



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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File No. 31-370-40.4A

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:

**Los Angeles River Site-Specific Objectives for Lead and Copper and
Los Angeles River Metals TMDL Reconsideration**

The Joint Outfall System¹ (Sanitation Districts) appreciates the opportunity to provide comments on the proposed Water Quality Control Plan – Los Angeles Region Amendment (BPA) to adopt Site-Specific Objectives for Lead and Copper (Lead and Copper SSOs) in the Los Angeles River and the Revision of the Total Maximum Daily Load for Metals for the Los Angeles River and its Tributaries (LAR Metals TMDL) as a result of the Copper Water-Effect Ratio (WER) and Lead Recalculation Studies. The Sanitation Districts commend the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) staff for their continued efforts to foster the development of site-specific water quality criteria in the LA River Watershed. The proposed revisions to the copper and lead criteria are consistent with U.S. Environmental Protection Agency (USEPA) guidance. They are also consistent with the intent of the metals criteria established in the California Toxics Rule (CTR) and are equally protective of beneficial uses. As such, the Sanitation Districts support the proposed BPA for the Lead and Copper SSOs and the proposed revisions to the LAR Metals TMDL, but request that modifications be made to the Publicly Owned Treatment Works Waste Load Allocation footnotes (POTW WLA Footnotes), the process for revising the WERs, and total metals TMDL targets and WLAs, as described below.

POTW WLA Footnotes

The Sanitation Districts request revisions to the POTW WLA Footnotes for dry and wet weather. Specifically, we would like to request language similar to language in the LA River Nutrients TMDL that protects water reclamation plants (WRPs) from a de-rating scenario when permit effluent limits are developed. It is important to make such revisions because wastewater treatment is a complex biological process and adjustments made to control one pollutant can adversely impact the removal of others. In addition, influent wastewater characteristics that can affect effluent quality are subject to change due to water conservation, drought conditions, population changes, and industrial discharges. Furthermore, many WRPs are electing to accept dry weather urban runoff and first flush stormwater, which ultimately enhance beneficial use protection and augment recycled water opportunities, but introduce yet another unpredictable variable that can affect influent quality. For these reasons, the Sanitation Districts propose the following language:

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.

LAR Metals TMDL BPA (pages 8, 11): Regardless of the WER and WER-adjusted allocations, for discharges regulated under this TMDL with concentrations below WER-adjusted allocations, effluent limitations shall ensure that effluent concentrations do not exceed the levels of water quality that can be reliably maintained by the facility's applicable treatment technologies existing at the time of permit issuance, reissuance, or modification unless anti-backsliding requirements in Clean Water Act section 402(o) and anti-degradation requirements are met. When developing effluent limitations in these circumstances, consideration shall include, but not be limited to, existing and projected facility flows for the permit term and the corresponding effect on the facility's capability to reduce copper concentrations. It is not the intent for these performance based limits to have the effect of de-rating Water Reclamation Plants that are operating below their permitted design capacities. Permit compliance with anti-degradation and anti-backsliding requirements shall be documented in permit fact sheets.

In addition to the POTW WLA Footnotes for dry and wet-weather, a similar revision is necessary in the implementation table of the proposed BPA. The Sanitation Districts suggest a citation referring to the previous footnote or the following changes:

~~LAR Metals TMDL BPA (page 22): Effluent limitations based on WER-adjusted WLAs shall ensure that effluent concentrations and mass discharges do not exceed the levels of water quality that can be attained by performance of a facility's treatment technologies existing at the time of permit issuance, reissuance, or modification.~~ Regardless of the WER and WER-adjusted allocations, for discharges regulated under this TMDL with concentrations below WER-adjusted allocations, effluent limitations shall ensure that effluent concentrations do not exceed the levels of water quality that can be reliably maintained by the facility's applicable treatment technologies existing at the time of permit issuance, reissuance, or modification unless anti-backsliding requirements in Clean Water Act section 402(o) and anti-degradation requirements are met. When developing effluent limitations in these circumstances, consideration shall include, but not be limited to, existing and projected facility flows for the permit term and the corresponding effect on the facility's capability to reduce copper concentrations. It is not the intent for these performance based limits to have the effect of de-rating Water Reclamation Plants that are operating below their permitted design capacities. Permit compliance with anti-degradation and anti-backsliding requirements shall be documented in permit fact sheets.

As stated above, these revisions to the POTW WLA Footnotes provide consistency with the LA River Nutrients TMDL and are necessary to ensure that WRPs are not inappropriately assigned effluent limitations that could impact treatment plant capacity and operations.

Process for Revising WERs

The LAR Metals TMDL specifies that continued monitoring may indicate changes in conditions that warrant revisions to the WERs, ultimately requiring changes to the Lead and Copper SSOs and corresponding TMDL targets and allocations. However, such changes should be conducted via the basin planning process and not simply completed internally by Regional Board staff. The basin planning process is an essential component to any proposed changes to the Lead and Copper SSOs and the LAR Metals TMDL because it allows stakeholders the necessary opportunities to provide input at public meetings, submit written comments, and present testimony at an adoption hearing. As written, such a process is not acknowledged in the LAR Metals TMDL and should be added as follows:

LAR Metals TMDL BPA (page 15): Site-specific WERs may be modified or revert back to a default of 1.0 if data indicate that the WERs are not protective of either the beneficial uses of the waterbody to which they apply or downstream beneficial uses. Any modification to site-specific WERs must be approved through a formal basin planning process.

LAR Metals TMDL BPA (page 20): The Regional Board will evaluate the WER-based copper WLAs based on potential changes in the chemical characteristics of the water body that could impact the calculation or application of the WER and will revise the WERs and copper WLAs, if necessary, to ensure protection of beneficial uses. Any modification to site-specific WERs must be approved through a formal basin planning process.

Total Metals TMDL Targets and WLAs

As written, the LAR Metals TMDL targets and WLAs are expressed as total recoverable metals. The Sanitation Districts request that the Regional Board modify the LAR Metals TMDL to mirror the Ballona Creek Metals TMDL, which specifies that dissolved metals concentrations are an allowable alternative option to the total recoverable metals concentrations for monitoring and compliance assessment. This is important because the metals water quality criteria established in the CTR are specified as dissolved fraction concentrations, which more closely approximate the bioavailable fraction of metals in the water column as opposed to total recoverable metal concentrations. Additionally, the State Water Resources Control Board's (State Water Board's) future practice will be to assess metal water quality impairments for the Clean Water Act Section 303(d) List according to the dissolved fraction concentration. Given that the CTR criteria and State Water Board impairment evaluation process consider the dissolved fraction of metals, the Sanitation Districts believe dischargers should have the option to monitor and verify compliance using total metals concentrations or dissolved fraction concentrations. This change to the LAR Metals TMDL would provide dischargers the flexibility to monitor dissolved metals concentrations, avoiding unnecessary costs associated with monitoring both total and dissolved concentrations, and would also allow a direct comparison of monitoring data (the dissolved metals concentration result) with the CTR water quality criteria to demonstrate compliance.

The Sanitation Districts appreciate the opportunity to provide comment on the Lead and Copper SSOs and the revised LAR Metals TMDL and support the proposed BPA and SSOs with these requested changes. If you have any questions, please contact Shannon Bishop by phone at (562) 908-4288 extension 2843 or by e-mail at sbishop@lacs.org.

Very truly yours,
Grace Robinson Hyde



Ann T. Heil
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