

**RESPONSE TO COMMENTS
CITY OF OXNARD
OXNARD WATER RESOURCE RECOVERY FACILITY
TENTATIVE ORDER NO. R4-2024-XXXX
NPDES NO. CA0054097**

Comment Letter dated April 18, 2024 from City of Oxnard (Discharger)

No.	Comment	Response	Action Taken
D1	Facility Address (Table 1, page (pg) 1; Attachment F, Table F-1, pg F-3 and section 2.1.1., pg F-5): The Discharger comments that the facility address should be corrected. "South" should be deleted from the street address. The correct address is 6001 Perkins Road, Oxnard, CA 93033-9047.	Staff has revised the address throughout the Tentative Order to match that provided by the Discharger.	Revisions were made to the Tentative Order.
D2	Final Effluent Limitations for Discharge Point 001 and Performance Goals (Section 4.1.1., Table 4, pg 8; Attachment F, section 5.1, Table F-11, pg F-44): The Discharger comments that the units for chlorine residual should be "mg/L", not "µg/L". The Discharger questions if there should be a performance goal for Ammonia as N since it has effluent limitations (concentration and loading).	Staff has revised the units for chlorine residual to mg/L in Table 4 of the Tentative Order and the concentrations have been corrected in Attachment F, Table F-11. The units were also changed to mg/L in Table E-8 in Attachment E to clarify that units should be reported in the same units as the limit. A performance goal for ammonia as N is included in the Tentative Order because it is more stringent than the effluent limitations. The purpose of the performance goal is to ensure that the treatment efficiency is maintained at the Oxnard Water Resource Recovery Facility (OWRRF). Including a performance goal in addition to an effluent limitation in the Order will	Revisions were made to the Tentative Order.

		<p>also ensure any increases in ammonia concentrations are followed by an investigation into the source of the elevated ammonia before it causes an issue with the discharge meeting the effluent limitations. This protects the beneficial uses of the receiving water by minimizing nutrient loading and ensuring the highest water quality is maintained as required by the antidegradation policy. It is also consistent with the Ocean Plan narrative requirement that “Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota” (Ocean Plan, section II.D.6). In addition, section 5.1.4. of Attachment F states that the performance goal is not prescribed for constituents with effluent limits only if it is equal to or higher than the effluent limitation.</p>	
D3	<p>Recycled Water Feasibility Investigation (Section 4.3.1., pg 13): The Discharger states: “Treated wastewater effluent is currently delivered to the Oxnard Advanced Water Purification Facility (AWPF) on an as-needed basis. The requirements to submit a recycled water feasibility study should be removed and included in subsequent AWPF Order R4-2020-0051.”</p>	<p>The Discharger does not reuse all the treated wastewater from the OWRRF. The recycled water feasibility study gives the Discharger an opportunity to assess the feasibility of reusing more wastewater. The recycled water feasibility study is a requirement included in NPDES permits for publicly owned treatment works to promote the use of recycled water for the maximum benefit of the people of California. This requirement is carried over from the current permit (Order No. R4-2018-0140), but with a less stringent reporting requirement. Order No. R4-2018-0140 includes an annual reporting frequency, whereas the Tentative Order requires a single report submitted with the report of waste</p>	None necessary.

		<p>discharge for the next permit renewal. Since the AWPf WRRs are not expected to be renewed or amended in the next 5 years and the permitted capacity of the AWPf is less than the average daily flow from the OWRRF, the Tentative Order is the most appropriate location for this requirement. The feasibility investigation will ensure the Discharger is regularly reviewing all its options regarding water conservation and water resource recovery.</p>	
D4	<p>Recycled water volumetric reporting (Section 4.3.2., pg 14; Attachment E, sections 9.3.d. and 10.4.12., pgs, E-47 and E-56, respectively; Attachment F, section 4.7.2., pg F-42): The Discharger comments that monitoring and reporting of recycled water usage is required under the recycled water permit (Order No. R4-2020-0051). To avoid redundancy in reporting, the Discharger requests the language change to: The Discharger shall monitor and report <u>the volume of treated wastewater effluent sent to the AWPf for further treatment</u> recycled water usage from the OWRRF in accordance with section 9.3. of the MRP. The Discharger also requests the language in Attachment E, section 9.3 be modified for consistency.</p> <p>The Discharger comments on Attachment F, section 4.7.2. that recycled water use and volume are currently reported as required in Order R4-2020-0051. The Discharger requests that a sentence be added that</p>	<p>The wastewater from the OWRRF that is further treated at the AWPf and used for non-potable reuse and/or indirect potable reuse is subject to Waste Discharge Requirements and Water Reclamation Requirements (WDRs/WRRs) Order No. R4-2020-0051 (Geotracker Global ID: WDR100052035). To avoid double counting recycled water production, the volumetric monitoring and reporting submitted for Order No. R4-2020-0051 satisfies Attachment E, sections 9.3.d. and 10.4.12 of the Tentative Order. A report upload confirmation from Geotracker must be included in the annual report submitted in CIWQS to demonstrate compliance with Attachment E, sections 9.3.d. and 10.4.12. of the Tentative Order. Therefore, the requested modifications are not appropriate.</p> <p>Los Angeles Water Board staff corrected a typo in Attachment F, section 4.7.2. to correct a typo and to add clarity: "...in Section 9.32 and <u>10.4.12.</u> of the MRP in this Order."</p>	Revisions were made to the Tentative Order.

	reflects this requirement and therefore not be required as part of this Order.		
D5	<p>Climate Change Effects Vulnerability Assessment and Mitigation Plan (Climate Change Plan) (section 6.3.4.c., pg 25): The Discharger requests that this requirement be removed or modified since a Climate Change Plan for the OWRRF and the AWPf were submitted in May 2021.</p>	<p>As stated in Attachment F, section 3.5.1. of the Tentative Order, the Los Angeles Water Board adopted “A Resolution to Prioritize Actions to Adapt to and Mitigate the Impacts of Climate Change on the Los Angeles Region’s Water Resources and Associated Beneficial Uses” (Resolution Number R18-004) after the State Water Board’s adoption of Resolution No. 2017-0012 requiring a proactive approach to climate change in all State Water Board actions such as drinking water regulations and water quality protections. Consistent with this resolution, the Los Angeles Water Board has been including a requirement to submit a Climate Change Plan in all NPDES permits since 2020. The Los Angeles Water Board acknowledges that a Climate Change Plan is also required under the WDRs/WRRs Order No. R4-2020-0051 for the AWPf, that the Discharger submitted and resubmitted a Climate Change Plan for the OWRRF and AWPf on May 25, 2021, and August 10, 2021, respectively, to address Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) staff comments. The Los Angeles Water Board approved the Discharger’s Climate Change Plan on September 25, 2021. The Climate Change Plan included risk assessments and mitigation actions for both the OWRRF, the AWPf, and the collection and distribution</p>	None necessary.

		systems. It is inconsistent with Resolution Number R18-004 to remove the requirement to submit a Climate Change Plan from the Tentative Order; however, the Discharger may satisfy the permit requirement by submitting the approved Climate Change Plan and the Los Angeles Water Board approval letter to the California Integrated Water Quality System (CIWQS) as long as the information in the plan is up to date and is still applicable.	
D6	<p>Maximum Daily Effluent Limitation Definition (MDEL) (Attachment A, pg A-5): The Discharger requests an explanation for why the definition for MDEL changed.</p>	The definition for MDEL was truncated to the following sentence: "The highest allowable daily discharge of a pollutant." The previous definition included language that is incorporated in the definition for daily discharge. To avoid repetition, the MDEL definition was modified.	None necessary.
D7	<p>Bypass Typographical Errors (Attachment D, sections 1.7.3., 1.7.5., 5.5., and 5.6.): The Discharger believes the following sections to have typographical errors and proposes corrections:</p> <p>section 1.7.3. Prohibition of bypass. Bypass is prohibited, and the Los Angeles Water Board...</p> <p>section 1.7.5.a. Anticipated bypass. ...As of December 21, 20252020...</p> <p>section 1.7.5.b. Unanticipated bypass. ...As of December 21, 20252020...</p>	The typographical errors described in the comment in sections 1.7.3. and 5.6 of the Tentative Order have been corrected in the Revised Tentative Order. The dates included in sections 1.7.5.a and b, and section 5.5 of the tentative Order are based on the compliance deadlines for electronic reporting of sewer overflow/bypass events in 40 CFR Part 127. Consistent with 40 CFR Part 127, Attachment D, section 1.7.5. of the Tentative Order requires the discharger to report electronically prior to the 2025 deadline.	Revisions were made to the Tentative Order.

	<p>section 5.5 Twenty-Four Hour Reporting. Paragraph 3 – As of December 21, 2025<u>2020</u>, all reports related...</p> <p>section 5.6 Planned Changes. The Permittee shall give notice to the Los Angeles Water <u>Board</u> as soon...</p>		
D8	<p>Permit Information (Attachment F, section 1.1, pg. F-4): The Discharger requests the following modifications to the section: The City of Oxnard (hereinafter City, Permittee or Discharger) is the owner and operator of the Oxnard Water Resource Recovery Facility (hereinafter OWRRF or Facility), a Publicly-Owned Treatment Works (POTW), and its associated wastewater collection system (except for the collection systems in the City of Port Hueneme, <u>Channel Islands Beach Community Services District, unincorporated areas of Ventura County areas of El Rio and Nyeland Acres</u> and the United States Naval Bases) and outfalls.</p>	<p>The modification has been added to section 1.1 of the Fact Sheet of the Tentative Order to more accurately describe the Discharger’s collection system.</p>	<p>Revisions were made to the Tentative Order.</p>
D9	<p>Pretreatment (Attachment F, section 2.1.4., pg. F-8): The Discharger requests the following corrections to the section: The OWTPO<u>OWRRF</u> has an industrial wastewater Pretreatment Program which is approved by USEPA and the <u>Los Angeles</u> Regional Water Board.</p> <p>Port Hueneme Water Agency (desalter brine), tThe Naval Base Ventura County Point Mugu, the Naval Base Ventura County,</p>	<p>The modifications have been added to section 2.1.4 of the Fact Sheet of the Tentative Order to more accurately describe the Discharger’s pretreatment program for the OWRRF.</p>	<p>Revisions were made to the Tentative Order.</p>

	<p>Port Hueneme, <u>Channel Island Beach Community Services District, unincorporated areas of Ventura County El Rio and Nyeland Acres</u> and the City of Oxnard (desalter brine) all discharge to the City's wastewater treatment plant, and, with the nondomestic dischargers in this jurisdiction, are managed through the City's pretreatment program.</p>		
D10	<p>Climate Change Adaptation and Mitigation (Attachment F, section 3.5.1., pg F-20): The Discharger request is the same as in Comment D5.</p> <p>The Discharger also requests that the reference USEPA, <i>Asset Management: Incorporating Asset Management Planning Provisions into NPDES Permits</i> (December 2014) be removed or put in another place that is more in context.</p>	<p>See the Los Angeles Water Board's response to Comment D5.</p> <p>The referenced language in the Discharger's comment is a citation for the quote immediately preceding the citation. To clarify that the language is a citation for the quote, parentheses were added to the reference.</p>	<p>Revisions were made to the Tentative Order.</p>
D11	<p>Influent and Effluent Oil and Grease Monitoring (Attachment E, Table E-7, pg. E-20 and Table E-8, pg. E-22): The Discharger requests that the monitoring frequency for oil and grease grab samples be reduced from weekly to monthly since historical levels have been low.</p>	<p>Based on historical data from January 2018 to April 2023, the highest oil and grease concentration is 34 mg/L from a March 14, 2023 sample. Although this concentration exceeds the AMEL of 25 mg/L, this was not a violation for the month because the average of all samples collected during that month was 0.7 mg/L, below the AMEL. Since effluent data indicate that oil and grease data are consistently below the effluent limitations and most of the oil and grease effluent concentrations (92%) are non-detect, staff agrees that the oil and grease monitoring frequency can be reduced to</p>	<p>Revisions were made to the Tentative Order.</p>

		monthly. To ensure consistent monitoring for evaluating plant performance, the influent monitoring frequency in the Tentative Order was also reduced to monthly.	
D12	<p>Local Benthic and Sediment Chemistry Survey (Attachment E, section 8.2.1., pg E-35): The Discharger requests that the sediment chemistry and toxicity sampling frequencies be reduced from annually to once during the five-year permit cycle. The current permit (Order No. R4-2018-0140) required that benthic sediment monitoring be conducted once during the five-year permit cycle and include sediment chemistry, toxicity, and benthic infauna at seven stations. The current permit includes benthic infauna, once every five years at seven stations as before, and increases sediment chemistry and sediment toxicity testing to annual testing. This represents a significant increase in sampling effort. Chemistry sampling increases from seven to 35 over five years, while toxicity testing increases from six samples (2 stations x 3 replicates each) over five years to 30 samples. Additionally, the City collected 29 sediment samples for chemistry and toxicity for the Southern California Bight 2023 Regional Monitoring Program. Importantly, there has been no increase in sediment contamination in the vicinity of the City's ocean outfall based on previous sampling efforts. The Discharger</p>	<p>The sediment chemistry and sediment toxicity monitoring requirements in the Tentative Order are consistent with the requirements specified in the Ocean Plan, Appendix III, sections 6.1 and 7.1 for point sources, such as POTWs, that discharge greater than 10 MGD to the ocean.</p> <p>Section 6.1 of Appendix III to the Ocean Plan gives the Los Angeles Water Board discretion to reduce the annual monitoring frequency for sediment monitoring if there is sufficient historical data from previous monitoring efforts or if the discharger participates in a regional monitoring program. The Los Angeles Water Board does not find it appropriate to eliminate annual sediment monitoring from the permit completely if a discharger participates in a regional monitoring program because the regional monitoring program occurs only every 5 years and the objectives of the program change from year to year. For this reason, a general monitoring provision is included in the Tentative Order in Attachment E, section 1.19.3. This provision allows the City to submit a letter requesting the Executive Officer to approve a temporary resource exchange to support monitoring conducted for the Southern California Bight Regional Monitoring Program. In the letter, the City must discuss the monitoring the City will</p>	Revisions were made to the tentative Order.

	<p>included figures showing trends of pollutant concentrations in the sediment from 2005 to 2019.</p>	<p>conduct in support of the regional monitoring program and the routine receiving water monitoring that the City wishes to exchange for that effort. If the Los Angeles Water Board finds the exchange to be reasonable and the Executive Officer approves of the exchange, the routine receiving water or sediment monitoring frequency can be temporarily reduced in support of that effort.</p> <p>In regard to toxicity, since the last sediment toxicity test conducted in 2019 using the amphipod species, <i>Eohaustorius estuarius</i>, showed no significant toxicity to the sediments at stations RWS-003 and RWS-007, staff agrees that monitoring sediment toxicity once during the permit cycle is sufficient. Section 7.1 of Appendix III of the Ocean Plan provides discretion in terms of the frequency of acute sediment toxicity; therefore, conducting the acute sediment toxicity once per permit cycle is still consistent with the Ocean Plan since it is still part of the core monitoring program. In addition, staff corrected a typographical error in Attachment E, section 8.2.2. to require an acute toxicity test instead of a chronic toxicity test.</p>	
D13	<p>Offshore Monitoring (Attachment E, section 8.1.1., pg E-33): During quarterly water quality monitoring, discrete water samples are collected at 25 stations from three depths each for total and fecal coliforms, enterococcus bacteria and ammonia (n=75 each). Based on previous</p>	<p>Section II.B.1. of the Ocean Plan includes fecal coliform and <i>Enterococci</i> water quality objectives, which are applicable to nearshore and offshore waters designated as REC-1 beneficial use. In addition, Section II.B.2. of the Ocean Plan includes total coliform water quality to protect the shellfish harvesting (SHELL)</p>	<p>Revisions were made to the Tentative Order.</p>

	<p>years of results, this is more samples than are necessary to determine if the effluent field has elevated bacteria or ammonia. Both ammonia and fecal indicator bacteria were consistently low in 2021 and all other years, during each quarter and at each depth. The Discharger requests to reduce the number of samples for bacteria and ammonia along the most offshore water quality transects. This would include eliminating discrete water sampling on transects A004 to E004 and A005 to E005 (10 stations x 3 depths = 30 sample reductions per quarter). This reduction still provides the necessary coverage to determine if ammonia and fecal indicator bacteria are emanating from the outfall terminus and assist with determining the position of the effluent plume. Importantly, bacteria would be sampled at the most nearshore stations up and downcast of the outfall. Also, conductivity, temperature, and depth water column profiles would still be collected at all 25 stations.</p>	<p>beneficial use, which is designated on the shoreline as well as in the near shore and offshore receiving waters. The monitoring program must be sufficient to assess how the discharge may be impacting the REC-1 and SHELL beneficial uses. The water quality sampling at stations A004 to E004 and A005 to E005 are all located in waters of the State where the REC-1 and SHELL beneficial uses apply.</p> <p>As specified in the Ocean Plan, the purpose of the monitoring program is to ensure compliance with narrative and numeric water quality standards, the status and attainment of beneficial uses, and identifying sources of pollution. Regional and local monitoring requirements are included in the Tentative Order to be consistent with the Ocean Plan. The number of offshore receiving water quality monitoring stations were already reduced with the adoption of Order R4-2018-0140, from 48 stations (some stations as far as 6 miles from shore) that supported regional monitoring to 25 stations located closer to the outfall. This modification was made to the receiving water monitoring program to concentrate efforts in compiling more information on the impact of the outfall and more accurately characterize dilution at the outfall. The current receiving water stations are located as far as three miles from shore. Data collected during the previous permit cycle was analyzed to estimate the spatial extent and movement of the wastewater plume over time. The 2018-2019 and 2020-2021</p>	
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		<p>Biennial Receiving Water Monitoring Reports indicate three monitoring events (August 2018, February 2021, and September 2021) that suggest the wastewater plume may reach to the farthest stations along the outfall based on salinity data. Since data suggests that the discharge plume may be reaching the farthest stations along the outfall, the current monitoring stations should remain in the water quality monitoring program to ensure the receiving water is meeting water quality objectives, including those for ammonia and indicator bacteria.</p> <p>The Tentative Order also revises the effluent bacteria sampling previously required in Order R4-2018-0140. Total and fecal coliform and <i>Enterococcus</i> were removed from effluent monitoring in the Tentative Order since attainment of water quality objectives are more appropriately determined through receiving water monitoring.</p> <p>Ammonia monitoring is included to assess whether nutrients cause objectionable aquatic growth or degrade indigenous biota and to ensure the water quality objectives for ammonia continue to be met. Since the OWRRF treats domestic wastewater, and ammonia is not completely removed in the treatment process, ammonia is expected to be present in the discharge. Ammonia is also toxic to marine organisms. Continued receiving water monitoring for ammonia is appropriate to ensure</p>	
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		<p>the beneficial uses of the receiving water will be protected.</p> <p>The current receiving water locations are appropriate and no changes are necessary for the following reasons: compliance with the water quality objectives for protection of REC-1 and SHELL beneficial uses needs to be determined, receiving water monitoring frequency was significantly reduced during the last permit renewal, receiving water data suggest the discharge plume reaches the monitoring locations furthest from the outfall, indicator bacteria effluent monitoring was removed in the Tentative Order, and ammonia is expected to be in the effluent.</p> <p>To clarify the purpose of the offshore receiving water monitoring, Los Angeles Water Board staff included language in Attachment E, section 8.1 clarifying that offshore bacteria monitoring is conducted to determine whether bacteriological standards for shellfish harvesting are being met.</p>	
D14	<p>Local Seafood Safety Survey (Attachment E, section 8.3.3.b.): The Discharger comments that the permit specifies the fish taxa to be collected, the numbers of individuals to be composted for each taxa, and that five taxa be collected from each of the three zones. Assuming the discharger met all these criteria, a total of 150 fish would be collected (5 species x 3 zones x 10 individuals) for the survey. There are several reasons this requirement is unrealistic: 1) The</p>	<p>The local seafood safety survey requirements in the Tentative Order are the same requirements as in the previous permit (Order R4-2018-0140) and are consistent with Office of Environmental Health Hazard Assessment's (OEHHA) Protocol for Fish Sampling and Analysis to Support the Development of Fish Advisories in California dated August 2022. The results of the last seafood safety survey are included in the 2020-2021 Biennial Receiving Water Monitoring Report. Three of the five preferred groups of</p>	<p>Revisions were made to the Tentative Order.</p>

	<p>fish species present during the survey may not adhere to the specific list of species outlined in the permit. The fishing zones specified in the permit have low relief bottoms that do not attract fish the way high relief rocky reefs do. The permit should allow species selection to be at the best professional judgment of the sampling team. While the team will strive to collect fish based on the Board's recommendations, there is no guarantee that even one of the preferred taxa will be present, let alone captured. 2) Capturing enough fish to meet the requirement that composite samples include the tissue of 10 fish of the same species and would depend on the resources available to successfully collect this many fish. Several days or more could potentially be spent collecting fish in each zone with no guarantee that enough fish are collected.</p> <p>The Discharger requests that the permit contain the following: Fishing operations will be limited to one full day in each of the three fishing zones regardless of the number of taxa and individuals collected. The City will strive to collect the taxa specified in the permit, but the sampling team will use their best professional judgement regarding the species available for collection at the time of sampling.</p>	<p>nearshore sport fish specified in the permit (rockfish, kelpbass, and surfperch) were collected along with two alternates for croakers (blacksmith and opaleye). Another type of nearshore sport fish, California sheephead, was also captured. A total of 62 fish were collected in the three fishing zones.</p> <p>The current survey requirements have been maintained in the Tentative Order to be consistent with OEHHA recommendations. However, due to variability at the sample sites, previous survey results, and resource limitations, and recognizing the challenges the Discharger has had in the past with collecting the appropriate number of fish during these surveys, Los Angeles Water Board staff agree to make changes to the cited language in the Tentative Order in section 8.3.3.b. of the MRP to allow for flexibility while striving to meet requirements.</p>	
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D16	<p>Pretreatment Requirements (Attachment I, section 1.2, pg I-1): The Discharger comments that their Regional Sewer Use Agreements allow for the pretreatment program to be implemented by either the Regional user or Oxnard per EPA guidance. The new language indicates that the pretreatment program must be implemented by Oxnard. The Discharger requests that the language be modified to allow for the pretreatment program to be implemented by either party through mutual agreement. The Discharger requests the following modification: The Permittee shall implement<u>oversee</u> and enforce in its entire service area, including contributing, its approved pretreatment program, and all subsequent revisions which are hereby made enforceable conditions of this Order. <u>Implementation of the approved pretreatment program may be undertaken by either jurisdiction through mutual agreement.</u></p>	<p>The Tentative Order does not preclude the Discharger from implementing the pretreatment program through use of multi-jurisdictional user agreements. However, the ultimate responsibility for implementation and enforcement of the NPDES pretreatment program belongs to the Discharger. To clarify this, language was added to the Tentative Order.</p>	<p>Revisions were made to the Tentative Order.</p>
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Comment Letter dated April 18, 2024, from Heal the Bay and Wishtoyo Chumash Foundation

No.	Comment	Response	Action Taken
HBW1	<p>There are concerns about potential exceedances in effluent from the OWRRF, considering inconsistencies between reports available on the California Integrated Water Quality System (CIWQS) compared to the discharge monitoring report data on the US EPA Enforcement and Compliance History Online. We request that staff confirm all exceedances are addressed within the Compliance Summary in the Proposed Permit.</p>	<p>The US EPA's Enforcement and Compliance History Online shows four exceedances for the OWRRF: 1) gross beta result of 54.3 pCi/L on 12/31/2022, 2) gross alpha result of 25.9 pCi/L on 12/31/2022, 3) benzidine result of 0.0016 mg/L on 12/31/2021, 4) benzidine result of 0.0032 mg/L. In comparison, CIWQS shows the following exceedances: 1) deficient reporting for PCB data analysis on 3/31/2021, 2) gross beta result of 54.3 pCi/L, 3) gross alpha result of 25.9 pCi/L, 4) gross alpha result of 18.9 pCi/L, and 5) gross beta result of 53.8 pCi/L. All gross alpha and beta exceedances were dismissed in CIWQS since there are only instantaneous limits in Order R4-2018-0140 but sampling is 24-hour composite which corresponds to daily results. There are discrepancies between the two reports for benzidine because CIWQS does not flag non-detect results as violations. The method detection limit and minimum level for benzidine is higher than the limitation, and since the results are not higher than the method detection limit and minimum level, they are not considered violations. Section VII.A. of Order R4-2018-0140 states, "the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the priority pollutant in the monitoring sample is greater than the effluent</p>	<p>Revisions were made to the tentative Order.</p>

		<p>limitation and greater than or equal to the reporting level (RL) or minimum level (ML).” Some language was added to the Tentative Order in section 2.4 of the Fact Sheet, to clarify the deficient reporting violation date in CIWQS.</p>	
HBW2	<p>The Regional Board must clearly define monitoring and reporting requirements to apply for spills, overflows, and bypasses.</p> <p>The Regional Board must enforce the sewage spill reporting requirements (both internal and external) within the Proposed Permit, and the Board must also enhance those reporting requirements where necessary to ensure timely and adequate public notice of spills. We briefly offer a few non-exhaustive examples of how spill reporting requirements can and should be improved within the Proposed Permit:</p> <ul style="list-style-type: none"> • The Regional Board should require preparation to ensure adequate protection of the Facility, as a provision of the Proposed Permit and as a consideration within Climate Change Effects Vulnerability Assessment and Mitigation Plans, including routine maintenance and operational testing of both non-emergency infrastructure as well as emergency infrastructure. • The Regional Board should require within the Proposed Permit language that permittees provide a detailed and updated spill reporting protocol to the Board within 6 months of 	<p>Section 6.3.6. of the Tentative Order includes monitoring and reporting requirements for spills, bypasses, and overflows, as described below:</p> <ul style="list-style-type: none"> • Spill Reporting <p>The Los Angeles Water Board agrees that the public needs to be notified as soon as possible following the release of reportable amounts of hazardous substances or sewage for the protection of public health. As such, individuals of the general public have the option of requesting spill notification from the Discharger to be included in the email list of interested persons. In addition, Section 6.3.6.a.ii of the Tentative Order already requires the Discharger to include public outreach in its emergency communications protocols, which may include media updates, social media postings, and community notices.</p> <p>In addition, Section 6.3.6.c.ii of the Tentative Order requires the Discharger to submit (1) a written preliminary report 5 business days after disclosure of the incident and (2) the final written report to the Los Angeles Water Board within 30 days after submitting the</p>	None necessary.

<p>permit approval to include a spill volume that will trigger additional action by the permittee.</p> <ul style="list-style-type: none"> ● In the event of a spill, the Regional Board should require immediate implementation of accelerated monitoring for spills of a certain size, without the need for Regional Board instruction. Monitoring should commence promptly, ideally within 2 hours of the event, and if a sample cannot be obtained due to safety concerns, daily monitoring should be conducted until the bacteria levels reflect public safety. This entails employing rapid fecal indicator bacteria testing, conducting modeling and current measurements to forecast plume trajectory, and implementing supplementary ambient monitoring in areas affected by sewage release. ● The Proposed Permit should include the general public under the list of interested persons to be notified in the event of a spill (via temporary sign posting, social media, push-notifications, e-mail list servers, notices in newspapers and/or any other outreach tools that the permittee prefers), and notification of all interested persons must occur as soon as possible, but not later than two hours after becoming aware of the release. This initial report should describe the location of the event, the suspected cause of the event, estimated time and date of the incident, an estimate of the volume of the overflow, whether the event is still recurring 	<p>preliminary report. The final written report shall document the information required in section 6.3.6.d of the Tentative Order, monitoring results and any other information required in provisions of the Standard Provisions document including corrective measures implemented or proposed to be implemented to prevent/minimize future occurrences.</p> <p>The tentative Order also requires the Discharger to submit a Spill Clean-up Contingency Plan (SCCP) within 90 days of the effective date of the Order. The SCCP must describe activities and protocols to address the cleanup of spills, overflows, and bypasses from the Discharger’s collection system or treatment facilities and also include protocols for public notifications.</p> <ul style="list-style-type: none"> ● Spill Monitoring <p>Section 6.3.6.b of the Tentative Order already includes requirements for the Discharger to take actions to define the geographical extent of the spill’s impact and to conduct immediate additional monitoring for all volumes of spills, overflows, and bypasses that reach waters of the State. These actions may be initiated immediately and do not require Los Angeles Water Board instruction. The Discharger is also required to analyze the samples for total coliform, fecal coliform, <i>E. coli</i> (if fecal coliform tests positive), <i>Enterococcus</i>, and relevant</p>	
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	<p>and any procedures that are planned to mitigate the impacts. Following the posting of a warning sign, a subsequent informational post should detail the steps taken in response to the situation, along with any pertinent updates or additional relevant information within 30 days.</p> <ul style="list-style-type: none"> ● The approach to monitoring and reporting violations that apply to spills, overflows, and bypasses is integral to maintaining environmental standards and ensuring public safety. However, the Regional Board defines monitoring and reporting violations as not severe, and therefore are not subject to MPPs, giving the perception that such violations are not a cause for concern. To address this issue, it is crucial to recognize the importance of consistent enforcement of monitoring and reporting protocols to ensure that all records are available to the Los Angeles Water Board, public agencies, or other interested parties upon request, including all mandatory information. 	<p>pollutants of concern, upstream and downstream of the point of entry of the spill (if feasible, accessible, and safe). Rapid fecal monitoring is also identified as the preferred method of monitoring, but only if an ELAP-certified lab is available to conduct the analyses to ensure quality of the results. This daily monitoring is required to be conducted from the time the spill is known until the results of two consecutive sets of bacteriological monitoring indicate the return to the background level or the County Department of Public Health authorizes cessation of monitoring.</p> <p>The tentative Order already includes multiple requirements to ensure the facility is adequately protected, as described below:</p> <ol style="list-style-type: none"> 1) Section 6.1.2.c. of the Tentative Order already requires the Discharger to adequately protect all its facilities used for collection, transport, treatment, or disposal of wastes against damage resulting from overflow, washout, or inundation from a storm or flood having a 1-percent chance of occurring in a 24-hour period in any given year. 2) Attachment D, Section 1.4 requires the Discharger to properly operate and maintain all facilities and systems of treatment and control used to achieve compliance with the Tentative Order. Although the Tentative Order does not 	
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		<p>specify how the Discharger must achieve such protection, proper operation and maintenance of both emergency and non-emergency infrastructure, is integral to permit compliance.</p> <p>3) Section 6.3.4.d. of the Tentative Order requires monthly maintenance and operational testing for all emergency infrastructure and equipment at the facility including but not limited to any bypass gate/weir in the headworks, alarm systems, backup pumps, standby power generators, and other critical emergency pump station components.</p> <p>4) Attachment E, section 10.4.8. requires the Discharger to submit a technical report on preventive (failsafe) and contingency (cleanup) plans that includes evaluation of the current facilities, identification possible sources of accidental loss, untreated waste bypass, and contaminated drainage, and proposals of facilities or procedures needed to control accidental discharges and minimize the effect of such events. Planned routine maintenance of emergency and non-emergency equipment necessary to prevent spills from occurring should be included in this report.</p> <p>In addition to these permit requirements, the Climate Change Plan required in section</p>	
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		<p>6.3.4.c. of the Tentative Order also already requires the Discharger to identify new or increased threats to the sewer system resulting from climate change and the projected upgrades to the existing assets or new infrastructure projects.</p> <p>Since the Tentative Order already addresses operation and maintenance and testing of emergency and non-emergency infrastructure, no additional changes to the Tentative Order are necessary at this time.</p> <ul style="list-style-type: none">• Violations <p>The Los Angeles Water Board takes all violations seriously and enacts penalties, including civil and criminal penalties, for violating an adopted permit in accordance with the Water Code. Water Code section 13385 governs civil enforcement of NPDES permits issued by the Los Angeles Water Board. Water Code section 13385(h)(2) provides that a “serious violation” is any waste discharge that exceeds effluent limitations by certain amounts and requires a mandatory minimum penalty (MMP). Under Water Code section 13385.1(a), the failure to file a discharge monitoring report required pursuant to Section 13383 for each complete period of 30 days following the deadline for submitting the report is also a serious violation subject to a mandatory minimum penalty. Deficient monitoring and reporting are not subject to MMP but are</p>	
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		<p>subject to discretionary enforcement actions under Water Code section 13385(b) and 13385(c). All discretionary enforcement actions are ranked based on the significance of each violation. For the OWRRF, there were no monitoring and reporting violations for spills during the previous permit cycle. The monitoring and reporting violation was for deficient reporting. The Discharger did not report the effluent PCB monitoring result because the Discharger believed the result was an anomaly and did not need to be reported. Enforcement staff made it clear to the Discharger that all monitoring results must be reported in CIWQS to prevent recurring deficient monitoring violations. These violations will be considered for enforcement action in accordance with the discretionary enforcement actions section of the Enforcement Policy.</p>	
HTBW3	<p>The Regional Board must set the temperature effluent limitation at Discharge Point 001 to not exceed the natural temperature of receiving waters by more than 20°F.</p> <p>Pursuant to the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (Thermal Plan), “elevated temperature wastes shall comply with limitations necessary to assure protection of the beneficial uses and areas of special biological significance...” and “the maximum</p>	<p>The commenter references the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (Thermal Plan) and cites the temperature water quality objective for new thermal waste discharges to coastal waters.</p> <p>Under the Thermal Plan, the OWRRF is an existing discharger, so the water quality objectives for new discharges does not apply to the OWRRF. Additionally, the discharge from the OWRRF is not a thermal discharge</p>	None necessary.

<p>temperature of thermal waste discharges shall not exceed the natural temperature of receiving waters by more than 20°F.” Water temperature influences the types of aquatic life that are able to survive and reproduce. An increase in temperature also increases the rate of decaying organic matter, which then depletes the supply of oxygen. This could lead to hypoxic conditions, as warm water also holds less dissolved oxygen. Effluent discharges at high temperatures can also exacerbate the impacts of nutrient loading. Algal blooms resulting from high nutrient concentrations thrive in warmer waters, along with the bacteria that feed on these blooms. Heat is a catalyst for eutrophic conditions and increases both chemical and biological oxygen demand in the receiving waters. In general, increases in water temperature will lead to an increase in water pollution problems.</p> <p>As currently written in the Proposed Permit, “the temperature of wastes discharged shall not exceed 100°F.” However, the average ocean water temperature of the Pacific Ocean off the coast of Oxnard rises to 64.4°F, and 100°F would exceed this maximum value by 35.6°F. Warmer water temperatures negatively affect beneficial uses, particularly for the organisms that rely on these water sources for survival, and we are concerned about the negative impacts if these warmer effluent conditions are allowed to persist. We</p>	<p>under the Thermal Plan, which defines a thermal discharge as “Cooling water and industrial process water used for the purpose of transporting waste heat.” The waste discharged from the OWRRF is not cooling water, nor does it originate from industrial processes used for the purpose of transporting waste heat.</p> <p>The discharge from the OWRRF is an elevated temperature waste as defined in the Thermal Plan, which states, “Liquid, solid, or gaseous material including thermal waste discharged at a temperature higher than the natural temperature of receiving water.” As such, the discharge is subject to the following water quality objective in the Thermal Plan applicable to existing discharges to coastal waters:</p> <p><i>Elevated temperature wastes shall comply with limitations necessary to assure protection of the beneficial uses and areas of special biological significance.</i></p> <p>Since there has been no indication that the temperature of the wastes discharged from the facility has impacted the beneficial uses of the receiving water or areas of special biological significance, the temperature effluent limitation has been carried over from the previous permit.</p>	
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request that the Regional Board change the temperature effluent limitation at Discharge Point 001 to align with the Thermal Plan to not exceed the natural temperature of receiving waters by more than 20°F in order to assure protection of beneficial uses.

Although the water quality objective for new discharges cited by the commenter is not applicable to the discharge from the OWRRF as explained above, Los Angeles Water Board staff reviewed the temperature data in the receiving water and effluent throughout the permit cycle and summarize the data below.

Average ocean temperatures observed at the receiving water stations specified in the permit show temperatures that are within 20°F of the effluent temperatures. The table below compares quarterly receiving water temperatures (averaged across sampling stations) with effluent temperatures during the data review period for this permit renewal, January 2018 to April 2023.

°F	Q1		Q2		Q3		Q4	
	Ocean	Effluent	Ocean	Effluent	Ocean	Effluent	Ocean	Effluent
2018	52.9	68.7	53.0	73.3	60.4	78.5	61.5	74.8
2019	54.1	67.7	55.8	73.7	59.1	78.2	58.9	72.8
2020	56.5	69.4	55.6	74.5	55.8	77.4	56.1	72.7
2021	54.0	68.7	55.0	73.9	57.7	77.1	57.9	72.0
2022	53.7	69.4	56.1	74.1	60.7	77.7	58.7	72.5
2023	52.8	67.2	54.3	70.0*	--	--	--	--
Min	52.8	67.2	53.0	70.0	55.8	77.1	56.1	72
Max	56.5	69.4	56.1	74.5	60.7	78.5	61.5	74.8
Avg	54	68.5	55	73.25	58.7	77.8	58.6	73

* April 2023 only

The temperature differences between the average receiving water and effluent temperatures range from 14.4°F to 19.1°F. In addition, if the average effluent temperatures are compared to an average ocean temperature of 64.4°F (as referenced in the

		comment), the maximum temperature difference is 13.4°F. The receiving water reports from the previous permit cycle also provide no indication that the temperature of the effluent is negatively impacting the beneficial uses. Effluent and receiving water temperature monitoring continues to be a requirement in the Tentative Order so that effluent temperatures and their effects on the receiving water can continue to be evaluated.	
HTBW4	<p>The Regional Board should consider effluent limitations for Total Nitrogen set at 5 mg/L.</p> <p>Anthropogenic discharges of nutrients into nearshore marine environments drive increased frequency of eutrophication events and exacerbate dissolved oxygen loss as well as inorganic carbon intake, increasing the rate of ocean acidification. In fact, human nutrient loading is doubling algal productivity and lowering pH and dissolved oxygen levels in the Southern California Bight at rates equal to global climate change, further compressing open water (pelagic) vertical marine habitat. These impacts contribute to the decline of shell-forming invertebrates and benthic macrofauna in these sensitive coastal habitats. Continuous nutrient loading, will therefore contribute to the decline of nearshore ecosystems and threaten the balance of vibrant fisheries that humans have depended on for thousands of years. While, ideally, nitrogen limits should be less than 1</p>	<p>The Tentative Order includes Water Quality Based Effluent Limitations (WQBELs) for constituents that show reasonable potential to cause or contribute to exceedances of the applicable water quality objectives in Table 3 of the Ocean Plan. While total nitrogen, nitrate nitrogen, nitrite nitrogen, and total organic nitrogen do not have water quality objectives in Table 3 of the Ocean Plan, Table 3 does include a water quality objective for ammonia as nitrogen that applies to the OWRRF. Monthly monitoring for ammonia was required under the prior permit, Order R4-2018-0140. This monitoring data was used to assess whether the discharge has reasonable potential to exceed the water quality objective. Since the OWRRF showed reasonable potential to exceed the water quality objectives for ammonia, effluent limitations were included in the Tentative Order. Effluent limitations are not included for other nitrogen species since they do not have numeric water quality objectives. The Ocean Plan specifies</p>	None necessary.

	<p>mg/L to minimize that risk, research indicates that an 85% reduction in nutrient loading from current standard nutrient treatment (40+ mg/L in raw sewage, treated to 35 mg/L, reduced 85% to 5 mg/L) would result in recognizable improvement to water quality.</p> <p>While we appreciate the inclusion of average monthly effluent limits and performance goals for Ammonia as N, the allowable effluent limits are way too high, and other forms of nutrients are not accounted for. In order to protect the Southern California Bight through nutrient reduction, we request that the Regional Board consider effluent limitations for Total Nitrogen set at 5 mg/L.</p>	<p>the calculation methodology for effluent limitations so that water quality objectives in Table 3 will be met. The monthly monitoring requirements from Order R4-2018-0140 were carried over into the Tentative Order. The Discharger must continue monthly monitoring for ammonia, nitrate, nitrite, total organic nitrogen, total Kjeldahl nitrogen, and total nitrogen.</p>	
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