

Response to Comments

City of Redondo Beach – Seaside Lagoon
 Revised Tentative Order No. R4-2017-XXXX
 NPDES Permit No. CA0064297, CI No. 8034

#	Comment Summary	Response	Action Taken
City of Redondo Beach – Email Received on May 5, 2017			
1	The Regional Board has requested that comments be confined to new modifications identified in the Revised 2017 Order, and the City accordingly has limited its comments to those modifications. Nevertheless, the City reserves and reasserts each and every comment made in its comment letter of January 26, 2017.	Regional Board staff reviewed the comments submitted on January 26, 2017, responded to them and made changes in the revised tentative Order in response to the comments. The comments submitted, and the Response to Comments are included in the documents provided to the Board members prior to considering this item at the Board Hearing. You will also be provided an opportunity to summarize your comments during the Board Hearing.	Comment noted.
2	As you know, Seaside Lagoon has provided safe water recreation to the general public for over fifty years. It also bears reminding that Seaside Lagoon is a unique body of water that requires practical solutions. The Lagoon uses source water exclusively from the Santa Monica Bay and King Harbor, and the City generally cannot control many pollutant loads in Lagoon discharge. As a result, the City seeks fair regulatory treatment for the Lagoon to ensure its continued viability as a public recreational facility. We respectfully request the Regional Board will take our additional comments into	The Lagoon uses King Harbor water; protection of the beneficial uses of King Harbor is paramount. Regional Board staff has reviewed the comments submitted on May 5, 2017, have responded to them in the subsequent pages here and made appropriate changes in the revised tentative Waste Discharge Requirements (WDRs) and in the	Comment noted and updates incorporated.

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	<p>consideration prior to adopting the Revised 2017 Order and TSO.</p>	<p>revised tentative Time Schedule Order (TSO) in response to these comments. The Regional Board has provided intake credits, where appropriate to ensure that the City is not penalized for pollutant concentrations in the intake water. Also, a Time Schedule Order is proposed to allow time for the City to investigate potential contributions to elevated pollutant concentrations in the Lagoon, determine the best method to meet the final effluent limitations, and implement the chosen method.</p>	
3	<p>NEW ORDER AND TSO EFFECTIVE DATE AFTER 2017 OPERATING SEASON</p> <p>The City request that the Revised 2017 Order and TSO become effective after the 2017 operating season, on September 11, 2017. The TSO requires a new effluent monitoring location further upstream and away from the tidal influence. The City will need to modify the effluent sampling location to add a monitoring station. Every potential upstream location is within the facility's footprint and therefore will require partial, if not full, closure of the facility to ensure public safety during the construction period. In addition, the new sampling and monitoring requirements require significant increased tracking and technical analysis which will require additional coordination with the laboratory and technical consultant that will take time to implement into contracts. Therefore, we request the Tentative 2017 Order and TSO be effective on September 11, 2017. In addition, we request that</p>	<p>Staff notes the City's concerns about the need to construct a new sampling location during the summer operating season. As requested, the revised tentative WDRs' effective and expiration dates have been changed. The effective date is usually the 1st day of the month. Hence, the effective date was changed to October 1, 2017, and the expiration date is September 30, 2022.</p>	<p>Update incorporated.</p>

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	<p>the Order expire following the 2022 operating season, which would be on September 11, 2022.</p>		
4	<p>MONITORING OF BACTERIA LEVELS WITHIN THE LAGOON ARE NOT WITHIN THE REGIONAL BOARD'S JURISDICTION</p> <p>Public safety and health, particularly for the many young persons that annually recreate at Seaside Lagoon, are issues of paramount importance to the City. At an elementary level, the Lagoon is a public swimming pool that must be maintained for the benefit and safety of its users. To that end, Seaside Lagoon is subject to robust water quality standards and monitoring requirements developed and enforced by the California Department of Public Health and the Los Angeles County Department of Public Health. While the City shares in the Regional Board's and Heal the Bay's concerns over public safety and health, these matters are required to be addressed by those public health officials statutorily charged with regulating public swimming pools. The Revised 2017 Order's Special Study (Provision VI.C,2.b) and new monitoring requirements (Section IV of Attachment E, Monitoring and Reporting Program) for bacteria levels within the Lagoon are redundant and in excess of the Regional Board's jurisdiction.</p> <p>California water quality standards within public swimming pools are set forth in Title 22 of the California Code of Regulations ("Social Security"). These standards require that "every public swimming pool, including swimming pool...operation, source of water supply, amount and quality of water recirculated and in the pool, method of water purification, lifesaving apparatus, measures to insure safety of bathers, and measures to insure personal cleanliness of bathers shall be such that the public swimming pool is at all times sanitary, healthful and safe."</p>	<p>Staff concurs that the California Department of Public Health and the Los Angeles County Department of Public Health has jurisdiction over public swimming pools; however, it is unclear whether Seaside Lagoon has a permit with the Los Angeles County Department of Public Health, or the timing and extent of monitoring that is occurring. Additionally, although Regional Board staff believe that comprehensive bacteria monitoring inside the Lagoon would help the City determine how best to ensure that the entire Lagoon is properly disinfected and the swimmers are fully protected from harmful levels of bacteria, the revised tentative permit does not include in-lagoon monitoring or effluent limitations that apply to the samples that the City of Redondo Beach (City) routinely collects from the Lagoon. The City is required to conduct monitoring in the Lagoon by the County Department of Public</p>	<p>Monitoring requirements for bacteria in Lagoon water have been deleted and replaced with a finding for the City of Redondo Beach to provide Regional Board staff the data collected as per the Los Angeles County Department of Public Health (CDPH) when it is submitted to CDPH.</p>

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	<p>The enforcement of these public pool safety standards is properly within the jurisdiction of state and local public health officials. The Regional Board's jurisdiction, on the other hand, is primarily over discharges from the Lagoon into the King Harbor receiving water, not the contents of the Lagoon itself. The Porter—Cologne Act vests the Regional Board with the authority to "prescribe waste discharge requirements for all persons discharging waste into inland surface waters, enclosed bays and estuaries within their jurisdiction." Similarly, the Clean Water Act authorizes the Regional Board to issue NPDES permits that include conditions for the "discharge of any pollutant, or combination of pollutants" from point sources into navigable waters of the United States. The Regional Board's authorizing statutes are triggered once water is discharged from the Lagoon into King Harbor, but not while the water is used by Seaside Lagoon in its capacity as a public swimming pool.</p> <p>In this case, the Revised 2017 Order's proposed special study and monitoring requirements for bacteria are similar to requiring monitoring of process streams within a treatment facility. Just as the Regional Board cannot dictate the manner of treatment, it should not set requirements within the Lagoon. The City requests that the special study and additional bacteria monitoring requirements be removed from the Revised 2017 Order.</p>	<p>Health and this information will provide a measure of the efforts undertaken to ensure that the City's guests are recreating in a safe environment. Given the unique nature of the Lagoon, we believe routine monitoring for bacteria in the Lagoon may provide a more comprehensive measure of effective disinfection of the Lagoon waters and assist with compliance at the discharge point to King Harbor.</p> <p>Regional Board staff request that the City share any Lagoon monitoring data with us and we recommend that the City publish the results of routine bacteria monitoring on their website for the public to review.</p>	
5	<p>PROPOSED INTERIM EFFLUENT LIMITS IN THE TENTATIVE TSO MAY STILL RESULT IN NON-COMPLIANCE</p> <p>The City appreciates the Regional Board staff's preparation of a TSO to allow the City time to come into compliance with final effluent limits. A comparison of the proposed interim limits to recent effluent data (i.e., 2015-2016) indicates that the Seaside Lagoon effluent may be able to consistently comply</p>	<p>Regional Board staff agrees that there is considerable variability in the data set when the older data is considered (from 2011).</p>	<p>Update incorporated in TSO.</p>

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	<p>with the interim limits. However, a review of effluent data since 2011 shows considerable variability in the data which results in a lower probability of compliance as shown in Attachment A. The variability of the data is more than likely a result of the intake water quality and not a result of the Lagoon's operations.</p> <p>To evaluate whether the discharge can consistently comply with proposed effluent limits, the City bases its analysis on guidance provided in the Technical Support Document for Water Quality Based Toxics Control (TSD) as discussed further in Attachment A. Specifically, consistent compliance is determined to be only exceeding the interim limit once in three years or complying with effluent limits 99.91% of the time for the Maximum Daily Effluent Limitations and 97.2% of the time for Average Monthly Effluent Limitations....</p> <p>Based on the analysis and to account for the variability of the data, the City requests that a 10% margin of safety be added to the proposed interim limits</p>	<p>The specified interim limits in the TSO have been modified, the maximum effluent concentration detected during the tenure of Order No. R4-2010-0185 is the interim daily maximum limitation. No interim monthly average limitation is applicable during the tenure of the TSO.</p>	
6	<p>UPDATE OF THE LAGOON'S MAXIMUM DISCHARGE RATE</p> <p>In accordance with the staff response to comments, the City is requesting a maximum daily flow rate of 3.07 MGD, which equates to a 16-hour daily run time to provide adequate pump run time for the Lagoon's normal operating hours and any other special events.</p>	<p>First, the Regional Board staff must amend the response previously provided to comment No. 1 in the Response to Comments issued on April 5, 2017. That response did not clearly indicate that Order No. R4-2010-0185 (current permit) for Seaside Lagoon includes in Section III.A. Discharge Prohibitions which reads "Waste discharged shall be limited to a</p>	<p>Update incorporated.</p>

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		<p>maximum of 2.3 MGD of dechlorinated wastewater as described in the findings.....". Hence, the inclusion of the 2.3 MGD as a daily maximum flow in the tentative permit was consistent with the limitations included in current permit.</p> <p>The new information provided indicates that the facility is operated for approximately 16 hours per day and it's daily maximum discharge rate is 3.07 MGD. The discharge flow as suggested has been increased from 2.3 MGD to 3.07 MGD. The corresponding mass limits have been changed based on the new discharge flow.</p>	
Honorable Mayor Bill Brand of the City of Redondo Beach – Email Received on May 5, 2017			
1	<p>The City of Redondo Beach appreciates the standards the Los Angeles Regional Water Quality Control Board holds to protect the quality of our coastal waters. All have benefited from the cooperative relationship our two agencies have shared to administer the City's municipal stormwater and point-source discharge permits. I write to you now regarding the proposed NPDES permit and Time Schedule Order for the Seaside Lagoon. which is a "one of a kind" ocean-side recreational facility that has been in operation for more than fifty years.</p> <p>The Seaside Lagoon is a regional recreational facility that is enjoyed by over 80,000 visitors each summer - most of whom are from the greater Los Angeles area. We are subsidizing this facility by over \$200,000/year and want to continue this effort</p>	<p>The effective date of the revised tentative WDRs have been modified to become effective after the end of the operating season on October 1, 2017. The expiration date has also been modified to September 30, 2022.</p>	<p>Update incorporated.</p>

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	<p>while maintaining the discharge requirements set forth by the NPDES permit.</p> <p>The NPDES Industrial Discharge Permit classifies this facility as an "industrial use," so it does not always account for the special operational needs of the facility. As you know, our intake is from the waters of King Harbor through a bypass from the AES power plant outfall line, which is then chlorinated to meet L.A. County Health standards. The discharge to the Harbor is then de-chlorinated to meet our NPDES discharge permit requirements. As stated above, we operate the Seaside Lagoon at significant economic loss for the recreational benefit of the region.</p> <p>As part of the renewal of our NPDES permit, our City engineering staff prepared a technical comment letter that was discussed by the City Council and will be submitted to Board staff on May 5th. That letter will serve as the City's official response to the current draft Permit Order and TSO to be considered at your June 1st Meeting. This correspondence is meant to supplement that response submitted by the City of Redondo Beach and ask that you consider delaying some of the new requirements for about six weeks so that we can complete this summer season without interruption due to unknown impacts from additional standards and testing.</p> <p>The Seaside Lagoon's summer operating season runs from Memorial Day to Labor Day. The Lagoon serves a myriad of users and is the destination for a number of preplanned activities including end-of-school-year field trips, summer camps, weddings, birthday parties, etc. It is critical that once the City markets the Lagoon for the summer, hires lifeguards and opens the facility to the public that it remain open for the full season and that the operating requirements that govern its water discharge be consistent throughout. The proposed</p>		

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	<p>Permit, as currently drafted. is scheduled to become effective on August 1st approximately six weeks before the end of the season.</p> <p>Some of the obligations in the Order may require temporary closure of the facility to implement. and if effective August 1st could jeopardize various activities scheduled in the Lagoon for the remainder of the summer. In that spirit. I ask that you please delay implementation of any new Seaside Lagoon water quality monitoring and TSO performance requirements until September 11th.</p>		
Mr. Paul Moses – Email Received on May 7, 2017			
1	<p>As a resident of Redondo Beach I request you strongly consider your decision of a new discharge permit for the Seaside Lagoon. Along with addressing the ongoing water quality issues and violations the facility incurs, the permit is further complicated by the scheduled shutdown of the nearby AES power plant in 2020. The industrial outflow from the power plant of seawater used for cooling will cease. Locating a new source of seawater intake for the lagoon will require complex additional permitting and funding to a facility that operates at a \$250,000 annual deficit to the City of Redondo Beach.</p> <p>The area was once open coastline and should be restored to it's original beauty.</p>	<p>The City of Redondo Beach (City) filed a report of waste discharge (ROWD) and submitted an application for reissuance of its WDRs and NPDES permit.</p> <p>The NPDES permit serves as a vehicle used to preserve and protect the beneficial uses of the water body where wastewater from Seaside Lagoon is discharged, King Harbor. Decisions regarding how Seaside Lagoon is operated are made by the City. The City is in the process of reviewing a proposal for modifications to the area. Please address your comments regarding Seaside Lagoon and the coastline to the City.</p>	Comment noted.