CITY OF BURBANK
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PUBLIC WORKS
DEPARTMENT

January 23, 2012

Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. Fourth St., Suite 200
Los Angeles, CA 90013

Subject: Comments on Tentative NPDES Permit No. CA0055531 for the City of Burbank Water Reclamation Plant

Dear Mr. Unger:

On December 22, 2011, the California Water Quality Control Board Los Angeles Region (Regional Board) released the City of Burbank Water Reclamation Plant (BWRP) Tentative Order (NPDES No. CA0055531), Fact Sheet, and Monitoring and Reporting Program (MR&P). The City of Burbank (City) appreciates the opportunity to provide the following comments and recommendations to the Regional Board. City staff will also be present to provide oral comments at the Regional Board public hearing to be held on March 1, 2012. While the City appreciates and thanks the Regional Board's staff for its efforts in developing the Tentative Order, there are several areas with which the City has concerns and expects that these technical comments will result in constructive changes to the permit. In addition to the comments detailed below, this letter incorporates by reference Attachment A, which provides additional comments and proposed revisions.

Copper Effluent Limits

In June 2004, the Cities of Burbank and Los Angeles submitted a Work Plan to conduct a copper water-effect ratio (WER) study to Regional Board staff. Technical review and public participation for the Study consisted of an independent Technical Advisory Committee (TAC), a stakeholder committee (SC), and public workshops. The TAC consisted of three outside experts who conducted independent peer review of multiple versions of the Work Plan, data, and study conclusions presented in the Final Study Report. Two of the three TAC members were co-authors of USEPA's 1994 *Interim Guidance on the Determination and Use of Water-Effect Ratios for Metals.* The SC, formed by Regional Board staff, served as the primary stakeholder body for review of the Work Plan, analytical results and study conclusions presented in the Final Study Report.

Between the June 2004 Draft Work Plan submittal and the Final Work Plan on October 18, 2005, the Regional Board staff and TAC reviewed three intermediate draft Work Plans, and three SC meetings were held to present information to the public and solicit feedback. Based on input from Regional Board staff, TAC, and SC, the Study sponsors significantly expanded the scope of the Study to include the addition of sampling sites downstream of the WRPs to evaluate WERs in the lower part of the river, as well as increasing the number of sampling events. The changes resulted in more than doubling the number of WER samples collected. The intent of these changes was to increase confidence in determining scientifically accurate, precise, and protective copper WERs for the LA River.

The Final Study Report was submitted to the Regional Board on June 3, 2008. The Final Study Report was submitted to the Regional Board on June 3, 2008 and recommended WERs of 5.871 for the Burbank Western Channel and LA River Reach 4 and 3.958 for LA River Reaches 1, 2, and 3. The results presented in the Final Study Report followed established USEPA methods, exceeded the minimum requirements and the conclusions were supported by the TAC and USEPA Region 9 staff. As a result of the study, on May 6, 2010, the Regional Board adopted the amended Los Angeles River Metals TMDL modifying the copper Waste Load Allocations (WLAs) for the BWRP based on the results of a Water Effect Ratio (WER) study developed in coordination with Regional Board staff.

As noted in the Fact Sheet (p. F-40), "the revised Los Angeles River Metals TMDL incorporated a 3.96 WER for copper." Additionally, as noted in the Fact Sheet, the TMDL stated "Regardless of the WER, effluent limitation shall ensure that effluent concentrations and mass discharges do not exceed the levels of water quality that can be attained by performance of this facility's treatment technologies." Essentially the TMDL acknowledges that the WLA for the BWRP could be as high as 75.2 µg/L (i.e., original WLA of 19 µg/L multiplied by the WER of 3.96) and be protective of the environment but effluent limits should be set at a lower level than what is necessary to protect the beneficial uses in order to encourage the continued high level of treatment at the water reclamation plants.

The TMDL does not specify the manner in which to determine performance and set limits. As noted in the State Board response to comments on the 2010 Metals TMDL amendment: "Whatever approach permit writers take must be supported, but it may not necessarily be limited to the use of the 95th percentile of performance." Additionally, there is no specific guidance for calculating performance based limits (herein referred to as Performance Based Effluent Limits or PBELs) in either USEPA's Technical Support Document for Water Quality Based Toxics Control (TSD)[1] or the State Implementation Plan (SIP)[2]. Therefore, the Regional Board has

[1] USEPA, 1991. Technical Support Document for Water Quality Based Toxics Control, March 1991.

[2] State Water Resources Control Board, 2005. Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California.

discretion in the approach to use when calculating PBELs as long as the method does not exceed limits based on the WER adjusted WLA of 75.2 µg/L.

In the Tentative Order, PBELs for copper were calculated using the same methodology used to determine interim effluent limits. However, interim limits are established when a discharger cannot consistently comply with a Water Quality Based Effluent Limit (WQBEL) and needs time to come into compliance. Interim limits are set higher than the WQBEL but low enough to minimize adverse impacts while also providing the discharger time to achieve compliance. By definition, an interim effluent limit is greater than the WQBEL. Interim limits are calculated using the 95th and the 99th percentile value of the effluent data set to establish Average Monthly Effluent Limits (AMEL) and Maximum Daily Effluent Limits (MDEL). The probability that an effluent limit based on the 95th percentile would be exceeded is once in every 20 samples or potentially three times in a permit term.

By comparison, a performance based effluent limit should be set lower than the WQBEL and is, therefore, always protective of receiving water quality. Its purpose is to ensure the treatment process continues to operate at optimal conditions. Optimizing plant performance is a daily exercise impacted by many factors some of which are outside of our control. For example, changes in water supply quality can change the corrosivity of water which results in increased leaching of copper from residential plumbing. To allow for fluctuations in effluent quality, it is reasonable for a PBEL to be calculated in a different manner than interim limits as long as it does not result in an impact to the environment.

Given that neither the TMDL nor available State and federal guidance specify the means to calculate PBELs we request the Regional Board utilize their discretion to consider alternative approaches to calculate PBELs that 1) do not pose a compliance issue for City and 2) are consistent with the WER adjusted WLAs which will ensure the protection of the environment. The following presents one potential approach. We are open to exploring other appropriate alternatives that define performance.

Proposed Alternative Performance Based Effluent Limit Approach

The City requests that the PBEL be calculated using a slightly different probability level based on an acceptable frequency for excursion above criteria per the TSD and a performance variability factor based on consistency with the State's antidegradation policy. The TSD discusses the format used to express water quality criteria in Appendix D stating that:

> "The format that was selected for expressing water quality criteria for aquatic life consists of recommendations concerning concentrations, durations of averaging periods, and average frequencies of allowed excursions. Use of this concentration-duration-frequency format allows water quality criteria for aquatic life to be adequately protective without

being as overprotective as would be necessary if criteria were expressed using a simpler format [based on concentration only]." (p. D-1)

The CCC[3] is intended to be the highest concentration that could be maintained indefinitely in a receiving water without causing an unacceptable effect on the aquatic community. Additionally, the TSD notes that organisms can tolerate higher concentrations for short periods of time (i.e., the duration component of the criteria, average monthly or daily, etc.) and that excursions can occur without causing unacceptable effects if the frequency of such excursions is appropriately limited. (p. D-1)

With respect to the appropriate frequency, the TSD states that "as a general rule, the purpose of the average frequency of allowed excursions will be achieved if the frequency is set at once every 3 years on average." (p. D-4)

A once-in-three-year rate of exceeding a maximum daily limit would mean that the limit is exceeded one time out of 1095 measurements (i.e., meeting the limit 99.91% of the time.) The 99.91 percentile of the data from January 2007 through August 2011 is 47 µg/L. If the WLA is based on performance at the 99.91 percentile (i.e., 47 µg/L), the corresponding performance based AMEL and MDEL calculated following SIP procedures are 41 µg/L and 68 µg/L, respectively.

Additionally, a performance variability factor should also be included to ensure that consistent performance not result in a violation of an effluent limit. This approach is consistent with Antidegradation policies. Protection of high quality waters in the case where ambient water quality is better than the criterion is discussed in a 2005 USEPA Memorandum.[4] Based on a four year process involving environmental groups, industry representatives and other experts, a consensus was reached that any individual decision to lower water quality for non-bioaccumulative chemicals (i.e., copper) that is limited to 10% of the available assimilative capacity (i.e., difference between the downstream ambient concentration and the WER adjusted copper WLA in this case) "represents minimal risk to the receiving water and is fully consistent with the objectives and goals of the Clean Water Act." The average copper concentration measured downstream of the BWRP was 19 µg/L (December 2007 through August 2011). Based on the 2005 memo, 10% of the difference between the average receiving water concentration and the WER adjusted WLA would be 5.6 µg/L (i.e., 10%*(75.2 – 19)). If the copper concentration increased in the receiving water by 5 µg/L this would correspond to a less than 10% lowering of water quality which would be considered a non-significant change in water quality.

[3] Criterion Continuous Concentration aka chronic concentration

[4] E.S. King, Office of Science and Technology. Tier 2 Antidegradation Review and Significance Thresholds. Memorandum to Water Management Division Directors, Regions 1-10. August 10, 2005.

Therefore, the City requests effluent limits for copper be based on a performance variability factor of 5 µg/L added to the AMEL and MDEL calculated using the 99.91 percentile value of performance. Table 1 presents the requested AMEL and MDEL compared to the effluent limits in the Tentative Order and the effluent limits calculated using the WER adjusted WLA presented in the TMDL. Note that the proposed approach is significantly lower than limits that would be considered protective of the environment based on the TMDL. Additionally, the proposed limits are not significantly different than those in the Tentative Order. However, we feel the approach more appropriately captures variability in performance while also ensuring protection of the environment.

Table 1. Summary of Approaches to Calculating Performance Based Copper Effluent Limits

	AMEL	MDEL
Limits based on the WER x WLA without consideration for performance	67	104
Tentative Order based on the 95th and 99th percentile of performance	36	43
Requested Limit based on the 99.91 percentile of performance from December 2007 through August 2011, plus a performance variability factor	37	54
Requested Limit based on the 99.91 percentile of performance from January 2007 through August 2011, plus a performance variability factor	46	73

Dataset for Reasonable Potential Analysis

The dataset used for the determination of reasonable potential (RP) and calculation of effluent limits in the tentative permit is December 2007 to August 2011. The rational given for this dataset is given in the Fact Sheet which states, "The monitoring data cover the period from December 2007, when the Discharger has completed the NDN process upgrade, up to August 2011." This statement is incorrect since the NDN process upgrade was completed in 2003 as stated on page F-5.

In December 2007, the BWRP completed a chloramination upgrade to its facility. This upgrade modified the disinfection process at the facility. This was a chemical treatment upgrade that did not affect the biological treatment process at the facility. The primary benefit of this upgrade was a reduction in the formation of trihalomethans (THMs) in the disinfection process; the ammonia combines with the free chlorine to form chloramines which do not combine with organics to form THMs.

This upgrade was successful and it did not alter the biological treatment in any way since the ammonia injection occurs after the biological and the filtration processes.

Therefore, the dataset that should be analyzed for the determination of permit limits and is most representative of BWRP performance (except in the case of THMs) is January 2007 (the beginning of monitoring under the existing NPDES permit) to August 2011. We recommend that for the most accurate analysis, the dataset for RP and effluent limit calculations should include data from the chloramination until the present treatment *for THMs only* and use all data since January 2007 for the remaining constituents. If only one dataset must be used for all constituents, the dataset should range from January 2007 to August 2011.

Polynuclear Aromatic Hydrocarbons

The Tentative Order contains effluent limits for the following polynuclear aromatic hydrocarbons (PAHs):

- Benzo(a)anthracene
- Benzo(a)pyrene
- Benzo(b)fluoranthene
- Benzo(k)fluoranthene
- Chrysene
- Dibenzo(a,h)anthracene
- Hexachlorobenzene
- Indeno(1,2,3-cd)pyrene

All analytical results for these constituents were 'detected, not quantified' (DNQ) meaning that the actual concentration could not be determined with any confidence. There are five days between December 2007 and August 2011 on which any of these constituents were detected and, on April 8, 2010, all eight PAHs listed above were detected. This is highly unusual and unlikely to be indicative of an ongoing water quality concern. PAHs are combustion byproducts typically found in wood smoke, car exhaust or other situations where organic materials are burned. Four of the PAHs detected on April 8, 2010 were not detected at any other time. It is possible that these DNQ results were due to sample contamination from atmospheric deposition rather than due to presence in effluent.

The City is concerned that, in addition to possible effluent limit violations, additional DNQ results for these constituents may require the City to prepare multiple Pollutant Minimization Plans (PMP) as required by Provision VI.C.3.c. of the Tentative Order. Because it is highly likely that significant sources of PAHs are not found in wastewater, a PMP would not provide any useful information.

Section 1.2 of the SIP states that the ' RWQCB shall have discretion to consider if any data are inappropriate or insufficient for use...Instances where such consideration is warranted include ... evidence that a sample has been erroneously reported or is not representative... questionable quality control/quality assurance practices'.

The City believes that DNQ analytical results should be considered insufficient for use because the QA/QC has qualified these sample results. Therefore, reasonable potential and effluent limits for these constituents should be removed from the Tentative Order.

The City of Burbank believes the revisions requested within this letter and Attachment A are consistent with State and federal regulations. We appreciate your consideration of our comments.

Please contact me if you have any questions related to our comments. We would be happy to meet or talk with your staff prior to the scheduled hearing on this action to discuss these issues further.

Respectfully submitted,

Daniel Rynn, Assistant Public Works Director
City of Burbank Public Works

Cc : Joseph Mc Dougall, Burbank City Attorney's Office

ATTACHMENT A

Burbank Water Reclamation Plant

Detailed Comments on Tentative NPDES Permit R4-2012-XXXX

The following represents the City of Burbank's (City) detailed comments on the Tentative Permit and Attachments. The City requests that the following changes be made, and that corresponding changes be made to the Fact Sheet to make that document consistent with the final permit.

Pg. 5. Facility Information. The title for the facility contact incorrectly lists Daniel Rynn as Principal Civil Engineer. His correct title is Assistant Public Works Director - Wastewater.

Request: Modify the title of Daniel Rynn to Assistant Public Works Director – Wastewater on page 5 and on F-3.

Pg. 20, IV.A.1. Title of Table 6 states, "Effluent Limitations Applicable to Discharge Point 001." The title incorrectly refers to BWRP discharge as 001 and should be modified to read 002.

Request: Modify Table 6, pg 20 to read Discharge 002 instead of Discharge 001.

Pg. 20, IV.A.1. The ammonia effluent limits for BWRP in the Tentative Order are set equal to the wasteload allocations (WLAs) in the Los Angeles River Nitrogen Compounds TMDL. The Nitrogen Compounds TMDL became effective in March 2004. During TMDL development, the City of Burbank in cooperation with the City of Los Angeles and the Los Angeles County Sanitation District were in the process of developing a site-specific objective (SSO) for ammonia. The TMDL acknowledges the SSO development but did not incorporate the SSO because at the time the TMDL was adopted, the SSO was not effective. In March 2009, the ammonia SSO became effective for the Los Angeles River.

From the time the SSO became the effective Basin Plan ammonia water quality objective for the Los Angeles River, Burbank and the City of Los Angeles have been encouraging Regional Board staff to modify the TMDL targets and allocations to reflect the revised ammonia objectives or remove ammonia from the 303(d) list as the impairment has been addressed. However, to date, the TMDL revision and/or delisting decision have not been completed. As a result, the ammonia effluent limits in the BWRP Tentative Order are currently set equal to the TMDL WLAs without an adjustment for the effective Basin Plan ammonia objectives.

The City is concerned that the currently effective Basin Plan ammonia objectives are not the basis for the effluent limits in the Tentative Order. Regional Board staff has indicated they will be revising the Los Angeles River Nitrogen Compounds TMDL to incorporate the new Basin Plan ammonia objectives in early to mid-2012. However, even if the TMDL is revised by the Regional Board as planned, it will take approximately a year to become effective and at least several months to revise BWRP's permit. Until such time as the effluent limitations are revised, Burbank will potentially be subject to enforcement liability even though the discharge is meeting

limits consistent with current Basin Plan objectives and the receiving water is meeting water quality objectives.

Request: The Tentative Order should be modified to include effluent limitations based on the SSO adjusted WLAs to be consistent with the Basin Plan objectives.

Pg. 27, V.A.17.c. Acute Toxicity Receiving WQO. The tentative permit refers to "monitoring station RSW-001D (formally referred to as R-2) located immediately downstream of the discharge." This statement is inconsistent with the Monitoring and Reporting Plan page E-5 which designates this as RSW-002D. Additionally, although the discharge point indicated is downstream of the discharge from the BWRP, there are other storm drain inputs to the channel prior to this monitoring location. Therefore, characterizing it as "immediately downstream" is misleading.

Request: Revise the statement "monitoring station RSW-001D (formally referred to as R-2) located immediately downstream of the discharge" to read ""monitoring station RSW-002D (formally referred to as R-2) located ~~immediately~~ downstream of the discharge."

Pg. 27, V.A.18. Chronic Toxicity Receiving WQO. As proposed in the tentative permit, downstream toxicity exceeding the monthly median of 1.0 TUc automatically triggers accelerated testing. This requirement does not account for the fact that downstream toxicity can occur due to the other discharges into the receiving water between the BWRP and the downstream receiving water monitoring location. Accelerated testing should only be triggered in the receiving waters if effluent toxicity exceeds the monthly median of 1.0.

Request: Modify the language under V.A.18. c to read as follow, "If the chronic toxicity in the receiving water at the monitoring station immediately downstream of the discharge, exceeds the monthly median of 1.0 TUc trigger in a critical life stage test, the discharge from Discharge Point 002 exceeds the monthly median of 1.0TUc in a critical life stage test, and the toxicity cannot be attributed to upstream toxicity, as assessed by the Discharger, then the Discharger shall immediately implement an accelerated chronic toxicity testing according to MRP CI No. 4424, section V.B.3."

Pg. 34, VI.C.3.b. Under "Best Management Practices and Pollution Prevention" the City is required to submit a Spill Clean-up Contingency Plan (SCCP). This section, along with Spill Reporting Requirements on **Pg. 38, VI.C.6** includes redundant regulations to the Sanitary Sewer Overflow Waste Discharge Requirements (SSO-WDR) State Water Resources Control Board (SWRCB) Order No. 2006-0003. In addition to unnecessary duplication of these regulations adopted by the SWRCB, the requirements contained in this tentative permit include additional notifications and reporting that creates needless confusion.

Additionally, the SWRCB is undergoing an effort to update these statewide sewer overflow regulations based on the data collected from agencies across the State from the last five years. Since these changes to the SSO-WDR have not been determined at this time, the proposed requirements in this tentative permit may conflict with those in the upcoming statewide permit.

Request: The sections Spill Clean-up Contingency Plan (SCCP) on Page 34, VI.C.3.b and Spill Reporting Requirements on Pg. 38, VI.C.6 should be listed as Not Applicable.

Pg. E-10, IV.A.1. Table 3. Effluent Monitoring. Monitoring frequency for beryllium has been increased from semiannually to quarterly. All effluent and receiving water monitoring data during the considered period was reported ND (not detected above the analytical MDL). No reasonable potential was triggered for beryllium.

Request: Reduce the monitoring frequency for beryllium from quarterly to semiannually.

Pg. E-10, IV.A.1. Table 3. Effluent Monitoring. Monitoring frequency for various parameters (Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenzo(a,h)anthracene, Hexachlorobenzene, Indeno(1,2,3-cd)pyrene) has been increased from semiannually to quarterly based on the assignment of effluent limits. As discussed previously in the comment letter, these discharge limits should be removed since no quantifiable amounts of these pollutants have been found in the 002 effluent.

Request: Reduce the discharge and receiving monitoring frequency for Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenzo(a,h)anthracene, Hexachlorobenzene, Indeno(1,2,3-cd)pyrene from quarterly to semiannually in Table 3 on Pg. E-10 and in Table 4a on Pg. E-21.

Pg. E-10, IV.A.1. Table 3. Effluent Monitoring. The 002 Effluent MRP contains different Sample Types for the same type of parameters. The parameters listed immediately above are in the same pollutant category (semi-volatile organics (see SIP Appendix 4, Table 2b)). In the tentative MRP, Benzo(a)anthracene is identified as required to be collected as a grab sample while the remaining parameters are required on 24-hour composites. To be consistent with the SIP, the MRP needs to be modified to reflect a 24-hour composite for this compound.

Request: Modify the Sample Type for Benzo(a)anthracene from grab sample to 24-hour composite.

Pg. E-21, VII.A.1. Table 4a. Receiving Water Monitoring. Monitoring frequency for thallium has been increased from semiannually to quarterly. All effluent and receiving water monitoring data during the considered period was reported ND (not detected above the analytical MDL. No reasonable potential was triggered for thallium and we request the monitoring frequency be reduced back to semiannually.

Request: Reduce the monitoring frequency for thallium from quarterly to semiannually.

Pgs. E-19-22, VII.A.1 Table 4a and Pgs. E-22-23, VII.B. The Los Angeles River Regional Monitoring Program (LARRMP); now called the Los Angeles River Watershed Monitoring Program (LARWMP), was submitted to the LARWQCB by the City of Los Angeles and City of Burbank in December 2007 and was approved by the LARWQCB on January 12, 2009. To fund this program some receiving water stations were deleted from the BWRP monitoring program, and the remaining stations had their analyzed constituents and frequency changed. Many of the

Receiving Water Monitoring Requirements in the tentative permit conflict with the Regional Board approved monitoring offsets for the Burbank Western Channel issued August 11, 2009 (see attached letter). The parameters listed below have conflicting monitoring frequency requirements.

Parameter	MRP 4424, Order R4-2012-XXXX	Monitoring Offset Requirement
Total & Fecal Coliform	Monthly	Discontinued-Monitor ***E. coli*** only-**monthly**
Bioassessment Monitoring	Annually	Discontinued
Bis-2(ethylhexyl)phthalate	Monthly	Semiannually
Boron	Quarterly	Semiannually
MBAS	Quarterly	Semiannually
BOD/COD	Quarterly	Semiannually
Fluoride	Quarterly	Semiannually
Antimony	Quarterly	Monthly
Barium	Semiannually	Quarterly

The City of Burbank continues to providing funding support LARWMP based on monitoring offsets including those listed above. In addition, since bioassessment monitoring will occur through the efforts of LARWMP, Bioassessment Monitoring Program, Section VII.B., should be removed from the tentative permit.

Request: Modify the Receiving Water Monitoring Requirements in the tentative permit to align with the Watershed-wide monitoring effort including the removal of the Bioassessment Monitoring Program.

Pg. E-21, VII.A.1 Table 4a. Receiving Water Monitoring Requirements. Table 4a lists the parameter "Halomethanes." We believe this refers to "Total Trihalomethanes" and the frequency is intended to be concurrent with 002 Effluent monthly "Total Trihalomethane" monitoring. Halomethanes results would not be comparable to the monitoring data collected in the effluent.

Request: Modify the Receiving Water Monitoring Requirements "Halomethanes" to "Total Trihalomethanes."

Pg. E-23-6, VIII.A. Special Study - Constituents of Emerging Concern (CECs). While Burbank does not want to obstruct efforts by the Regional Board to develop information on CECs in wastewater effluent, it is not clear why this effort must begin in advance of ongoing national and state efforts to develop a scientifically defensible approach to CEC monitoring in coastal environments. Of specific importance is the SWRCB's Advisory Panel for CECs in Coastal and Marine Ecosystems (Coastal and Marine Ecosystems Panel), which is being facilitated by the Southern California Coastal Water Research Project. The Coastal and Marine Ecosystems Panel will provide the SWRCB with recommendations on how to best collect data on CECs and limit the impact of CECs on coastal and marine ecosystems.

Burbank is not adverse to conducting CEC monitoring, but believe it is premature to start the Special CEC Study now given the status of the Coastal and Marine Ecosystems Panel. It would

be prudent to revise the permit so that CEC Special Study is based on and commences after the Coastal and Marine Ecosystems Panel's recommendations have been finalized.

Request: Remove the Special Study – Constituents of Emerging Concern until recommendations from the the Coastal and Marine Ecosystems Panel have been finalized.

Pg. F-4, II.A.2 Description of Wastewater and Biosolids Treatment or Controls. The reference to the location hypochlorite disinfectant is added to the process is incorrect, and states that "The disinfecting agent is added to the treated effluent prior to the filters…" Although the BWRP has the capability to adding hypochlorite to the treatment process prior to the tertiary filters, the standard operating procedure is to add the disinfecting agent after the filters.

Request: Modify the facility description to reflect that the standard operating procedure of the disinfection process is the addition of the disinfecting agent after the filters.

Pg. F-33, IV.C.2.b.xiv. Temperature. The Regional Board has proposed an effluent limitation for temperature of 86 °F except as a result of external ambient temperature. Page F-33 of the Fact Sheet states that the rationale for this limitation is the Water Quality Control Policy Thermal Plan of California (Thermal Plan) and a White Paper developed by the Regional Water Board staff entitled Temperature and Dissolved Oxygen Impacts on Biota in Tidal Estuaries and Enclosed Bays in the Los Angeles Region, which presumably incorporates comments previously received from staff of the California Department of Fish and Game.

It is unclear whether the Regional Board provided an economic or environmental analysis of what amounts to a new objective as required by Porter Cologne. There is not good scientific justification for incorporating this new temperature limit and it is not being implemented in accordance with the Administrative Procedures Act.

Request: Remove the effluent permit limit for temperature.

Pg. J-1, A. Annual Reporting Requirements. Attachment J lists the annual pretreatment report due on March 1st of each year. The pretreatment annual report should be due on April 15th, concurrent to the NPDES annual report since they rely upon the same data.

Request: Modify the due date for the pretreatment annual report to April 15th.

California Regional Water Quality Control Board

Los Angeles Region

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Linda S. Adams
Cal/EPA Secretary

Arnold Schwarzenegger
Governor

August 11, 2009

Mr. Daniel Rynn
Principal Civil Engineer
City of Burbank
P.O. Box 6459
Burbank, CA 91510-6459

MONITORING OFFSETS FOR BURBANK WATER RECLAMATION PLANT (CA0055531, M4424) TO IMPLEMENT LOS ANGELES RIVER WATERSHED-WIDE MONITORING PROGRAM

Dear Mr. Rynn:

Our letter of July 29, 2009, approved adjustments to the permit-mandated compliance monitoring for the Burbank Water Reclamation Plant to help implement the Los Angeles River watershed-wide monitoring program. However, that letter did not accurately reflect all of the adjustments proposed by the City of Burbank. This letter corrects those errors and supersedes our previous letter.

The following adjustments to permit-mandated compliance monitoring are hereby approved to help support the entire watershed-wide monitoring program on an ongoing basis in 2009 and future years:

- At all existing receiving water stations, monitor only for *E. coli* as the indicator for bacteriological monitoring, discontinue water column monitoring for chlorophyll a, and add monitoring for percent cover and biomass of attached algae.
- At receiving water stations R1 and R2, discontinue bioassessment monitoring.
- At receiving water stations R1 and R2, monitor constituents for Reasonable Potential Analysis either semiannually (bis(2-ethylhexyl)phthalate, gamma-BHC or lindane, boron, detergents (MBAS), BOD/COD, fluoride, 1,1,2,2-Tetrachloroethane and tetrachloroethylene) or quarterly (TDS, conductivity, oil and grease, phosphates/orthophosphate, sulfates, antimony, arsenic, barium, nickel, silver), rather than monthly.
- Discontinue all monitoring at receiving water station R5.

The estimated cost savings to the City of Burbank would be approximately $43,035 per year. The City of Burbank proposes to provide these funds on an annual basis to the Los Angeles San Gabriel River Watershed Council (LASGRWC). The LASGRWC will use these funds and those from other stakeholders to fund annual Los Angeles River Watershed monitoring, special studies and production of a five-year interpretive report.

We apologize for any confusion created by the errors contained in our July 29, 2009, letter. We appreciate your participation in development and implementation of a comprehensive monitoring program for the Los Angeles River watershed. We look forward to continue working with the City and other stakeholders to oversee this valuable program. If you have any questions about the monitoring program requirements, please telephone Michael Lyons at (213) 576-6718.

Sincerely,

Tracy J. Egoscue
Executive Officer

Cc: Terry Fleming, United States Environmental Protection Agency
Gerald McGowen, Environmental Monitoring Division, City of Los Angeles
Edward Belden, Los Angeles and San Gabriel Rivers Watershed Council
Brock Bernstein, Consultant