

**Item 13
Response to Comments
for
Tentative Amendment Dated January 5, 2010**

City of Oxnard
Oxnard Wastewater Treatment Plant
Tentative NPDES Amendment

(This Table summarizes the comments received from interested parties with regard to the above-referenced Tentative Amendment. Each comment presented has a corresponding Regional Board staff response and/or corresponding action taken.)

No.	Comment	Agree	Disagree	Response to Comment	Action Taken
Letter from City of Oxnard dated February 5, 2010					
1.	The City of Oxnard appreciates the Regional Board's reconsideration to keep the current mass limits and permitted flow of 31.7 as noted in the City of Oxnard's current NPDES permit No. CA0053856.	X		Regional Board staff agree that the mass-based limitations should be based on the Oxnard Wastewater Treatment Plant's design capacity of 31.7 million gallons per day (MGD).	Changes have been made.
2.	The City of Oxnard can meet sampling requirement as noted in the tentative Amendment.	X		Regional Board staff appreciate the City of Oxnard's efforts to comply with the requirements specified in the tentative Amendment.	None necessary

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Letter from County Sanitation Districts of Los Angeles County dated February 8, 2010					
1.	<u>Setting Mass-Based Limits</u> The Sanitation Districts believe that the current version of the Amendment would have the unintended effect of discouraging recycled water projects utilizing advanced treatment by reducing the mass-based discharge limits proportional to the amount of flow intended to be reused. These projects generally require either nanofiltration or reverse osmosis, neither of which	X		The advanced treatment facilities may not be operated due to maintenance or emergency shutdown. Therefore, Regional Board staff agree that the mass-based limitations should be based on the Oxnard Wastewater Treatment Plant's design capacity of 31.7 MGD.	Changes have been made.

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	destroys any constituents found in treated wastewater. These constituents, that would have been otherwise discharged with the treatment plant effluent, are instead concentrated in reject streams (brine). In most cases, discharge of brine with the secondary effluent will be the only cost effective brine disposal method. If mass-based limits are reduced, this option will be precluded. As such, the mass-based limits in the Amendment should revert back to those originally provided, to account for the same mass of effluent constituents allowed for prior to advanced treatment.				
2.	<p><u>Permitting of Full Design Flow</u></p> <p>The Amendment reduces the permitted capacity of the treatment plant by the amount of recycled water diversion that will result from the project. Design flow of treatment facilities is based on capacity of the various unit processes and discharge facilities that have been constructed. To reduce their capacity because recycling projects are to be implemented would greatly diminish the value of the investment in infrastructure made by the ratepayers. Furthermore, recycled water projects are not failsafe disposal options. For instance, treatment process upsets, public perception, or regulatory actions for instance could force the recycled water use to be interrupted and require the discharger to utilize the full capacity of its existing discharge permit. If a discharger had to choose between a recycled water project and a loss in discharge capacity, the recycled water project would be much less attractive. To provide for the ability to discharge the design flow of the Oxnard Wastewater Treatment Plant, when the advanced treatment facilities are not operating at maximum capacity, the Sanitation Districts request that the Regional Board leave the permitted design flow of 31.7 MGD in place.</p>	X		Regional Board staff agree that the full design flow of 31.7 MGD should be kept in the Amendment.	Changes have been made.
3.	<p><u>Wet Weather Exclusion for Mass-Based Limits</u></p> <p>The Sanitation Districts request that the Amendment be changed to include a wet-weather exclusion for all mass-based limits. This exclusion is noted appropriately in Attachment F of the Amendment, but not in the body of the order itself, which appears to be an oversight.</p>	X		Regional Board staff agree that the “wet-weather exclusion for all mass-based limits” specified in the Fact Sheet should also be included in the Order. The missing language, which states, “During wet-weather storm events in which the flow exceeds the design capacity, the mass discharge rate limitations shall not apply, and concentration limitations will provide the only	Changes have been made.

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				applicable effluent limitations.” has been added as Footnote 3 in the Order.	

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Letter from Heal the Bay dated February 8, 2010					
1.	<p>Heal the Bay is concerned with one aspect of the Amendment as currently written. The Amendment bases permit limits off of inappropriate flow rates. Each mass loading effluent limitation in the Amendment includes two values. One is the effluent limit based on the plant design flow rate of the treatment plant (Page 11 footnote 5), which is the maximum outflow possible for the plant. The other value applies when 6.25 MGD of water is diverted from the plant for advanced water treatment. As mentioned in the permit, 6.25 MGD is the maximum amount of water that can be diverted. In reality, the plant most likely will not consistently redirect this maximal amount and outfall flows will fluctuate. Hence, we do not understand why these values were used to calculate effluent limits. Instead, due to the fact that discharges from the treatment plant are likely to fluctuate, the effluent limitations should vary based on the real flow of the plant rather than the maximum design flow. To base these limits on maximum flow instead of real flow provides that higher concentrations may be discharged during low flows, which would not be a protective approach. Hence, Staff should revise the Amendment to base the mass loading effluent limits off of the actual flow coming out of the outfall. Staff mentioned that revisions will be made to the Amendment that may address this concern. Will these revisions be open for public comment?</p>	X		<p>Regional Board staff have modified the tentative amendment. All mass emission rates, based on 25.45 MGD, have been changed. The mass emission rate of all pollutants is based on the design capacity of 31.7 MGD. There are two effluent limitations, which include concentration-based and mass-based. The City of Oxnard has to comply with not only the concentration-based effluent limitations but also the mass-based effluent limitations. In their monitoring reports, the City of Oxnard shall report the measured mass emission rate of all required pollutants as “actual concentration in the secondary-treated effluent multiplied by the actual secondary-treated effluent flow and a conversion factor.” This additional requirement has been added to the revised tentative Amendment in order to make sure that the City of Oxnard complies with the mass emission rate.</p>	<p>Changes have been modified.</p>

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Letter from City of Los Angeles dated February 8, 2010					
1.	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.	X		Regional Board staff agree that the mass-based limitations should be based on the Oxnard Wastewater Treatment Plant's design capacity of 31.7 MGD.	Changes have been made.