

Veronica Cuevas - U.S. EPA comments on Tentative Order for Burbank Water Reclamation Plant

From: robyn stuber <Stuber.Robyn@epamail.epa.gov>
To: Brandi Outwin <boutwin@waterboards.ca.gov>, Veronica Cuevas <VCUEVAS@wat...>
Date: 1/23/2012 11:26 AM
Subject: U.S. EPA comments on Tentative Order for Burbank Water Reclamation Plant
CC: DavidW Smith <Smith.DavidW@epamail.epa.gov>

Dear Ms. Outwin-Beals and Ms. Cuevas,

This e-mail is in response to the draft permit for Burbank Water Reclamation Plant (CA0055531), publicly noticed on December 22, 2011. We have reviewed portions of the proposed permit and have the following comments.

Copper Performance-based Effluent Limits

We support the permit's proposed performance-based effluent limits for copper implementing the recent Los Angeles River Copper TMDL amendment, incorporating wasteload allocations that can result in performance-based effluent limits for POTWs. The proposed limits reflect improvements in effluent quality at the Burbank treatment plant and will ensure the protection of water quality standards in the receiving water, including antidegradation. These limits have been calculated using the typical procedures routinely used by Regional Water Board staff to calculate performance based effluent limits in NPDES permits and other Board orders (i.e., the 99th percentile or maximum value for the daily maximum effluent limit and the 95th percentile for the monthly average effluent limit). These percentiles are recommended by U.S. EPA for calculating performance-based effluent limits in NPDES permits (see Appendix E in U.S. EPA's 1991 *Technical Support Document for Water Quality-based Toxics Control*). We support their application, here. Similarly, our March 11, 2010 comment letter on the TMDL amendment provides examples of how "current performance" effluent limits for the Los Angeles River POTWs affected by the amendment could be determined, based on effluent performance data available to us in 2010.

The concern has been voiced that use of performance-based effluent limits for NPDES dischargers will result in limits that are too stringent, or will restrict a permit writer's ability to develop less stringent limits in the future. The application of Regional Board procedures for calculating performance-based effluent limits are being reasonably applied, here, and the result is effluent limits that will maintain existing receiving water quality during the permit term. Also, we believe that the anti-backsliding and antidegradation analyses routinely conducted during permit re-issuance gives permit writers flexibility to consider additional information that may lead to less stringent performance-based effluent limits in subsequent permits.

Chronic Toxicity Reporting

We support the Regional Water Board's continued use of reporting for the narrative chronic toxicity limit when permit requirements for a TRE are triggered. This narrative reporting requirement ensures that both the State and EPA can efficiently track evidence of when chronic toxicity is present in an NPDES discharge and a TRE has been triggered.

We urge adoption of this permit, as proposed, for the copper performance-based effluent limit and chronic toxicity narrative limit reporting. If you have questions regarding these formal permit comments, please contact me directly.

Sincerely,

Robyn Stuber, Environmental Scientist
 NPDES Permits Office

Robyn Stuber
 NPDES Permits Office | 415.972.3524

U.S. EPA Region 9 | 75 Hawthorne Street (WTR-5) | San Francisco, CA 94105