Response to Comments

Joint Outfall System
Whittier Narrows Water Reclamation Plant
Tentative NPDES Permit

(This Table summarizes the comments received from interested parties with regard to the above-mentioned Tentative Permit. Each comment presented in this Table has corresponding Regional Board's response and/or action taken. The Discharger has submitted comments prior to the comment submittal deadline. However, most of these comments were editorial in nature and Regional Water Board staff agreed to modify the draft permit based on their comments.)

Agency	#	Comment	Agree	Disagree	Reply	Action Taken
Joint Outfall System		JOS has submitted comments (e-mail from Ann Heil to Raul Medina and Blythe Ponek-Bacharowski on November 16, 2007) prior to the comment deadline. These comments were mostly editorial in nature and where appropriate, changes have been made to the tentative permit.	X		The suggested language changes have been incorporated in the Order.	Changes have been made.
Joint Outfall System		JOS also requested minor changes to the tentative permit. Examples of requested changes are the following: • Retaining the previous monitoring month schedule for quarterly and annual monitoring. • Renaming the ammonia receiving water monitoring stations nomenclature to avoid confusion. • Clarifying the location of receiving water stations. • Inflow monitoring that requires continuous recording shall be changed to "calculated".	X		The suggested language changes have been incorporated in the appropriate sections of the tentative permit.	Changes have been made.
Joint Outfall System		Lead limitations for Discharge Point 001. JOS argued that the average downstream receiving water hardness of 226 mg/L should be used in the calculation of lead criteria because the limits are derived according to SIP/CTR.		X	Discharge Point 001 drains into the TMDL Reach 2 of the San Gabriel River. This TMDL reach specifies hardness of 175 mg/L in the calculation of lead criteria. The suggested 226 mg/L receiving water hardness only represents dry-weather data. It was collected during dry-weather when the river is at low flow condition. Since the SIP/CTR criteria apply at all times during wet and dry weather to inland waters, the TMDL hardness of 175 mg/L will be used to	None necessary.

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					provide both weather condition effluent limitation that is protective of the receiving waters all year round. Using hardness of 226 mg/L will yield into a less stringent effluent limitation.	
Heal the Bay		Heal the Bay is in general support of this tentative permit.	X		We thank the Heal the Bay for their comments in support of the permit.	Comment noted.
Heal the Bay	1	The Tentative Permit should include a numeric chronic toxicity limit. The permit contains a weak 1 TU_C trigger that has no teeth. The Regional Board should encourage the State Board to develop an appropriate numeric chronic toxicity limit as soon as possible. Too many major NPDES permits have gone forward without numeric effluent limits for chronic toxicity. The State Board and the Regional Boards should work together to expedite the chronic toxicity policy.		X	Regional Board staff agrees that toxicity limits are the safety net for NPDES permits because permits do not require monitoring or have limits for all constituents that can cause receiving water toxicity. The Regional Board has encouraged the State Board to develop an appropriate policy regarding the numeric chronic toxicity, as soon as possible, during hearings and during stakeholder meetings. However, the circumstances warranting a numeric chronic toxicity effluent limitation when there is reasonable potential were under review by the State Water Resources Control Board (State Board) in SWRCB/OCC Files A-1496 & A-1496(a) [Los Coyotes/Long Beach Petitions]. On September 16, 2003, at a public hearing, the State Board adopted Order No. 2003-0012 deferring the issue of numeric chronic toxicity effluent limitations until Phase II of the SIP is adopted. In the mean time, the State Board replaced the numeric chronic toxicity limit with a narrative effluent limitation and a 1 TUc trigger, in the Long Beach and Los Coyotes WRP NPDES permits. This permit contains a similar narrative chronic toxicity effluent limitation, with a numeric trigger for accelerated monitoring. Phase II of the SIP has been adopted, however, the toxicity control provisions were not revised. On January 17, 2006, the State Board Division of Water Quality held a California Environmental Quality Act (CEQA) scoping meeting to seek input on the scope and content of the environmental information that should be considered in the planned revisions of the Toxicity Control Provisions of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP). However, the Toxicity Control Provisions of the SIP continue unchanged. This Order contains a reopener to allow the Regional Board to	None necessary.

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					modify the permit, if necessary, consistent with any new policy, law, or regulation. Until such time, this Order will have toxicity limitations that are consistent with the State Board's precedential decision.	
Heal the Bay	2	The Regional Board should increase bioassessment monitoring frequency to twice per year, ideally in the spring and fall to capture critical conditions before the rainy season and after the rainy season.		X	SWAMP (Surface Water Ambient Monitoring Program) recommends that bioassessment monitoring be conducted once during the suggested index period (late spring to early fall). It is unnecessary to sample twice per year to assess the health of the benthic macroinvertebrate community. For the Los Angeles Region, staff recommends sampling during the late spring or early summer, as many streams contain little or no water, particularly in the upper watershed areas, by late summer or fall.	None necessary.
Heal the Bay	3	The Regional Board should maintain algal growth and chlorophyll A monitoring. Heal the Bay suggests that nitrogen monitoring is not a substitute for algal mass monitoring because nitrogen is not the only factor contributing to algal growth. "Growth of algae in individual streams, or even reaches of stream, may be limited by N alone, P alone, N and P together, or some combination of other physical and chemical factors…." Thus, it is important to monitor algal coverage and chlorophyll A to understand if there is truly an impairment. Further, removing this monitoring is a major step backwards given that EPA and State Board Members have acknowledged the inadequacy of current methodologies [such as nitrogen monitoring alone] used to assess excess algal growth for the 2006 303(d) List. Algal growth itself can be a pollutant if not monitored.		X	Chlorophyll A monitoring is included in the regional monitoring design. This is sufficient to characterize watershed conditions, so chlorophyll A is not required at compliance monitoring sites. SWAMP (Surface Water Ambient Monitoring Program), in partnership with SCCWRP and USEPA, is developing recommendations for monitoring at the periphyton community (algae and diatoms) and appropriate ancillary water quality measurements. As these recommendations are developed, this type of monitoring will be incorporated into the regional monitoring program design, and at the NPDES compliance monitoring stations, as appropriate. Section VII.A. of the Monitoring and Reporting Program (MRP) includes specific discussion on the Watershed Monitoring. As stated herein, chlorophyll A and bioassessment monitoring will be performed as part of the watershed monitoring program. Also, in a letter dated September 25, 2006 to Mr. Robert Agsian of LA County Sanitation District, the Regional Board approves the revision to Whittier Narrows' WRP MRP that includes eliminating chlorophyll A because it will be included in the comprehensive watershed-wide monitoring.	None necessary.