tapia WRF has been permitted to discharge to the Los Angeles River for many years and reaches upstream of the Sepulveda Flood Control Basin are not listed on the 303(d) list as impaired for chloride. The previous permits did not implement the Basin Plan as written. The Water Code requires that the permit be consistent with the Basin Plan and, therefore, the proposed permit includes the applicable water quality objective. The Regional Water Board staff is committed to working with the Discharger to determine the best solution, which may include a Basin Plan amendment or other options.	None necessary.
Las Virgenes Municipal Water District	5	**All other publicly owned treatment works that discharge to the Los Angeles River have a chloride limit of 190 mg/L.** The D.C. Tillman Water Reclamation Plant, Los Angeles-Glendale Water Reclamation Plant and Burbank Water Reclamation Plant discharge to the Los Angeles River with chloride limits of 190 mg/L established in their recently-adopted 2017 NPDES Permits.	Finding 17.b of the Tentative TSO acknowledges that chloride conditions currently experienced at the Tapia WRF are similar to the conditions experienced by other dischargers in the lower reaches of the watershed that are subject to higher effluent limitations. Those permits are consistent with the Basin Plan, as written. The Regional Water Board staff is committed to reviewing the information and recommendations that the Discharger will submit to the Regional Water Board as required by the TSO. Regional Water Board staff will use the submitted information to timely determine the most appropriate regulatory action(s) and commit to proceed with a Basin Plan amendment, a discharge-specific variance, or a site-specific water quality objective.	None necessary.
Las Virgenes Municipal Water District	6	**Tapia's discharges to the Los Angeles River are infrequent and low in volume.** Discharges from Tapia to the Los Angeles River are normally only required during "shoulder months" at the beginning and end of the April 15th to November 15th prohibition period for discharges to Malibu Creek.	The Regional Water Board staff recognizes that the pollutant loading to the Los Angeles River is minimal due to the intermittent nature of the discharge. Point source discharges, even if intermittent in nature,	None necessary.

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		During these months, recycled water demand can be relatively low, requiring the application of excess water to the JPA's farm spray fields and pumping to the Los Angeles River. When required, these discharges occur only several months per year, usually between April and June and/or October and November. The total average annual discharge is 77 million gallons.	however, are required to meet the applicable water quality objectives and final effluent limitations for the protection of the beneficial uses of the receiving water.	
Las Virgenes Municipal Water District	7	**The reach of the Los Angeles River, from Tapia's discharge to the Sepulveda Flood Control Basin, is concrete-lined has no chloride-sensitive beneficial uses**. Tapia's discharge to the Los Angeles River enters the Arroyo Calabasas via an improved storm drain system. The entire 8-mile route of the discharge to the Sepulveda Flood Control Basin is a concrete-lined channel. As a result, there is no groundwater interaction with the discharge. Additionally, there are no agricultural beneficial uses for the Los Angeles River between the Arroyo Calabasas and Sepulveda Flood Control Basin.	Regional Water Board staff agree that there are no salt-sensitive agricultural beneficial uses within the reaches impacted by the Tapia WRF discharge; however, there are segments of the Los Angeles River downstream of the discharge where the surface water and groundwater interact (including the Sepulveda Flood Control Basin). Although the point at which the Tapia WRF discharges is concrete-lined, the segments of the Los Angeles River downstream of the discharge (where the surface water and groundwater interact) also have an existing or intermittent Groundwater Recharge (GWR) beneficial use.	None necessary.
Las Virgenes Municipal Water District	8	Please consider the impacts of a lower chloride limit for Tapia's discharges to the Los Angeles River and include language in the TSO to support the preparation of a future Basin Plan Amendment to extend the upstream limit for the existing 190 mg/L Water Quality Objective to the point of Tapia's discharge.	Regional Water Board staff is committed to reassessing the most appropriate water quality objectives for chloride in the reaches affected by the Tapia WRF discharge. After the Discharger submits the required information outlined in the TSO, staff will evaluate and propose to the Regional Water Board regulatory options for consideration.	None necessary.
Comments received from the Ventura County Watershed Protection District on May 15, 2017				
Ventura County Watershed Protection District	1	The intent of this letter is to support comments provided by Las Virgenes - Triunfo Joint Powers Authority (JPA) regarding the lower chloride limit of 150 mg/L proposed in the tentative Time Schedule Order (TSO) for the Waste Discharge Requirements and National Pollutant	As noted in the response for the Las Virgenes MWD comment 3, the Regional Water Board recognizes that low-flow diversions are a key component of non-stormwater discharge control under the MS4 program. The tentative TSO provides 190 mg/L as an interim	No additional revisions were made to the TSO.

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		Discharge Elimination System Permit (NPDES) - Las Virgenes Municipal Water District, Tapia Water Reclamation Facility (NPDES Permit No. CA005614, Cl #4760). Particularly, the Ventura County Watershed Protection District (VCWPD) is concerned with the JPA decision to suspend plans to collaborate with local municipalities such as County of Ventura (County), towards Total Maximum Daily Load (TMDL) compliance, due to JPA's concern with proposed TSO requiring lower chloride limit of 150 mg/L. The County and VCWPD are subject to Bacteria TMDL in the upper Malibu Creek Watershed. The feasibility study and multiple analyses of alternatives indicated that the most effective treatment towards dry weather Bacteria TMDL compliance can be accomplished by diversion of low-flow urban runoff to the sanitary sewer system. Reopening dialog with JPA regarding low flow diversion in upper Malibu Creek is of high priority to the County and VCWPD.	limitation for chloride for the Los Angeles River outfall for 5 years. During this period, Regional Water Board staff is committed to working with the Discharger to review the TSO submittals, to develop the appropriate water quality objective or variance for the reach of the Los Angeles River upstream of Sepulveda Basin, and to schedule for Regional Water Board consideration a Basin Plan amendment, a discharge-specific variance, or a site-specific water quality objective before the expiration of the TSO. Therefore, the Discharger's collaboration with MS4 permittees on low flow diversions should still be able to occur.	
Comments received from the County of Los Angeles-Department of Public Works				
County of Los Angeles Department of Public Works	1	The County of Los Angeles and the Los Angeles County Flood Control District appreciate the opportunity to provide comments on the proposed Time Schedule Order (TSO) for Las Virgenes Municipal Water District's (LVMWD) Tapia Water Reclamation Facility (WRF). The County and the District have concerns regarding a lower chloride limit being established for Tapia's discharge. The proposed chloride limit for Tapia WRF may have an impact on the opportunity for collaboration between L VMWD and local stormwater agencies, in addressing dry weather urban runoff flows in Malibu Creek Watershed, which potentially contain varying amounts of chloride, some of which originates from natural geologic sources. Diversion of flows from storm drains	Thank you for your comment in support of the Regional Water Board's approach to provide an interim chloride limit until staff is able to schedule for Regional Water Board consideration a Basin Plan amendment, a discharge-specific variance, or a site-specific water quality objective. Please also see the response to the comment from the Ventura County Watershed Protection District.	No additional revisions were made to the TSO.

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		to WRFs for treatment is commonly used in our region and shown to be effective for preventing dry weather flows from reaching receiving waters. This approach is currently being pursued in Malibu Creek Watershed as one of the viable ways to address dry weather flows. To this end, the County, District, and City of Agoura Hills have approached L VMWD to evaluate the possibility of diverting dry weather flows from certain storm drains into Tapia WRF. LVMWD responded by adopting a policy in January 2017 that allows this opportunity. However, the lower chloride limit imposed on Tapia WRF for discharges to the tributary of the Los Angeles River during the dry season has created significant uncertainty for L VMWD, which in turn delays the opportunity for dry weather runoff diversion to Tapia WRF. The County and LACFCD understand that the Los Angeles River below the Sepulveda Flood Control Basin has a chloride limit of 190 mg/L, which is being used as a compliance target for other WRFs discharging to the lower reaches of the Los Angeles River. The County and District support the use of 190 mg/L limit as an interim target for Tapia WRF until an appropriate site-specific objective is determined for the Tapia discharge site. We also support the possibility of a future Basin Plan Amendment to extend the existing 190 mg/L chloride target for the lower Los Angeles River reaches to the Tapia discharges.		

Attachment 1

Discharger's Proposed: Table 3 Tapia WRF Milestone Schedule

Item	Completion Date
Investigation 1. Identify chloride levels in all source waters delivered to residents in JPA's service area from 1999 to present, if available. The composition of the various sources of water delivered to the service area shall be described, including but not limited to water from the SWP, Colorado River Aqueduct, Los Angeles Department of Water and Power, and Las Virgenes Reservoir. 2. Identify chloride concentrations in the influent, effluent, and receiving water from 1999 to present, if available. 3. Describe impacts of drought, water conservation, and statewide water efficiency standards on final effluent chloride concentrations. 4. Identify potential impacts from unique geology in the Malibu Creek Watershed on chloride levels. 5. Identify impacts to the final effluent chloride concentrations from the use of sodium hypochlorite at the Tapia WRF, Westlake Filtration Plant and in potable water distribution system maintenance. 6. Investigate the number of water softeners in the service area to the extent data is available and enhance public outreach on the JPA's prohibition of self-regenerating water softeners. 7. Submit a *Chloride Source Investigation Report*.	9 months from the effective date of Order R4-2017-YYYY
Evaluation 1. Evaluate data from the *Chloride Source Investigation Report* and impacts on chloride levels in the final effluent. 2. Evaluate beneficial uses of the receiving water downstream of Discharge Point 005, the frequency of the discharge, characterization of discharge location and flow path, and the impact the discharge may have on the receiving water, if any. 3. Evaluate potential source reduction activities that the JPA could feasibly implement to reduce chloride in influent and effluent, including timeframes for each activity. 4. Evaluate the effect of drought on chloride levels in source and influent water, and substantiate whether or not the findings of Resolution No. 97-02 are applicable to Tapia's discharge to support a proposed Basin Plan Amendment. 5. Submit a *Chloride Evaluation of Options Report*	18 months from the effective date of Order R4-2017-XXXX
Implementation 1. Implement the recommended source reduction activities after consultation with the Regional Water Board. 2. Submit documentation to the Regional Water Board for preparation of a Basin Plan Amendment to change the upstream limit for the existing 190 mg/L Water Quality Objective for the Los Angeles River from the Sepulveda Flood Control Basin to the point of Tapia's discharge.	24 months from the effective date of Order R4-2017-XXXX