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February 8, 2010

Rebecca Christmann, Unit Lead  
Municipal Permitting Unit (NPDES)  
California Regional Water Quality Control Board – Los Angeles Region  
320 West Fourth Street  
Los Angeles California, 90013

**COMMENTS ON TENTATIVE AMMENDMENT OF WDRs AND NPDES PERMIT –  
CITY OF OXNARD WASTEWATER TREATMENT PLANT (NPDES NO. CA0054097)**

Dear Ms. Christmann:

On January 5, 2010, the California Water Quality Control Board-Los Angeles Region (Regional Board) released the tentative amendment of the City of Oxnard's WDRs and NPDES Permit. The City of Los Angeles, Bureau of Sanitation (Bureau), would like to thank the Regional Board for the opportunity to comment on the tentative amendment. Although the tentative amendment does not directly involve our facilities, the Bureau is concerned with mass limits in the tentative amendment. The City of Oxnard's mass limits should be calculated using the plant's design flow. Historically, mass limits in NPDES permits have been calculated using design flows. The method used by the Regional Board to determine the City of Oxnard's mass limits will have the unintended consequence of discouraging future water recycling projects and is not consistent with previously adopted NPDES permits.

By decreasing the mass allowance of pollutants based on the fraction of the effluent going to advanced treatment, the Regional Board will be essentially penalizing treatment facilities that recycle their effluent flows for beneficial reuse. When brine is removed during the advanced treatment process, it is returned to the effluent for discharge; therefore, the mass discharged remains unchanged. The flow set aside for advanced treatment should not be deducted from the design flow of the plant. Treatment facilities that produce recycled water will end up with stricter effluent mass limits and could be exposed to mandatory minimum penalties, not to mention imposition of Administrative Civil Liability. This will discourage treatment facilities from recycling their effluent, which the Bureau believes was not the intent of the Regional Board.



The imposition of overly-stringent mass limits is inconsistent with multiple state laws and policies that encourage water recycling. Water Code section 13511 states, in part, "the Legislature further finds and declares that the utilization of recycled water by local communities for domestic, agricultural, industrial, recreational, and fish and wildlife purposes will contribute to the peace, health, safety, and welfare of the people of the state..." In May of 2009, the State Water Resources Control Board adopted the Recycled Water Policy to increase the use of recycled water from municipal wastewater sources.

The Bureau requests that mass limits continue to be calculated based on design flow and that the amendment for the City of Oxnard be revised accordingly. If you have any questions, please contact H.R. (Omar) Moghaddam, Manager of the Regulatory Affairs Division, at 310-648-5423.

Sincerely,

A handwritten signature in dark ink, appearing to read "Enrique C. Zaldivar", is written over the typed name.

ENRIQUE C. ZALDIVAR, Director  
Bureau of Sanitation

c: Rafael Prieto, Chief Legislative Analyst Office  
Traci Minamide, Bureau of Sanitation/EXEC  
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