

**Response to Comments
on the
May 20, 2010 Tentative Waste Discharge Requirements and NPDES Permit
City of Los Angeles
Hyperion Treatment Plant**

This Table (matrix) summarizes comments received from interested parties with regard to the above-referenced Tentative Permit. Each comment presented has a corresponding USEPA and Regional Water Board staff response and corresponding action taken, if any.

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
Letter from City of Los Angeles dated June 21, 2010 Attachment 1 – Detailed Comment Matrix on HTP Tentative Permit							
1	Various Dis-charge Prohibitions and Standard Provi-sions	Dupli-cation and incon-sis-tency	There are several examples of permit language that is duplicative, conflicting or confusing with regard to discharge prohibitions, etc. To the extent that multiple provisions are included to address the same requirements (e.g. bypass, discharge of sludge to the ocean, etc.) a single incident could lead to multiple permit violations simply because the same requirement is repeated in several places. Please consolidate the discharge prohibition and provi-sions as suggested in the attached marked up Tenta-tive Order (Attachment 2). All of the comments not related to the duplicative language are contained within the following matrix and are not in the at-tached marked up Tentative Order (Attachment 2).		X	A single incident will not result in multiple permit violations. Some changes have been made to the permit (see responses to Bureau Comment #1 in document summarizing sig-nificant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and U.S. Environmental Pro-tection Agency (USEPA) and Los Angeles Regional Water Quality Control Board (Re-gional Water Board) responses to these com-ments, including actions taken).	Some changes made
2	Tenta-tive Or-der, Ta-ble on Page 2 and Ta-	Table num-bering dis-crep-ancies	A second Table 1, found on page 2, should be rela-beled as Table 4. City of Oxnard referenced in header, incorrect Order No. and NPDES No. Table 4 missing from List of Tables on page 3.	X		Changes have been made.	Change made

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				Agree	Disagree		
	ble of Contents, Page 3.						
3	Tentative Order, Section I, Table 5, Page 4.	Facility design flow	The Bureau request the following changes to be consistent with the facility's design flow: 450 Million Gallons per day (MGD), maximum dry weather design flow 850 MGD, maximum wet weather design flow and 850 MGD of wet weather peak hydraulic capacity. Please make the changes throughout the Tentative Order and associated documents.	X		Changes have been made. Also, based on personal communications between H. Rad and R. Stuber on September 24, 2010, 450 mgd is clarified as the <u>"30-day (monthly) average daily dry weather design capacity for secondary treatment"</u> .	Change made
4	Tentative Order, Section II.A, Page 5.	Consent Decree and other legal issues	Section called "Consent Decree and Other Legal Issues" does not need to be included in the permit. This information is already contained in the Fact Sheet and should not be duplicated in the permit.		X	The findings in the permit include background information and the section "Consent Decree and Legal Issues" is part of the background information for the Hyperion permit.	None
5	Tentative Order, Section II.C, Paragraph 2, Page 7.	Discharge description conflict	The Bureau requests that the facility description in Section II.C be revised so that it is consistent with Section II.B. Section II.C only refers to the discharge of undisinfected secondary effluent into Santa Monica Bay. This ignores the discharge from Discharge Point 001, which is used for the emergency discharge of chlorinated secondary treated effluent during extremely high flows or maintenance and undisinfected storm water.		X	A full description of Discharge Points 001 and 002 is contained in Section II.C on pages 10 and 11; therefore, the requested change is not necessary.	None
6	Tentative Order, Section	HTP description	The description of the Hyperion Treatment System Service Area on page 8 should include the Terminal Island Treatment Service Area. Under the list of Contract Cities and Agencies on page 9, "j. LA	X		The list of Contract Cities and Agencies on page 9 has been updated to add the Terminal Island Treatment Service Area and remove LA County Sanitation District #9 (Terminal Is-	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	II.C, Page 8 and 9.	errors	County Sanitation District #9 (Terminal Island)” and “t. City of Long Beach” should be deleted since they are not part of this system.			land) and City of Long Beach.	
7	Tentative Order, Section II.C, Page 9, Paragraph 2.	Missing word	Stated as, “The City is currently upgrading the eight LFD Facilities to equip the facilities the necessary back up electrical, mechanical, telemetry, and the required pumping capacity to minimize down-time.” Suggested correction , “The City is currently upgrading the eight LFD Facilities to equip the facilities <i>with</i> the necessary back up electrical, mechanical, telemetry, and the required pumping capacity to minimize down-time.”	X		Suggested correction was made.	Change made
8	Tentative Order, Section II.C, Page 9, Paragraph 2. Attachment F (Fact Sheet), Section III.A, Page F-11.	Incorrect title	The Bureau requests to change “Santa Monica Bay <i>Beach</i> Dry-weather Bacteria TMDL”, to the correct title “Santa Monica Bay <i>Beaches</i> Dry-weather Bacteria TMDL”.	X		Suggested correction was made.	Change made
9	Tentative Order, Sec-	Outfall descrip-	This section includes descriptions of the two outfalls but does not provide information on the allowable dilution credits for Outfalls 001 and 002. This		X	This section does not provide information on the dilution ratios, because the dilution ratios are used in the calculation of the effluent limi-	None

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	tion II.C, Page 10.	tion & dilution credit	information is only provided in Footnote 1 for Tables 8 and 9. The Bureau requests that the minimum dilution ratio of 84:1 for Discharge Point 002 and the minimum dilution ratio of 13:1 for Discharge Point 001 be included in Section II.C.			tations. This section is describing the discharge points' location and type of waste discharged but does not address the effluent limitations.	
10	Tentative Order, Section II.C, Page 11.	Permit numbering	After "C. Facility Description", on page 7, the next provision should be re-numbered to "D. Legal Authorities" (and then E, F, etc.), instead of "C. Legal Authorities".	X		Changes have been made.	Change made
11	Tentative Order, Section II.J, Paragraph 1, Page 13.	Ocean Plan beneficial uses	The permit states that "Ocean Plan beneficial uses applicable to ocean waters of the State are shown in Table 7." This is a correct general statement for ocean waters, but not all of the uses listed in Table are applicable to Discharge Points 001 and 002. The Bureau requests that language (either prior to or following the table or as a footnote to the Table) be added to provide clarification as to the uses applicable to Discharge Points 001 and 002.		X	The Ocean Plan doesn't specify beneficial uses for a specific area.	None
12	Tentative Order, Section II.M, Page 14.	Typographical error	The Bureau request to change restricts to restrictions.	X		Changes have been made.	Change made
13	Tentative Order, Section II.V, Page 17.	Status of USEPA request for	The first sentence of this page states that "USEPA's reissuance of NPDES permit No. CA0109991 to the City of Los Angeles for Hyperion Treatment Plant is subject to requirements of MSA and ESA. In May 2010, USEPA requested updated information related to (1) essential fish habitat and man-		X	As part of the informal consultation process for the Endangered Species Act, USEPA has requested (and has prepared species lists) and is drafting a biological evaluation for discussion with the Services. Consultation for MSA is not expected because no adverse effects are pre-	None

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		Fishes Agencies	aged and associated species, and (2) threatened and endangered species and their designated critical habitats, in the vicinity of the Hyperion outfalls from the..." The Bureau requests additional information on the submittal of this information, whether a study has been completed, and if a consultation with the Services will take place regarding the permit.			dicted.	

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14	<p>Tentative Order, Section V, Page 17-18;</p> <p>Tentative Order, Section IV, Paragraph 1, Page 20;</p> <p>Tentative Order, Section IV.A, Paragraph 1, Page 20;</p> <p>Tentative Order, Section IV.A.2, Table 9, Page 24-28;</p>	<p>Performance Goals for Discharge Point 001</p>	<p>These sections of the permit discuss and establish performance goals for the 1-mile outfall (Discharge Point 001), which is only used for short-term discharges during plant maintenance (e.g., for less than one hour) or during emergencies- namely, periods when the plant is not routinely operating and thus these discharges do not represent the performance of the treatment plant (e.g., treatment efficiency) when they occur. As noted in Finding V, “The performance goals are based upon the actual performance of the HTP and are specified only as an indication of the treatment efficiency of the Facility.” This rationale is echoed in Footnote 2 on page 28. Based on this characterization, it would not be justifiable to establish performance goals for Discharge Point 001. In particular, the Bureau request the Regional Water Board recognize that procedures for determining the reasonable potential for exceeding a water quality objective are very conservative, and thus adequate to protect the ocean potential exceedances of applicable water quality standards. Constituents without reasonable potential in the Tentative Permit are by definition not threatening to cause or contribute to exceedances of the Ocean Plan objectives. For the one-mile outfall, this procedural safeguard should be sufficient. The Regional Water Board did not include performance goals for the one-mile outfall based on similar considerations during the development of the current permit (Order No. R4-2005-0020).</p>	X		<p>Performance Goals for the one-mile outfall (Discharge Point 001) have been removed.</p>	<p>Change made</p>

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	Tentative Order, Section IV.A.2, Footnote 2, Page 28.						
15	Tentative Order, Section II.X, Paragraph 1, Page 18.	Permit hearing	The Bureau requests additional opportunities for public comment at the later hearing for adoption, and the additional opportunities noted in the permit. In this section of the permit, it appears that the only opportunity for public comments is through written comments and at the close of the Regional Water Board/USEPA joint public hearing on July 8 -9, 2010. As noted in the transmittal letter for the tentative permit, the Regional Water Board is not adopting the permit on July 8-9, 2010.		X	No additional opportunities for public comment will be made available. The Regional Water Board will adopt the revised tentative permit on November 4, 2010.	None

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16	Tentative Order, Section III.F, Page 19; Section VII.A.2.t, Page 36.	Prohibition for discharge of combustion waste	These two prohibitions are identical: “The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream that ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this Order/Permit.” What is the regulatory basis for this prohibition? It is possible that industrial waste permitted by the Bureau could meet this definition, but would still be allowed to be discharged provided it meets regulatory requirements. Both prohibitions should be deleted. At a minimum, one of the two identical prohibitions must be removed to avoid subjecting the City to multiple violations of an identical requirement for a single occurrence.		X	A single incident will not result in multiple permit violations. A change has been made to the permit (see response to Bureau’s Comment #1.c in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken).	Some changes made
17	Tentative Order, Section III.A.3, Page 19; Section III D, Page 19; Section III.E, Page 19.	Discharge of sludge to the ocean	Prohibition A.3 is based on the Ocean Plan and includes all of the activity prohibited by Prohibitions D and E. Prohibitions D and E should be deleted.	X		Changes have been made to the permit (see response to Bureau’s Comment #1.d in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken).	Change made
18	Tentative Order, Section III.A.2,	COP prohibitions - ASBS	The permit states that “Waste* shall not be discharged to designated Areas* of Special Biological Significance.” This language does not capture the exact language in the Ocean Plan. Waste discharges to ASBS are prohibited under the Ocean Plan		X	The language in section III.A.2 is consistent with section E.1 of the Ocean Plan. Section E.2 states that exceptions may be made for limited-term activities. Discharge from a POTW is not a limited-term activity.	None

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	Page 19.		unless an exception is granted as specified in Section E.2. The Bureau requests that this language be revised to be consistent with the Ocean Plan.				
19	Tentative Order, Section IV.A, Paragraph 1, Page 20.	Effluent limitations and performance goals	<p>The permit states that “The Discharger shall maintain, if not improve, its treatment efficiency.” The term “if not improve” implies the Bureau must improve treatment efficiency, which as stated becomes a requirement in the permit and is not supported by the Findings and Fact Sheet. The statement is in fact contrary to the purpose of performance goals. Per Finding II.V, performance goals are established to maintain treatment level and effluent quality, recognizing normal variations in treatment efficiency and sampling and analytical techniques. Performance goals can also be modified by the Executive Officer when warranted. The Bureau recommends that this statement be revised as follows:</p> <p>“The Discharger shall maintain, if not improve, its treatment efficiency.”</p>		X	The statement as written is consistent with the purpose of the performance goals. Per Finding II.V, “Performance goals are intended to minimize pollutant loading (primarily for toxics) while maintaining the incentive for future voluntary improvement of water quality whenever feasible, without the imposition of more stringent limits based on improved performance. This approach is consistent with the antidegradation policy in that it requires the Discharger to maintain treatment level and effluent quality, recognizing normal variations in treatment efficiency and sampling and analytical techniques.”	None
20	Tentative Order, Section IV.A.1, Table 8, Page 20; Section IV.A.2, Table 9, Page 24; Section	Radioactivity	<p>Tables 8 and 9 include daily maximum effluent limitations for Gross alpha, Gross beta, Radium 226 & 228, Tritium, Strontium, and Uranium based on California drinking water maximum contaminant levels (MCLs) without applying the applicable dilution factors. In addition, Provision IV.A.5 includes the narrative radioactivity objective from the Ocean Plan.</p> <p>As noted in the Fact Sheet (page 38), the Regional Water Board used Title 22 drinking water MCLs for radioactivity as permit limits because the de-</p>		X	Changes have been made to the permit (see response to Bureau’s Comment #7 in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken).	

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	IV.A.5, Page 29.		<p>scriptive water quality objective for radioactivity in Ocean Plan fails to establish applicable narrative or numerical effluent limitations for radionuclides.</p> <p>Table 3 in the Fact Sheet (page F-15) does not include the historic data for Hyperion, even though monthly data were analyzed and reported per MRP CI-1492 and these compounds were detected below the MCLs. Similarly, data evaluated in the current permit (Order No. R4-2005-0020) showed that these radionuclides were detected at levels below MCLs. Thus over a 10 year period, there has been no reasonable potential to establish numeric effluent limitations for radioactivity using drinking water MCLs. This condition invalidates the Best Professional Judgment argument to establish limits. Based on these observations, the Bureau requests the following:</p> <p>Remove the radioactivity effluent limitations based on MCLs from Tables 8 and 9.</p> <p>Remove the monthly influent sampling requirements (Table 2 of MRP).</p> <p>Change the monthly sampling requirements for outfalls 001 and 002 to semi-annual monitoring.</p> <p>Add a footnote in Table 3 that includes the language in Footnote 14 on page E-16 of the MRP for Order No. R4-2010-0071 (Terminal Island Water Reclamation Plant). This footnote specifies the test</p>	<p>X</p>	<p>X</p> <p>X</p>		<p>Change made</p> <p>None</p> <p>None</p> <p>Change made</p>

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			<p>methods and radioactive constituents to be monitored.</p> <p>Include language in the Fact Sheet providing a rationale for the removal of the effluent limits. Language substantially similar to the language in the Fact Sheet for Order No. R4-2010-0071 at page F-32 to F-33 paragraph IV.C.2.b.xi would be sufficient.</p> <p>The Bureau notes that the above requested change would be consistent with the final Regional Water Board action on the WDR and NPDES permit for the Terminal Island WRP (May 6, 2010).</p>		X		None
					X		None
21	Tentative Order, Section IV, Page 20, Table 8	Incorrect limitation applied to turbidity	Per footnote 5 and the definition in Attachment A, the Instantaneous Maximum standard specifically applies to grab samples. Per page E-13 in the MRP, turbidity is to be measured using 24-hour composite samples; therefore, the effluent limitation for turbidity needs to be changed from Instantaneous Maximum to Daily Maximum.		X	The Instantaneous Maximum for turbidity is an Ocean Plan Table A treatment standard; a requirement specifying grab samples when monitoring for Instantaneous Maximum turbidity has been added to the permit.	Some changes made
22	Tentative Order, Section IV.A.1, Table 8, Page 20.	Footnotes 4 and 5 incorrectly noted	It appears that footnotes in the headers for Maximum Daily and Instantaneous Maximum (currently footnotes 3 and 4) should actually be footnotes 4 and 5 (see Table 9 which appears to be correct).	X		Changes have been made.	Change made
23	Tentative Order, Sec-	Footnote not de-	Please define the double asterisk footnote or replace it with a defined footnote.	X		The double asterisk footnote has been deleted.	Change made

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	tion IV.A.1, Table 8, Page 20.	fined					
24	Tenta- tive Or- der, Sec- tion IV.A.1, Table 8, Page 20.	Foot- note refer- ences	Footnotes are specified on pages 31 and 32 of this Order. This is an error as footnotes are found on 28 and 29. The Effluent Limitations header should have footnote 3 added. The Performance Goals footnote 2 should detail the date range of data used and calculation procedures. The Maximum Daily header should have footnote 4 instead of 3. The Instantaneous Maximum should have footnote 5 instead of 4. BOD and TSS should have footnote 6. pH, oil and grease, and settleable solids should reference footnotes 5 and 7. Turbidity should reference footnote 7. Turbidity compliance based on 24-hour composite, Instantaneous Maximum limit of 225 NTU should be removed and replaced with Daily Maximum limit.	X		Changes have been made to the footnotes except for performance goal footnote 2 and requested changes for turbidity and NTU. Both turbidity and NTU are Ocean Plan Table A treatment standards. The procedures for calculating the performance goals are addressed and corrected in the Fact Sheet for the final permit.	Change made

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25	<p>Tentative Order, Section IV.A.1, Table 8, Page 20; Section IV.A.2, Table 9, Page 23.</p> <p>Attachment F (Fact Sheet), Section V.D.3, Table 11, Page F-40; Section V.D.3, Table 12, Page F-44;</p>	Miscalculated Performance Goals	<p>The following performance goals (PGs) were miscalculated for Discharge Point 002:</p> <p>Zinc – Current Zinc PG set equal to 20 ug/L. However, it appears there is an error in the Regional Water Board spreadsheet used to develop the PG where the percent detected was equal 0.79% rather than 79%. As such, the maximum detected value (118 ug/L) should be used as the PG as it is lower than the calculated PG (297 ug/L) and the calculated effluent limit (1028 ug/L).</p> <p>Total Cyanide – Current Total Cyanide PG set equal to 0.005 ug/L. However, it appears that the raw data were not converted from mg/L to ug/L. As such, the PG should be set equal to 5 ug/L.</p> <p>Ammonia – Current Ammonia PG set equal to 41.8 mg/L. However, it appears that there is an error in the Regional Water Board spreadsheet used to develop the PG where the maximum detected value was 41.8 mg/L. Upon review of the data provided by the Bureau to the Regional Water Board, the maximum detected value was 44.1 mg/L. As such, the PG should be set equal to 44.1 mg/L.</p> <p>Notwithstanding Comment #14 related to the Bureau’s request to remove PGs for Discharge Point 001, the following performance goals (PGs) were miscalculated for Discharge Point 001:</p> <p>Zinc – Current Zinc PG set equal to 20 ug/L. How-</p>	X		<p>Zinc – The discrepancy resulted from a data input error and the correct value for the percent detected should have been 79%. The maximum detected value of 118 ug/L is clearly an outlier and is not reflective of the average or normal performance of the plant, as evidenced from the fact that the second highest detected value is 31 ug/L. Therefore, the PG for Outfall 002 is set at 31 µg/L in the final permit.</p> <p>Total Cyanide – The effluent concentration and water quality objectives were entered in different units (mg/L vs. ug/L) when initially calculating the PG. The PG was recalculated correcting for this discrepancy, and it is 5 ug/L for Outfall 002.</p> <p>Ammonia – Staff confirmed that 44.1 mg/L is the maximum effluent concentration reported. Based on this change, the PG will be revised to 44.1 mg/L.</p> <p>Performance Goals for the one-mile outfall (Discharge Point 001) have been removed, consistent with the 2005 Permit (see response to Bureau’s Comment #4 in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken).</p>	Change made

#	Section	Issue	Comment	Response to Comment		Action Taken
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			<p>ever, it appears there is an error in the Regional Water Board spreadsheet used to develop the PG where the percent detected was equal 0.79% rather than 79%. As such, the calculated PG (56 ug/L) should be used as the PG as it is lower than the maximum detected value (118 ug/L) and the calculated effluent limit (176 ug/L).</p> <p>Total Cyanide – Current Total Cyanide PG set equal to 0.005 ug/L. However, it appears that the raw data were not converted from mg/L to ug/L. As such, the PG should be set equal to 5 ug/L.</p> <p>The Bureau requests that the Performance Goals be revised as presented above.</p>			
26	Tentative Order, Section IV.A.1, Table 8, Page 22.	Chlordane effluent limits	<p>The Fact Sheet describes several reasons for retaining the mass emission and concentration-based effluent limitations for chlordane. The principle rationale is clearly that the detection limits for chlordane are too high to establish that HTP's discharge will not exceed the applicable Ocean Plan objectives following initial dilution. However, the permit provides no regulator or legal support for why the uncertainty is a sufficient reason for establishing the effluent limitations. The Bureau understands that Permits must have WQBELs where the Regional Water Board determines the discharge has a reasonable potential to cause an excursion above an approve objective. However, the Regional Water Board staff have not provided justification for the determination of reasonable potential based on USEPA's NPDES permitting regulation at 40 CFR</p>	X	<p>An RPA was conducted for chlordane for Discharge Points 001 and 002. The results of both RPAs were inconclusive. Consistent with the provision in Appendix VI (page 43) of the 2005 Ocean Plan, which requires an existing limitation to remain in the permit if the RPA is inconclusive, the effluent limitations for chlordane in the 2005 permit are carried forward and will remain in the final permit.</p> <p>In regard to the 303(d) listing of chlordane, Santa Monica Bay Offshore and Nearshore was listed as impaired for chlordane in sediment on the 2002 303(d); staff further note that chlordane was delisted in 2006. The permit and Fact Sheet will be appropriately updated to note this change.</p>	<p>None</p> <p>Change made</p>

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			<p>122.44(d)(ii), which require the Regional Water Board to “use procedures which account for existing controls on point and nonpoint sources... [pollutant effluent variability, species sensitivity, and effluent dilution] when determining reasonable potential.</p> <p>Specifically, the Tentative Permit cites no regulatory, legal authority, or responsible agency guidance for basing the determination of reasonable potential on the fact that chlordane detection limits exceed the Ocean Plan limitation. Therefore, the Bureau request that the chlordane effluent limits be removed.</p> <p>The Fact Sheet notes that “there is a current 303(d) listing for chlordane in sediments in the vicinity of the discharge” The Bureau request that the Permit also state that chlordane in sediment is not on the 2006 303(d) list for the Santa Monica Bay Nearshore or Offshore Zones, and specifically site the water body in the vicinity of the discharge for which the listing applies and how the HTP discharge would potentially affect the water body.</p>				

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27	Tentative Order, Section IV.A.1, Table 8, Page 22.	Change concentration units	For Discharge Point 002, the Bureau requests to change concentration units for Tributyltin to ng/L (nanograms per liter).	X		Staff has converted the effluent performance goal from ug/L to ng/L. Also, based on a review of the performance goal (PG) spreadsheet, staff noted the maximum effluent data and Ocean Plan objectives were entered in different units. This resulted in an incorrect PG value of 0.12 ug/L in the tentative order, which is now revised to 9.6 ng/L, reflecting the maximum observed effluent concentration.	Change made
28	Tentative Order, Section IV.A.2, Table 9, Page 23.	Errors and incorrect Maximum Daily Chlorine Residual Limit	<p>The Bureau request the following changes:</p> <p>Per footnote 5 and the definition in Attachment A, the Instantaneous Maximum standard specifically applies to grab samples.</p> <p>Chlorine Residual Maximum Daily limit should be 112 ug/L, instead of 92 ug/L, where $8 \text{ ug/L} * 14 \text{ dilution credit} = 112 \text{ ug/L}$.</p>	X		<p>Staff recalculated the maximum daily limit for chlorine residual and arrived at 112 ug/L, the same limit as that calculated by the Discharger, and will revise this limit in the final permit.</p> <p>This value is derived using the following equation: $C_e = C_o + D_m(C_o - C_s)$, in which C_e = effluent concentration limit (ug/L) C_o = concentration (water quality objective) to be met at the completion of initial dilution (ug/L) C_s = background seawater concentration (ug/L) D_m = minimum probable initial dilution expressed as parts seawater per part wastewater.</p> <p>$112 \text{ ug/L} = 8 \text{ ug/L} + 13(8 \text{ ug/L})$</p>	Change made
29	Tentative Order, Section IV.A.1, unne-	Loading requirement	The Bureau requests that the Performance Goal loading requirement in lbs/day for Heptachlor Epoxide be removed as there is no basis for the requirement.	X		The intent of performance goals was to set concentration-based thresholds; therefore, the loading-based performance goal for heptachlor epoxide will be removed, consistent with all other constituents shown in Table 8.	Change made

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	Table 8, Page 23.	essary					
30	Tentative Order, Section IV.A.1, Table 8, Page 23.	Change concentration units	The Bureau requests to change concentration units for TCDD Equivalents to pg/L (picograms per liter).	X		Staff will accommodate the City's request and convert the unit value from ug/L to pg/L.	Change made
31	Tentative Permit, Section IV.A.2, Page 24.	Incorrect limitation applied to turbidity, copper, and ammonia as N	Per footnote 5 and the definition in Attachment A, the Instantaneous Maximum standard specifically applies to grab samples. Per pages E-13 – E-15 in the MRP, turbidity, copper, and ammonia-N are to be measured on 24-hour composite samples; therefore, the effluent limitation for these constituents needs to be changed from Instantaneous Maximum to Daily Maximum.		X	In the case of turbidity, copper, and ammonia, the effluent limits will remain unchanged as these limits are consistent with 2005 Ocean Plan Table A effluent limitations and Table B objectives. For Table B objectives, sections III.C.4.h and g of the Ocean Plan requires grab samples and 24-hr composite samples to demonstrate compliance with the instantaneous maximum limit and daily maximum limit, respectively. The MRP (pp. E-13 – E-15) will be modified to include grab samples as well as 24-hr composite samples for the aforementioned constituents.	Some changes made
32	Tentative Order, Section IV.A.2, Page 24-25.	Duplication of effluent limits and performance	Notwithstanding Comment #14 related to the Bureau's request to remove PGs for Discharge Point 001, the Bureau requests that ammonia nitrogen for Discharge Point 001 should only have a performance goal, and the performance goal for chlorine residual should be removed. For Discharge Point 001, chlorine residual and ammonia-nitrogen are the only two constituents with both discharge limits and goals.	X		Performance Goals for Discharge Point 001 have been removed.	Change made

goals

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33	Tentative Order, Section IV.A.2, Table 9, Page 26.	Change concentration units	The Bureau requests to change concentration units for Tributyltin to ng/L (nanograms per liter).	X		Staff will accommodate the City's request and convert the units from ug/L to ng/L.	Change made
34	Tentative Order, Section IV.A.2, Table 9, Page 28.	Change concentration units	The Bureau requests to change concentration units for TCDD equivalents to pg/L (picograms per liter).	X		Staff will accommodate the City's request and convert the effluent limit from ug/L to pg/L.	Change made
35	Tentative Order, Section V, Paragraph 1, Page 30.	Mass Emission Caps	<p>The permit includes mass emission caps for copper, lead, silver, and zinc in accordance with the Santa Monica Bay Restoration Plan (SMBRP). The Bureau recommends that additional information on the 1995 SMBRP be provided or referenced in this section to provide some context for the mass emission caps as follows:</p> <p><u>A comprehensive plan of action for the protection and management of Santa Monica Bay, known as the Santa Monica Bay Restoration Plan (SMBRP), was approved by Governor Pete Wilson in December 1994 and by USEPA Administrator Carol Browner in 1995. Since that time, mass emission caps are have been applied to four pollutants of concern identified by the SMBRP (copper, lead, silver, and zinc) that are causing or could cause deterioration of designated beneficial uses in Santa</u></p>	X		The requested change has been made.	Change made

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			Monica Bay. Caps are set at 1995 allowable mass emission rates. The Discharger should make best efforts to discharge these pollutants of concern below cap values. The Executive Officer and USEPA may modify any of the mass emission cap values, if the City requests and demonstrates that the change is warranted.”				
36	Tentative Order, Section VI.A.1.b, Page 31.	Applying Primary Recreation Designation to Federal Waters	<p>This section represents a substantial change from the current permit. Specifically, it requires that the “bacterial objectives shall be maintained throughout the water column” for the REC-1 zones as stated therein including kelp beds. The current permit prohibits the discharged waste from <i>causing</i> the bacterial standards to be exceeded in the receiving water outside the initial dilution zone for waters designated REC-1. This change makes the City responsible for maintaining bacterial water quality even where adverse conditions may not be due to the discharge from HTP. A number of factors unrelated to the HTP’s discharge, including but not limited to the presence of nearby kelp bed(s), may be the primary cause of a bacteria exceedance. Therefore, the Bureau requests the proposed language be revised to be consistent with the current HTP permit (Order No. R4-2005-0020) as follows:</p> <p>b. State/Regional Water Boards Water Contact Standards</p> <p>i. Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone used for</p>		X	The language for the water contact standards is taken directly from the 2005 Ocean Plan. Please refer to Section II, Water Quality Objectives, Part B, Bacterial Characteristics, on page 4 of the Ocean Plan.	None

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
			water contact sports, as determined by the Regional Water Board (i.e., waters designated as REC-1), but including all kelp beds, the following bacterial objectives shall be maintained throughout the water column. In marine water designated for water contact recreation (REC-1), the waste discharged shall not cause the following bacterial standards to be exceeded in the receiving water outside the initial dilution zone.				
37	Tentative Order, Section VI.A.1.b.i.a/b/c, Page 31.	Typo	The Bureau requests to unbold a., b. and c.	X		Changes have been made.	Change made
38	Tentative Order, Section VI.A, Page 31-32.	Receiving water limitations, bacteria	The Bureau requests that the discussion in subsection d, regarding CDPH standards be consolidated with the discussion in subsection b of SWRCB/Regional Water Board water contact standards, as by the permit's correctly states, the CDPH criteria are "identical to the objectives in subsection b." The current language suggests that this is an additional receiving water limitation requirement when in fact it is just a restatement of the criteria.	X		Subsection d. doesn't restate the standards, as indicated it refers back to subsection b. Subsection d. discusses what actions CDPH implements when a beach fails to meet the standards as listed in subsection b. Duplicative language has been removed.	Change made
39	Tentative Order, Section VI.A.2.c, Page 33.	Unnecessary phrase	Because Paragraph "2" begins with "The waste discharged shall not", it is not necessary to include the phrase, "as a result of the discharge of waste" in item 2.c. Please remove this phrase.	X		Changes have been made.	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
40	Tentative Order, Section VI.A.3.b, Page 33.	pH	The Bureau suggests that the phrase “as a result of discharge pH” be added to the end of item 3.b.		X	This receiving water quality objective is retained as stated in the Ocean Plan.	None
41	Tentative Order, Section VI.A.3.f & g, Page 33.	Duplicate chemical characteristic receiving water limitation	Items “f” and “g” are the same. The Bureau suggests the deletion of “g”.	X		Changes have been made.	Change made
42	Tentative Order, Section VII.A.2.r & s, Page 36.	Acronym not introduced	First occurrence of CWC needs to be defined. The CWC enforcement section found in Attachment D, Section VI. B, C, and D already contains violation and civil penalty descriptions found on page 36, items r and s.	X		The acronym CWC has been defined.	Change made
43	Tentative Order, Section VII.C.2.a, Page	Requirement to report on	The permit requires the Discharger to submit a written report within 90 days after the monthly average influent flow rate equals or exceeds 75 percent of the secondary design capacity of the HTP. This language is not consistent with the standard provisions used in other NPDES permits issued by	X		See response to Bureau’s Comment #3 in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	41.	Treatment Plant Capacity	<p>the Regional Water Board or the standard provisions utilized in HTP's previous permit (Order R4-2005-0020), which establish the trigger for providing the report based on the capacity for the treatment facility, not the secondary design capacity. The Bureau requests that this section be revised as follows:</p> <p>"The Discharger shall submit a written report to the Executive Officer and Water Division Director within 90 days after the <u>"30-day (monthly) average" daily dry-weather flow equals or exceeds 75 percent of the design capacity of waste treatment and/or disposal facilities subject to this order and permit monthly average influent flow rate equals or exceeds 75 percent of the secondary design capacity of the POTW.</u> The Discharger's senior administrative officer shall sign a letter, which transmits the report and certifies that the Discharger's policy-making body is adequately informed of the report contents. The report shall include the following:</p> <ol style="list-style-type: none"> 1. Daily average influent flow for the calendar month, the date on which the maximum daily flow (peak flow) occurred, and the rate of that maximum flow. 2. The Discharger's best estimate of when the <u>monthly average daily dry-weather flow</u> daily average influent flow for a calendar month will equal or exceed the design capacity of the POTW. 3. The Discharger's intended schedule for studies, design, and other steps needed to provide additional capacity for waste treatment and/or disposal faci- 			taken.	

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
			<p>ties before the waste flow exceeds the capacity of the POTW.”</p> <p>The Bureau’s requests deletion of paragraph 3 above because the Bureau has already invested substantial resources in developing a “Facilities Plan” as part of the City of “Los Angeles Integrated Resources Plan.” This document describes the extensive, inclusive process that addresses future needs in water and wastewater management based on collaboration and input from stakeholders. In particular, the Facilities Plan deals extensively with contingency options and planning scenarios for addressing projected increases in wastewater flows. The Bureau encourages Regional Water Board staff to review the “Summary Report: Brief Description of Key Facilities Planning Documents” and “Volume 1 Wastewater Management” in the “Facilities Plan” to verify, that there is no need for the Paragraph 3. In the alternative, the Bureau requests the following changes to Paragraph 3:</p> <p>3. The Discharger’s intended schedule for studies, design, and other steps needed <u>plans to provide additional capacity for waste treatment and/or disposal facilities before the waste flow exceeds the capacity of the POTW.” This requirement can be satisfied by referencing and attaching to the report relevant portions of the City’s Integrated Resources Management Plan and/or other available wastewater planning documents developed in response to this Plan that provide a roadmap for infrastructure</u></p>				

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
			<u>and program upgrades and strategies to meet projected increases in the City's wastewater treatment capacity.</u>				
44	<p>Tentative Order, Section VII.C.2.b, Page 41.</p> <p>MRP, Section VII.A.1, Page E-42;</p> <p>MRP, Section VII.A.1.i, Page E-43;</p>	CEC Special Study Requirements	<p>The permit includes a requirement to conduct a CEC special study with the specific requirements laid out in Attachment E (MRP, section VII.A). The City is required to provide a workplan for the study within 6 months of the effective date of the permit and to initiate the study after approval by the Regional Water Board Executive Officer and USEPA Director. The MRP provides a specific list of CECs for the workplan to address in Table 17 in the MRP. The specific compounds to be monitored can be modified by the Executive Officer and Director after "the SCCWRP recommendations" are released.</p> <p>The Bureau asks that this provision and the CEC special study be modified to acknowledge the state of the science regarding CEC monitoring, to complement ongoing efforts that are specifically targeted at developing scientifically appropriate monitoring programs for ocean discharges, and to make the best use of City and Regional Water Board resources.</p> <p>First, it is clear from the April 15, 2010 draft report released by the State of California CEC Recycled Water Policy Science Advisory Panel (Attachment 3) and discussions at the May 21, 2010 Panel meeting, that the expert panel members have little confidence in the collection of reliable CEC data at this</p>		X	Some changes have been made in response to this comment (see responses to Bureau's Comment #5 in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken).	Some changes made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
			<p>time, particularly with regard to data reliability for commercial laboratories that perform CEC monitoring. There is relatively little consistency in compounds and method reporting limits among the laboratories surveyed by the Panel. The Panel also recommended that prior to requiring monitoring for the next list of priority CECs, that the State conduct a performance evaluation of all laboratories to gauge the robustness of analytical methods available for priority CECs. This concern stems from preliminary results of research being sponsored by the Water Research Foundation (#4167) and lead by the Southern Nevada Water Authority that is evaluating several commercial and academic laboratories for a specific group of pharmaceuticals and suspected endocrine disrupting compounds. Data collected thus far for spiked laboratory purified water has shown that variability is both laboratory and compound specific. Moreover, the rate of false positives (blank contamination) and false negatives (spiked but not detected) also was related to both laboratory performance and method detection limits, as well as was compound dependent. (See CEC Panel Draft Report - Apr 15, 2010, pp. 57-58; Attachment 3.)</p> <p>Second, the selection of constituents for monitoring should be based on a transparent and scientifically defensible framework that considers CEC occurrence and toxicological relevance. This type of framework was recommended by the CEC Recycled Water Policy Science Advisory Panel. The</p>				

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			<p>State of California CEC Coastal and Marine Ecosystems Science Advisory Panel will be developing a framework appropriate for ocean discharges as well as specific CECs for monitoring. The monitoring list included by the Regional Water Board in Table 17 of the MRP has not been subjected to this type of review nor justification; and thus, it is indefensible and should be deleted.</p> <p>Third, based on the timing for submittal of the CEC workplan by the City and the schedule for the release of the State of California CEC Coastal and Marine Ecosystems Science Advisory Panel monitoring recommendations, it is a waste of resources on the part of the City and Regional Water Board to require that the workplan be provided in advance of the Panel's recommendations. The permit requires that the CEC workplan be submitted within 6 months of the effective date of the permit, and once the SCCWRP's recommended list of CEC monitoring in ambient waters, including ocean waters, is finalized, the Table 17 list and sampling frequency may be re-evaluated and modified by the Executive Officer and Director. We assume the Regional Water Board is not referring to SCCWRP's recommendations, but the recommendations of the CEC Coastal and Marine Ecosystems Science Advisory Panel, which is being administered by SCCWRP. That Panel's draft report and recommendations will be released on April 15, 2011 with a final report released on June 30, 2011. Because these dates are so close to the anticipated date for submittal of the</p>				

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			<p>workplan for the permit – the earliest date would be March 23, 2011 (six months from an effective permit date of October 22, 2010 assuming the permit is adopted on September 2, 2010), the Bureau recommends that the Regional Water Board revise the submittal date for the workplan so that it is provided to the Regional Water Board shortly after the Panel’s final report is issued. This slight adjustment will insure that the workplan takes full advantage of the Panel’s recommendations, and will also prevent unnecessary work by the City and Regional Water Board for the preparation and review of the workplan. This Panel is addressing six specific questions that will be explicitly applicable to a monitoring program to be proposed by the City and approved by the Regional Water Board.</p> <p>Fourth, the Bureau has not been able to find a laboratory that can analyze Cortisol, 11-Ketotestosterone, Octylpolyethoxylates, or Iohexal. Weck Labs, Test America Lab, and Columbia Analytical were contacted. Notwithstanding the previous comments, the Bureau requests that these compounds be removed from the special study list since there are not included in EPA methods 1694 or 1698 and none of the major wastewater laboratories have the ability to analyze for these constituents.</p> <p>Fifth, Section VII.A.1 of the MRP states that “The Discharger shall review and consider all available analytical test methodologies, including but not limited to those listed in USEPA Methods 1694 and</p>				

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			<p>1698, and methodologies approved or utilized by U.S. Geologic Survey, California Department of Public Health, and other federal or State agencies. Based on its review, the Discharger shall propose the most sensitive analytical methodology available.” The issue for CEC monitoring is not sensitivity, but the most reliable method available (see prior comments regarding data reliability). This issue will be discussed as part of the State of California CEC Coastal and Marine Ecosystems Science Advisory Panel deliberations.</p> <p>For these reasons, we recommend that the MRP be revised as follows: CEC Special Study Requirements 1. The Discharger shall initiate an investigation of CECs by conducting a special study. Specifically, within <u>two months of the release of the final report of the CEC Coastal and Marine Ecosystems Science Advisory Panel (Coastal and Marine Panel)</u> 6 months of the effective date of this Order/Permit, the Discharger shall develop a CEC Special Study Work Plan (Work Plan) and submit for approval by the Regional Water Board Executive Officer and USEPA Director. Immediately upon approval of the Work Plan, the Discharger shall fully implement the Special Study. This Work Plan shall include, but not be limited to, the following: i. Identification of CECs to be monitored in the effluent, sample type (e.g. 24-hour composite), sampling frequency, and sampling</p>				

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			<p>methodology. Table 17 identifies the minimum parameters to be monitored. [Delete Table 17]</p> <p>Once the SCCWRP's recommended list of CEC monitoring in ambient waters, including ocean waters, is finalized, the above list of minimum parameters to be monitored by the Discharger and the sampling frequency may be re-evaluated and modified by the Executive Officer and Director. At such time, upon request by the Executive Officer and Director, the Discharger shall monitor the requested CEC parameters at the specified frequency. In the Work Plan, the Discharger may also propose, for consideration and approval by the Executive Officer and Director, surrogate or indicator CECs that may contribute towards a better understanding of CECs in its effluent.</p> <p>Sample Type– The Discharger shall propose in the Work Plan the appropriate sample type for each type of constituent.</p> <p>Sampling Period– At minimum, the <u>The</u> Discharger shall monitor the specified CECs at a frequency and schedule consistent with the recommendations of the Coastal and Marine Panel once per year. The Work Plan shall propose the appropriate sampling month or quarter for each</p>				

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			<p>year, consistent with the goals of the analyses. The rationale for selecting the particular sampling month or quarter shall be explained in the Work Plan.</p> <p>Analytical Test Methodology <u>and QA/QC</u> – The Discharger shall review and consider all available <u>reliable</u> analytical test methodologies <u>and appropriate QA/QC</u> procedures, including but not limited to those listed in USEPA Methods 1694 and 1698, and methodologies approved or utilized by U.S. Geologic Survey, California Department of Public Health, and other federal or State agencies. Based on its review, the Discharger shall propose the most sensitive analytical methodology available.</p>				
45	Section VII.C.3.b, Paragraphs 2 and 3, Page 42.	Development of State-wide SCCP	<p>The permit includes provision for the City to submit a interim SCCP within 90 days that is developed in consultation with multiple stakeholders; within six months to convene a multi-agency workgroup with statewide participants to review the interim SCCP with a goal of achieving a plan that could be implemented on a statewide basis; and within two years, submit a final SCCP.</p> <p>This language appears to have been extracted from the NPDES permit (Order No. R4-2006-0042) for the Los Angeles County Sanitation Districts’ (LACSD) Joint Water Pollution Control Plant, which calls for the same actions, which presumably have been completed. From Order No. R4-2006-0042 (pp. 32-22). Based on the JWPCP permit, the “model” for the statewide SCCP should have been</p>	X		The requested change has been made.	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
			<p>developed by 2008. Thus, there is no need to require the City to repeat that work by convening a multi-agency workgroup to achieve a plan that could be developed on a statewide basis. The Bureau recommends that this section of the permit be revised as follows:</p> <p>“Within [RAD to fill in] days of the adoption of this Order/Permit, the Discharger is required to submit an interim SCCP, which describes current activities and protocols, to address cleanup of spills, overflows, and bypasses of untreated or partially treated wastewater caused by a failure in the publicly owned portion of a sanitary sewer system, that reach water bodies, including dry channels and beach sands. This interim SCCP shall be developed in consultation with Regional Water Board and USEPA staff, the City of Los Angeles, the County Health Department and the Environmental Community.</p> <p>Within six months of the adoption of this Order/Permit, the Discharger is required to convene a multi-agency workgroup to review the interim SCCP and make their recommendations to the group for the most applicable containment, cleanup and monitoring of sewer spills or overflows that reach water bodies, including dry channels and beach sands. The multi-agency workgroup shall be developed with statewide participants (to the extent practicable) with a goal of achieving a plan that could be</p>				

#	Section	Issue	Comment	Response to Comment		Action Taken	
				Agree	Disagree		
			<p>implemented on a statewide basis. However, if a statewide consensus cannot be achieved, the plan at a minimum must address the Discharger's SCCP. The interim SCCP shall include at a minimum sections on spill, cleanup, and containment measures, public notification, and receiving water monitoring.</p> <p>Within two years <u>6 months</u> of the adoption of this Order/Permit, the Discharger shall submit an final SCCP, which provides the most applicable containment, cleanup and monitoring of sewer spills or overflows that reach water bodies, including dry channels and beach sands, <u>that considers the information developed by the Los Angeles County Sanitation District's efforts to develop a statewide approach</u>, to the Regional Water Board Executive Officer and USEPA.”</p>				
46	Tentative Order, Section VII.C.3.c, Page 42 and 43.	Terminology	<p>The Bureau requests that the terms “reported Minimum Level (ML)” on page 42 C, and “reported ML” on page 43 C.1, be replaced with the term “Reporting Level (RL)”.</p> <p>See comment on M&RP page E-47 (below).</p>		X	<p>The Regional Water Board will continue to use the terminology that is consistent with the Ocean Plan.</p>	None
47	Tentative Order, Section VII.C.5.c, Page 44-46.	Spill Reporting Requirements	<p>The proposed permit contains reporting requirements for SSOs that are either duplicative of those included in the Statewide Waste Discharge Requirements for Sanitary Sewer Systems (Order 2006-003-DWQ) or exceed the requirements without clearly explaining the reasoning or value. The State Water Board has provided guidance to the re-</p>		X	<p>Some changes have been made in response to this comment (see response to Bureau's Comment #2 in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions</p>	Some changes made

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			<p>gional water boards that the general order and the associated MRP are to be the “primary mechanism” to regulate sanitary sewer systems. (Memorandum from Celeste Cantu Executive Officer to Regional Water Board E.Os, November 8, 2006 at p. 1.) In renewing NPDES permits, regional water boards are to remove specific SSO provisions and rely on the SSO WDR to regulate SSOs. (Id. at p. 3.)</p> <p>To be consistent with SWRCB guidance, all of the notification provision 1 through 4 should be deleted, as these provisions either re-state or conflict with requirements in the general order. The majority of these reporting provisions are simply restatements of what the SSO WDR requires and inclusion in the permit does not generate any new information; it merely transforms these requirements into federal permit provisions and increases the City’s exposure to liability.</p> <p>One provision in particular, however, imposes an unreasonable burden on the City and should be deleted. The requirement that the City obtain grab samples upstream and downstream of the spill location—regardless of spill volume—is impractical and unnecessary and imposes a requirement on the City that does not apply to the majority of collection systems in the State merely because the City owns and operates a treatment plant in addition to the collection system. Sewage spills are not authorized; the monitoring information will not be used by first responders such as the Health Department,</p>			taken).	

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
			<p>as determinations regarding public notification and beach closures are made as a precautionary measure without regard to water quality data. This requirement should be deleted because it is unreasonable, will not generate information relevant to containing or responding to the spill, and is not required of collection systems statewide.</p> <p>In addition, the permit includes an incorrect reference to monitoring required under VI.C.6.A.</p> <p>If the upstream/downstream monitoring requirement is not removed, the Bureau requests that the Regional Water Board provide a 1,000 gallon volume threshold for upstream/downstream monitoring. In addition, the RWQCB should require the sampling be reasonable in light of all the circumstances. The Bureau recommends that the RWQCB make the following changes:</p> <p>To define the geographical extent of the impact, the Discharger shall obtain grab samples (if feasible, accessible, <u>reasonable</u>, and safe) for spills, overflows, or bypasses of <u>1,000 gallons or more</u> any volume that reach any waters of the State. and for all spills, overflows, or bypasses of 1,000 gallons or more. The Discharger shall analyze the samples for total and fecal coliforms or E. coli, enterococcus, and relevant pollutants of concern, upstream and downstream of the point of entry of the spill (if feasible, accessible, <u>reasonable</u>, and safe). This monitoring shall be done on a daily basis from time the</p>				

#	Section	Issue	Comment	Response to Comment		Action Taken	
				Agree	Disagree		
			spill is known until the results of two consecutive sets of bacteriological monitoring indicate the return to the background level or the County Department of Public Health authorizes cessation of monitoring.				
48	Tentative Order Section VII.C.5. c.a, Page 45.	Spill Reporting	<p>The permit requires spills to be reported “as soon as possible, but not later than two (2) hours after becoming aware of the release,” and references section 5411.5 of the Health and Safety Code as the source of authorization.</p> <p>This section of the Health and Safety Code does not mandate a two hour notification period. The Bureau requests that this section be revised to be consistent with spill reporting language in Order No. R4-2010-006 for the Donald C. Tillman Water Reclamation Plant and Order No. Order No. R4-2010-0059 for the Los Angeles-Glendale Water Reclamation Plant:</p> <p><u>“For any spills or overflows of any volume, discharged where they are, or will probably be discharged, to waters of the State, the Discharger shall immediately notify the local health agency in accordance with the California Health and Safety Code section 5411.5.”</u></p>		X	For the purposes of this permit the Regional Water Board is defining “as soon as possible” as less than or equal to two hours.	None
49	Tentative Order, Section VII.C.5. c.2,	Scientific nomenclature	<i>E. coli</i> should be italicized & <i>Enterococcus</i> should be capitalized and italicized (6 instances throughout the document).	X		Change has been made.	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	Page 46.						
50	Tentative Order, Section VII.C.5.c.4, Page 47.	Typo	In the first sentence, under '4. Record', spillspill should be spills (misspelled).	X		Change has been made.	Change made
51	Tentative Order, Section VIII.A.1, Page 49.	Missing phrase and incorrect terminology	<p>"...if the concentration of the pollutant in the monitoring sample is greater than or equal to the reported Minimum Level."</p> <p>This sentence is missing the phrase "greater than the effluent limitation and"</p> <p>Also, the term "reported Minimum Level" should be replaced with "Reporting Level (RL)." The sentence should read: "...if the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the Reporting Level (RL)."</p>	X		<p>Change has been made.</p> <p>The Regional Water Board will continue to use the terminology that is consistent with the Ocean Plan.</p>	<p>Change made</p> <p>None</p>

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
52	Tentative Order, Section VIII.A.3, Page 49.	Terminology	Please replace “reported Minimum Level” with “Reporting Level (RL).”		X	The Regional Water Board will continue to use the terminology that is consistent with the Ocean Plan.	None
53	Tentative Order, Section VIII.A.6, Page 50.	Typo	“Acalendar” should be “a calendar”	X		Change has been made.	Change made
54	Tentative Order, Section VIII.A.4, Page 50.	Numbering out of order	Item 4 should come after Item 5 and be renumbered.		X	The numbering is not out of order.	None
55	Tentative Order, Section VIII.A.3, Page 50.	Clarification	At the end of section VIII.A.3, please include the following language “...value of multiple samples, <u>where DNQ is lower than a quantified value and ND is lower than DNQ</u> ” to be consistent with the recently adopted TIWRP permit (page 43).	X		Change has been made.	Change made
56	Tentative Order, Sec-	Remove sen-	The last sentence of Section VIII.A.4 should be removed. It refers to Section VI which does not exist.		X	The referenced has been corrected.	Some changes made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	tion VIII.A.4 , Page 50.	tence					

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
57	Tentative Order, Section VIII.A.5, Page 50.	Clarification	Please add the following language to parentheses after the opening words “If the average <u>(or when applicable, the median determined by subsection 3 above for multiple sample data reduction)</u> of daily discharges...” to be consistent with the recently adopted TIWRP permit (page 43).	X		Change has been made.	Change made
58	Tentative Order, Section VIII.A.6, Page 50 and 51.	Data management problem for reporting of weekly average	<p>Average Weekly Effluent Limitation (AWEL): The reporting requirements, for the condition where a calendar week (Sunday to Saturday) crosses from one month into the next, are problematic from a data management point of view. The weekly average data is normally assigned to every Saturday (the last day of the calendar week). However, the requirements as specified in this permit state that the weekly average should be assigned to the previous month in certain circumstances – without stating what day of the week to assign it to (assumed to be the last day of the month). This will create the following reporting problems.</p> <p>It creates multiple levels of complexity to program the scenario in a reporting system that will be generating the weekly average value to be displayed on the report, or submitted electronically to CIWQS eSMR.</p> <p>Weekly average data is assigned inconsistently in the repositories (the source database and/or CIWQS). The weekly average results would be assigned on every Saturday for the first few weeks of the month, then on some arbitrary day for the last</p>	X		Regional Water Board staff agrees that the AWEL may be reported on the Saturday at the end of the calendar week for the purposes of reporting the average weekly effluent limitation. The change has been made.	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
			<p>week of the month. When data is retrieved across periods longer than one month, having all the data assigned to the same day of the week would be more convenient for data handling and analysis. It is usually confusing to report information for one month, when part of the dataset exists in a future month. It's like reporting information that hasn't occurred yet.</p> <p>The Bureau requests having a consistent convention and always assigning the weekly average result to the Saturday at the end of the calendar week.</p> <p>This same comment was made on the recently adopted TIWRP permit. The issue was partially address by the following response from the Regional Water Board staff:</p> <p>“Section VII.D of the Order is for SMR (hard copy reports), which is different from eSMR. Regional Water Board staff agrees that the AWEL may be reported on the Saturday at the end of the calendar week for the purposes of eSMR.”</p> <p>While this concession regarding the eSMR is appreciated, it was not incorporated into the TIWRP permit. The Bureau requests at the very least that the HTP permit explicitly state the above “that the AWEL may be reported on the Saturday at the end of the calendar week for the purposes of eSMR.”</p> <p>The Bureau requests that this issue be revisited.</p>				

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
			The reasoning that justifies applying this to the eSMR should be the same for hard-copy reports – since the hard-copy reports are produced from electronic data management systems.				

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
59	Tentative Order, Section VIII.A.1 1 & 12, Page 52.	Typo	Mass Emission Rate should be corrected from item no. 11 to 12.	X		Change has been made.	Change made
60	Tentative Order, Attachment A - Definitions	Missing definitions	The Bureau requests that the definitions for Chlorinated phenolics and Nonchlorinated phenolics be included. The following definitions can also be included: Daily Maximum Limit, Dilution Credit, Estimated Chemical Concentration, Initial Dilution Zone, Log Mean, Mass Emission Rate, Median, Mixing Zone, Monthly Average, Priority Pollutants, Removal Efficiency, and Weekly Average.		X	No changes are required.	None
61	Attachment A – Definitions, Page A-2.	Typo	Composite Sample definition contains one typographical error: a. No fewer....discharge flow rate at the time of sampling....”	X		Change has been made.	Change made
62	Tentative Order, Attachment A – Definitions, Page A-3.	Terminology	For definition of Detected, But Not Quantified, please replace “reported Minimum Level” with “Reporting Level (RL).”		X	The Regional Water Board will continue to use the terminology that is consistent with the Ocean Plan.	None
63	Tentative Or-	Terminol-	The defined term “Reported Minimum Level” please replace with the term “Reporting Level		X	The Regional Water Board will continue to use the terminology that is consistent with the	None

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken						
	der, Attachment A – Definitions, Page A-6.	ogy	(RL).” Also, the term “reported ML”, at the end of the last sentence in the definition, should be replaced with the term “Reporting Level (RL).”			Ocean Plan.							
64	Attachment A, Page A-7.	Incorporation of Toxicity Equivalence Factors	<p>The Bureau requests that bioaccumulation equivalence factors (BEFs) be added to the congener toxicity calculation in Attachment E of the Draft Permit. A BEF accounts for the bioavailability of each congener in relation to 2,3,7,8-TCDD much like a toxic equivalency factor (TEF) accounts for the toxicity of each congener in relation to 2,3,7,8-TCDD. The USEPA has employed both BEF and TEF in the equivalents calculation in the Great Lakes region for more than a decade. Region 2 in Order R2-2010-0054 adopted BEF and TEF calculations into their Basin Plan. Therefore, the Bureau requests that the calculation specifications be revised as follows:</p> <p>TCDD Equivalents shall mean the sum of the concentrations of chlorinated dibenzodioxins (2,3,7,8-CDDs) and chlorinated dibenzofurans (2,3,7,8-CDFs) multiplied by their respective toxicity factors, as shown in the table below.</p> <p>Toxic Equivalency Factors and Bioaccumulation Equivalency Factors for 2,3,7,8-TCDD Equivalents</p> <table border="1" data-bbox="453 1414 1486 1453"> <thead> <tr> <th data-bbox="453 1414 873 1453">Dioxin/Furan Congener</th> <th data-bbox="873 1414 1178 1453">Toxicity Equiva-</th> <th data-bbox="1178 1414 1486 1453">Bioaccumulation</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Dioxin/Furan Congener	Toxicity Equiva-	Bioaccumulation					X	Currently, the 2005 Ocean Plan objective for 2,3,7,8-TCDD equivalents is defined using a congener scheme which only accounts for relative toxicity, through TEFs. BEFs, which account for bioaccumulation potential relative to the objective’s congeners, have not been adopted into the Ocean Plan. BEFs can be used for the permit if they are incorporate into the Ocean Plan objective/definition by the State Water Board.	None
Dioxin/Furan Congener	Toxicity Equiva-	Bioaccumulation											

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
		VII,					
66	Attachment E (MRP) - All	Page numbering	The Bureau requests the following correction: The page numbers for Section E terminate at E-53 and start again at E-1.	X		The page numbers have been updated.	Change made
67	Attachment E (MRP), Section I.E, Page E-5, Paragraph 2.	Collaborative funding	<p>The Bureau request revisions to this subsection to clarify and acknowledge that funding efforts towards the SMBRC CMP should be associated with potential impacts shown to be or reasonably associated with the HTP's waste discharge. The Bureau should not be obligated to fund the monitoring of the rocky intertidal areas, wetlands, and stormwater emission loading (the areas cited as needing development within the SMBRP CMP) where it has not been shown the HTP discharge has any reasonable potential to have an impact in these areas.</p> <p>The Bureau may consider participating in relevant portions of this program on a voluntary basis to demonstrate its commitment to protecting the environment. However, for the time being, unless the Regional Water Board has scientifically defensible studies showing the HTP effluent impacts the above cited areas of concern, the Bureau requests their removal from the list in this subsection.</p>		X	This section has been revised based on comments received from the Santa Monica Bay Restoration Commission. See response in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken.	Some changes made
68	Attachment E (MRP), Section VIII.C, Figure 5, Page E-5	Incomplete caption	The Bureau suggests rephrasing to bioaccumulation, which includes either predator risk or seafood safety. For example, the Bight'08 regional program did not include a specific fish predator risk component. It did, however, include a bioaccumulation component.		X	Editorial changes had been made based on a conference call between J. Beller and staff (City of LA) and R. Stuber (USEPA) on October 5, 2010.	Some changes made

#	Section	Issue	Comment	Response		Response to Comment	Action Taken
				Agree	Disagree		
69	Attachment E (MRP), Section I.G.1, Page E-6	Components of regional programs	Suggest rephrasing to bioaccumulation, which includes either predator risk or seafood safety. For example, the Bight'08 regional program did not include a specific fish predator risk component. It did, however, include a bioaccumulation component.	X		This section has been revised based on comments received from the Santa Monica Bay Restoration Commission. See response in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken. Also, see response to comment #68.	Change made
70	Attachment E (MRP), Section I.G.2, Page E-6.	Participation level	Item G.2 should be deleted as this program is a local seafood safety survey, which is part of the Bureau's core monitoring program, not a regional monitoring program. The local seafood safety survey requirements are specified on pages E-37 and E-38 of the MRP.	X		This section has been revised based on comments received from the Santa Monica Bay Restoration Commission. See response in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken. See also response to comment #68.	Change made
71	Attachment E (MRP), Section I.G.3, Page E-6.	Name change	Please change the program name, "Central Kelp Monitoring Program" to "Central Region Kelp Survey Consortium Monitoring Program" to reflect the program's complete name.	X		This section has been revised based on comments received from the Santa Monica Bay Restoration Commission. See response in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken.	Change made
72	Attachment E (MRP), Section I.G.4,	Discrepancy in title of pro-	All other occurrences of this program in this document are referred to as "Central Bight Cooperative Water Quality Survey." This title is what the program is traditionally called by its membership. The Bureau requests to change the title in Section I.G.4,	X		This section has been revised based on comments received from the Santa Monica Bay Restoration Commission. See response in document summarizing significant comments received on the May 20, 2010 joint draft	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	Page E-6	gram	pg E-6 to “Central Bight Cooperative Water Quality Survey” for consistency.			NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken.	
73	Attachment E (MRP), Section I.G.4, Page E-6	Inclusion of involved agencies	The Bureau requests to add City of San Diego to the list of participants.	X		This section has been revised based on comments received from the Santa Monica Bay Restoration Commission. See response in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken.	Change made
74	Attachment E (MRP), Section I.H, Page E-6	Frequency of sampling	The Bureau requests to revise the language and include “traditionally” or “historically” prior to “...occurring at five-year intervals...” or delete. This will allow for flexibility if all participants, including regulators, determine that the five-year interval is too short or too long based on an evaluation of the data.	X		This section has been revised based on comments received from the Santa Monica Bay Restoration Commission. See response in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken.	Change made
75	Attachment E (MRP), Section II, Table 1, Page E-7; Section VI.A.1, Table 5,	Station name changes	Station names have been slightly changed from the old permit to include “RW” and the omission of digit “0”. For example, old name IS-01 has been changed to RW-IS-1. Re-naming is fine as long as reports can reflect the old names that are currently in the Bureau’s database. If not, the Bureau suggests that old name be retained.	X		“0” has been added to station names RW-IS-01 to RW-IS-09.	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	Page E-27; Section VI.B.1, Table 7, Page E-28.						
76	Attachment E (MRP), Section II, Table 1, Page E-8 and E-9; Section VI.B.1, Table 7, Page E-28; Section VI.C.1.a, Table 10, Page E-31; Section VI.D.1, Table 12, Page E-34.	Wrong station coordinates	The Bureau suggests the following corrections: Stations: RW-OS-3206 should be "33 49.666," not "33 49.466." RW-Z-4 should be "33 55.282," not "33 57.082."	X		Changes have been made.	Change made
77	Attachment E	Remove	The Bureau requests that station RW-C-9A(T) from Table 1 be removed as it is no longer used.	X		Changes have been made.	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	(MRP), Section II, Table 1, Page E9.	trawl station					

#	Section	Issue	Comment			Response to Comment	Action Taken
				Agree	Disagree		
78	Attachment E (MRP), Section III.A.1, Table 2, Page E-11.	Change concentration units	Request to change concentration units for TCDD equivalents to pg/L (picograms per liter).	X		Staff will accommodate the City's request and require reporting in pg/L.	Change made
79	Attachment E (MRP), Section III.A.1, Table 2, Page E-12.	Change sample type	Request to change Sample Type to GRAB for Chromium III and Hexavalent Chromium. Please also change subscript associated with Hexavalent Chromium from 7 to 9.	X		The sampling type for chromium III and hexavalent chromium will be revised to grab. Also, the superscript (footnote) on hexavalent chromium will be changed to 9.	Change made
80	Attachment E (MRP), Section IV.A.1, Table 3, Page E-13.	Change concentration units	Request to change concentration units for Nitrate Nitrogen to mg/L (milligrams per liter).	X		Staff will accommodate the City's request and require reporting in mg/L.	Change made
81	Attachment E (MRP), Section IV.A.1, Table 3, Page E-14.	Change concentration units	Request to change concentration units for TCDD equivalents to pg/L (picograms per liter).	X		Staff will accommodate the City's request and require reporting in pg/L.	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
82	Attachment E (MRP), Section IV.A.1, Table 3, Page E-15.	Change sample type	Request to change Sample Type to GRAB for Chromium III and Hexavalent Chromium.	X		The sampling type for chromium III and hexavalent chromium will be revised to grab.	Change made
83	Attachment E (MRP), Section IV.A.1, footnote 13, Page E-16.	Revise analytical method requirement	Please delete footnote 13 on page E-16 that requires the use of EPA Method 1631E for analysis of mercury in effluent samples. Since the Bureau's current MDL, 0.0036 µg/L, using the cold vapor atomic absorption method, is more than 10X lower than the CTR Human Health Risk criteria, of 0.050 µg/L, for consumption of water and organisms and the cold vapor method is the most sensitive method for analysis of mercury listed in the 2005 Ocean Plan, there is no justification for requiring the use of EPA Method 1631E.		X	The MLs for mercury in the 2005 Ocean Plan are not low enough to evaluate compliance with all the Table B objectives for mercury. While mercury MDLs used by the Discharger for the HTP effluent are low enough to evaluate compliance with Ocean Plan objectives, fish tissue data collected under the terms of the permit's receiving water monitoring program can exceed applicable USEPA/OEHHA screening values. Consequently, USEPA and the Regional Water Board believe that mercury loadings from HTP should be quantified using a more sensitive NPDES method.	None
84	Attachment E (MRP), Section IV.B, Page E-16	Annual receiving water monitoring data report no longer	The Bureau is directed to perform submittal of the Mass Emission Benchmark Report in the annual pretreatment report and annual receiving water monitoring report; however, the annual receiving water monitoring reporting requirement is not specified in Attachment E. The Bureau requests to either add the requirement to submit an annual receiving water report by August 1 of the following year, as we do currently, or correct the sentence. See related pages E-50 and E-51.	X		The requirement to submit an annual receiving water monitoring report was added. In addition, a correction and clarification was made to the due date of the biennial assessment reports.	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
		re-quired.					
85	Attachment E (MRP), Section V.D, Page E-22.	Revision to follow up toxicity testing time-frame	The Bureau requests to change “three days” for the commencement of accelerated testing to five days to allow sufficient time to purchase test organisms and to match other City treatment plant permits. “Effluent sampling for the first test of the six additional tests shall commence within three <u>five</u> days of the test results exceeding the toxicity limitation.”	X		Changes have been made.	Change made
86	Attachment E (MRP), Section V.D.3, Page E-22.	Revision to follow up toxicity testing	The Bureau requests to remove “...initiate a Toxicity Identification Evaluation (TIE) and... ” This should say, if the results of any two of the six additional tests (any two tests in the 12-week period) exceed the toxicity limitation, then the Discharger shall implement the initial investigation Toxicity Reduction Evaluation (TRE) Workplan. Section V.F.3 gives Discharger option of conducting TIE as part of TRE. Also, Section V.F.2.c requires TIE if Steps 1 (basic data collection) and 2 (evaluation of treatment system) are unsuccessful at identifying toxicity. Step 3 implements a Toxicity Identification Evaluation (TIE) and employment of all reasonable efforts using currently available TIE methodologies.	X		Changes have been made.	Change made
87	Attachment E (MRP), Section V.H, Page E-	Duplicative toxicity data sub-	Currently, the Bureau submits full toxicity reports to the LA-RWQCB in its monthly NPDES submittals (SMR). The requirement to submit full toxicity reports with monthly DMR’s to both the State’s DMR processing center and the EPA’s San Francisco office seems redundant. The Bureau requests		X	Both the Regional Water Board and USEPA need a full report of the toxicity testing.	None

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	25.	mittal requirements	that the requirement to also submit monthly DMR's to the State's DMR processing center and the EPA's San Francisco office be removed.				
88	Attachment E (MRP), Section V.H.4, Page E-26.	Missing word	The Bureau requests to revise this paragraph as follows: The Discharger shall notify the Regional Water Board and USEPA of any exceedance of a toxicity limitation, in writing, <u>within</u> 14 days after the receipt of the test results.	X		Changes have been made.	Change made
89	Attachment E (MRP), Section VI.A.1, and VI.A.1T able 6, Page E-27.	Taxonomic nomenclature and Incorrect figure designation	<i>Enterococcus</i> should be capitalized and italicized (9 instances found in document). VI.A.1 remove "(Figure 1)" on top of the page as there is no figure for 11 inshore stations.	X		Changes have been made.	Change made
90	Attachment E (MRP), Section VI.B, Page E-27; Attach-	Inclusion of another POTW agency and adjusted	San Diego County should be included here and the "200 kilometers of coast" should be increased accordingly.	X		Changes have been made.	Change made

#	Section	Issue	Comment			Response to Comment	Action Taken
				Agree	Disagree		
	ment F (Fact Sheet), Section IX.C.1.e, Page F-54, paragraph 2.	coverage area					
91	Attachment E (MRP), Section VI.A.1, Table 6, Page E27; Section VI.B.1 on page E-28, and VI.A.4, Table 8 & 9, Page E28-E29	Incorrect figure designation and missing <i>E. coli</i> as an alternative parameter	<p>VI.B.1- Remove “(Figure 3)” on top of the page as there is no figure for 54 offshore stations.</p> <p>Table 6, <i>Inshore Microbiological Monitoring Requirements</i>, Table 8, <i>Offshore Water Quality Monitoring Requirements</i>, and Table 9, <i>Additional Offshore Water Quality Monitoring Requirements</i> do not include “<i>E. coli</i>” as an alternative parameter for fecal coliforms to reflect the chromogenic substrate method. Request <i>E. coli</i> be included in these tables.</p>	X		Figure 1 shows the 54 offshore stations. <i>E coli</i> may be sampled and reported if approved by the Regional Water Board and USEPA.	Change made
92	Attachment E (MRP), Section VI.B.4, Page E-	Change units	Previously approved by a letter from the Regional Water Board dated October 30, 2006, the statement “...and two additional stations within approximately 50 feet...” should be stated as “...and two additional stations within approximately 50 meters....”	X		Changes have been made.	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	29.						

#	Section	Issue	Comment	Response		Response to Comment	Action Taken
				Agree	Disagree		
93	Attachment E (MRP), Section VI.B., Table 9, Page E-29.	Change concentration units	Request to change concentration units for Total Chlorine Residual to mg/L (milligrams per liter).	X		Changes have been made.	Change made
94	Attachment E (MRP), Section VI.C.1.a, Page E-30, Paragraph 2.	Typo	Please change the word “retrieve” in this section to “retain”.	X		Changes have been made.	Change made
95	Attachment E (MRP), Section VI.C.1.a, Page E-32, Table 11.	Benthic Infauna	Please remove the parenthetical “(upper 2 centimeters)” for the parameter Benthic Infauna to allow for the use of standard monitoring protocols for this type of sampling.	X		Changes have been made.	Change made
96	Attachment E (MRP), Section VI.C.1.a, Page	Benthic Infauna	Please remove Footnote 15 in Table 11 under the “Required Analytical Test Method” for Benthic Infauna. This parameter should be footnoted separately for clarity as a community census on taxa/species. Benthic Infauna are not pollutants.		X	The footnote is generic and can apply to all parameters.	None

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	E-32, Table 11.						

#	Section	Issue	Comment	Response		Response to Comment	Action Taken
				Agree	Disagree		
97	Attachment E (MRP), Section VI.C., Table 11, Page E-32.	Change concentration units	Request to change concentration units for all Metals to mg/Kg (milligrams per kilogram).	X		Changes have been made.	Change made
98	Attachment E (MRP), Section VI.C.2.a, Page E-33.	Incorrect number of benthic stations	Change "...incorporating 26 stations..." to "...incorporating 24 stations...."	X		Changes have been made.	Change made
99	Attachment E (MRP), Section VI.C.3, paragraph 3, Page E-34; Section VI.D.2, paragraph 3, Page E-35	Include another regional benthic survey	The Bureau requests to include the "1994" (pilot project).	X		Changes have been made.	Change made
100	Attach-	Omis-	The Bureau requests to include Station D1T to be	X		Changes have been made.	Change

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	ment E (MRP), Section VI.D.1, Table 12, Page E-34.	sion of trawl station	consistent with narrative of this section and Table 1 on pp. E8-E9.				made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
101	Attachment E (MRP), Section VI.D.1, last sentence, final paragraph, Page E-35	Typo	“The Discharger may shall...” Please remove either “may” or “shall.”	X		Changes have been made.	Change made
102	Attachment E (MRP), Section VI.D.2, Page E-35.	Tissue chemical analysis	Please move tissue chemical analysis under “Sampling Design” to Section VI.D.3 (Bioaccumulation Monitoring, page E-36).	X		See response to comment #68.	Change made
103	Attachment E (MRP), Section VI.D.3.a, Table 14, Page E-36.	Arsenic and Selenium	Please remove bioaccumulation monitoring for arsenic and selenium as they are not part of current fish consumption advisories.		X	See response to comment #68.	None
104	Section VI.D.3.b, paragraph 3, Page E-	Incorrect common names	<i>Embiotoca jacksoni</i> should be black perch, not black surfperch. <i>Phanerodon furcatus</i> should be white seaperch, not white surfperch.	X		Changes have been made.	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	38						

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
105	Attachment E (MRP), Section VI.D.3.b, Table 16, Page E-39.	Footnote discrepancy	Please use the following footnotes instead of the current ones for their corresponding parameters to correct the footnote discrepancy: Footnote 13: Total DDT Footnote 8: DDT derivatives Footnote 14: Total PCB Footnote 9: PCB derivatives	X		Changes have been made.	Change made
106	Section VI.D.3.d, Page E-39-40.	Correct Bight '08 survey reference	The Bight '08 did not have predator risk survey. The survey was entitled "Bioaccumulation" and was designed to assess risk to human health. The Bureau requests that the language be revised as necessary.	X		Changes have been made.	Change made
107	Attachment E (MRP), Page E-41, Footnote 6.	Footnote discrepancy	Please change Footnote 6 as follows as the sampling precision cannot be at exactly 2.0 m: "Bottom sampling shall be done <u>within</u> 2.0 m (6.6 ft) above <u>of</u> the seabed."	X		Changes have been made.	Change made
108	Attachment E (MRP), Section VI, Footnote 7, Page E-41.	Language clarification	The Bureau request the following change: "...total numerical abundance per station, benthic response index (BRI) and <u>or other</u> biological indices."		X	The Benthic Response Index (BRI) is an index developed by the Southern California Coastal Water Research Project as part of the Southern California Bight Pilot Project (Smith et al., 2001). Validation has shown that the BRI is most accurate from water depths of 31 to 200 meters which includes the middle and outer continental shelf (Ranasinghe, 2007) and the water depth of Discharge Point 002.	None
109	Attach-	Use of	With the multitude of diversity indices, phylodiver-		X	See response to matrix comment #108.	None

#	Section	Issue	Comment	Response		Response to Comment	Action Taken
				Agree	Disagree		
	ment E (MRP), Section VI.E, Footnote 7, pg E-41.	diversity indices	sity indices, and analytical methodologies from which one is allowed to choose from, why is a single (and not thoroughly developed) index (BRI) required? This index also suffers from bias by using a subset of pre-selected species. The Bureau requests that this provision be made optional and not required, similar to the other indices and analytical methodologies.				
110	Attachment E (MRP), Section VII.A, Paragraph 3, pg E-42	Clarification	The Bureau requests the following revision: The City's first EDC special study began in 2005.	X		"2009" has been changed to "2005".	Change made
111	Attachment E (MRP), Section VII.A.1.ii, Page E-44.	Typo	Please revise "Temporal" to "temporal."	X		Change has been made.	Change made
112	MRP, Section VII.A.1 and VII.A.1.ii, pg E-44	Characterization of existing CEC data	The MRP States that "The Discharger shall propose a characterization of all existing CEC data (associated with its effluent or receiving water) that have been collected for various purposes in the past." This requirement is undefined thus creates a significant and potentially unnecessary burden. The time period of interest needs to be specified as well as the term "CEC data". For example, priority pollutant data collected in the 1970's could be charac-		X	See responses to Bureau's Comment #5 in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken.	None

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
			terized as CECs at that point in time. The Bureau requests that the Regional Water Board remove this section or at a minimum work with the Bureau to define what information should be characterized.				
113	Attachment E (MRP), Section VII.A.1, Page E-42; Section VII.A.1.ii, Page E-44.	Characterization of Existing CEC Data	The MRP requires the City to characterize “all existing CEC data (associated with its effluent or receiving water) that have been collected for various purposes in the past.” This requirement is undefined thus creates a significant and potentially unnecessary burden. The time period of interest needs to be specified as well as the term “CEC data”. For example, priority pollutant data collected in the 1970’s could be characterized as CECs at that point in time. The Bureau requests that the Regional Water Board delete this requirement or at a minimum work with the Bureau to define what information should be characterized and if the information has already been summarized in another format, such as reports by SCCWRP.		X	Duplicate comment. See response to matrix comment #112.	None
114	Attachment E (MRP), Section VII.A.1, Page E-44; Attachment E (MRP), Section VII.A.1.	CEC Analytical Test Methodology	The MRP requires the Discharger to propose the most sensitive analytical methodology available for the CEC monitoring. The issue for CEC monitoring is not sensitivity, but the most reliable method available. This issue has recently been discussed as part of the State of California CEC Recycled Water Policy Science Advisory Panel Draft Report, dated April 15, 2010, and will be further addressed as part of the State of California CEC Coastal and Marine Ecosystems Science Advisory Panel.		X	See response to matrix comment #112.	None

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	i, Page E-44.		<p>In the Recycled Water Panel draft report, the Panel provided recommendations regarding sample collection, preservation, quality control/quality assurance (QA/QC), and analytical methods; additional information will be provided in the final report. The Panel also addressed the issue of data reliability for commercial laboratories that perform CEC monitoring and concluded that there is relatively little consistency in compounds and method reporting limits among the laboratories surveyed, and there were false positives and false negatives for currently obtained CEC data. A currently ongoing study sponsored by the Water Research Foundation (#4167) lead by the Southern Nevada Water Authority is evaluating several commercial and academic laboratories for a specific group of pharmaceuticals and suspected endocrine disrupting compounds. Data collected thus far for spiked laboratory purified water has shown that variability is both laboratory and compound specific. Moreover, the rate of false positives (blank contamination) and false negatives (spiked but not detected) also was related to both laboratory performance and method detection limits, as well as was compound dependent. (See <i>CEC Panel Draft Report - Apr 15, 2010, pgs 57-58.</i>)</p> <p>It is apparent from the draft report and discussions at the May 21, 2010 Panel meeting, that there is little confidence in the collection of reliable CEC data at this time. In fact, the Panel recommended that other than the small set of CECs to be monitored as</p>				

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
			<p>previously discussed, no other CEC occurrence monitoring be conducted by utilities, and the State should rely on collecting and evaluating currently available data for consideration by the next Recycled Water Expert Panel to be convened in 3 to 5 years. Thus the Bureau recommends that this section of the MRP be revised as follows:</p> <p>“The Discharger shall review and consider all available analytical test methodologies, including but not limited to those listed in USEPA Methods 1694 and 1698, and methodologies approved or utilized by U.S. Geologic Survey, California Department of Public Health, and other federal or State agencies. Based on its review, the Discharger shall propose the most sensitive analytical methodology available.”</p>				
115	<p>Attachment E (MRP), Section VII.B, Page E-45.</p> <p>Attachment F (Fact Sheet), Section IX.E.1, Page F-</p>	Recommended change	<p>The Bureau is concerned that the survey results cannot provide an answer as to whether the “outfall structures in serviceable condition are ensuring their continued safe operation.” The survey can only serve to indicate whether the outfall structures are in serviceable condition and expected to operate safely. Therefore, please revise the sentence as follows:</p> <p>This survey answers the question: “Are the outfall structures in serviceable condition <u>and expected to</u> continued safe operation?”</p>		X	<p>To clarify, following the survey question, the Regional Water Board and USEPA are adding the following sentence from Order No. R4-2006-0042 (NPDES No. CA0053813) for LACSD’s Joint Water Pollution Control Plant: <u>“The data collected will be used for a periodic assessment of the integrity of the outfall pipes and ballasting system.”</u></p>	Some changes made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	55.						
116	Attachment E (MRP), Section VIII.A.3, Page E-46; Attachment D (SP), Section V.C.3 Page D-8.	Compare for consistency and revise as necessary	Second location in document allows for reporting exemption if it involves “process/operational control, startup, research, or equipment testing...” Wording is slightly different in each case. The first case states “...monitors any pollutant more frequently than required...” while the second case states “...samples and performs analyses...more frequently...” The Bureau requests that the language be revised to be consistent.	X		In Attachment E (MRP), section VIII.A.3, in the first sentence, the phrase “samples and performs analyses” is changed to “monitors”. No changes are made to the NPDES standard provision taken from 40 CFR 122.41(l)(4)(ii).	Change made
117	Attachment E (MRP), Section VIII.A.1 2, Page E-47.	MDLs for Non-detect Compounds	The MRP requires the City to “strive for” lower detection levels for DDT, chlordane, PCBs and PAHs than the analytical detection levels in Appendix II of the Ocean Plan since the MDLs are generally higher than effluent limitations or water quality objectives. The term “strive for” is ambiguous and not consistent with the Ocean Plan or MRP Provision VIII.A.3. Section C.6.c of the Ocean Plan states that “Dischargers are to instruct their laboratories to establish calibration standards so that the Minimum Level (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the discharger to use analytical data derived from <i>extrapolation</i> beyond the lowest point of the calibration curve. In accordance with Section 4.b, above,		X	Consistent with the 2005 permit, the monitoring and reporting program continues to specify that the Discharger comply with Ocean Plan requirements for quantitation and reporting. (The MLs in the Ocean Plan are based on laboratory data collected during 1997-98.) The Regional Water Board and USEPA note that the non-detect levels reported for the Hyperion effluent are generally higher than permit limits and water quality objectives for DDT and PCBs. Therefore, the permit will continue to specify that the Discharger shall strive for lower analytical detection levels to facilitate pollutant load quantification for future DDT and PCB TMDLs.	None

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
			the discharger's laboratory may employ a calibration standard lower than the Minimum Level in Appendix II." (See page 17 of the Ocean Plan). The Bureau request that this provision be deleted.				

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
118	Attachment E (MRP), Section VIII.A.10., Page E-47.	Terminology - Reporting Level	<p>Eliminate the term “reported Minimum Level (RML)” in brackets.</p> <p>At the end of subsection 10, replace “reported Minimum Level” with “Reporting Level (RL).”</p> <p>Although the terms “reported Minimum Level” and “reported ML” are used in the Ocean Plan (and the SIP), they can be confusing. A clear distinction needs to be made between the published Minimum Level (ML) values in the Ocean Plan (and SIP) and the values used for reporting the upper limit of the DNQ range.</p> <p>As recognized by the Regional Water Board staff in the recently adopted TIWRP Permit, the term Reporting Level (RL) is a better term to use for reporting the upper limit of the DNQ range. The use of this term provides a clear distinction from the published ML values (which are regulatory constants), and fosters more precise communication when discussing this issue.</p> <p>The Bureau requests that the Regional Water Board maintain consistency with the recently adopted TIWRP permit and eliminate the use of the terms “reported Minimum Level” and “reported ML” throughout this tentative permit (wherever the reference is to the actual values used as the upper limit of the DNQ range). In these instances, it is requested to use the term “Reporting Level (RL)”.</p>		X	The Regional Water Board will continue to use the terminology that is consistent with the Ocean Plan.	None
119	Attach-	Ter-	Replace “reported ML” with “Reporting Level		X	The Regional Water Board will continue to use	None

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	ment E (MRP), Section VIII.A.1 5.a and b, Page E-48.	minology	(RL).”			the terminology that is consistent with the Ocean Plan.	

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
120	Attachment E (MRP), Attachment E, Section VIII.A.1 5.b., Page E-48.	Reporting Requirement	<p>When the sample result is DNQ, the requirement states that:</p> <p>“For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words “Estimated Concentration” (may be shortened to “Est. Conc.”).”</p> <p>The requirement of writing the words “Estimated Concentration” next to the value is unnecessary. These words should simply be in the column header for the column in which the estimated concentration value is placed (the column next to the result column). The requirement necessitates a third, wide column that hinders efficient formatting of the report. The Bureau requests this requirement to state simply: “the laboratory shall write the estimated concentration next to DNQ.”</p> <p>This same comment was made for the recent TIWRP Tentative Permit. The Regional Water Board staff agreed and changed the requirement in the Adopted TIWRP Permit. The Bureau requests the Regional Water Board to maintain consistency and apply the same change to this permit.</p>		X	The Regional Water Board will continue to use the terminology that is consistent with the Ocean Plan.	None
121	Attachment E (MRP), Section VIII.B.3, Table 18,	Monitoring report due date	The Bureau requests that the monitoring report due date be changed to “By the 15th day of the third month after the month of sampling”. It is currently listed as “By the 15th day of the second month...”. This change should affect all instances where this is found in Table 18. Subsequently, this change affects the monitoring report due dates for quarterly,		X	The Regional Water Board and USEPA will continue to use the same reporting dates used in the 2005 permit.	None

#	Section	Issue	Comment			Response to Comment	Action Taken
				Agree	Disagree		
	Page. E-50 - 51		semiannual and annual reporting. Quarterly monitoring reports will be due on June 15, September 15, December 15, and March 15. Semiannual monitoring reports will be due on September 15 and March 15. We would also like the annual frequency parameters to be due on April 15, instead of February 15. The City received these same monitoring report due dates for the Terminal Island Water Reclamation Plant.				
122	Attachment E (MRP), Section VIII.B.2, Page E-50.	Provisions should only require submittal of results measured by approved methods.	The Bureau requests that the second sentence in this paragraph be revised as follows: “If the Discharger monitors any pollutant more frequently than required by this Order/Permit <u>using approved analytical methods</u> , the results of this monitoring shall be included in the calculations and reporting of the data submitted in the monitoring reports.”		X	See response to matrix comment #116.	None
123	Attachment E (MRP), Page E-50-51.	Monitoring Report Submittals	Attachment E, p. E-50 – 51, Monitoring Report Submittals. The 2005 NPDES Permit, Order No. R4-2005-0020, NPDES No. CA0109991, II.C, p.T-9 states, “An annual summary of the receiving water monitoring data collected during each sampling year (January-December) shall be prepared and submitted so that it is received by the Regional Water Board and USEPA by August 1 of the following	X		“ <u>An annual summary of the receiving water monitoring data collected during each sampling year (January-December) shall be prepared and submitted so that it is received by the Regional Water Board and USEPA by August 1 of the following year.</u> ” is added to MRP section VIII.C.2.	Change made

#	Section	Issue	Comment			Response to Comment	Action Taken
				Agree	Disagree		
			year.” A reporting schedule for receiving water monitoring data is not specified in this tentative permit. We request that the same reporting frequency as the 2005 Hyperion NPDES Permit be incorporated into this tentative permit in Attachment E, pp. E-50 - 51, or near, unless it is not desired at all. A more frequent reporting schedule is not feasible due to time necessary for CTD data processing and taxonomic identifications of benthic in-fauna.				
124	Attachment E (MRP), Section VIII.C.1 , Page E-52.	Typo	Please, change “CD-Rom” to “CD-ROM”	X		Change has been made.	Change made
125	Attachment E (MRP), Section VIII.C.2 , p. E-52.	Annual Summary Report	The Bureau requests the following additional language to the Annual Summary Report. “The annual summary report requirements can be waived upon successful submission of the year’s monitoring requirements to the State’s CIWQS system.”		X	The City provides monthly and quarterly monitoring information through the State’s CIWQS. The information required in the Annual Report as specified on p. E-52 of the tentative permit is not intended to be duplicative of the raw data submitted via CIWQS. As stated in the tentative permit (p. E-52), the Annual Report is to contain a discussion of the influent/effluent analytical results compiled for the entire year, such as concentration or loading trends as well as a summary of incidents of noncompliance and follow-up investigation and mitigation measures. The Annual Report shall also contain graphical and tabular analyses of the monitoring analytical data for the en-	None

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
						tire year. No change is made to the permit in response to this comment.	
126	Attachment E (MRP), Section VIII.C.2 , p. E-53, Paragraph 1 (last sentence).	Data submittal format	The last sentence of Paragraph 1 states that receiving water monitoring data shall be submitted in accordance with the data submittal formats of SCB Regional Monitoring Surveys. Formats for these regional surveys are not strict or rigid, but rather dynamic and flexible. The Bureau suggests eliminating or modifying to be consistent with the agreed upon format for each regional survey.		X	The permit language already recognizes the flexibility offered under each submittal format developed for the SCB regional monitoring surveys.	None
127	Fact Sheet, Section I, Table 1, Page F-7.	Mailing Address	The Bureau requests the following correction: Public Work Building, Bureau of Sanitation 1149 S. Broadway, 9 th Floor, Los Angeles, CA ,90015	X		Changes have been made.	Change made
128	Fact Sheet, Section I.B, Page F-8.	Permit number	The Bureau requests the following correction: NPDES permit No. should be CA0109991 instead of CA019991.	X		Change has been made.	Change made
129	Fact Sheet, Section II, Page	Low flow diversion	Page F11 second paragraph states that "...dry weather urban runoff is treated at HTP from April 1 to October 31." As correctly stated on Page 9 of the Tentative Order, in the last paragraph, "HTP started	X		Change has been made.	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	F-11.	treatment time period	treating dry weather runoff from the low flow diverters (LFDs) year-round in November 2009.” The Bureau requests that factsheet be revised to match the Tentative Order.				
130	Fact Sheet, Section III.B.1, Table 2, Page F-13.	Missing information	Page F-13—Longitude for Outfall 002 is missing. Please use the values on Page 10 of Tentative Order.	X		Change has been made.	Change made
131	Attachment F (Fact Sheet), Section III.C., Page F-15.	Missing information	The highest monthly average, weekly average, and daily are the same for BOD, at 23 mg/L in table 3. Please correct and insert the correct values	X		Change has been made.	Change made
132	Attachment F (Fact Sheet), Section III.C, Table 3, Page F-15.	Column header	Column header, “Monitoring Data”, is repeated twice in the header throughout the table. Please revise the table accordingly.	X		Change has been made.	Change made
133	Attachment F (Fact Sheet),	Cyanide monitoring	Monitoring Data (From July 2005 to July 2009) units are incorrect (they are off by a factor of 1000). They should read, “<4 ug/L”, “<4 ug/L”, “5 ug/L”, and “5 ug/L,” respectively. Please revise the	X		Change has been made.	Change made

#	Section	Issue	Comment	Response		Response to Comment	Action Taken
				Agree	Disagree		
	Section III.C, Table 3, Page F-16.	data units	table accordingly.				
134	Attachment F (Fact Sheet), Section III.D, Page F-19, paragraph 3.	Clarification	An acute top smelt toxicity test conducted on a 24-hour composite sample collected on March 12, 2008 resulted in an exceedance of the effluent limitation in Order No. R4-2005-0020. The sample was collected on March 11, 2008 and the test was conducted on March 12, 2008. Please revise to be consistent with the sample collection date.	X		Change has been made.	Change made
135	Fact Sheet, Section IV.C.6, Page F-24.	Benzidine does not have reasonable potential or BPJ	The Bureau requests that Benzidine, Hexachlorobenzene, and Toxaphene be removed from the list of constituents having water quality-based effluent limitations on p. F-24 to be consistent with Tables 8 and 9. As indicated on Tables 8 and 9 (pages 20 – 28), these three constituents do not have water quality based effluent limitations and have only performance goals.	X		Change has been made.	Change made
136	Attachment E (MRP), Section IV.A.1, Table 3, Page. E-	Requirement to conduct acute toxic-	The Fact Sheet on page F-38 asserts that “[b]ecause ammonia and marine acute toxicity effluent quality data for POTW ocean discharges having dilution ratios greater than 84:1 periodically show acute toxicity related to effluent ammonia concentrations and the current operation of the Hyperion Treatment Plant does not effectively remove ammonia,		X	The fact sheet language under “Whole Effluent Toxicity (WET)” has been replaced by the following: “ The <u>This</u> Order/Permit (Order No. R4-2005-0020) includes water quality-based effluent limitations for acute toxicity and chronic toxic-	Some changes made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	<p>13; Section V.A, p. E-19-20.</p> <p>Attachment F (Fact Sheet), Section V.C.6, Page F-38.</p>	<p>ity testing</p>	<p>the Regional Water Board and USEPA determined that the Hyperion discharge has reasonable potential to exceed the current Ocean Plan objective for acute toxicity.” However, HTP has had only one exceedance in five years (March 11, 2008) since changing to marine acute tests in 2005. The acute exceedance was never determined to be due to ammonia, which is the primary justification for reasonable potential to exceed the Ocean Plan objective for acute toxicity, and the HTP plant exited accelerated testing after completing six acute tests within compliance. Since 2008 there has not been a single acute exceedance at HTP. Due to the lack of acute exceedances, and the fact that chronic tests are also currently permitted, the Bureau requests that the requirement to perform acute toxicity tests be removed from the Tentative Permit including, but not limited to removal from Table 3 in the MRP and Section V.A of the MRP, as necessary.</p>			<p>ity forat Discharge Point 002 and for chronic toxicity forat Discharge Point 001. While the 2005 Ocean Plan specifies that discharges with dilution ratios below 100:1 must conduct chronic toxicity testing, it does not preclude permitting authorities implementing 40 CFR 122.44(d)(1) from establishing acute toxicity testing requirements, including and effluent limitations, to ensure protection of the acute toxicity objective. Because ammonia and both marine acute toxicity effluent quality data for POTW ocean discharges having <u>dilution</u> ratios greater than 84:1 periodically show acute toxicity related to effluent ammonia concentrations and the current operation of the Hyperion Treatment Plant does not effectively remove ammonia, the Regional Water Board and USEPA have determined that <u>and acute toxicity data collected under the 2005 permit show that</u> the Hyperion discharge has reasonable potential to exceed the current Ocean Plan objective for acute toxicity. Consequently, the Order/Permit contains a daily maximum acute toxicity effluent limitation for Discharge Point 002 and testing protocols consistent with the 2005 Ocean Plan.</p> <p>Using the objective of 0.3 TUa for the daily maximum and 10% of the dilution ratio (as the acute toxicity mixing zone), the daily maximum acute toxicity limit for Discharge Point 002 is calculated as follows:</p>	

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
						$C_e = C_a + (0.1) D_m (C_a)$ <p>where C_e = the effluent daily maximum limit for acute toxicity C_a = the concentration (water quality objective) to be met at the edge of the acute mixing zone D_m = minimum probable initial dilution expressed as parts seawater per part wastewater (84:1 and 13:1 for Outfall Nos. <u>Discharge Points</u> 002 and 001, respectively) (This equation applies only when $D_m > 24$.)</p> $C_e = 0.3 + (0.1)(84)(0.3) = 2.8 \text{ TU}_a$ <p>Since the above equation for calculating <u>an</u> acute toxicity limitation applies only when $D_m > 24$, this Order/Permit does not contain an acute toxicity limitation for Discharge Point 001 although RP is present. However, USEPA and Regional Water Board staff consider that the issue of acute toxicity issue would be <u>adequately addressed by controlling ammonia</u>, for which this Order/Permit contains an effluent limitation <u>at Discharge Point 001</u>. Ammonia is considered the primary probable cause of acute toxicity in <u>secondary-treated</u> wastewater from POTWs.</p>	
137	Attachment F (Fact	Chlordane efflu-	Please revise the “minimum nondetect” levels (See Fact Sheet Table 3) in the table on page F-34 under “Additional analysis for chlordane” from 0.002 to	X		The three paragraphs and table following “Additional analysis for chlordane” have been removed from the fact sheet for the permit	Change made

#	Section	Issue	Comment			Response to Comment	Action Taken
				Agree	Disagree		
	Sheet), Section V.C.4, Page F-34	ent concentrations	0.003 ug/L. 0.002 is not consistent with Table 3 on page F-17 for chlordane.				
138	Attachment F (Fact Sheet), Section V.D.3, Table 12, page F-44.	Typo	For pH row, “miniumu” should be “minimum”.	X		Change has been made.	Change made
139	Attachment F (Fact Sheet), Section V.D.3, Page F-40 Table 11, Page F-44 Table 12.	Footnote missing	It appears that footnotes in the header for Maximum Daily (currently footnote 3 only) should also include footnote 4. Please revise accordingly. To the extent Tables 11 and 12 are intended to represent Tables 8 and 9, please revise as appropriate so that all four tables are consistent in the use of footnotes.	X		Changes have been made.	Change made
140	Attachment F (Fact Sheet), Section IX.C.1.c	Note change in due date	The Bureau requests to change the due date for the Special study proposals to December 31. In previous permit the due date was by December 31 for the following year’s monitoring effort. This permit has the due date of November 1 st for the following year (July – June).	X		Change has been made.	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
	, pg F-54, paragraph 2.						
141	Attachment F (Fact Sheet), Attachment X, A, Page F-56.	Typo	The Bureau requests to change “Order/Permits” to “Order/Permit” .	X		Change has been made.	Change made
142	Attachment H, Section 4.b, Page H-4.	Class B and Class A <i>Salmonella</i> sample holding times	<p>The Bureau suggests the holding time to reflect correction of 24 hours.</p> <p>1) Attachment H paragraph states, “The following holding times between sample collection and analysis shall not be exceeded: fecal coliform—6 hours when cooled to 4 degrees C; Salmonella spp. bacteria—24 hours when cooled to 4 degrees C; enteric viruses—2 weeks when frozen; helminth ova—one month when cooled to 4 degrees C.”</p> <p>EPA Method 1680 states: “For fecal coliform samples for sewage sludge (biosolids) only, the holding time is extended to 24 hours for the following sample types using either EPA Method 1680 (LTB-EC) or 1681 (A-1): Class A composted, Class B aerobically digested, and Class B anaerobically digested. All other matrices should be analyzed within 8 hours of sample collection, 6 hour maximum transport and 2 hours for sample processing.”</p>	X		<p>Attachment H paragraph has been revised, as follows:</p> <p>“The following holding times between sample collection and analysis shall not be exceeded: fecal coliform—6 hours when cooled to ≤ 4 degrees C (<u>extended to 24 hours when cooled to < 4 degrees C for Class A composted, Class B aerobically digested, and Class B anaerobically digested sample types</u>); Salmonella spp. bacteria—24 hours when cooled to ≤ 4 degrees C (<u>unless using Method 1682—6 hours when cooled to < 10 degrees C</u>); enteric viruses—2 weeks when frozen; helminth ova—one month when cooled to ≤ 4 degrees C.”</p>	Change made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
			<p>Suggest changing holding time to reflect correction of 24 hours.</p> <p>The Bureau suggests correction be made to reflect method of choice.</p> <p>2) Attachment H paragraph states, "...Salmonella spp. bacteria—24 hours when cooled to 4 degrees C...."</p> <p>Holding time is not inclusive of EPA method 1682 (MSRV) which states, "Analyses should begin immediately, preferably, within 2 hours of collection. If it is impossible to examine samples within 2 hours, samples must be maintained at <10°C until analysis. Samples must not be frozen. Sample analysis must begin within 6 hours unless otherwise specified in the Code of Federal Regulations Part 503."</p> <p>Suggest correction be made to reflect method of choice.</p>				
143	Tentative Order, Attachment I, P. I-1, Item 2.	Implementation and enforcement of approved	This provision requires the City to implement and enforce in its entire service area, including contributing jurisdictions, its approved pretreatment program. The issue of contributing jurisdictions was resolved in accordance with compliance with USEPA Administrative Order Modification, CWA-IX-FY90-15 (see attached letter dated May 15, 2002, from Bureau of Sanitation to USEPA Region 9 [Attachment 4 of this submittal]).		X	<p>Comment #143 is similar, if not identical, to the City's Comment #25 for the 2005 permit (see pp. 14-312 – 14-315 in the agenda package for the April 7, 2005 Regional Water Board meeting). Our response remains the same:</p> <p>Contrary to the City's claim, the Permit does not extend the POTW's jurisdiction; the CWA</p>	Some changes made

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
		pre-treatment program through contributing jurisdictions	<p>The issue of the City’s exercising jurisdiction and control over industries located outside the City’s political boundaries has been discussed with USEPA Region 9, and both sides have recognized that the City may not be able to exercise extra territorial jurisdiction within the boundaries of the contract cities based on state law. The City has entered into good faith negotiations with a number of the contract cities and the current contract is the collective agreement of all the cities. This is the best the City can do with regard to exercising pretreatment program jurisdiction. The City cannot force other Charter cities to give the City the right to cross into their political boundaries to enforce a pretreatment program. The City monitors each contract city’s compliance with federal pretreatment requirements on a semi-annual basis, requires that each city certify their compliance, and provides a status of each contract city’s compliance with federal pretreatment requirements in its Pretreatment Program semi-annual and annual reports.</p> <p>Thus, the Bureau requests that this provision of the permit be revised as follows: 2. The Discharger shall implement and enforce in its entire service area, including contributing jurisdictions, its approved pretreatment program, and all subsequent revisions, which are hereby made enforceable conditions of this Order/Permit.</p>			<p>and the General Pretreatment Regulations mandate that the POTW must have control authority in the entire service area. Specifically, 40 CFR 403.8(f)(1) states: <i>The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law.</i></p> <p>It appears there is some confusion between the POTW's responsibility, as Control Authority, to exercise its control over the entire area contributing to the HTP (hence the term “Control Authority”), and the means to achieve that control ability. A POTW is ultimately responsible for implementation and enforcement of pretreatment standards throughout its service area, including areas outside its “territorial” jurisdiction.</p> <p>Contrary to POTW’s claim that the City may not be able to exercise its control because of existing state law, the Office of the Chief Counsel has concluded that Sections 54739 and 54740 of the California Government Code</p>	

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
						<p>give POTWs sufficient “extra-territorial” authority to satisfy this requirement (Attwater Memorandum, William R. Attwater, Chief Counsel, SWRCB, 01/20/1987).</p> <p>In addition, Section §13362 (Inspections), of the Porter-Cologne Water Quality Control Act, provides that: <i>(a) A publicly owned treatment works (POTW) with an approved pretreatment program may conduct inspections in accordance with the provisions of Sections 403.8(f)(1)(v) and 403.8(f)(2)(v) of Title 40 of the Code of Federal Regulations and assess and collect civil penalties and civil administrative penalties in accordance with Sections 54740, 54740.5, and 54740.6 of the Government Code, with regard to <u>all dischargers of industrial waste to the POTW</u> (underline added).</i></p> <p>There is no impediment for the POTW to enter into adequate contracts or other legal mechanisms, or inter-jurisdictional agreements that will assure its ability as Control Authority to exercise its authority role as required by federal and state law.</p> <p>An inter-jurisdictional agreement may require that: (a) the approved POTW Pretreatment Program performs all pretreatment duties in the contributing service area; (b) the contributing jurisdiction performs all of the</p>	

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
						<p>POTW Pretreatment Program functions for the Control Authority, or; (c) each party performs a portion of the Pretreatment Program activities. In all cases, the Control Authority is the responsible entity to the Approval Authority for pretreatment implementation and enforcement. Where the Control Authority delegates Pretreatment Program functions to a contributing jurisdiction, through a written inter-jurisdictional agreement, the Control Authority must ensure that the contributing jurisdiction has a legal authority equivalent to its own approved Pretreatment Program for those delegated functions.</p> <p>An inter-jurisdictional agreement, shall contain the following conditions:</p> <p>A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to POTW's ordinance or local limits;</p> <p>A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;</p>	

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
						<p>A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by POTW; and which of these activities will be conducted jointly by the contributing municipality and POTW;</p> <p>A requirement for the contributing municipality to provide the POTW with access to all information that the contributing municipality obtains as part of its pretreatment activities;</p> <p>Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;</p> <p>Requirements for monitoring the contributing municipality's discharge;</p> <p>A provision ensuring the POTW access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by; and</p> <p>A provision specifying remedies available for breach of the terms of the inter-jurisdictional</p>	

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
						<p>agreement.</p> <p>When the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the inter-jurisdictional agreement should specify that the municipality (in which the POTW is located) has the right to take legal action to ensure the terms of the contributing municipality's ordinance or to impose and enforce pretreatment standards and requirements directly against noncompliant dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.</p> <p>Therefore, USEPA and Regional Water Board staff have added Finding 38 from the 2005 permit as a new finding to the permit:</p> <p><u>“Pretreatment. In compliance with 40 CFR 403, the City developed a Pretreatment Program for POTWs owned and operated by the City. The City's Pretreatment Program was approved by USEPA on June 30, 1983. In 1989, USEPA delegated the authority to administer pretreatment programs in California to the State and Regional Water Boards. Thus, this Regional Water Board became the approval authority for pretreatment programs in Los Angeles and Ventura Counties.</u></p>	

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
						<p><u>This Order/Permit includes the City’s approved Pretreatment Program and requires the City to continue implementation and control of the Program throughout the Hyperion Treatment Plant’s service area, including contributing jurisdictions. The POTW, as Control Authority, may exercise its authority over the entire service area directly, as provided by state law, or may elect to enter into contracts or other multi-jurisdictional agreements with the contributing jurisdictions. In case the POTW elects to enter into inter-jurisdictional agreements, the POTW must ensure that discharges received from entities outside of its political boundaries are regulated to the same extent, as are the discharges from within its political boundaries.</u></p> <p><u>The City applies one set of local limits to all discharges from the Hyperion Treatment Plant, Tillman WRP, and LAG WRP to the Hyperion Treatment System. Burbank WRP is also part of the Hyperion Treatment System.”</u></p>	
144	Tentative Order, Attachment I, P. I-3, Item 4.j.	Regulating flows from Storm-water diversion struc-	The low flow urban runoff diversion program included in this reporting requirement is not managed by the Bureau’s Industrial Waste Management Division (IWMD), but by the Watershed Protection Division (WPD). Reporting responsibilities for the diversion program are handled by WPD pursuant to the Santa Monica Bay Beach Dry-weather Bacteria TMDL (Resolution No. 02-004 and Resolution No. 2002-022) adopted by the Regional Water Board.	X		Condition 4.j of Attachment I has been deleted because reporting is already handled by the Bureau’s WPD pursuant to the TMDL.	Change made.

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
		tures	<p>With regard to the reporting requirement for first flush industrial stormwater dischargers, the Bureau does not believe that it is necessary to collect and provide this information. In accordance with the last audit of the pretreatment program, IWMD has revised permits for Significant Industrial Users to account for this dilution source based on anticipated flows since collection of industry specific and storm event specific flow information is not feasible. Consequently, IWMD does not believe that it is feasible or necessary to provide this information in the annual report.</p> <p>For these reasons, the Bureau asks that provision 4.j be deleted from Attachment I.</p>				
145	Attachment I – Pretreatment Program Requirements, Paragraph 7, Page I-4.		<p>Paragraph No. 7 in the Pretreatment Program Requirements represents an unreasonable and unauthorized change from the corresponding requirement in the City’s current Waste Discharge Order. The new paragraph requires the City to “continue to develop and implement it’s nonindustrial source control program and public education program” and “periodically [review] and [address]” this program in the City’s Annual Pretreatment Program Compliance Report. This proposed requirement evidently stems from Paragraph A.9 in Attachment P – Pretreatment Program Requirements in the Hyperion’s current NPDES Permit, which requires the City to “describe in the Annual Report any program the POTW implements to reduce pollutants from the non-domestic sources.” This essentially means</p>		X	<p>Some changes have been made in response to this comment (see response to Bureau’s Comment #6 in document summarizing significant comments received on the May 20, 2010 joint draft NPDES permit for Hyperion Treatment Plant and USEPA and Regional Water Board responses to these comments, including actions taken).</p>	Some changes made

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			<p>the City must describe its federally mandated pretreatment program. (See 40 CFR 403.3 (i),(j), and (t)), which the City has no objection to. However, nonindustrial source controls are not required by the federal pretreatment requirements in 40 CFR Part 403. (<i>Id</i>). The federal regulations only apply to industrial sources. The City does participate in the voluntary “No Drugs Down the Drain” program, which is a public outreach program to alert California residents about the problems associated with flushing unused, unwanted, and expired medications down the toilet or drain and to provide them with other, safe and proper disposal choices. However, there is no legal or regulatory authority that allows the City to implement and enforce a nonindustrial source control program. The City only has the authority to develop and implement an approved Pretreatment Program to control pollutant sources from industrial and commercial users. Aside from the fact that the new language is vague and unclear as to specifically what is required of the City to satisfy this proposed requirement, the City’s resources would be unreasonably constrained and limited during these tough financial times. Lastly, mandating a current voluntary program would go far in discouraging the City from proactively implementing voluntary programs in the future.</p> <p>Therefore, the Bureau requests removal of Paragraph 7 in Attachment I of the tentative permit and inclusion of the following language under Para-</p>				

#	Section	Issue	Comment	Agree	Disagree	Response to Comment	Action Taken
			<p>graph 4 in Attachment I of the tentative permit, which is consistent with the language in the current permit.</p> <p><u>The Discharger is required to describe in the Annual Report any programs the POTW voluntarily implements to reduce pollutants from the non-domestic sources.</u></p>				