

Heal the Bay

1444 9th Street
Santa Monica CA 90401

ph 310 451 1550
fax 310 496 1902

info@healthebay.org
www.healthebay.org

May 5, 2008

Ms. Tracy Egoscue
Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Re: Comments on the Tentative Waste Discharge Requirements and National Pollutant Discharge Elimination System Permits—City of Simi Valley, City of Thousand Oaks, and City of Camarillo (NPDES NOs. CA0055221, CA0056294, CA0053597)

Dear Ms. Egoscue:

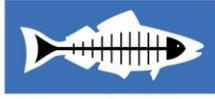
On behalf of Heal the Bay, we submit the following comments on the Tentative Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System Permits (NPDES) for the City of Simi Valley, City of Thousand Oaks, and City of Camarillo (“tentative permits”). There are several important issues regarding the inclusion of TMDL requirements in the tentative permits that are addressed in detail below.

The Regional Board should include a chronic toxicity *limit* of 1 TUc.

The Total Maximum Daily Load for Toxicity, Chlorpyrifos, and Diazinon in the Calleguas Creek, its Tributaries and Mugu Lagoon that was adopted in 2005 includes a numeric target, waste load allocation and load allocation of 1.0 toxicity unit – chronic (1.0 TUc). This limit should be directly incorporated in the tentative permits. Although the tentative permits appropriately include the 1.0 TUc limit in the “effluent limitations” tables, the following footnote appears to condition 1.0 TUc as a trigger:

“The *Calleguas Creek Watershed Toxicity TMDL* includes a waste load allocation of 1.0 TUc for toxicity, which is required to be implemented in accordance with USEPA, State Board, and Regional Board resolutions, guidance and policy at the time of permit issuance or renewal. Consistent with the TMDL, this “limit” implementing the WLA shall **currently serve as a trigger** for initiation of the TRE/TIE process as outlined in USEPA’s “Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program” (2000) and current NPDES permits held by dischargers to the Calleguas Creek Watershed.” Emphasis added.

This language is unclear and inappropriate. Although an exceedance of 1 TUc should trigger a TRE/TIE, it is still a limit as outlined the Basin Plan Amendment. In other words, an exceedance of 1 TUc should be a violation of the permit. The Regional Board should clarify this statement.



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The Regional Board should include all implementation measures applicable to POTWs in the Tentative Permits.

As you know, implementation schedules included in TMDL Basin Plan Amendments adopted by the Regional Board require the discharger to complete various actions before the final compliance deadline. For instance, schedules may require monitoring plan submittals or the demonstration of a waste load reduction after a certain period of time. These actions are important steps in ensuring that dischargers are on-track for ultimate compliance with the waste load allocations. The implementation schedule actions that have completion dates within the term of the permits should be included in the permit requirements, as these are vital components of the adopted TMDLs.

Thank you for the opportunity to comment on this tentative permit. If you have any questions, please call 310-451-1500.

Sincerely,

Kirsten James
Water Quality Director