RESPONSE TO COMMENTS ON THE TENTATIVE GENERAL NPDES PERMIT
FOR
DISCHARGES OF LOW THREAT HYDROSTATIC TEST WATER TO SURFACE WATERS
IN
COASTAL WATERSHEDS OF LOS ANGELES AND VENTURA COUNTIES

(GENERAL NPDES PERMIT NO. CAG674001)

This table describes all significant comments received from interested parties regarding the above-mentioned tentative permit. Each comment has a corresponding response and action taken.

No.	Comment	Response	Action Taken
Comments received from the Los Angeles Department of Water & Power on April 19, 2019			
1.1	**Section II Notification Requirements, A. Eligibility Criteria, 3 Newand Existing Discharges. Page 4.** This requirement of the proposed permit would require all new and existing dischargers to obtain coverage under this new hydrostatic test water permit. Clarification is needed to ensure this permit is not required if already regulated under the exiting Statewide General National Pollutant Discharge Elimination System (NPDES) Permit. This requirement appears to be duplicative with the State Water Resources Control Board (SWRCB) Order No. WQ 2014-0194-DWQ regulating potable water discharges for Community Drinking Water Systems who are already enrolled under the SWRCB order. The SWRCB permit allows for the permitted Community Water System permittees to discharge hydrostatic test water from repairs, maintenance and installation of Transmission and Distribution system piping within their system in both planned and unplanned situations. In fact when this	The tentative permit does not require all new and existing discharges that are regulated under existing General or Individual NPDES permits to obtain coverage under this General NPDES Permit for Discharges of Low Threat Hydrostatic Test Water. Under Section II Notification Requirements, A. Eligibility Criteria, Provision 3 states that "New discharges and existing discharges that are regulated under existing General or Individual NPDES Permits (Individual Permits), and which meet the eligibility criteria, *may be regulated under this Order*." (Emphasis added.) Where a discharge meets the eligibility criteria for coverage in more than one General NPDES permit, the discharger may choose which General NPDES permit to apply for coverage under when it submits its Notice of Intent (NOI). By way of explanation, both the State Water Board and the Regional Water Quality Control Board	None necessary.

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	Statewide permit was issued, the RWQCB terminated all existing LADWP hydrostatic test water permits associated with its potable water distribution system that were currently in place with the RWQCB and were listed in LADWP's issued Notice of Applicability. LADWP requests clarification and that this section of the eligibility requirements include the following new language in addition to that already indicated in Item 3. 3. New discharges and existing discharges that are regulated under existing General or Individual NPDES Permits (Individual Permits) and which meet eligibility requirements may be regulated under this Order. Community Water Systems holding coverage under SWQCB Order No. 2014-0194-DWQ would be exempt from obtaining a separate hydrostatic test water discharge permit under this Order for any ongoing repair, maintenance and installation projects associated with their Transmission and Distribution systems. Other activities of the Community Water Systems not related to potable water distribution and transmission would fall under this order.	(Regional Water Board) issue General NPDES permits to regulate discharges in the Los Angeles Region. When the State Water Board issues a Statewide General NPDES permit that covers discharges similar to those discharges covered by a Regional Water Board-issued General NPDES permit, the Regional Water Board terminates enrollees under its General NPDES permit upon their enrollment under the Statewide General NPDES Permit. Further, new dischargers seeking coverage for a category of discharge covered by the Statewide General Permit are henceforth directed to apply to the State Water Board for enrollment under the Statewide General NPDES permit. That said, this permit is not identical to the Statewide General NPDES permit for Drinking Water System Discharges (Order No. WQ 2014-0194-DWQ). Enrollees in the Statewide Drinking Water System NPDES permit and those issued a Notice of Non-applicability by the State Water Board are not required to be covered under this tentative permit for the same activity that is covered by the Statewide Drinking Water System NPDES permit. However, this tentative permit will cover any other discharge that meets the eligibility criteria for enrollment.	
1.2	**Section II Notification Requirements, A. Eligibility Criteria, 2a. Demonstrate Pollutant Concentrations. Page 4** In February 2019, LADWP and the City of Los Angeles Bureau of Sanitation announced a multi-agency effort to	We appreciate and support the City's "effort to expand the opportunity for use of recycled water in place of high value potable water". However, using potable water as source water to conduct a hydrostatic test in a cleaned vessel is the primary design feature of this permit, and serves to make it	None necessary.

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	recycle the City's wastewater supply with milestones by 2035. In an effort to expand the opportunity for use of recycled water in place of high value potable water, LADWP is recommending the option to use Disinfected, Tertiary Treated Recycled Wastewater as a replacement for potable water when performing hydrostatic testing of recycled water lines and infrastructure. This would eliminate potable water use from recycled water projects. When recycled water can be tested and confirmed to not cause a violation of any applicable water quality objective for receiving waters, it should be allowed as a viable replacement for potable water hydrostatic testing. LADWP requests that Item 2a. also include a new reference to disinfected, tertiary treated recycled water as an allowed hydrostatic test water for recycled water systems. 2a. Demonstrate that pollutant concentrations in the discharge shall not cause violation of any applicable water quality objective for the receiving water, including discharge prohibitions. This includes the use of disinfected, tertiary treated recycled water for use in hydrostatic testing of recycled water infrastructure projects where testing confirms that no violations would be caused with its use.	a low threat permit. It simplifies the permit and makes it accessible to more dischargers to use. Adding recycled water as a source water for hydrostatic testing under this permit would represent a change to the type of waste and would require a different set of effluent limitations and requirements and conditions, including different monitoring. At present, dischargers who choose to conduct hydrostatic tests with recycled water have the option of either enrolling in the Dewatering General NPDES permit or the Non-Process Wastewater General NPDES permit. These permits can be used because recycled water may have reasonable potential to cause or contribute to an exceedance of a water quality standard in the receiving water. Recycled water discharges are thus better regulated under these General NPDES permits, which have a full range of effluent limitations and other requirements. The Board may consider adopting a new General NPDES permit in the future if a substantial number of dischargers are choosing to use recycled water for hydrostatic tests.	
1.3	**Section II, A - Eligibility Requirements 2c., Page 4** This section of the eligibility requirements identifies that a discharger must provide mitigation measures that will be implemented if the hydrostatic testing process causes pollutants to be introduced into the test water. The use of the term mitigation does not seem appropriate. In this instance it appears that the permit is requesting that	Using potable water in clean vessels for non-potable water facilities' hydrostatic test is required by this Order to minimize introduction of pollutants into the discharge. Discharges meeting the requirements of the tentative permit are expected to be pollutant free, such that treatment for most part will not be required. Since there may be instances where pollutants could be introduced to	None necessary.

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	treatment be applied to any test water that has had pollutants introduced in order to remove these pollutants prior to discharge. Since the discharge may need treatment, such as dechlorination or pH adjustment, the term treatment should be used instead of mitigation. LADWP requests that the term mitigation in Item 2c. be replaced with the term treatment to make it clear that treatment/removal of the pollutants is required in this instance.	hydrostatic test water during the pressure testing process, the tentative permit uses mitigation as a generic term to capture treatment, if necessary, including implementation of Best Management Practices (BMPs) or Pollution Prevention Plans (PPPs) to achieve discharge effluent limitations. On Page 7, paragraph B.3, it was stated that mitigation can be done by treatment.	
1.4	**Section G - Construction, Operation and Maintenance Specifications. Page 13** Based on the low threat and unlikely event that treatment of hydrostatic test waters will be required, the inclusion of an Operations and Maintenance (O&M) manual for treatment seems excessive for this permit. Possible treatment scenarios for hydrostatic test water would likely include dechlorination and pH adjustment only for one time discharges with nonfixed treatment units. These treatments are usually conducted in situ during a discharge and are done throughout industry as a standard operating procedure. LADWP request that Section G be removed or stated as Not Applicable in this permit.	Activities where hydrostatic testing could be conducted include pipeline and tank farm construction sites with earth moving operations and permanent above-ground storage tank farm sites with berms or containment structures. In the event that treatment of the hydrostatic test water is required, an O&M manual is also required.	None necessary.
1.5	**Section III Findings, B. Discharge Category Descriptions, Item 4and 5. Page 7** Items 4 and 5 of this section indicate that no dilution credits or mixing zones will be established as part of the General Permit, and if sought after, these issues would	EPA's NPDES regulation in 40 CFR 122.28(a)(2)(ii) provides for issuance of General NPDES Permits to regulate a category of point sources, other than storm water point sources, if the sources within the category: 1) Involve the same or substantially similar types of operations; 2)	None necessary.

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	necessitate an individual permit be issued instead. Due to the potential changing status of many of the existing waterways in the Los Angeles Region due to weather changes, there could be instances where dry streams and creeks have flowing water. These changing flow conditions could necessitate a potential mixing zone or dilution credits in some instances and the option to maintain coverage under the General Permit with rider options for these issues would be beneficial to the permittees and the Regional Board. Individual permits would not seem appropriate since these are one time discharges and not ongoing operations. LADWP requests that mixing zones and dilution credits be maintained as an option within the General Permit that would be addressed and used on a case by case basis.	Discharge the same types of waste; 3) Require the same effluent limitations or operating conditions; 4) Require the same or similar monitoring; and 5) In the opinion of the permitting authority, are more appropriately controlled under a General NPDES Permit rather than individual NPDES permits. To include "dilution credits or mixing zones" as suggested by the comment will create 1) case by case effluent limitations or operating conditions, and 2) special monitoring requirements for the mixing zone, which will make it an exceptional case. The Regional Water Board believes that it is not appropriate to include dilution credits or mixing zones requirements in this General Order. Indeed, such credits and requirements have never been included in any prior iterations of this General Order. As stated in the Order's Factsheet, if a discharger wants a mixing zone to be considered for their discharge, the Regional Water Board will issue an individual permit, where site specific issues like consideration of a dilution credit from mixing zone studies will be more appropriate.	
Comments received from the Shell Oil Products US on April 18, 2019			
2.1	**Permit Section: Section II.A.2.c** **Permit Stipulation** "Prepare and submit a pollution prevention plan (PPP) including best management practices (BMPs) to ensure that the Testing Vessels are free of pollutants prior to filling with test water. The purpose of the BMPs plan is to (1) to control and abate the discharge of pollutants from the facility to surface water; (2) achieve compliance with	The Discharger has the responsibility and discretion to prepare and chose its BMPs and PPPs to ensure compliance with permit requirements. The general purpose and requirements for the PPP are provided in Section II.A.2.c of the Tentative Order as noted by the commenter. The Regional Water Board has not prescribed a template for the PPP due to the variety of site-specific conditions that may be encountered. Additional detail on PPPs is provided	None necessary.

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	Best Available Technology economically achievable (BAT) or Best Conventional Pollutant Control Technology (BCT) requirement; and (3) achieve compliance with applicable water quality standards. In addition, a Discharger must provide mitigation measures that will be implemented if the hydrostatic testing process causes pollutants to be introduced in test water, and appropriate measures to prevent detrimental effects on the receiving water." **Facility Comment** The Facility requests guidance on the layout of the pollution prevention plan required under this stipulation to ensure required components are included in such plan.	in Water Code section 13263.3.Regional Water Board staff will review the PPP on its merits and determine whether it is appropriate to the site conditions.	
2.2	**Permit Section: Section V.A.l - Table 2** **Permit Stipulation** TPH average monthly effluent limitation is established as 100 ug/L with NA as the maximum daily effluent limitation. **Facility Comment** Table F-3 of the General Permit Fact Sheet establishes the average monthly limitation for TPH as NA and the maximum daily effluent limitation as 100 ug/L. The facility requests the Regional Board to reconcile the effluent limitations for TPH.	The Regional Water Board staff appreciates the fact that Shell Oil Products US has brought this typographic error to our attention. This Order intends to establish a Maximum Daily Effluent Limitation (MDEL) of 100 μg/L and no Average Monthly Effluent Limitation (AMEL) for Total Petroleum Hydrocarbons (TPH), as discussed in the Fact Sheet of the Tentative Order. The TPH effluent limitations in Table 2 of the Tentative Order are typographical errors, which have been corrected in the Revised Tentative Order.	Table 2 is revised to correct the typographical errors.
2.3	**Permit Section: Section V.A.2**	Section VI.A.2. of the Tentative Order provides limitations for receiving water temperature. For	None necessary.

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	Permit Stipulation "The temperature of the discharge shall not alter the natural receiving water temperature unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses. For discharges to inland waters designated WARM, water temperature shall not be altered by more than 5F above the natural temperature…The maximum temperature of waste discharges shall not exceed the natural temperature of the receiving waters by more than 20°F. Additionally, for discharges to estuaries and coastal waters, no discharge shall cause a surface water temperature rise greater than 4°F above the natural temperature of the receiving waters at any time or place." **Facility Comment** Without sampling the receiving water, facilities covered under the General Permit do not know what the conditions of the receiving water are. Therefore, the facility requests clarification from the Regional Board on how a discharger is expected to know whether receiving water conditions have been altered above the specifications noted in this stipulation.	direct discharges to a surface waterbody, receiving water temperature monitoring may be directed by the Executive Officer of the Regional Water Board in the Monitoring and Reporting Requirements when such discharges are being enrolled under the Order. For indirect discharges to a surface waterbody, such as discharges occurring via a storm drain system monitoring of temperature in effluent will be required; however, monitoring of temperature in receiving water may not be required depending on the particular circumstances.	
2.4	**Permit Section: Section VII.J.1.** **Permit Stipulation** "Accelerated weekly monitoring will be required for constituent(s) detected above the screening levels and/or MCLs, whichever one is higher. If the results of two	Comment noted. The permit stipulation has been modified on the Order Page 14, paragraph J.1 as follows: "<u>During periods of discharge</u> accelerated weekly monitoring will be required for constituent(s) detected above the screening levels and/or MCLs, whichever one is higher. If the results of two additional consecutive samples collected pursuant	Change made as noted.

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	additional consecutive samples collected pursuant to the accelerated monitoring program exceed the screening level(s) and/or MCLs in Attachment E, the Order requires the Discharger to cease discharging and to notify the Regional Water Board to determine a further course of action." **Facility Comment** The facility requests that a footnote is added to clarify that accelerated monitoring shall occur during periods of discharge. Adding this footnote will clarify that compliance with accelerated monitoring requirements is contingent upon the duration of the discharge.	to the accelerated monitoring program exceed the screening level(s) and/or MCLs in Attachment E, the Order requires the Discharger to cease discharging and to notify the Regional Water Board to determine a further course of action." .	
2.5	**Permit Section: Section Fact Sheet, Table F-3** **Permit Stipulation** Table F-3 establishes an average monthly effluent limitation for TPH as NA and a maximum daily as 100 ug/L. **Facility Comment** Table 2 in the General Permit Order is not consisted with Table F-3 of the Fact Sheet. Table 2 lists the TPH maximum daily effluent limitation as 100 ug/ L and an average monthly effluent limitation of NA. The facility request that the effluent limitation for TPH is reconciled to remain consistent throughout the General Permit Order and its attachments.	The issue is addressed in response to comment 2.2.	Table 2 is revised to correct the typographical errors.
2.6	**Permit Section: Section Fact Sheet, Table F-4**	The issue is addressed in response to comment 2.2.	Table 2 is revised to

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	Permit Stipulation Table F-4 establishes the average monthly effluent limitation for TPH as 100 ug/L and the maximum daily effluent limitations as NA. In addition, the footnote to Table F-4 defines TPH as the sum of TPH gasoline (C4-C12). **Facility Comment** Table 2 of the General Permit Order and Table F-3 of the Fact Sheet define the TPH effluent limitations in the reverse order from this table and the footnote to each table defines TPH as the sum of gasoline, diesel and oil carbon ranges. The facility requests that the effluent limitations and definition of TPH is reconciled to remain consistent in the General Perm it Order and its attachments.		correct the typographical errors.
2.7	**Permit Section: Attachment G** **Permit Stipulation** **Facility Comment** The Regional Board provides a sample Monitoring and Reporting Program (MRP) as part of the tentative General Permit Order making it difficult to assess how the provisions will differ for a specific discharger actually covered under the permit[.] Will a discharger applying for permit coverage be issued a tentative MRP that allows for review and comments to be submitted to the Regional Board for consideration?	At the time of enrollment under the general NPDES permit, the MRP is tailored to site specific conditions for each enrollee. The Sample MRP included with the Tentative Permit is provided for information purposes. However, the actual MRP for each enrollee should stay as close as possible to the Sample MRP after considering site specific issues.	None necessary.