CITY OF SIMI VALLEY

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May 16, 2008

Ms. Blythe Ponek-Bacharowski, Chief
NPDES Permitting Unit
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Comments on 5/6/08 Revised Tentative Waste Discharge Requirements (WDR) and National Pollutant Discharge Elimination System (NPDES) Permit for the City of Simi Valley, Simi Valley Water Quality Control Plant (NPDES Permit No. CA0055221, CI # 3021)

Dear Ms. Ponek-Bacharowski:

The City of Simi Valley (City) has reviewed the May 6, 2008, revised Tentative WDR/NPDES permit issued by your office for our Water Quality Control Plant. We appreciate the opportunity to provide the enclosed comments on the revised Tentative WDR/NPDES permit.

While we appreciate Regional Board staff efforts in providing the City and the public with revisions to the original Tentative WDR/NPDES permit as early as possible, we are somewhat handicapped in providing meaningful comments on the revised Tentative WDR/NPDES permit without first reviewing the Regional Board's written response to comments (responding to comments submitted by the City and any other interested parties on or before May 5, 2008). It is difficult to provide thorough and adequate comments without understanding the Regional Board's rationale for making certain revisions, or not making requested revisions. Nonetheless, the City is submitting the enclosed comments on the revisions contained in the May 6, 2008 revised Tentative WDR/NPDES permit.

Once we review the Regional Board's written response to comments, the City may want to submit additional comments for the record prior to the public hearing, and/or address those comments orally at the public hearing. The City would appreciate being provided the Regional Board's written response to comments as soon as that response is complete.

The City is committed to protecting local water quality while providing our rate payers with the highest level of service. We are looking forward to adoption of a new permit which provides cost effective protection of water quality in the watershed.

5-16-08

If you have any questions regarding the City's comments, please contact me at 805 583-6443 by e-mail at jlangley@simivalley.org.

Sincerely,

James F. Langley

Jim Langley
Deputy Director/Sanitation Services

Attachments

5-16-08

Comments on Revised Tentative Order Dated 5/6/08 for the SVWQCP

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2	17	IV.A.1, Table 6a	**Comment:** The waste load allocations in the Nutrient TMDL include average monthly and daily maximum concentration allocations and a daily mass load allocations. When the Basin Plan Amendment was heard for the Nutrient TMDL at the Regional Board, the BPA only included average monthly allocations. When the TMDL was heard at the State Board, the executive officer submitted "nonsubstantive" changes to the BPA in the form of a memo dated January 29, 2003. The changes revised the BPA to include a maximum daily concentration allocation and a maximum daily load allocation based on a table in the staff report. The stakeholders in the Calleguas Creek watershed had commented that the daily load allocations in that table had been calculated differently from the technical support document. The daily load allocations in the TMDL are not equal to the maximum concentration limits multiplied by the design flow for the treatment plant. For Simi Valley, the mass limit corresponds to a concentration of 2.1 mg/L at design flow, but the maximum daily concentration effluent limit is 3.4 mg/L. Given that the concerns for ammonia are based on concentrations that cause toxicity to aquatic life and not the mass of ammonia in the receiving water body, a mass limit lower than the maximum daily concentration limits are not appropriate. Additionally, since the Basin Plan Amendment adopted by the Regional Board did not include mass limits and the mass limits in the staff report that were added at the State Board with "nonsubstantive" changes were not corrected based on comments from the stakeholders, we do not feel that the mass based allocations from the TMDL should be included in the permit. Including the concentration limits in the permit is sufficient to make the permit consistent with the	The City appreciates Regional Board's staff proposal to eliminate the 220 lb/day maximum daily effluent limitation for ammonia nitrogen. However, we do not agree that this same limit should apply as a monthly average. The Regional Board should either use the 2.4 mg/L limit (monthly average) in calculating the monthly average limit or use the 3.3 mg/L (daily maximum) and include the limit as a daily maximum. The former would result in a monthly average load of 250 lb/day as a monthly average. The latter would result in a load of 344 lb/day as a daily maximum.

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			TMDL. **Request:** Remove the ammonia mass effluent limit in the Tentative Order.	
8	19	IV.1.a. (Table 6a)	**Comment:** Neither Halomethanes nor the individual constituents that comprise halomethanes triggered reasonable potential, but Halomethanes is listed in Table 6a as having a permit limit. **Request:** Remove effluent limits from Table 6a for halomethanes, as neither this constituent group nor constituents that comprise this constituent group triggered reasonable potential.	The Regional Board staff did not make necessary changes to address the original comment and request. The comment and request are resubmitted for re-consideration by Regional Board staff. At a minimum, Regional Board staff should provide the rationale for including this permit limit.
14	22	IV.A.4.c Time Schedule Order	**Comment:** The use of an interim limit of 190 mg/L in the Time Schedule Order (TSO) creates unnecessary confusion in the permit. The permit, and compliance with the permit, would be much more straight-forward if the TSO interim limits matched the interim limits from the Salts TMDL. Even though the Salts TMDL is not effective, the calculation of the interim limits is consistent with typical practices for calculating interim limits for TSOs and in this case the Salts TMDL interim limit (183 mg/L) is slightly lower than the 190 mg/L in the current TSO. **Request:** Please revise the interim limit in the TSO to match the chloride interim limit from the Salts TMDL (183 mg/L).	The Regional Board staff did not make necessary changes to address the original comment and request. The comment and request are resubmitted for re-consideration by Regional Board staff.
16	27	V.A.17.d	**Comment:** Accelerated toxicity monitoring at the downstream monitoring station is not required if the	The Regional Board staff did not make necessary changes to address the

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			acute toxicity at the upstream station is greater than that at the downstream station. However, accelerated monitoring at the downstream station should not be required if upstream toxicity is greater than or equal to toxicity at the downstream station. **Request:** Revise this paragraph as follows: "If the upstream acute toxicity of the receiving water is greater than or equal to the downstream acute toxicity…"	original comment and request. The comment and request are resubmitted for re-consideration by Regional Board staff.
17	25	V.A.1.	**Comment**: The Tentative Order includes the following surface water receiving water limitation for temperature: "For waters designated with a warm freshwater habitat (WARM) beneficial use, the temperature of the receiving water at any time or place and within any given 24-hour period shall not be altered by more than 5 ◦F above the natural temperature (or above 70 ◦F if the ambient receiving water temperature is less than 60 ◦F) due to the discharge of effluent at the receiving water station located downstream of the discharge…." The Basin Plan's water quality objective for temperature specifies, for waters designated as WARM, an allowable maximum change of five degrees above "natural temperatures," and a prohibition on raising the temperature of such waters above 80 ◦F as a result of waste discharges. *See* Basin Plan at 3-16. "Natural temperature" for receiving waters is not defined in the Basin Plan. However, that term is defined in the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays of California ("Thermal Plan") as: "The temperature of the receiving water at locations, depths, and times which represent conditions unaffected by any elevated	**New Comment:** Tentative Order continues to include a surface water receiving water limitation for temperature as follows: "For waters designated with a warm freshwater habitat (WARM) beneficial use, the temperature of the receiving water at any time or place and within any given 24-hour period shall not be altered by more than 5 ◦F above the natural temperature due to the discharge of effluent at the receiving water station located downstream of the discharge. Natural conditions shall be determined on a case-by-case basis." This limitation mirrors the Basin Plan's water quality objective for temperature. We continue to be troubled by the receiving water limitation for temperature, and how compliance is to be determined, given that no "natural temperature" currently exists for the receiving water, no process for

COMMENT NUMBER	TO PAGE #	TO SECTION	ISSUE	RESPONSE
			temperature waste discharge or irrigation return waters." Arroyo Simi is an ephemeral, effluent dominated water body, and the flow upstream of the discharge point is primarily comprised of upwelling groundwater, and seasonal storm water and surface water drainage. As such, Arroyo Simi, upstream of the discharge, experiences severe temperature fluctuations during the summer, fall, and winter months, while the temperature of the discharge remains relatively stable. During most times of the year, Simi Valley's discharge dominates the flow in Arroyo Simi. For these reasons, Arroyo Simi has no readily identifiable "natural temperature," and establishing a natural receiving water temperature is problematic for purposes of complying with the receiving water limit in the Tentative Order since there may be "natural" flows only during short periods of the year. The State Water Resources Control Board has previously stated that receiving water objectives for temperature that key compliance off of "natural temperatures" are inappropriate to apply to ephemeral and/or effluent dominated water bodies, and should be modified to reflect site-specific conditions. *See In the Matter of the Review on Own Motion of Waste Discharge Requirements Order No. 5-01-144 for Vacaville's Easterly Wastewater Treatment Plant,* Order WQO 2002-0015 at pages 48-50 and *In the Matter of the Review on Own Motion The City of Turlock, Municipal Services Department,* Order WQO 2002-0016 at pages 14-15. We assume that the parenthetical "…(or above 70 ◦F if	determining "natural temperature" for purposes of certifying compliance is provided, and establishing a natural receiving water temperature is problematic for purposes of complying with the receiving water limit in the Tentative Order since there may be "natural" flows only during short periods of the year. The State Water Resources Control Board has previously stated that receiving water objectives for temperature that key compliance off of "natural temperatures" are inappropriate to apply to ephemeral and/or effluent dominated water bodies, and should be modified to reflect site-specific conditions. See In the Matter of the Review on Own Motion of Waste Discharge Requirements Order No. 5-01-144 for Vacaville's Easterly Wastewater Treatment Plant, Order WQO 2002-0015 at pages 48-50 and In the Matter of the Review on Own Motion The City of Turlock, Municipal Services Department, Order WQO 2002-0016 at pages 14-15. Regional Board staff is aware that the temperature of the discharge is relatively steady, and an effluent limitation for temperature already controls the acceptable temperature of the discharge. Regional Board staff is also aware that the receiving water

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			the ambient receiving water temperature is less than 60 ◦F)" included in Tentative Order section V.A.1. was Regional Board staff's good faith attempt to tailor the receiving water limit to the site-specific conditions in Arroyo Simi and its downstream tributaries; however that parenthetical does not adequately address the temperature fluctuations that have occurred, and are expected to occur in the future, which will unreasonably and unnecessarily expose Simi Valley to liability for non-compliance that cannot be avoided. For example, if the receiving water temperature upstream of Simi Valley's discharge is 61 degrees, Simi Valley's discharge is 70 degrees, and the resulting downstream receiving water temperature is 67 degrees, Simi Valley would increase the receiving water temperature more than 5 degrees, and the parenthetical would not apply to provide relief. **Request**: Based on the above comment, the receiving water limitation should be removed entirely from the Tentative Order, or modified in the following manner, to comport with the factual circumstances in this case, as well as the State Board's directives in similar scenarios: "For waters designated with a warm freshwater habitat (WARM) beneficial use, the temperature of the receiving water at any time or place and within any given 24-hour period shall not be altered by more than 5 ◦F above the natural temperature (or above ~~70~~ 75 ◦F if the ambient receiving water temperature is less than ~~60~~ 68 ◦F) due to the discharge of effluent at the receiving water station located downstream of the discharge…."	temperature can fluctuate drastically due to seasonal ambient temperature. Notwithstanding these factors, no changes have been made to the receiving water limitation, which may pose future unnecessary and unreasonable compliance issues. **Request**: The receiving water limitation should be removed entirely. Alternatively, Regional Board staff should clarify how the receiving water limitation will be reasonably interpreted and enforced for the site-specific conditions involved.
18	27	V.A.18.d	**Comment:** Accelerated toxicity monitoring at the	The Regional Board staff did not make

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			downstream monitoring station is not required if the chronic toxicity at the upstream station is greater than that at the downstream station. However, accelerated monitoring at the downstream station should not be required if upstream toxicity is greater than or equal to toxicity at the downstream station. **Request:** Revise this paragraph as follows: "If the chronic toxicity of the receiving water upstream of the discharge is greater than or equal to the downstream…"	necessary changes to address the original comment and request. The comment and request are resubmitted for re-consideration by Regional Board staff.
19	34	VI.C.3	**Comment**: Section VI.C.3 requires the City to "provide certification" if no storm water is discharged or allowed to run off the site of the SVWQCP. It is unclear what providing "certification" means. **Request**: Please clarify what the Regional Board means by "certification" and describe how compliance with this requirement is to be achieved.	The Regional Board staff did not make necessary changes to address the original comment and request. The comment and request are resubmitted for re-consideration by Regional Board staff.
20	E-2	Attachment E, I.A.	**Comment:** The due date specified in the last sentence of this section should be revised to allow submittal in the third monthly monitoring report following the analysis, consistent with NPDES permits issued to other dischargers in the Calleguas Creek Watershed. **Request:** Revise the last sentence in this section as follows: "Results of quarterly, semiannual, and annual analyses shall be reported in the third monthly monitoring report following the analysis."	
21	E-5, E-22	Attachment E, I.N., VIII.A.	**Comment:** The MRP requires the development of a watershed monitoring program to "assess the impacts of other sources of pollution (e.g., non-point source run-off,	The Regional Board should make section E.I.N (p.E-5) consistent with section E.VIII.A.1 (p. E-23). In

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			aerial fallout) or to evaluate the current status of important ecological resources on a regional basis." For compliance with the Nutrient, Toxicity, OC Pesticide and PCB, and Metals TMDLs, responsible parties (including the CCW POTWs) have developed a watershed monitoring program that has been approved by the Regional Board Executive Officer. This watershed monitoring program includes water chemistry and toxicity, sediment chemistry and toxicity, fish tissue, and bird egg analysis throughout the watershed. Additionally, benthic invertebrate monitoring will be conducted in Mugu Lagoon. For water chemistry, samples will be collected from agricultural and urban discharge locations in addition to receiving water monitoring locations throughout the watershed. We feel that this monitoring is a sufficient monitoring program to meet the goals outlined in the MRP. Additionally, this program has been approved by the Regional Board and will be implemented starting in August 2008. Finally, we have recommended some changes to the MRP in later comments to be consistent with the TMDL watershed monitoring program. As a result, we feel that the requirement to develop a separate watershed monitoring program is unnecessary. **Request:** Remove the requirement to develop a watershed monitoring program from the MRP on page E-4, E-5, E-22, and E-23.	addition, The City should only be required to submit progress reports until the monitoring program is being implemented.
23	E-9	Attachment E IV.A.1. (Table 3)	**Revised Comment:** MRP, Section IV.A.1, Table 3: Footnote 4 specifies that the discharger report the total amount of time each day that the turbidity exceeds 2 NTU. This value of 2 NTU is a "corrected" value in the Revised T.O. which was identified in the original T.O.	The Regional Board changed "0.2 NTU" to "2 NTU." Other permits in the LA Region are required to report the number of minutes in each day that the turbidity exceeds 5 NTU, not 2 NTU. This

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			as 0.2 NTU. The purpose of this requirement, presumably, is to assess compliance with the effluent limitation specified in the Revised T.O., Section IV.A.2.e.(b), which specifies that the turbidity of the discharge cannot exceed 5 NTU more than 5% of the time (72 minutes) within a 24-hour period. This presumption is validated in that other NPDES permits in Region 4 contain a reporting requirement specifying the time each day that the effluent turbidity exceeds 5 NTU, not 2 NTU. Effluent limitations for turbidity in Section IV.A.2.e., including the 5 NTU limit not to be exceeded more that 72 minutes each day, are based on the definition of "filtered wastewater" in the California Code of Regulations ("CCR", Title 22, Division 4, Chapter 3, section 60301.320). There is no requirement in the CCR for recycled water specifying the time each day that effluent turbidity exceeds 2 NTU – this is an error in the Revised T.O. that should be corrected to be consistent with effluent limits based on CCR requirements for recycled water. **Revised Request:** Because there is no regulatory basis for reporting the amount of time in a day that the turbidity of the discharge exceeds 2 NTU, Footnote 4 to Table 3 in the MRP should be revised to require reporting the amount of time each day that the turbidity exceeds 5 NTU to be consistent with CCR regulations governing recycled water quality.	comment is resubmitted for reconsideration as revised**.**
24	E-9	IV.A.1. (Table 3)	**Comment:** The "daily" monitoring frequency for many constituents should be reduced to weekly to be consistent with NPDES permits issued to other dischargers in the Calleguas Creek Watershed.	The Regional Board staff did not make necessary changes to address the original comment and request. The comment and request are resubmitted for re-consideration by Regional Board

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			Request: Reduce the monitoring frequencies from daily to weekly for total coliform, fecal coliform, *E. coli*, temperature, pH, settleable solids, suspended solids.	staff. The Regional Board staff did not make necessary changes to address the original comment and request. The comment and request are resubmitted for re-consideration by Regional Board staff. Regional Board staff should at minimum provide justification for the higher monitoring frequency.
25	E-10	IV.A.1. (Table 3)	**Comment:** The "monthly" monitoring frequency for many constituents should be reduced to quarterly to be consistent with NPDES permits issued to other dischargers in the Calleguas Creek Watershed. **Request:** Reduce the monitoring frequencies from monthly to quarterly for oil & grease and CTAS.	The Regional Board staff did not make necessary changes to address the original comment and request. The comment and request are resubmitted for re-consideration by Regional Board staff. Regional Board staff should at minimum provide justification for the higher monitoring frequency.
26	E-10	IV.A.1. (Table 3)	**Comment:** The "quarterly" monitoring frequency for many constituents should be reduced to semiannually to be consistent with NPDES permits issued to other dischargers in the Calleguas Creek Watershed. **Request:** Reduce the monitoring frequencies from quarterly to semiannually for antimony, arsenic, beryllium, cadmium, chromium III, chromium VI, lead, silver, and zinc.	The Regional Board staff did not make necessary changes to address the original comment and request. The comment and request are resubmitted for re-consideration by Regional Board staff.staff. Should the Regional Board staff not accommodate this request, it should at minimum provide justification for the higher monitoring frequency.
29	E-11, E-12	IV.A.1. (Table E-3 footnotes 15-17	**Revised Comment**: The Tentative Monitoring and Reporting Program at Section IV.A.1., Table E-3, requires effluent monitoring for specified emerging chemicals, endocrine disrupting chemicals, and pharmaceuticals. Footnotes 15 through 17 apply to the required monitoring, with footnotes 16 and 17 stating that the specified endocrine disrupting chemicals and pharmaceuticals must be monitored "only when the	The Comment and Request are resubmitted for reconsideration by the Regional Board staff as revised.

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			analytical methods for these chemicals are applicable and approved by the California Department of Public Health…." With respect to the constituents labeled as "emerging chemicals" (1,4-dioxane, perchlorate, 1,2,3-trichloropropane, and methyl tert-butyl ether), the Regional Board has not set forth the rationale for requiring monitoring of these constituents (i.e., why the Regional Board believes such monitoring is necessary). Furthermore, it is unclear how any data obtained might be used to determine compliance, if at all, with specific provisions set forth in the Tentative Order. Before imposing these new monitoring requirements, the Regional Board should provide a clear explanation of why the monitoring is required, and how the data will be used to determine compliance, if at all, with specific provisions set forth in the Tentative Order. The same concerns expressed above regarding monitoring for "emerging chemicals" apply to monitoring for "endocrine disrupting chemicals" and "pharmaceuticals." However, even more significant scientific and policy issues exist with respect to monitoring for endocrine disrupting chemicals and pharmaceuticals. Monitoring for these constituents is a topic of great discussion and policy debate in California, and nationwide. We understand that at this time, CDPH, among other entities, believes the imposition of individual monitoring requirements for these constituents is not appropriate for surface water discharges, as the chemistry and analytical techniques simply do not exist to measure accurately, quantify reliably, or replicate results. Furthermore, any data	

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			obtained will exist in a regulatory and policy vacuum, which is a particular concern to POTWs and state regulatory agencies, as no explanation can be provided to the public to provide context for the data obtained (regardless of how accurate or inaccurate that data may be). For these and other reasons, the Santa Ana Regional Board has chosen not to impose monitoring for endocrine disrupting chemicals and pharmaceuticals in individual permits, but rather, is scheduling scoping meetings this Summer and early Fall for all interested stakeholders to discuss the issues, form a Task Force, and potentially create a watershed monitoring program. See enclosed Santa Ana Regional Board Scoping Evaluation for Emerging Constituents Monitoring. We believe this general approach is preferable to imposing individual monitoring requirements in NPDES permits, especially where no further discussion as to the regulatory or policy consequences of any data obtained is included, and strongly encourage the Los Angeles Regional Board to pursue a similar path. We understand that the Los Angeles Regional Board has already begun investigating how other regulatory agencies handle monitoring and regulation of endocrine disrupting chemicals, pharmaceuticals, and other emerging contaminants, and issued "Emerging Pollutants of Concern, A Survey of State Activities and Future Needs," in January 2008. This report confirms the uncertainty noted in our comments herein, including: • Lack of national ambient water quality criteria • Lack of state resources to develop and adopt	

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			standards • Analytical methodologies are still in development • State laboratories doe not have necessary analytical capabilities • Toxicological research is still inadequate (e.g., RfDs or potency factors) • Acute and/or chronic aquatic life database still in development. See Survey Report at page 4. We also understand that CDPH has promulgated draft regulations for the regulation of recharge of groundwater with recycled water. These draft regulations were updated on January 4, 2007 and the accompanying endnotes were updated on September 18, 2007. See Draft Regulation Groundwater Recharge Reuse and Draft Endnotes for Draft Recharge Regulations. The draft regulations and endnotes contemplate monitoring for emerging chemicals, endocrine disrupting chemicals, and pharmaceuticals so as to detect the presence of these potential influent wastewater constituents in groundwater recharged with recycled water. It is important to note that these regulations and endnotes have no regulatory applicability to Simi Valley's surface water discharge, as the regulations are only in draft form (and have not been formally adopted after a rulemaking effort), only apply to groundwater recharge projects, and are meant to detect the presence of potential influent wastewater constituents in groundwater (as such, this monitoring seems illogical to apply directly to effluent). In the draft endnotes, CDPH also makes clear that any	

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			monitoring conducted "is not for compliance purposes, but for informational use only." See Draft Endnotes for Draft Recharge Regulations at p. 4. By including monitoring within an MRP for a NPDES permit, the Regional Board is implying that such monitoring will be used to assess compliance for some provision of the NPDES permit (whether that be a general prohibition, receiving water limitation, or effluent limitation). Thus, at the very least, the Regional Board should request any informational monitoring outside the confines of an enforceable NPDES permit and associated MRP. Additionally, Endnote 5 lists the constituents that CDPH is interested in monitoring. See Draft Endnotes at Endnote 5, page 5. The monitoring required by the Tentative Monitoring and Reporting Program includes constituents that are not included in the list of constituents in Endnote 5. At the very least, Simi Valley should not be required to monitor for constituents that CDPH is not recommending for monitoring in drinking water. **Revised Request**: Effluent monitoring for specified emerging chemicals, endocrine disrupting chemicals, and pharmaceuticals should be removed from the Tentative Monitoring and Reporting Program, and a watershed or basin-wide approach should be pursued, similar to the plan currently envisioned by the Santa Ana Regional Board. If monitoring data for informational purposes is sought by the Regional Board, this should be accomplished using a different regulatory vehicle that is not an enforceable NPDES Permit and associated monitoring and reporting program.	

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			To the extent the monitoring requirements for emerging chemicals, endocrine disrupting chemicals, and pharmaceuticals are retained in the Tentative Monitoring and Reporting Program, we request that Regional Board staff modify the list of constituents to remove those that do not appear in Endnote 5. In footnotes 16 and 17, to ensure public acceptance and adequate notice of the referenced USEPA-approved analytical methods for endocrine-disrupting chemicals and pharmaceuticals, we request the phrase "and incorporated into 40 CFR Part 136" be included, as follows: "These chemicals need to be monitored only when the USEPA-approved analytical methods for these chemicals are available and incorporated into 40 CFR Part 136."	
30	E-13	Attachment E, V.A.2.d	**Comment:** Accelerated toxicity monitoring at the downstream monitoring station is not required if the acute toxicity at the upstream station is greater than that at the downstream station. However, accelerated monitoring at the downstream station should not be required if upstream toxicity is greater than or equal to toxicity at the downstream station. **Request:** Revise the second paragraph as follows: "However, if the extent of the acute toxicity of the receiving water upstream of the discharge is greater than or equal to the downstream and…"	The Regional Board staff did not make necessary changes to address the original comment and request. The comment and request are resubmitted for re-consideration by Regional Board staff.

Comments on Revised Tentative Order Dated 5/6/08 for the SVWQCP

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32	E-15	Attachment E Section V.B.2.b.a	**Comment 1**: This section requires the City to perform the first toxicity screening tests for three consecutive months in 2008 using the three species as stated in the current permit. This requirement would result in an unnecessary use of the City's resources because test results over the past 25 years have confirmed the same most sensitive species without change. **Request:** Please reduce the first chronic toxicity screening to one test in 2008 instead of the three consecutive monthly tests.	The comment and request are resubmitted for re-consideration by Regional Board staff. **Should the Regional Board deny the original request, please reduce the chronic toxicity screening from three consecutive months in 2008 to just one month screening every two years. Historically, we have been using Fatheads for EFf and Cerio for receiving water and have established the sensitivity of these species to the above samples.**
33	E-15	Attachment E Section V.B.3	**Comment 1**: The best construction of Section V.B.3 is that the six additional toxicity tests shall be conducted on only the water source (effluent or downstream receiving water) for which the monthly trigger median of 1.0 TUc was exceeded. The language in this section should clarify this construction. **Comment 2**: Section V.B.3.a requires immediate implementation of the Initial Investigation TRE workplan if any three out of the initial test and the six additional tests results exceeds 1.0 TUc. Although this requirement is consistent with the City's current permit, it is inconsistent with Section V.B.3.c, which authorizes returning to the normal sampling frequency if all of the six additional tests do not exceed 1.0 TUc. A negative result to the condition stated in section V.B.3.a should suffice to a return to the normal test frequency since the condition was not satisfied. Thus, is the initial test and	The City appreciates the changes that have been made to tentative Section V.B.3 regarding accelerated monitoring. However, we sustain our request that reference to the Executive Officer in Section V.B.3.d be removed. As Comment No. 3 in the adjacent column indicates, it is unclear what reference to the Executive Officer is intended to achieve. (i.e. must the Executive Office approve termination of the accelerated monitoring where the District has initiated the TRE/TIE process). If the intent is to authorize termination of accelerated testing only after Executive Officer approval, the District believes such approval would add a layer of regulation and is unnecessary.

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			one of the six additional test results exceed 1.0 TUc, immediate implementation of the Initial Investigation TRE workplan is not triggered, and a return to normal sampling frequency is warranted. **Comment 3**: Section V.B.3.d presumably requires the Executive Officer to determine whether an accelerated test schedule may be terminated or used in performing a TRE/TIE where a TRE/TIE is initiated prior to completion of an accelerated testing schedule. Aside from the fact that language is vague in the context of the Executive Officer's involvement in the decision to forego further accelerated testing, the reference to the Executive Officer is unwarranted. Initiating a TRE/TIE before conducting or completing the accelerated testing, is in essence equivalent to meeting the condition in Section V.B.3.a, namely that there is a need to initiate the toxicity reduction evaluation. Since the POTW does not need Executive Officer approval where it "immediately implement[s] the Initial Investigation TRE workplan" under Section V.B.3.a (i.e. any three tests results exceed 1.0 TUc), there is no need for Executive Officer involvement where the POTW has elected to forego completion of the accelerated tests and engage the TRE/TIE process. **Request**: Please revise section V.B.3 as shown in the attached strikeout-underline version of the Tentative Order.	
New Comment No. 1	E-20	VI	**Comment**: Section VI of the MRP states that the City recycles approximately 10% (0.9 million gallons per year) of total treated effluent. Simi recycles 0.6% (18.250 million gallons per year).	New Comment

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			Request: Please revise Section VI consistent with this comment.	
36	E-21	Attachment E, Section VII.A.1	**Comment:** In the context of this NPDES permit, a requirement for monthly sampling of benthic algal biomass, whether obtained via removal of algal tissue from benthic substrata for estimates of chlorophyll a per unit area, or via percent cover estimation, is inappropriate for several reasons. At the receiving water sites for these POTWs, benthic algae colonizes a variety of substrates, which includes bedrock, boulders and large rock, large and medium cobbles, gravel, sand, silt, clay, aquatic plants, and concrete. Each of the substrates requires a different approach (and different tools) for quantitative removal of attached algae for chlorophyll a analysis. In addition, all of the characteristic stream sub-habitats (riffles, runs, and pools) occur within the reaches used for receiving water monitoring by the POTWs. Legitimate estimates of benthic algal biomass in a stream reach can only be obtained by establishing a series of transects, which intersect examples of all stream habitat types present in the reach (riffles, runs, and pools), with multiple samples taken at each transect across the wetted width of the stream channel. The equipment and supplies currently used in well-regarded benthic algae sampling programs are not commercially available, but are constructed by hand by those who work in the field and are familiar with the substrates and taxa present in southern California streams. Furthermore, once the samples are collected in the field, they are subjected to a series of processing steps in the laboratory (1) for which there are no standard methods,	The City thanks the Regional Board for reducing the frequency of benthic algal biomass monitoring from monthly to quarterly. However, quarterly sampling remains an issue. For the reason described below, we request that the requirement for estimating chlorophyll a be delayed. However, if the Regional Board denies this request, we request the constituent samples be collected in conjunction and concurrently with the Bioassessment Monitoring (BM) program using an appropriate protocol to reduce costs. If chlorophyll A tests are done separately from the BM (as in quarterly), the sampling cost would be about $1500.00 per event, which is unreasonable. In addition, the units specified in the Tentative Order for reporting of benthic algal biomass (mg/L) are nonsensical. The correct units should be % cover and/or mg chlorophyll a or ash-free dry weight/m2. Therefore, the City requests that the Regional Board correct the units in the Tentative Order to the appropriate units for estimates of benthic algal biomass.

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			(2) which are not performed at commercial laboratories which analyze chlorophyll a in water samples, (3) which are still being refined - primarily in academic settings, and (4) which need to be adjusted depending on which substrates were sampled and which taxa of algae were present in the field at the time of sampling. Even if the specialized preprocessing of field samples were conducted by field personnel after training by experts, additional expertise would be required by laboratory staff to correctly perform serial dilutions of pigment extracts prior to fluorometric or spectrophotometric analysis - expertise which is not reliably available at commercial laboratories. Less training and expertise is required to estimate percent cover in the field. However, to be quantitative, the estimates must be obtained using point-intersect techniques (transects or grids) and should be conducted at multiple points along several transects. Both of these approaches (quantitative estimation of chlorophyll a and percent cover) are substantially different, substantially more time consuming, and require substantially more expertise than collection of grab samples of water for shipment to commercial laboratories. Additionally, monthly benthic algal sampling would not generate meaningful data. The sampling process removes algae biomass from the substrate in the stream over a number of transects. The number of transects at the sampling location are limited and monthly sampling would result in collection at the same locations at a frequency that does not correlate to algal growth patterns. Sampling programs for algal biomass are more appropriate during targeted growth periods two to three	In light of the facts that (1) the Special Study underway examining algal biomass in Calleguas Creek watershed has revealed an important flaw in the sample processing steps outlined by the EPA in their method for obtaining estimates of mg chl.a/m2 from benthic substrata (leading to a possible 30% underestimation of chlorophyll a/m2), (2) SWAMP has not established protocols for estimating algal biomass (either via % cover or chl.a/unit area), and (3) to the City's knowledge, there is only 1 laboratory (Los Angeles County Sanitation District) in the State certified to analyze chlorophyll a in pigment extracts, the City requests that the Regional Board delay the requirement for estimating chlorophyll a (or ash free dry weight) per unit area of benthic substrate until such time as protocols for (1) obtaining field samples for measurements of chlorophyll a or ash free dry weight and (2) for processing field samples (i.e., the steps preceding the spectral analysis of pigment extracts), have been established by the State and fully evaluated using field and laboratory calibrations, and until such time as there are adequate facilities certified for the spectrophotometric or fluorometric analysis of chl.a from pigment extracts.

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			times per year. None of the stream reaches within the Calleguas Creek Watershed are currently listed as impaired by algae. As of this writing, a special study forming part of the Calleguas Creek Nitrogen TMDL, is currently underway in seven reaches of the watershed that will (1) evaluate the efficacy of field and laboratory techniques for determination of chlorophyll a and percent cover for benthic algae, given the habitats and taxa present in the Calleguas Creek watershed, and (2) provide data on algal abundance during its seasonal maximum (the spring bloom) and its effect on pH and dissolved oxygen. If the results of this study indicate that further data are required, benthic algal sampling could more appropriately be conducted at the receiving water stations in the form of an additional special study, or incorporated into the TMDL monitoring program for Calleguas Creek. **Request**: Please delete the requirement for monthly sampling of algal biomass.	
37	E-21, E-22	VII.A.1 (Table 4)	**Comment:** The "quarterly" monitoring frequency for many constituents should be reduced to semiannually to be consistent with NPDES permits issued to other dischargers in the Calleguas Creek Watershed. **Request:** Reduce the monitoring frequencies from quarterly to semiannually for antimony, arsenic, beryllium, cadmium, chromium III, chromium VI, lead, silver, zinc, barium, methoxychlor, 2,4-D and 2,4,5-TP.	The Regional Board staff did not make necessary changes to address the original comment and request. The comment and request are resubmitted for re-consideration by Regional Board staff. Should Regional Board staff not accommodate this request, at a minimum, it should provide justificaton for the higher monitoring frequency.

Comments on Revised Tentative Order Dated 5/6/08 for the SVWQCP

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39	E-26	IX.B.4	**Comment:** The requirement to report MLs, MDLs, and results as DNQ should apply to results of effluent and receiving water samples only, per the SIP. Influent samples should be clearly exempted from these reporting requirements. **Request:** Add clarifying language to this section to state that these reporting requirements do not apply to samples of influent.	The Regional Board staff did not make necessary changes to address the original comment and request. The comment and request are resubmitted for re-consideration by Regional Board staff.
40	F-58 – 59	Table 9 in Attachment F, Section VI.B	**Comment**: The City of Simi Valley appreciates the inclusion of Table 9 in the Tentative Fact Sheet. This Table shows the monitoring frequencies of effluent parameters on the current permit in contrast to the proposed monitoring frequencies. This should include all the parameters that were required to be monitored in Attachment T of the current permit and that are no longer proposed for monitoring per Attachment E. For example, Attachment T (page T-9) requires semiannual monitoring of methyl bromide in the effluent. Table 3 in Attachment E does not propose to require monitoring of this constituent. This change should be shown as "deleted" in Table 9 (as was done for algal biomass). **Request**: Please update the comparison table to contrast all monitoring frequencies between permits. This table should show all monitoring frequencies that are proposed for change, will remain the same, or are proposed for deletion.	The Regional Board staff did not make necessary changes to address the original comment and request. The comment and request are resubmitted for re-consideration by Regional Board staff.
New Comment No. 2		Attachment K	**Comment:** In the new Attachment K, POTWs are not listed as responsible parties for Task 15b, Submit results of Special Study #3-Investigation of metals' "Hot Spot"	Comment Added

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			and Natural Soil. Task 15b should not be included in Attachment K. Additionally, many of the items listed in Attachment K are required to be completed by several responsible parties named in the TMDLs. The responsible parties for the CCW TMDLs have signed an MOA to jointly fund and complete the implementation of the TMDLs. The signatories to the MOA will be jointly developing work products and submitting them to the TMDL unit at the RWQCB. We would like to request that language be included in Attachment K that clarifies how reporting for these tasks will be completed and ensures that the documents are not required to also be submitted separately to the permit section at the RWQCB. **Request:** Remove Task 15b from Attachment K. Include the following statement in the Attachment: "The annual report shall include a statement verifying that the TMDL tasks included in this Attachment have been completed."	