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October 10, 2014

ELECTRONIC MAIL

Ms. Veronica Cuevas
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Dear Ms. Cuevas:

CITY OF LOS ANGELES COMMENTS ON TENTATIVE NPDES PERMITS FOR WHITTIER NARROWS AND POMONA WATER RECLAMATION PLANTS

The City of Los Angeles, LA Sanitation (LA SAN) thanks the Los Angeles Regional Water Quality Control Board (LARWQCB) for the opportunity to comment on the Tentative Permits for the Whittier Narrows and Pomona Water Reclamation Plants (LACWRPs).

LA SAN supports the current toxicity policy in effect which requires narrative effluent limitations and triggers for initiation of toxicity identification and reduction evaluations (TIE/TRE). Requiring numeric effluent limitations in NPDES permits prior to adoption of revised toxicity provisions into each region's Basin Plan and the State Implementation Plan (SIP) is premature and may interfere with and contradict the current toxicity work that is being performed by multiple stakeholders, including treatment plants, U.S. EPA, and State and Regional Boards. LA SAN requests that the chronic toxicity limits contained in NPDES permits be removed and replaced with a narrative chronic toxicity limit - with triggers for accelerated testing and further toxicity identification and toxicity reduction evaluations.

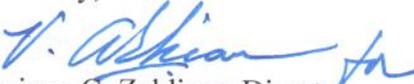
LA SAN believes that the LARWQCB must allow permittees the full range of data evaluation procedures found in 40 CFR 136. Requiring permittees to comply with numeric toxicity limits based on single chronic toxicity test at 100% effluent as required in the Test of Significant Toxicity (TST) will lead to false positives and future, unwarranted liability. Furthermore, monitoring toxicity using five or more effluent dilutions as well as all available 40 CFR 136 required chronic toxicity data evaluation procedures is consistent with what is expected to be adopted by the SWRCB in the forthcoming statewide toxicity plan.



The purpose of TIEs and TREs is to identify the cause and evaluate methods to address toxicity. Assessing compliance during accelerated testing and TIE/TRE monitoring efforts does nothing to assist permittees in identifying and evaluating toxicity, but rather unnecessarily discourages implementation of TIE/TREs and increases liability with no noticeable improvement in water quality. LA SAN requests that the provisions for continued toxicity violations after triggering accelerated testing and initiation of a TRE be removed from LACWRP's permits and all future NPDES permits.

LA SAN thanks the LARWQCB for considering our comments. If you should have any additional comments or questions, please contact Hassan Rad of the Regulatory Affairs Division at (213) 487-5186.

Sincerely,


Enrique C. Zaldivar, Director
Bureau of Sanitation

HR/EZ:mb

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