

**RESPONSE TO COMMENTS  
CITY OF SIMI VALLEY  
SIMI VALLEY WATER QUALITY CONTROL PLANT  
TENTATIVE ORDER NO. R4-2024-XXXX  
NPDES NO. CA0055221**

**Comment Email Dated October 15, 2024, from Heal the Bay**

No.	Comment	Response	Action Taken
1	<p><b>The Los Angeles Regional Water Quality Control Board (Regional Board) should consider nutrient exceedances and deficient reporting as serious violations, and require additional planning by the Facility in the event of a major storm.</b></p> <p>There are many beneficial uses designated for the receiving surface waters, as outlined in the Proposed Permit, including habitat, recreation, and groundwater recharge. These beneficial uses are threatened by the numerous violations of final effluent limitations that occurred during the previous permit term.</p> <p>We are glad to know that action was taken by the Facility in response to the ammonia and bacteria violations to reduce the likelihood of future exceedances. However, we have concerns about the potential for future violations for other effluent limits. No penalties were allotted for exceedances of nitrate, nitrite, or chronic toxicity. Exceedances for these limitations have</p>	<p>Section 2.4 of the Fact Sheet of the Tentative Order discusses enforcement actions related to effluent limitation exceedances between January 1, 2020, and March 31, 2024, and generally summarizes Settlement Offer No. R4-2024-0176, which is a pending enforcement action. The appropriate time to provide comments to the Los Angeles Water Board regarding the violations addressed in the settlement offer is during the comment period for any settlement agreement that arises.</p> <p>Nevertheless, the following is provided in response to the comment that exceedances of the nutrient effluent limitations and deficient monitoring be considered “serious violations” for the purpose of assessing mandatory minimum penalties. The assessment of mandatory minimum penalties for NPDES permit violations is governed by California Water Code section 13385(h) and (i), and “serious violation” is defined in Water Code sections 13385(h)(2) and 13385.1. The determination of a “serious</p>	<p>Revisions were made to the Order.</p>

No.	Comment	Response	Action Taken
	<p>ceased; however, these were not single occurrence exceedances, and the cumulative impacts should be considered. At a minimum, <u>any future exceedances of nutrient limits should be considered as serious violations, subject to mandatory minimum penalties.</u> In addition, there have been cases of deficient reporting. Given the extensive list of exceedances during the previous permit term, it is concerning that the reporting may be delayed or incomplete. <u>Any future instances of deficient reporting should be considered a serious reporting violation, subject to enforcement action.</u> In response to turbidity, selenium, and sulfate violations, penalties were issued, but no action was taken by the Facility because the exceedances were associated with a large storm event. Given that these violations were caused by the type of major rain events that we are likely to see more frequently with climate change, <u>the Regional Board should require the facility to submit a plan to implement in the likely event of another major storm.</u></p>	<p>violation” is not at the discretion of the Los Angeles Water Board.</p> <p>Regarding exceedances of the chronic toxicity effluent limitations during the last permit term, the prior permit, Order No. R4-2019-0135, required the Discharger to conduct accelerated monitoring after an exceedance of the Median Monthly Effluent Limitation for chronic toxicity. If one of the accelerated tests results in a Fail, the Discharger is then required to conduct a Toxicity Reduction Evaluation (TRE) to investigate the cause of the toxicity. The Tentative Order goes a step further and requires the Discharger to initiate a TRE immediately if the Discharger has any combination of two or more Maximum Daily Effluent Limitation or Median Monthly Effluent Limitation violations within a single calendar month or within two successive calendar months. This ensures the Discharger begins to investigate the cause of toxicity immediately so that the cause of episodic toxicity events is not missed. This requirement ensures the Discharger works toward finding the cause of toxicity even if no enforcement action is pursued.</p> <p>Finally, the Tentative Order available for public comment indicated that the total number of violations for ammonia and turbidity addressed in Settlement Offer No. R4-2024-0176 were 18 and 41, respectively. These numbers were</p>	

No.	Comment	Response	Action Taken
		<p>based on the exceedances that are calculated for mandatory minimum penalties (MMPs). However, additional review of the settlement offer shows that from January 1, 2020, to March 31, 2024, the actual number of ammonia exceedances was 21 and the total number of turbidity exceedances was 44. The Tentative Order has been revised to reflect the actual number of exceedances.</p> <p>All future effluent limitation exceedances and reporting deficiencies will be assessed for enforcement action according to the California Water Code and the State Water Resources Control Board’s Water Quality Enforcement Policy, and the commenter is invited to submit comments on proposed enforcement actions, if any, at the appropriate time. Because Section 2.4 of the Fact Sheet is merely a summary of compliance and enforcement actions, no additional revisions to the Tentative Order based on this comment are made.</p> <p>The commenter also states that the “Regional Board should require the facility to submit a plan to implement in the likely event of another major storm.” Section 6.3.4.b of the Tentative Order requires the Discharger to submit a <i>Climate Change Effects Vulnerability Assessment and Mitigation Plan</i>, which is due 12 months after the effective date of the Order. The Discharger shall consider the impacts of climate change as they affect the operation of the treatment facility</p>	

No.	Comment	Response	Action Taken
		<p>due to flooding, wildfires, or other climate-related changes including major storms such as atmospheric river events. The Discharger shall assess and manage climate change-related effects that may impact the wastewater treatment facility's operation, influent and effluent water quality, and beneficial uses, etc. Because the Discharger is already required to submit a Climate Change Plan addressing climate change-related impacts, including impacts to the Simi Valley WQCP from the increased frequency of major storm events, no additional change to the Tentative Order is necessary.</p>	
2	<p><b>The Regional Board must set the temperature effluent limitation at Discharge Point 001 and Discharge Point 002 to 80°F.</b></p> <p>According to the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan), "Discharges of wastewaters can cause unnatural and/or rapid changes in the temperature of receiving waters which can adversely affect aquatic life." Unfortunately, Arroyo Simi has been determined by the State Water Resources Control Board to be impaired for its warm freshwater habitat (WARM) beneficial use. The Basin Plan further states: "At no time shall... WARM-designated waters be raised above 80°F as</p>	<p>The Tentative Order already includes a maximum daily effluent limitation for temperature of 80°F for Discharge Point 001 and Discharge Point 002 (See Table 4 on page 7 of the Tentative Order and Table F-9 on page F-51 of the Fact Sheet).</p> <p>See section 4.3.2.j of the Fact Sheet of the Tentative Order for additional discussion on the basis of the 80°F temperature effluent limitation. Since the Tentative Order already includes an effluent limitation of 80°F as requested, no additional changes to the Tentative Order are necessary.</p>	None necessary.

<b>No.</b>	<b>Comment</b>	<b>Response</b>	<b>Action Taken</b>
	<p>a result of waste discharges.” Other facilities in the Los Angeles Basin have been required to limit effluent temperatures to 80°F in order to protect instream beneficial uses including the Burbank Water Reclamation Plant and the Los Angeles-Glendale Water Reclamation Plant. In order to protect the beneficial uses of Arroyo Simi and any downstream reaches of Calleguas Creek, we request that the Regional Board set the temperature effluent limitation at Discharge Point 001 and Discharge Point 002 to 80°F.</p>		