

April 5, 2018

California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Attn: Dr. Ginachi Amah

Dear Dr. Amah:

Subject: Comment Letter – 2017-19 Triennial Review

The Los Angeles Department of Water and Power (LADWP) would like to thank the Los Angeles Regional Water Quality Control Board (Regional Board) for the opportunity to comment on Phase II of the 2017-19 triennial review of its Water Quality Control Plan (Basin Plan) to prioritize programs for revisions to its Basin Plan water quality standards.

LADWP understands that the Basin Plan for the Los Angeles Region is a fundamental component of water quality protection in the region, as the Basin Plan contains the water quality standards, including both beneficial uses and water quality objectives. As noted in the November 6, 2017 notice, Basin Plans “are designed to preserve and enhance water quality and protect the beneficial uses of regional surface and ground waters.” LADWP is committed to minimizing its environmental footprint through the reduction of greenhouse gas emissions and increased water efficiency. LADWP is also committed to the development of reliable and sustainable local water supplies. To accomplish these objectives, it is imperative to use sound science in the environmental regulatory process.

The last triennial review priority list was adopted for 2014-16 and included the continued development of Salt and Nutrient Management Plans (SNMPs) and the development of a regional strategy to address the effects of climate change on water quality. These items are also included in the 2017-2019 triennial review priority list. In addition, the 2017-19 triennial review priority list also includes work to evaluate and incorporate Clean Water Act 304(a) criteria for aquatic life and human health, potential Basin Plan amendments related to the State Board’s adoption of Statewide Bacteria Provisions, and resumption of work to develop implementation tools to address natural sources of pollutants. LADWP supports the Regional Board in these decisions, as well as with the continued support of statewide standards-related initiatives.

As the foundational document for the region's water quality programs, the Basin Plan is a vitally important document. It is important that the Basin Plan, and the water quality standards and implementation provisions it contains, reflect the best available science and include consideration of all available data. Failure to routinely and comprehensively update the Basin Plan has the potential to result in inefficient use of public resources and to hamper the region's ability to attain ambitious and critical goals, including local water supply development and greenhouse gas reductions.

LADWP understands that that the State and Regional Boards do not have sufficient resources and funding to complete a full spectrum of basin planning activities. As noted above, some basin planning activities continue in multiple triennial review cycles, and it is not clear from the documents submitted as part of the current triennial review cycle how much work has been completed and just how much work remains to be done to complete these items. (Other projects from the 2014-2016 triennial review cycle, such as the development of freshwater ammonia objectives, are not included in the 2017-2019 triennial review list but remain underway.) Comprehensive reviews of the basin plans are critical to stakeholders, and LADWP remains committed to provide support to the Board whenever possible to assist with those issues that specifically impact our operations.

LADWP has the following specific requests for the current triennial review priority list:

1. **Groundwater objectives.** LADWP requested that the Regional Board revisit groundwater objectives in the Pacoima Basin (**Staff Report Section 5.1.8**) in light of all available data. Although a sufficient quantity of data were available decades ago to establish water quality objectives for groundwater basins in the region, newer data indicate that the existing objectives do not reflect current conditions. Unless water quality objectives are adjusted, public agencies such as LADWP may be precluded from fully utilizing those basins as an integrated part of the region's water supplies, and may be forced to expend public resources on expensive treatment for dewatering operations. Given the anticipated impacts of climate change on water availability within the state as well as locally, it is vitally important that water quality objectives reflect the best available data and science so that we can fully utilize the potential of the basins for regional supply.
2. **Groundwater recharge (GWR) and MCLs.** The Staff Report, **Staff Report Section 5.2.7**, asserts that it is appropriate to apply maximum contaminant levels (MCLs) derived from the Safe Drinking Water Act (SDWA) to water that will be used to recharge groundwater basins, asserting that MCLs are necessary to protect waters designated as MUN even though those waters are highly treated in drinking water plants prior to delivery, and asserting that meeting MCLs in water to be recharged is part of a multiple-barrier approach to drinking water treatment. LADWP believes this is a misinterpretation of the requirements of the SDWA. Similarly, LADWP supports inclusion of **Staff Report Section 5.2.8**

(secondary MCLs to be used for information only) on the current triennial review list. Using primary and secondary MCLs to develop effluent limits for NPDES permits and requirements applicable to storm water and recycled water used for groundwater recharge will force public agencies to spend resources to treat water that will be treated again prior to delivery. LADWP and other public agencies are committed to the development of sustainable regional water supplies, and applying primary and secondary MCLs is at cross purposes with these commitments. LADWP requests that the Regional Board prioritize these items for the current triennial review cycle, as they are a critical component of regional efforts to develop reliable and sustainable local sources of water supply.

3. **Climate change.** Several of the triennial review requests that were not prioritized involve water quality parameters that are likely to be affected by climate change. For example, **water quality objectives for temperature** in the region's streams (**Staff Report 5.1.6**) may need to be adjusted in light of warming regional temperatures that are expected to occur as a result of climate change, potentially requiring a redefinition of "natural temperature." Although this was acknowledged by the Regional Board to be an important issue, available resources were insufficient to include it on the priority list. Other water quality objectives, such as those for **dissolved oxygen**, may require adjustment as a result of climate change. LADWP respectfully suggests that the Regional Board identify water quality objectives that may need to be adjusted as a result of climate change and address these objectives as part of the climate change project that has already been prioritized. LADWP also requests that the Regional Board identify a process by which water quality standards can be adjusted as needed in the future as a result of changing climate and shifting baselines.
4. **Promote recycled water use and other beneficial use changes.** LADWP requested that the Regional Board modify the beneficial uses of Silverlake Reservoir to reflect the fact that recycled water may be received in the future. The Regional Board responded that LADWP could provide relevant data and information to the Regional Board to support a comprehensive re-evaluation of the designated MUN use through a use attainability analysis (UAAs). As the Regional Board is aware, the UAA process is lengthy and onerous. LADWP believes that UAAs have the greatest chance of success when they are led by the Regional Board with stakeholder support. LADWP also believes such UAAs are an important component of allowing full and comprehensive use of the region's water bodies in an integrated, multi-pronged water supply strategy. Thus, LADWP requests that the Regional Board prioritize this issue (**Staff Report Section 5.3.2**) during the current triennial review process, and LADWP commits to working with the Board to develop the data and information necessary to support such requests.

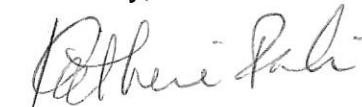
Similarly, LADWP believes that our other reservoirs within the region may also require similar adjustments to their beneficial use designations as they are

drinking water reservoirs and do not have public access. In addition, the Los Angeles River beneficial uses may need changes due to future hydromodification.

5. **Elderberry Forebay.** As with item 4, LADWP requested that the Regional Board include the assessment of beneficial uses assigned to Elderberry Forebay in the current triennial review list. As indicated in Section 6.1 of the draft report and in paragraph 13 of the resolution, it appears that the Regional Board does not have sufficient resources to prioritize this item. However, adjustments to beneficial uses are necessary to avoid the expenditure of public resources that may be required to attain water quality sufficient to support the currently designated uses. LADWP requests that the Regional Board prioritize this item, and commits to working with the Board to develop the data and information necessary to evaluate the beneficial uses of Elderberry Forebay (**Staff Report Section 5.3.3**).
6. **Bacteria provisions.** The State Water Board's draft Bacteria Provisions contain language specifying that bacteria TMDLs will be adjusted to account for new water quality objectives at the discretion of the Regional Board. LADWP requests that the Regional Board **modify the triennial review priority resolution at "Resolved" item 1.b.** to require the Regional Board to revisit existing bacteria TMDLs to identify the changes that may be necessary to adjust the TMDLs to conform with the State Bacteria Provisions (once adopted).

LADWP appreciates the opportunity to provide comments on the triennial review process. As detailed throughout these comments, LADWP believes that inclusion of these issues on the current triennial review list is essential to safeguarding the region against the impacts of climate change and to developing reliable and sustainable local water supplies. LADWP is ready to partner with the Regional Board to provide data and information in support of these important priorities. LADWP looks forward to working with Regional Board staff in this process. Should you have questions regarding this letter, please contact me at (213) 367-0436.

Sincerely,



Katherine Rubin

Manager of Wastewater Quality and Compliance

CG

c: Ms. Chloé Grison
Mr. Shane Beck, MBC
Dr. Susan Paulsen, Exponent
Mr. Michael Lyons, MBC