



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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GRACE ROBINSON HYDE
Chief Engineer and General Manager

March 10, 2015
File No. 84-01.01-55

VIA ELECTRONIC MAIL

Mr. Samuel Unger, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Dear Mr. Unger,

**Additional Input on Chronic Toxicity Provisions in Tentative Waste
Discharge Requirements (WDRs) and National
Pollutant Discharge Elimination System (NPDES) Permit for the
San Jose Creek Water Reclamation Plant (NPDES Permit No. CA0053911)**

On December 19, 2014, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) released Tentative Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) Permit (Tentative Permit) for the San Jose Creek Water Reclamation Plant (WRP). The Joint Outfall System¹ (Sanitation Districts) submitted a timely comment letter regarding the Tentative Permit on January 16, 2015. The Regional Board subsequently released a revised version of the Tentative Permit (Revised Tentative Permit) on March 4, 2015.

The Sanitation Districts have reviewed the Revised Tentative Permit. A number of changes were made in response to our comments, and we would like to thank the Regional Board for making these changes. However, the Sanitation Districts have some remaining concerns regarding the Revised Tentative Permit. These concerns would be fully addressed if the following changes were made to the Revised Tentative Permit:

1. Make the following changes to Section VII.J:

“The Regional Water Board will make a ~~final~~-determination as to whether a toxicity test result is valid, and may consult with the Permittee, USEPA, the State Water Board’s Quality Assurance Officer, or the State Water Board’s Environmental Laboratory Accreditation Program as needed. The Permittee retains the right to challenge the Regional Board’s determination in any subsequent enforcement action. The Board may consider results of any TIE/TRE studies in an enforcement action.”

¹ Ownership and operation of the Joint Outfall System is proportionally shared among the signatory parties to the amended Joint Outfall Agreement effective July 1, 1995. These parties include County Sanitation Districts of Los Angeles County Nos. 1, 2, 3, 5, 8, 15, 16, 17, 18, 19, 21, 22, 23, 28, 29, and 34, and South Bay Cities Sanitation District of Los Angeles County.

2. Replace the first sentence of MRP Section V.A.8.d. with the following.:

“During periods in which it is conducting accelerated monitoring and TIE/TRE implementation, the Permittee shall continue to conduct effluent and receiving water monitoring and report all test results as required by this MRP in order to assess ongoing compliance with effluent and receiving water limits. If the TRE Workplan submitted by the Permittee is in effect per Section V.A.6, the Regional Board will exercise its discretion to refrain from taking enforcement action based on any exceedance of the chronic toxicity MDEL or MMEL that occurs within three months of the date of the exceedance event, and is from the same outfall as the discharge that triggered the requirements for accelerated monitoring or TIE/TRE studies. The Executive Officer of the Regional Board will normally extend the three month period by one additional three month period to allow the Permittee to complete the TIE/TRE studies based on a showing of diligent efforts by the Permittee to complete the TIE/TRE studies, and may further extend the time period if necessary to complete the studies and based on a similar showing of diligent efforts. The Regional Board may take enforcement action based on the exceedance of the MDEL or MMEL that triggered requirements for accelerated monitoring or TIE/TRE tests.”

If the Revised Tentative Permit is adopted with the exact changes detailed above and no other changes, then the Sanitation Districts would accept the adopted permit’s terms.

The Sanitation Districts thank you in advance for your careful consideration of this input. If you have any questions concerning this letter or need additional information, please contact Phil Friess at (562) 908-4299, extension 2501; Ann Heil at (562) 908-4288, extension 2803; or myself.

Very truly yours,



Grace Robinson Hyde

GRH:PF:ATH:lmb

cc: Cris Morris, David Hung, and Elizabeth Erickson – Los Angeles Regional Board