California Regional Water Quality Control Board
Santa Ana Region

July 24, 2015

ITEM: **8***

SUBJECT: **Reissuance of Waste Discharge Requirements for the Los Alamitos Race Course (LARC),Order No. R8-2015-0002, NPDES No. CA0106348, Orange County**

DISCUSSION:
See attached Fact Sheet

RECOMMENDATION:
Adopt Order No. R8-2015-0002, NPDES No. CA0106348, as presented.

COMMENT SOLICITATION
Comments were solicited from the discharger and the following parties:

U.S. Environmental Protection Agency, Permits Issuance Section (WTR-5) – Peter Kozelka
State Water Resources Control Board, Office of the Chief Counsel – David Rice
State Water Resources Control Board, Division of Drinking Water – Oliver Pacifico
State Department of Water Resources, Glendale – Charles Keene
State Department of Fish and Wildlife, Los Alamitos
Orange County Sanitation District - Robert P. Ghirelli
Orange County Sanitation District – Jim Colston
Orange County Resources Development Management Department – Richard Boon
Orange County Health Care Agency, Santa Ana - Larry Honeybourne
Orange County Coastkeeper – Garry Brown

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Santa Ana Region

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ORDER NO. R8-2015-0002
NPDES NO. CA0106348

WASTE DISCHARGE REQUIREMENTS FOR THE LOS ALAMITOS RACE COURSE ORANGE COUNTY

The following Discharger is subject to waste discharge requirements as set forth in this Order:

Table 1. Discharger/Facility Information

Discharger	Los Alamitos Race Course
Name of Facility	Los Alamitos Race Course
Facility Address	4961 Katella Avenue
	Cypress, CA 90720
	County of Orange
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified this discharge as a minor discharge.	

The discharge by the Owner from the discharge points identified below is subject to waste discharge requirements as set forth in this Order:

Table 2. Discharge Locations

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
DP001	Storm Water Runoff	33°, 48’, 24” N	-118°, 03’, 16” W	Storm drain tributary to San Gabriel River
DP002		33°, 48’, 24” N	-118°, 02’, 39” W	
DP003		33°, 48’, 13” N	-118°, 02’, 35” W	
DP004		33°, 48’, 19” N	-118°, 02’, 45” W	

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Table 3. Administrative Information

This Order was adopted by the Regional Water Quality Control Board on:	July 24, 2015
This Order shall become effective on:	August 1, 2015
This Order shall expire on:	July 31, 2020
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than:	180 days prior to the Order expiration date

IT IS HEREBY ORDERED, that this Order supersedes Order No. R8-2009-0017 except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (commencing with Section 13000) and regulations adopted thereunder and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on July 24, 2015.

Kurt V. Berchtold, Executive Officer

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I. DISCHARGER/FACILITY INFORMATION

The following Discharger is subject to waste discharge requirements as set forth in this Order:

Table 4. Discharger/Facility Information

Discharger	Los Alamitos Race Course
Name of Facility	Los Alamitos Race Course
Facility Address	4961 Katella Ave.
	Cypress, CA 90720
	County of Orange
Facility Contact	Frank Sherren, Facility Manager, (714) 713-7721
Mailing Address	SAME
Type of Facility	Horse Stabling, Training, and Racing
Facility Design Flow	N/A

II. FINDINGS

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Water Board), finds:

A. Background

1. The Los Alamitos Race Course (LARC, Discharger or Facility) discharges process wastewater and storm water pursuant Waste Discharge Requirements (WDRs) contained in Order No. R8-2009-0017, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0106348, issued on March 27, 2009. Order No. R8-2009-0017 expired on March 1, 2014.

2. LARC filed a Report of Waste Discharge (ROWD) and applied for renewal of its WDRs and NPDES permit on June 20, 2014 for discharge of wastes to surface waters after it was issued a Notice of Non-Compliance for failure to submit the Permit renewal application by the due date of September 1, 2013. Supplemental information to complete the ROWD was submitted on July 24, 2014.

B. Purpose of Order

The purpose of this Order is to regulate the discharge of storm water runoff from the non-production areas and process wastewater from the production area that might be discharged only when rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, only then can any process wastewater pollutants in the overflow be discharged into U.S. waters.

C. Facility Description

1. LARC owns and operates a 138-acre horse stabling, training, and racing facility located at 4961 Katella Avenue in Cypress, California. The facility includes a racetrack, a grandstand, landscaped areas, horse stables, a maintenance area, and parking lots. The horse stables occupy approximately 32.3 acres of the facility and confines approximately 1660 horses within 40 barns.

2. 40 CFR 122.23 defines an Animal Feeding Operation (AFO) as an operation where animals have been, are or will be confined and fed for a total of 45 days or more in any 12-month period and where vegetation is not sustained in the confinement area. An AFO is considered a CAFO based on either the facility's animal population or regardless of population if the facility is determined to be a significant contributor of pollutants to waters of the United States by the appropriate authority.

3. Pursuant to the definitions in 40 CFR 122.23 and Effluent Limitation Guidelines (ELGs) and Standards for CAFOs established in 40 CFR 412 (Subpart A – Horses and Sheep), the stable portion of LARC is the production area and is therefore subject to the regulatory requirements for CAFOs. The stable area is also a confined animal facility (CAF) pursuant to California Code of Regulations (CCR), Title 27, Section 20164 because the stables confine horses that do not graze. LARC is classified as a large CAFO because more than 500 horses are confined for 45 days or more in a 12-month period.

4. For purposes of this Order, references to the "discharger" or "permittee" in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

D. Discharge Description

1. The wastes generated on-site include manure from the horses, earth covered pavement in the stabling area, automotive fluids and metals associated with the maintenance area, and wash water from daily cleaning of the horses, stalls, vehicles and equipment. The stable area produces approximately 82,800 gallons per day of production wash water and approximately 50 tons of manure per day. Manure is collected and removed from the facility on a daily basis. Any manure present during a rain event must be covered to minimize contact with storm water.

2. Discharge Point 001 (DP001) is located near the southwestern corner of the property at the intersection of the existing Railroad Right-of-Way and Lexington Ave. DP001 collects storm water from some portions of the parking area, the grandstand area, and any overflows above the 25-year, 24-hour storm event from the detention basin. Storm water discharging from the site at DP001 enters the municipal storm drain system and eventually flows to the Los Alamitos Channel (C01). Los Alamitos Channel flows parallel but separate from Coyote Creek and discharges eventually into the Los Alamitos Retarding Basin before entering Reach 1 of the San Gabriel River.

a. *Stabling Area* - LARC has installed a detention pond designed to collect and detain the runoff volume associated with a 25-year, 24-hour storm event for the entire 33-acre stable area. Flows are gravity drained to two different pump stations and then are pumped into a large, centrally located, detention basin within the stable area. The detention basin gravity drains to an existing Orange County Sanitation District approved 8" sanitary sewer line for treatment at the District's facility.

b. *Grandstand Area* – Storm water runoff from the grandstand area bypasses the stable area and discharges to a ditch that runs parallel to the perimeter of the track and enters into a drainage pipe that flows beneath the maintenance yard and eventually to DP001.

c. *Parking Area* – In addition to DP001, storm water discharges from three other locations at the facility that are not covered by this Order – DP002, DP003 and DP004. Storm water from the northwestern parking area either flows into the drainage system that leads to DP001 or sheet flows in a southwesterly direction (DP002). The main parking lot flows in a southerly direction (DP003) out to Katella Avenue. Along the western edge of the access road to the racetrack, several storm drains direct runoff to a field located to the west of the access road (DP004). The southwestern parking area sheet flows into a drainage system that is also directed to the field. Storm water directed to the field ponds there and eventually infiltrates into the ground.

d. *Maintenance Area* – The maintenance building, vehicle wash area, and maintenance yard drain to a clarifier which discharges to the sanitary sewer.

3. DP002, DP003, and DP004 discharge storm water runoff from parking lots and driveways only.

4. LARC is within the jurisdiction of the Santa Ana Regional Water Board. Storm water flows from DP001 are ultimately discharged to the San Gabriel River, Reach 1 via the municipal separate storm sewer systems (MS4s) of the cities of Cypress and Los Alamitos. The San Gabriel River, Reach 1 within the jurisdiction of the Los Angeles Regional Board. Both the Los Angeles Regional Board and the Santa Ana Regional Board designate beneficial uses for the San Gabriel River Tidal Prism to which San Gabriel River, Reach 1 is tributary.

5. Attachment C provides a flow schematic of the drainages from the facility.

E. Legal Authorities

1. This Order is issued pursuant to CWA Section 402 and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC), commencing with Section 13370. It shall serve as a NPDES permit for point source discharges from this facility. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to CWC Article 4, Chapter 4, Division 7 commencing with Section 13260.

2. Regulations governing discharges from CAFOs are contained in Division 2, Title 27 of the Combined State Water Resources Control Board/California Integrated Waste Management Board AB 1220 regulations, which became effective on July 18, 1997. Chapter 7, Subchapter 2 (Article 1) contains requirements for CAFOs.

3. USEPA has promulgated ELGs and Standards for CAFOs that are contained in 40 CFR Section 412. In accordance with 40 CFR 412.13, the discharge of process wastewater from the production area is prohibited except that such process wastewater may be discharged "from a facility designed, constructed, operated and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour duration rainfall event."

4. Pursuant to 40 CFR 412.13, all dry weather discharges to waters of the U.S. from CAFO production areas are prohibited. Further discussion can be found in Attachment F.

5. On November 16, 1990, USEPA promulgated Phase I storm water regulations (40 CFR 122, 123 and 124) in compliance with CWA Section 402(p). These regulations require operators of facilities that discharge storm water associated with industrial activity (storm water discharges) to implement Best Available Technology (BAT) and Best Control Technology (BCT) to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. CWA Section 402(p)(3)(A) also requires that permits for discharges associated with industrial activity include requirements necessary to meet water quality standards.

6. On April 17, 1997, the State Water Board adopted a General Industrial Storm Water Permit, Order No. 97-03-DWQ, NPDES No. CAS000001. That Order contains requirements for storm water runoff from industrial facilities including CAFOs. The current Industrial Permit, 97-03-DWQ expires June 30, 2015.

7. Order No. 97-03-DWQ is superseded by a new General Industrial Storm Water Permit, Order No. 2014-0057-DWQ (NPDES No CAS000001) which was adopted on April 1, 2014 and becomes effective on July 1, 2015. This Order also regulates CAFOs, under Attachment A, as a facility subject to Storm Water Effluent Limitations Guidelines, New Source Performance Standards, or Toxic Pollutant Effluent Standards found in 40 CFR, Chapter I, Subchapter N (part 412 for CAFOs).

8. Effluent limitations and effluent standards established in CWA Sections 208(b), 301, 302, 303(d), 304, 306,and 403, as amended, are applicable to storm water discharges and authorized non-storm water discharges as regulated by this Order. Facilities designated as point source discharges of pollutants to waters of the United States are subject to the above CWA sections and therefore require an NPDES permit.

F. Background and Rationale for Requirements The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and the rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the

Findings for this Order. Attachments A through E and G through K are also incorporated into this Order.

G. California Environmental Quality Act (CEQA) Under CWC Section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code Sections 21100-21177.

H. Technology-based Effluent Limitations CWA Section 301(b) and USEPA permit regulations contained in 40 CFR 122.44 require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order must meet minimum federal technology-based requirements based on ELGs and Standards established in 40 CFR 412 (Subpart A – Horses and Sheep) and Best Professional Judgment (BPJ) in accordance with 40 CFR 125.3. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).

I. Water Quality-Based Effluent Limitations (WQBELs) and TMDLs
CWA Section 301(b) and 40 CFR 122.44(d) require that permits include WQBELs to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving waters. Where numeric water quality criteria have not been established, 40 CFR 122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA Section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter. 40 CFR 122.44(k)(3) allows the use of BMPs to control or abate the discharge of pollutants when numeric effluent limitations are infeasible or when practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.

Federal regulations [40 CFR 122.44(d)(1)(vii)(B)] require inclusion of effluent limits that are "consistent with the assumptions and requirements of any available wasteload allocation for the discharge prepared by the State and approved by EPA." EPA Region 9 has established a Metals and Selenium TMDLs for the San Gabriel River (established on March 26, 2007). The Los Angeles Regional Board adopted an implementation plan for this TMDL (Resolution R13-004). The TMDLs include a dry weather copper wasteload allocation of 18 µg/L for storm water permittees for discharges to the San Gabriel River Estuary and San Gabriel River, Reach 1. However, pursuant to Section III of this Order (Discharge Prohibitions), non-storm water discharges are prohibited. Therefore, since dry weather discharges are prohibited by this Order, the dry weather copper WLA and any associated implementation requirements are not applicable to the Discharger. The TMDLs also specify metals and selenium allocations for dry and/or wet weather applicable to discharges to San Jose Creek and San Gabriel River, Reach 2. Since storm water discharges from the Facility are to San Gabriel River, Reach 1, these waste load allocations and associated implementation requirements are not applicable to the Discharger.

J. Water Quality Control Plans Attachment F discusses the applicable sections of the Water Quality Control Plan for the Santa Ana River Basin (Santa Ana Basin Plan), the Los Angeles Regional Water Quality Control Board's Basin Plan , and their latest revisions.

K. National Toxics Rule (NTR) and California Toxics Rule (CTR) Further discussion on the NTR and CTR can be found in Attachment F.

L. Implementation Policy Further discussion on State Implementation Policy can be found in Attachment F.

M. Alaska Rule On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes. (40 CFR 131.21; 65 Fed. Reg. 24641 (April 27, 2000)) Under the revised regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

N. Stringency of Requirements for Individual Pollutants (Not Applicable)

O. Antidegradation Policy Further discussion on Antidegradation Policy can be found in Attachment F**.**

P. Anti-Backsliding Requirements Further discussion on Anti-Backsliding Requirements can be found in Attachment F.

Q. Endangered Species Act This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the Federal Endangered Species Act (16 USCA Sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

R. Monitoring and Reporting 40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. CWC Sections 13267 and 13383 authorize the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.

S. Standard and Special Provisions Standard provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D. The Discharger must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR 122.42. The Regional Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet.

T. Pollution Prevention Plan (PPP) In accordance with CWC Section 13263.3(d), LARC is required to prepare a Pollution Prevention Plan herein after referred to Storm Water Pollution Prevention Plan (SWPPP). The Regional Water Board has determined that

such a plan is necessary to achieve water quality objectives for Reach 1 of the San Gabriel River. The SWPPP requirements and rationale is provided in Attachment J.

U. Provisions and Requirements Implementing State Law The provisions/requirements in subsection IV.C. of this Order are included to implement state law only. These provisions/requirements are not required or authorized under the federal CWA. Consequently, violations of these provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations.

V. Notification of Interested Parties. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet of this Order.

W. Consideration of Public Comment. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet of this Order.

IT IS HEREBY ORDERED that Los Alamitos Race Course, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act and regulations and guidelines thereunder, shall comply with the following:

III. DISCHARGE PROHIBITIONS

A. The discharge of wastewater at a location different from that described in this Order is prohibited.

B. The discharge of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances or wastes other than those authorized by this Order to the San Gabriel River or other waters of the State is prohibited.

C. The discharge of any substance in concentrations toxic to animal or plant life is prohibited.

D. The discharge of designated waste or hazardous waste, as defined in CWC Section 13173 and Title 23 of the California Code of Regulations (CCR) Section 2521(a), respectively, is prohibited.

E. Production Area Discharge Prohibitions

1. Storm water discharges -The direct or indirect discharge of process wastewater from the production area into waters of the U.S. is prohibited except when rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, only then can any process wastewater pollutants in the overflow be allowed discharged

into U.S. waters, as provided in 40 CFR Section 412.13.; and (2) does not cause the receiving water to exceed water quality objectives as specified in the Basin Plans.

2. Non-storm water discharges - non-storm water discharges are prohibited from the production area

3. The disposal of dead animals in any liquid manure or process wastewater system is prohibited as specified in 40 CFR 412.37(a)(4). In addition, the disposal of dead animals at the facility is prohibited unless a ROWD for the disposal has been submitted to the Executive Officer, the Regional Water Board has issued or waived WDRs, and the disposal complies with all state and local laws and regulations.

4. All animals at LARC shall not come into direct contact with waters of the U.S.

5. The disposal of manure to land within the LARC facility is prohibited.

6. The use of manure to construct containment structures or to repair, replace, improve or raise existing containment structures is prohibited.

7. Standing water in open animal confinement areas (including corrals), feed storage areas and dry manure storage areas that persist for more than 24 consecutive hours after a storm event is prohibited.

F. Non-Production Area Discharge Prohibitions

1. Non-storm water discharges are prohibited from the non-production area.

2. Discharges of liquids or materials, other than storm water or landscape irrigation runoff (non-storm water discharges) either directly or indirectly into waters of the U.S. are prohibited.

3. Storm water discharges shall not contain pollutants that cause or threaten to cause pollution, contamination or nuisance as defined in CWC Section 13050.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations

1. There shall be no discharge of manure, litter, or process wastewater into waters of the U. S. from the production area except as provided below:

   a. The overflow consists of process wastewater as described by and in accordance with 40 CFR Section 412.13(b).

   b. The design storage volume of any manure or process wastewater containment system must reflect all wastes accumulated during the storage period; typical precipitation contaminated with animal wastes or wastes produced by tending for the animals less evaporation during the storage period; direct precipitation onto or into the storage basin from a 25-year, 24-hour storm event; runoff from a 25-

year, 24-hour storm event which has been contaminated with animal wastes or wastes produced by tending to the animals; residual solids after liquid has been removed; necessary freeboard to maintain structural integrity; and in the case of treatment lagoons, a minimum treatment volume.

B. Best Management Practices (BMPs) and Pollution Prevention

1. The Discharger must implement BMPs to meet the requirement of implementing a nutrient management plan specified under 40 CFR 122.42(e)(1).

2. A Nutrient Management Plan (NMP) can be included in the Los Alamitos Race Course's Storm Water Pollution Prevention Plan (LARC SWPPP) pursuant to 40 CFR 122.42(e)(1).

3. LARC must be maintain the SWPPP for five years, must be maintained on site, and made available to the Executive Officer upon request pursuant to 40 CFR 122.42(e)(2).

4. The Discharger must update and continue to implement, consistent with the existing Order requirements, its Storm Water Pollution Prevention Plan (SWPPP) pursuant to 40 CFR 122.42(e)(6).

5. The Discharger shall implement the minimum and other source-specific operational BMPs and structural source control BMPs, as applicable, as specified in Attachment K.

6. The Discharger shall evaluate the current BMPs to verify proper implementation. Every potential source of pollutant should have a corresponding BMP(s) to reduce the potential pollutants.

7. The Discharger shall determine if the designated BMPs are appropriate and effective to reduce the pollutants.

8. The Discharger shall determine if there are pollutants that cannot be linked to facility activity. If such pollutants are found in the discharge, it may be necessary to do further monitoring to determine their source.

9. The SWPPP, including all BMPs that are being implemented will serve as the equivalent of technology-based effluent limitations (TBELs), in the absence of established ELGs, in order to carry out the purposes and intent of the CWA. The rationale is contained in Attachment F Section IV of this Order.

C. Land Discharge Specifications

The rationale for these requirements and reason for non-applicability in this Order are discussed in the Fact Sheet (Attachment F). If LARC proposes to land apply manure, litter, or process wastewater, their Nutrient Management Plan (NMP) must be updated to include the changes as required by 40 CFR 122.42(e)(6). The NMP must be included to their SWPPP, and implemented in accordance with the requirements

specified in Attachment J or if a separate document is to be created, it is to be created in accordance to Attachment I.

D. Reclamation Specifications (Not Applicable)

The rationale for these requirements and reason for non-applicability in this Order are discussed in the Fact Sheet (Attachment F).

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

1. No discharge of any chemical shall be made prior to the Executive Officer's approval.

2. The discharge shall not cause the following conditions to exist in the receiving waters:

   a. Floating, suspended or deposited macroscopic particulate matter or foam;

   b. Alteration of turbidity, or apparent color beyond natural background levels;

   c. Visible, floating, suspended or deposited oil or other products of petroleum origin;

   d. Bottom deposits or aquatic growths; or,

   e. Toxic or other deleterious substances to be present in concentrations or quantities which cause deleterious effects on aquatic biota, wildlife, or waterfowl or render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.

3. The discharge shall not cause nuisance or adversely affect beneficial uses of the receiving water.

4. The discharge shall not cause the following limitations to be exceeded in the receiving waters at any place within the receiving waters:

   a. The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH levels by more than 0.5 units;

   b. Dissolved oxygen shall not be less than 5.0 mg/L anytime, and the median dissolved oxygen concentration for any three consecutive months shall not be less than 80 percent of the dissolved oxygen content at saturation;

   c. Total ammonia (as N) shall not exceed concentrations specified in the Los Angeles Regional Water Board Resolution R13-003.

5. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Santa Ana Regional Water Board, the Los Angeles Regional Water Board, or the State Water Board. If more stringent applicable water quality standards are promulgated or approved pursuant to CWA Section 303, or

amendments thereto, the Regional Water Board will revise or modify this Order in accordance with such standards.

6. The discharge shall not cause the following to be present in receiving waters:

    a. Biostimulatory substances at concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses;

    b. Chemical substances in amounts that adversely affect any designated beneficial use;

    c. Oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the receiving water or on objects in the water;

    d. Suspended or settleable materials in concentrations that cause nuisance or adversely affect beneficial uses;

    e. Taste or odor-producing substances in concentrations that alter the natural taste, odor, and/or color of fish, shellfish, or other edible aquatic resources; cause nuisance; or adversely affect beneficial uses; or,

    f. Substances that result in increases of $BOD_5$20°C that adversely affect beneficial uses.

7. The discharge shall not alter the color, create a visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters.

8. The discharge shall not degrade surface water communities and population including vertebrate, invertebrate, and plant species.

9. The discharge shall not damage, discolor, or cause formation of sludge deposits on flood control structures or facilities or overload their design capacity.

10. The discharge shall not cause problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.

11. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:

    a. Name and general composition of the chemical,

    b. Frequency of use,

    c. Quantities to be used,

    d. Proposed discharge concentrations, and

e. USEPA registration number, if applicable.

12. No discharge of such chemical shall be made prior to the Executive Officer's approval.

13. The Regional Water Board and USEPA shall be notified immediately by telephone of the presence of adverse conditions in the receiving waters or on beaches and shores as a result of wastes discharged. Written confirmation shall follow as soon as possible but not later than five working days after occurrence.

14. The Discharger shall file a ROWD with the Regional Water Board at least 180 days before making any material change in the character, location, or volume of the discharge.

B. Groundwater Limitations (Not Applicable)

VI. PROVISIONS

A. Standard Provisions

1. This Order shall serve as a general NPDES permit pursuant to CWA Section 402 or amendments thereto, which shall become effective upon its adoption provided the Regional Administrator of the USEPA has no objection. If the Regional Administrator objects to its issuance, the Order shall not serve as a general NPDES permit until such objection is withdrawn.

2. The Discharger shall comply with all Standard Provisions as stated in 40 CFR 122.41 and included in Attachment D of this Order.

3. The Discharger shall comply with the Monitoring and Reporting Program (MRP), and future revisions thereto, in Attachment E of this Order.

4. The Discharger shall comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other courses under their jurisdiction.

5. The Discharger shall comply with all federal, state, county and local laws and regulations pertaining to the discharge of wastes from the facility.

6. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from liabilities under federal, state, or local laws, nor guarantee the discharger a capacity right in the receiving waters.

7. An authorization to discharge wastes under this Order is not transferable to any person without written authorization from the Executive Officer.

8. The Discharger shall comply with all requirements of this Order and, in addition, all terms, conditions, and limitations specified in the discharge authorization letter issued by the Executive Officer.

9. Compliance determination with the terms of this Order shall be based on the following:

   a. Periodic inspections by Regional Water Board staff;

   b. Evaluation of the annual report submitted according to the Monitoring and Reporting Program (Attachment E); and

   c. Any other information deemed necessary by the Executive Officer.

10. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from this facility, may subject the Discharger to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Discharger to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.

B. Special Provisions

1. Reopener Provisions

a. If more stringent applicable water quality standards are promulgated or approved pursuant to CWA Section 303, or amendments thereto, the Regional Water Board will revise and modify this Order in accordance with such standards.

b. This Order may be reopened to address any changes in state or federal plans, policies or regulations that would affect the quality requirements for the discharges.

2. Special Studies, Technical Reports and Additional Monitoring Requirements (Not Applicable)

3. Best Management Practices and Pollution Prevention

The Discharger shall operate and maintain a facility to contain all process-generated wastewaters plus the run-off from a 25-year, 24-hour duration rainfall event within the time frame specified in Section IV(A)(2)(a)(ii) of this Order.

4. Compliance Schedules

The Regional Board approved a schematic design along with all the hydrology, hydraulics, and storm water routing calculations submitted by the Los Alamitos Race Course on September 29, 2009.

Improvements to the drainage system including the relocation of the detention basin

were submitted to the Regional Board on May 1, 2012 and were approved on May 24, 2012.

Los Alamitos Race Course's current Report of Waste Discharge (ROWD) does not propose any changes to the storm water system approved on May 24, 2012. Therefore, the Discharger shall continue and become immediately responsible for the compliance of this permit.

VII. COMPLIANCE DETERMINATION

This Order shall serve and become effective as an NPDES permit and the Discharger shall comply with all its requirements effective on XXX, 2015. Requirements prescribed by this Order supersede the requirements prescribed by Order No. R8-2009-0017, except for compliance purposes for violations occurring before the effective date of this Order.

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ATTACHMENT A – DEFINITIONS

Animal Feeding Operation (AFO) is a lot or facility (other than aquatic animal production facility), where the following 1) Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Arithmetic Mean (μ), also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

Arithmetic mean = $\mu = \Sigma x / n$ where: Σx is the sum of the measured ambient water concentrations, and n is the number of samples.

Average Monthly Effluent Limitation (AMEL) is the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Effluent Limitation (AWEL) is the highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Bio-accumulative pollutants are those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

Concentrated Animal Feeding Operation (CAFO) is an AFO that is defined as a Large CAFO or as a Medium CAFO in accordance to 40 CFR 122.23 (b)(2). An AFO may be designated as a CAFO, by the appropriate authority, if it is determined that the facility is a significant contributor of pollutants to water of the United States. For a complete definition or for more animal industries, see 40 CFR 122.23.

Los Alamitos Race Course is considered a Large CAFO since it stables more than 500 horses.

Carcinogenic pollutants are substances that are known to cause cancer in living organisms.

Coefficient of Variation (CV) is a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of

the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

Detected, but Not Quantified (DNQ) are those sample results less than the Reporting Limit (RL), but greater than or equal to the laboratory's Method Detection Limit (MDL).

Dilution Credit is the amount of dilution granted to a discharge in the calculation of a water quality-based effluent limitation, based on the allowance of a specified mixing zone. It is calculated from the dilution ratio or determined through conducting a mixing zone study or modeling of the discharge and receiving water.

Effluent Concentration Allowance (ECA) is a value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the coefficient of variation for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as waste load allocation (WLA) as used in USEPA guidance (Technical Support Document For Water Quality-based Toxics Control, March 1991, second printing, EPA/505/2-90-001).

Effluent Limitation Guidelines (ELGs) are national standards, based on the performance of treatment and control technologies, for wastewater discharges to surface waters and municipal sewage treatment plants.

Enclosed Bays means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

Estimated Chemical Concentration is the estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

Estuaries means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters included, but are not limited to, the Sacramento-San Joaquin Delta, as defined in Water Code Section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

Inland Surface Waters are all surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

Instantaneous Maximum Effluent Limitation is the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the

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instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation is the lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

Maximum Daily Effluent Limitation (MDEL) means the highest allowable daily discharge of a pollutant, over a calendar day (or 24-hour period). For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

Median is the middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements (n) is odd, then the median = $X_{(n+1)/2}$. If n is even, then the median = $(X_{n/2} + X_{(n/2)+1})/2$ (i.e., the midpoint between the $n/2$ and $n/2+1$).

Method Detection Limit (MDL) is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in Title 40 of the Code of Federal Regulations, Part 136, Attachment B, revised as of July 3, 1999.

Minimum Level (ML) is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

Mixing Zone is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body.

Not Detected (ND) are those sample results less than the laboratory's MDL.

Ocean Waters are the territorial marine waters of the State as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. Discharges to ocean waters are regulated in accordance with the State Water Board's California Ocean Plan.

Persistent pollutants are substances for which degradation or decomposition in the environment is nonexistent or very slow.

Pollutant Minimization Program (PMP) means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bio-accumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost effectiveness when establishing the requirements of a

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PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code Section 13263.3(d), shall be considered to fulfill the PMP requirements.

Pollution Prevention means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in Water Code Section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State or Regional Water Board.

Production Area is an area of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any area used in the storage, handling, treatment, or disposal of mortalities.

Reporting Level (RL) is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Water Board either from Appendix 4 of the SIP in accordance with Section 2.4.2 of the SIP or established in accordance with Section 2.4.3 of the SIP. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

Satellite Collection System is the portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility that a sanitary sewer system is tributary to.

Scheduled Facility Operating Hours is the time period when the facility is staffed to conduct any function related to the production area activity, but excluding time periods where only routine maintenance, emergency response, security, and/or janitorial services are performed.

Source of Drinking Water is any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.

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Standard Deviation (σ) is a measure of variability that is calculated as follows:

$$\sigma = (\sum[(x - \mu)^2]/(n - 1))^{0.5}$$

where:

x is the observed value;

μ is the arithmetic mean of the observed values; and

n is the number of samples.

Toxicity Reduction Evaluation (TRE) is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A Toxicity Identification Evaluation (TIE) may be required as part of the TRE, if appropriate. (A TIE is a set of procedures to identify the specific chemical(s) responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests.)

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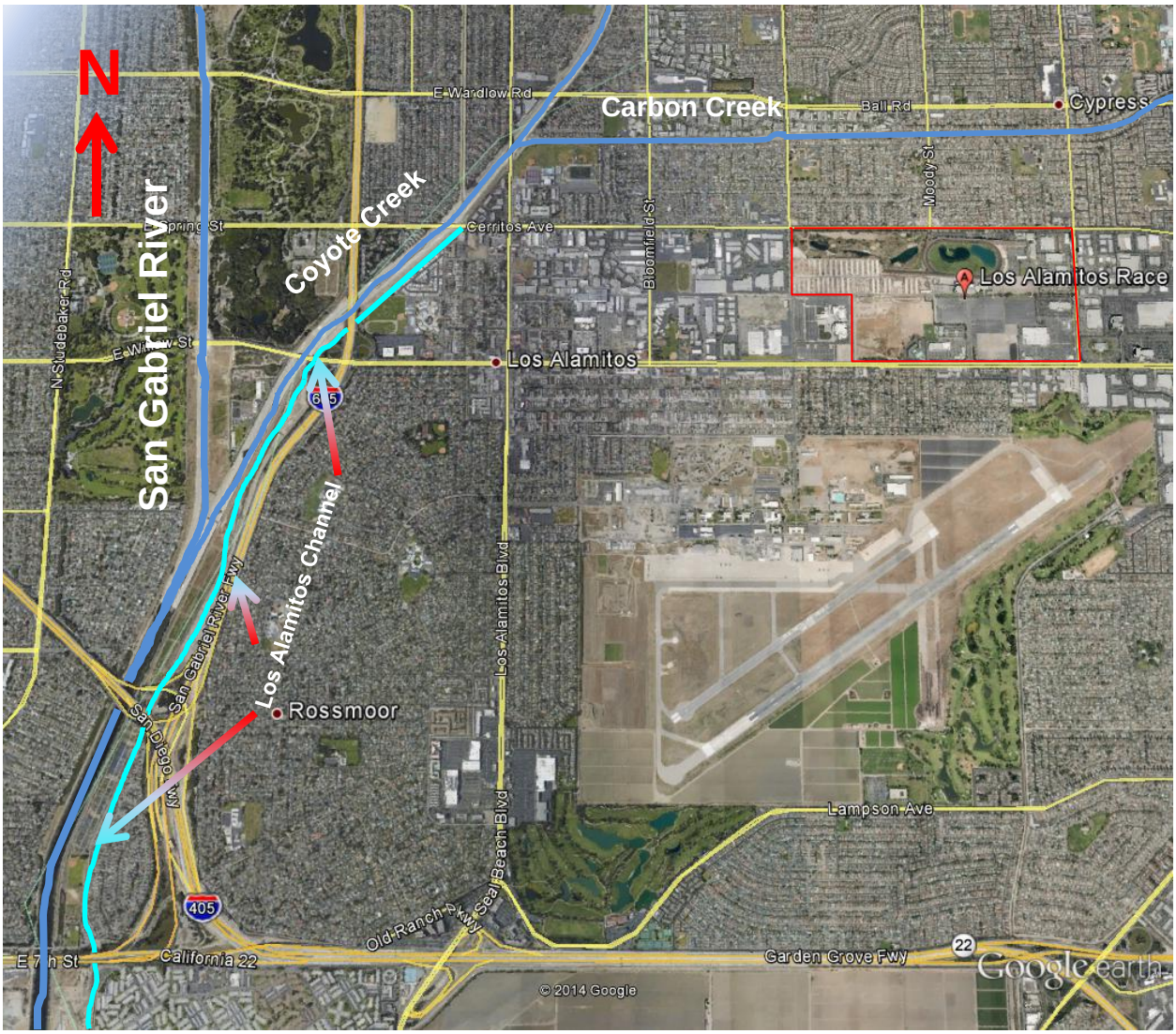
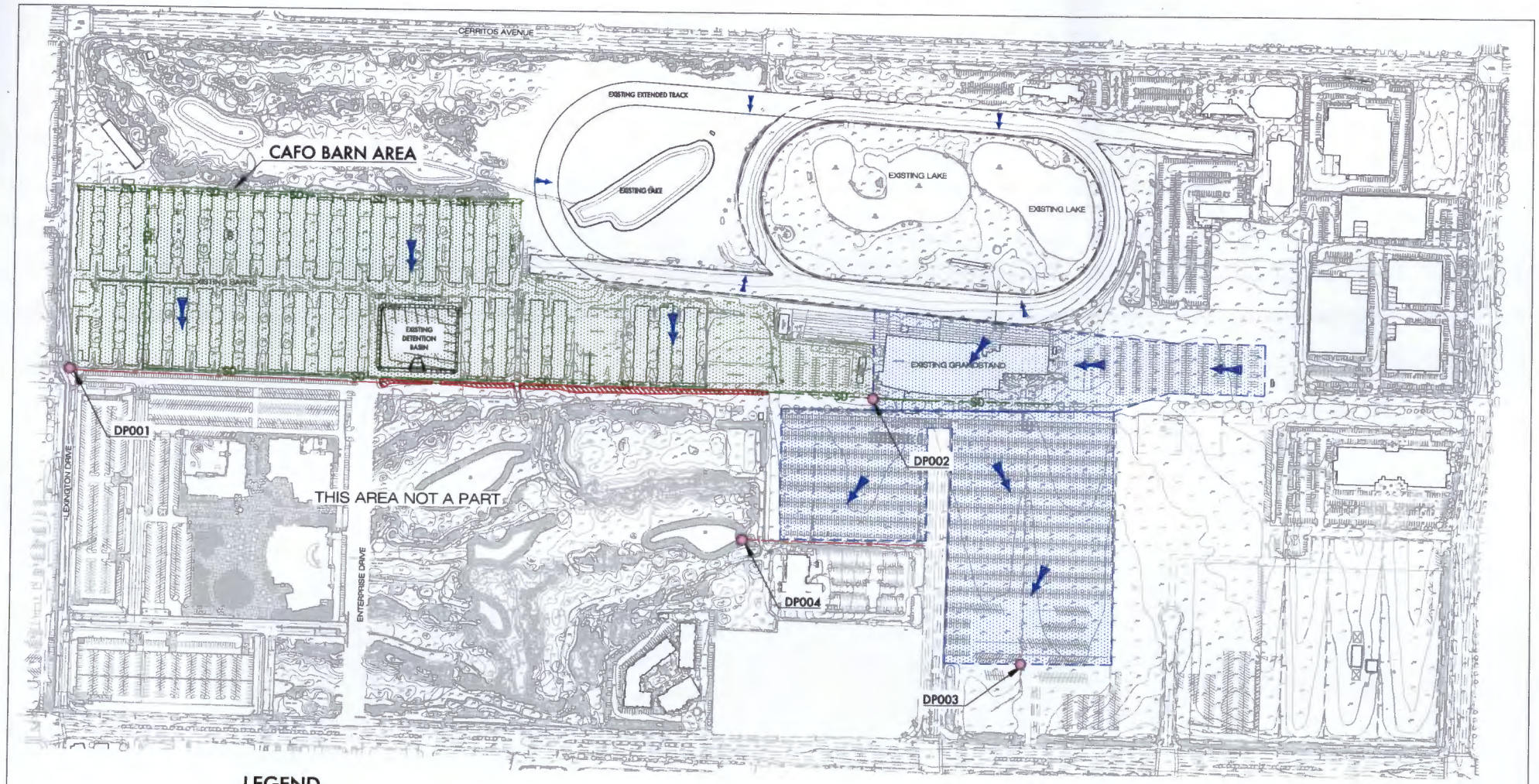
ATTACHMENT B – MAP



ATTACHMENT C – FLOW SCHEMATIC



LEGEND

- DIRECTION OF FLOW
- CAFO DRAINAGE AREA
- NON-CAFO PARKING AND IMPERVIOUS AREAS
- EXISTING NON-CAFO DRAINAGE SWALE
- EXISTING CAFO STORM DRAIN
- EXISTING NON-CAFO STORM DRAIN
- LARC DISCHARGE POINT

N

350' 0' 175' 350'

SCALE: 1" = 350'

FUSCOE
16795 Von Karman, Suite 100
Irvine, California 92606
tel 949.474.1960 • fax 949.474.3315
www.fuscoe.com

Scale: 1" = 350'

Exhibit Date: 11/06/2014

2014 FLOW SCHEMATIC SITE DRAINAGE PLAN
LOS ALAMITOS RACE COURSE
LOS ALAMITOS, CA

P:\PROJECTS\711\01\WAT\GRAPHICS\711-01_DRAINAGE_14-11-08.DWG (11-07-14 2:47:38PM) Plotted by: Charles Le

ATTACHMENT D –STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger shall comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the CWC and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 CFR 122.41(a))

2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 CFR 122.41(a)(1))

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 CFR 122.41(c))

C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR 122.41(d))

D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 CFR 122.41(e))

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 CFR 122.41(g))

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 CFR 122.5(c))

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F. Inspection and Entry

The Discharger shall allow the Regional Water Board, State Water Board, United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law (40 CFR 122.41(i); CWC 13383) to:

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (40 CFR 122.41(i)(1));

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (40 CFR 122.41(i)(2));

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (40 CFR 122.41(i)(3)); and

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (40 CFR 122.41(i)(4))

G. Bypass

1. Definitions

   a. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR 122.41(m)(1)(i))

   b. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR 122.41(m)(1)(ii))

2. Bypass not exceeding limitations. The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 CFR 122.41(m)(2))

3. Prohibition of bypass. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless (40 CFR 122.41(m)(4)(i)):

   a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 CFR 122.41(m)(4)(i)(A));

   b. There were no feasible alternatives to the bypass, such as the use of

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auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 CFR 122.41(m)(4)(i)(B)); and

c. The Discharger submitted notice to the Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 CFR 122.41(m)(4)(i)(C))

4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above. (40 CFR 122.41(m)(4)(ii))

5. Notice

a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass. (40 CFR 122.41(m)(3)(i))

b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). (40 CFR 122.41(m)(3)(ii))

H. Upset

1. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 CFR 122.41(n)(1))

2. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 CFR 122.41(n)(2))

3. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 CFR 122.41(n)(3)):

a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 CFR 122.41(n)(3)(i));

b. The permitted facility was, at the time, being properly operated (40 CFR

122.41(n)(3)(ii));

c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (40 CFR 122.41(n)(3)(iii)); and

d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 CFR 122.41(n)(3)(iv))

4. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 CFR 122.41(n)(4))

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 CFR 122.41(f))

B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 CFR 122.41(b))

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the CWC. (40 CFR 122.41(l)(3) and122.61)

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III. STANDARD PROVISIONS – MONITORING

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 CFR 122.41(j)(1))

B. Monitoring results must be conducted according to test procedures under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503 unless other test procedures have been specified in this Order. (40 CFR 122.41(j)(4) and 122.44(i)(1)(iv))

C. All sampling results, including any samples collected more frequently than the frequency specified in this order, shall be uploaded into the State Board's California Integrated Water Quality System (CIWQS) Program website (http://www.waterboards.ca.gov/ciwqs/index.html) within 30 days of receipt of laboratory results.

IV. STANDARD PROVISIONS – RECORDS

A. Except for records of monitoring information required by this Order related to the Discharger's process water and manure disposal activities, which shall be retained for a period of at least five years (or longer as required by Part 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least five (5) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time. (40 CFR 122.41(j)(2))

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements (40 CFR 122.41(j)(3)(i));

2. The individual(s) who performed the sampling or measurements (40 CFR 122.41(j)(3)(ii));

3. The date(s) analyses were performed (40 CFR 122.41(j)(3)(iii));

4. The individual(s) who performed the analyses (40 CFR 122.41(j)(3)(iv));

5. The analytical techniques or methods used (40 CFR 122.41(j)(3)(v)); and

6. The results of such analyses. (40 CFR 122.41(j)(3)(vi))

C. Claims of confidentiality for the following information will be denied (40 CFR 122.7(b)):

1. The name and address of any permit applicant or Discharger (40 CFR 122.7(b)(1)); and

2. Permit applications and attachments, permits and effluent data. (40 CFR 122.7(b)(2))

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V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, State Water Board, or USEPA within a reasonable time, any information which the Regional Water Board, State Water Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, State Water Board, or USEPA copies of records required to be kept by this Order. (40 CFR 122.41(h); CWC Section 13267)

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below. (40 CFR122.41(k).)

2. All permit applications shall be signed by a general partner or the proprietor, respectively. (40 CFR 122.22(a)(2))

3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

    a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 CFR 122.22(b)(1));

    b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 CFR 122.22(b)(2)); and

    c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 CFR 122.22(b)(3))

4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 CFR 122.22(c))

5. Any person signing a document under Standard Provisions – Reporting V.B.2 or

V.B.3 above shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (40 CFR 122.22(d))

C. Self-Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order.

2. The Discharger shall electronically submit Self-Monitoring Reports using the State Water Board's California Integrated Water Quality System (CIWQS). The CIWQS website will provide additional directions for Self-Monitoring Report submittal in the event there will be service interruption for electronic submittal.

3. If the Discharger monitors any pollutant more frequently than required by this Order using approved analytical methods specified in Attachment H, the data shall be uploaded into CIWQS within 30 days of receipt of laboratory results.

4. Calculations for all limitations, which require averaging of measurements, shall utilize a geometric mean unless otherwise specified in this Order. (40 CFR 122.41(l)(4)(iii))

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date. (40 CFR 122.41(l)(5))

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. (40 CFR 122.41(l)(6)(i))

2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 CFR 122.41(l)(6)(ii)):

    a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 CFR 122.41(l)(6)(ii)(A))

b. Any upset that exceeds any effluent limitation in this Order. (40 CFR 122.41(l)(6)(ii)(B))

3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 CFR 122.41(l)(6)(iii))

F. Planned Changes

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 CFR 122.41(l)(1)):

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in Section 122.29(b) (40 CFR 122.41(l)(1)(i)); or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (40 CFR 122.41(l)(1)(ii)); or

3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 CFR 122.41(l)(1)(iii))

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements. (40 CFR 122.41(l)(2))

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above. (40 CFR 122.41(l)(7))

I. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information. (40 CFR 122.41(l)(8))

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VI. STANDARD PROVISIONS – ENFORCEMENT

The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the CWC, including, but not limited to, Sections 13385, 13386, and 13387.

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

1. Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the Regional Water Board as soon as they know or have reason to believe (40 CFR122.42(a)):

    a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 CFR122.42(a)(1)):

        i. 100 micrograms per liter (µg/L) (40 CFR122.42(a)(1)(i));

        ii. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony (40 CFR122.42(a)(1)(ii));

        iii. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR122.42(a)(1)(iii)); or

        iv. The level established by the Regional Water Board in accordance with Section 122.44(f). (40 CFR122.42(a)(1)(iv))

    b. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following “notification levels" (40 CFR122.42(a)(2)):

        i) 500 micrograms per liter (µg/L) (40 CFR122.42(a)(2)(i));

        ii) 1 milligram per liter (mg/L) for antimony (40 CFR122.42(a)(2)(ii));

        iii) Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR122.42(a)(2)(iii)); or

        iv) The level established by the Regional Water Board in accordance with Section 122.44(f). (40 CFR 122.42(a)(2)(iv))

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

The Code of Federal Regulations (CFR) Title 40 Section 122.48 requires that all NPDES permits specify monitoring and reporting requirements. California Water Code (CWC) Sections 13267 and 13383 also authorize the Regional Water Quality Control Board (Regional Water Board) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements, which implement the federal and state regulations.

I. GENERAL MONITORING PROVISIONS

This Order requires Los Alamitos Race Course to develop and implement a monitoring program. Monitoring is defined as visual observations, sampling, and analysis. The monitoring data will be used to determine:

1. Whether the BMPs addressing pollutants are effective towards complying with the effluent and receiving water limitations of this Order.

2. The presence of pollutants in storm water discharges that may trigger the implementation of additional BMPs and/or SWPPP revisions.

A. Record Retention. All monitoring data shall be maintained for at least five years and shall be made available to Regional Water Board, SWRCB, USEPA staff and/or their authorized representatives (including an authorized contractor acting as their representative), upon request.

B. Pre-Storm/Storm event inspections. All containment structures, including, but not limited to, berms (asphalt, dirt, or other), and production/waste water conveyance/distribution systems (pumps, pipes, valves, and any other mechanical devices), shall be inspected at least once a month during dry weather conditions, three days prior to a rain event when the event has a 40% or greater probability of occurring as predicted by the National Weather Service (weather.gov), and daily during rain events. All inspections are to be submitted with the annual report.

C. Laboratory Certification. Laboratories analyzing monitoring samples shall be certified by the Environmental Laboratory Accreditation Program (ELAP), as required in Section 13176 of the CWC, and pursuant to the California Environmental Laboratory Improvement Act, where ELAP was transferred from the Department of Public Health to the Division of Drinking Water in 2014. These Laboratories must also include quality assurance/quality control (QA/QC) data with their reports.

II. MONITORING LOCATIONS

1. The Discharger shall establish appropriate monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in the Order.

2. Effluent monitoring shall take place at effluent discharges.

3. The Discharger shall collect the effluent samples from non-production areas prior to

the effluent entering the storm drain. Locations are described on Table 1, below.

4. In cases where allowable discharges from CAFO production areas occur (i.e., (a) storm water not commingled with process wastewater or (b) process wastewater only in instances where a rainfall event causes an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process wastewater plus the runoff from a 25-year, 24-hour duration rainfall event), the Discharger must collect effluent samples from production areas prior to the effluent entering the storm drain.

5. Any monitoring locations other than or in addition to DP001, DP002, DP003, and DP004 shall be proposed to the Executive Officer for approval.

Table 1 Monitoring Station Locations[1]

Discharge Point Name	Monitoring Location Description
DP001	storm drain pipe immediately adjacent to property; 33º, 48', 24" N; -118º, 03', 16" W
DP002	southwest corner of Grandstand area; 33º, 48', 24" N; -118º, 03', 16" W
DP003	at storm drain inlet located at the southern area of the south east vehicle parking area; 33º, 48', 13" N; -118º, 02', 35" W
DP004	100' west of the south west corner of the south west vehicle parking area; 33º, 48', 19" N; -118º, 03', 45" W

III. INFLUENT MONITORING REQUIREMENTS (NOT APPLICABLE)

IV. EFFLUENT MONITORING REQUIREMENTS

A. General Requirements

1. The Discharger shall collect monthly grab samples from at least one storm event which causes runoff at Discharge point DP001. The grab samples shall be collected during the first 30 minutes of discharge. If the collection of grab sample(s) within the first 30 minutes is impractical, grab sample(s) may be collected within the first hour and the Discharger should explain in the monitoring report why the grab sample(s) were not collected within the first 30 minutes.

2. For Discharge point DP001, the Discharger shall monitor effluent from the facility as follows:

[1] Sampling locations are depicted on Attachment C of this Order.

Table 2 Effluent Monitoring for Discharge point DP001

Constituent	Units	Type of Sample	Sampling frequency
Flow	gal/day	--	Once per discharge/Monthly [2]
Temperature	Degrees, Fahrenheit	Grab	Once per discharge/Monthly [2]
pH	Standard units	Grab	Once per discharge/Monthly [2]
BOD_5 @ 20°C [3]	mg/L	Grab	Once per discharge/Monthly [2]
Oil and Grease	mg/L	Grab	Once per discharge/Monthly [2]
E. Coli	(MPN per 100 mL)	Grab	Once per discharge/Monthly [2]
Total suspended solids	mg/L	Grab	Once per discharge/Monthly [2]
Settleable solids	mg/L	Grab	Once per discharge/Monthly [2]
Nitrate + Nitrite as N	mg/L	Grab	Once per discharge/Monthly [2]
Ammonia	mg/L	Grab	Once per discharge/Monthly [2]
Total Phosphorus	mg/L	Grab	Once per discharge/Monthly [2]
Total dissolved solids	mg/L	Grab	Once per discharge/Monthly [2]
Total Zinc	mg/L	Grab	Once per discharge/Monthly [2]
Total Lead	mg/L	Grab	Once per discharge/Monthly [2]
Total Aluminum	mg/L	Grab	Once per discharge/Monthly [2]
Total Iron	mg/L	Grab	Once per discharge/Monthly [2]

3. The Discharger shall collect at least one grab sample per Reporting Year[4] from Discharge points DP002, DP003, and DP004 (non-production areas) where a storm causes runoff. Grab samples shall be collected during the first 30 minutes of discharge. If the collection of grab sample(s) within the first 30 minutes is impractical, grab sample(s) may be collected within the first hour and the Discharger should explain in the monitoring report why the grab sample(s) were not collected within the first 30 minutes.

[2] During periods of storm water discharge, samples shall be collected during the first 30 minutes of the discharge. For discharges from production areas, each separate overflow of storm water shall be sampled.

[3] 5-day biochemical oxygen demand at 20 °C.

[4] A Reporting Year is defined as July 1 of the previous year up to June 30th of the current year (example; July 1, 2015 through June 30, 2016).

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4. For Discharge points DP002, DP003, and DP004, the Discharger shall monitor effluent from the facility as follows:

Table 3 Effluent Monitoring for Discharge points DP002, DP003, DP004

Constituent	Units	Type of Sample	Sampling frequency
pH	Standard units	Grab	Once per Reporting Year
Oil and Grease	mg/L	Grab	Once per Reporting Year
Total suspended solids	mg/L	Grab	Once per Reporting Year
Settleable solids	mg/L	Grab	Once per Reporting Year
Nitrate + Nitrite as N	mg/L	Grab	Once per Reporting Year
Ammonia	mg/L	Grab	Once per Reporting Year
Total Zinc	mg/L	Grab	Once per Reporting Year
Total Lead	mg/L	Grab	Once per Reporting Year
Total Aluminum	mg/L	Grab	Once per Reporting Year
Total Iron	mg/L	Grab	Once per Reporting Year

5. A copy of the facility's storm water pollution prevention plan (SWPPP) must be maintained on-site and made available upon request.

6. The Discharger is required to inspect all outfalls once a month to determine if dry weather discharges are occurring. At a minimum, a visual inspection shall be conducted to determine the presence of stains, odors, debris, or other conditions that might indicate a discharge

7. The Discharger is required to inspect all storm water diversion devices, runoff diversion structures, devices channeling production area waste water and contaminated storm water, and the automatic diversion system on a monthly basis during dry weather to determine whether the system is functioning properly and more frequent during the rainy season as stated in section I.B. of the General Monitoring Provisions. Any deficiency shall be corrected as soon as possible.

8. The Discharger must have a depth marker that clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour duration rainfall event.

9. A permanent log shall be maintained for the inspections required in this Order and for the waste bedding material hauled offsite.

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10. The Discharger shall report any event (i.e., overflows, spills, or leaks) during the year that could contribute to storm water runoff in the production areas and modify the sampling plan for the most probable constituents expected.

11. The Discharger must maintain all records required by this Order on-site for a period of 5 years from the date they are created, including:

    a) Records documenting all inspections;

    b) Records documenting any actions taken to correct deficiencies found during inspections of the facility;

    c) Mortalities and mortality records (mortalities must be handled in such a way as to prevent the discharge of pollutants to surface water);

    d) Records of the date, time and estimated volume of any overflow of process wastewater to surface waters;

    e) Records of the date, recipient name, address, and approximate weight and volume of manure litter transferred; and,

    f) Records of the date and amount of process wastewater transferred to the local sewer authority.

12. The Regional Water Board shall be notified in writing of any change in the sampling stations once established or in the methods for determining the quantities of pollutants in the individual waste streams.

13. If more than one analytical test method is listed in Attachment H for a given parameter, the Discharger must select from the listed methods and corresponding Minimum Level.

14. Pollutants shall be analyzed using the analytical methods described in Attachment H of this Order.

15. Laboratories analyzing effluent samples and receiving water samples shall be certified by the Division of Drinking Water Environmental Laboratory Accreditation Program (ELAP) or approved by the Executive Officer and must include QA/QC data in their reports. A copy of the laboratory certification shall be provided each time a new certification and/or renewal of the certification is obtained from ELAP.

16. Water/wastewater samples must be analyzed within allowable holding time limits as specified in 40 CFR 136.3. All QA/QC items must be run on the same dates the samples were actually analyzed, and the results shall be reported in the Regional Water Board format, when it becomes available, and submitted with the laboratory reports. Proper chain of custody procedures must be followed, and a copy of the chain of custody shall be submitted with the report.

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17. Sampling shall be performed within the reporting periods described in Section X.A of this MRP. Annual effluent analyses shall be performed during the first discharge during the wet season (October – May). Results of all analyses shall be reported in the annual monitoring report.

18. All analyses shall be accompanied by the chain of custody, including but not limited to data and time of sampling, sample identification, and name of person who performed sampling, date of analysis, name of person who performed analysis, QA/QC data, method detection limits, analytical methods, copy of laboratory certification, and a perjury statement executed by the person responsible for the laboratory.

19. All effluent monitoring samples shall be collected during daylight hours only and only when sampling locations may be safely accessed.

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS (NOT APPLICABLE)

VI. LAND DISCHARGE MONITORING REQUIREMENTS (NOT APPLICABLE)

VII. RECLAMATION MONITORING REQUIREMENTS (NOT APPLICABLE)

VIII. RECEIVING WATER MONITORING REQUIREMENTS (NOT APPLICABLE)

IX. OTHER MONITORING REQUIREMENTS (NOT APPLICABLE)

X. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The Discharger shall comply with all Standard Provisions (Attachment D, section IV.A.) related to monitoring, reporting, and recordkeeping.

2. The reporting period is July 1 through June 30. By August 1 of each year, the Discharger shall submit an annual report for the prior reporting year.

3. Per 40 CFR 122.42(e)(4), the facility must submit an annual report to include:

    a. The number of horses, whether in open confinement or housed under roof;

    b. Estimated amount of total manure, litter, and process wastewater <u>generated</u> by the Concentrated Animal Feeding Operations (CAFO) in the previous 12 months (tons/gallons);

    c. Estimated amount of total manure, litter and process wastewater <u>transferred</u> to other person by the CAFO in the previous 12 months (tons/gallons);

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d. Summary of all manure, litter and process wastewater discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume;

e. A certification stating that manure has not been land applied on the facility; and,

f. All visual inspection reports

4. The annual report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and corrective actions taken or planned that may be needed to bring the discharge into full compliance with waste discharge requirements. This Section shall clearly list all non-compliance (if any) with waste discharge requirements, as well as any excursions of effluent limitations.

5. The Discharger shall inform the Regional Water Board a minimum of 90 days prior to any proposed construction activity that could potentially affect compliance with applicable requirements.

6. The Discharger shall notify the Regional Water Board by telephone within 24 hours of any unauthorized discharge of wastes. This notification shall be followed by a written report submitted to the Regional Water Board within two weeks of the discharge. The written report shall contain:

   a. The approximate date and time of the discharge;

   b. The estimated flow rate and duration of the discharge;

   c. The specific type and source of the waste discharges (e.g., overflow from holding pond, rainfall runoff from manure storage areas, etc.); and

   d. A time schedule and a plan to implement necessary corrective actions to prevent the recurrence of the discharge.

7. All reports shall be signed by a responsible officer or duly authorized representative of the Discharger(s) and shall be submitted under penalty of perjury.

B. Self-Monitoring Reports (SMRs)

1. The Discharger shall electronically submit Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS). The CIWQS website will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.

2. The Discharger shall submit its first monitoring results under this order to the Regional Water Board, as stated in Section X.A.2 above, by August 1, 2016 for the preceding reporting year. Following annual monitoring results shall be submitted to the Regional Water Board by August 1 of each year for the preceding reporting year. The Discharger shall report in the SMR the results for all monitoring specified in this MRP.

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3. The Discharger shall report with each sample result the applicable reported Minimum Level (ML) and the current Method Detection Limit (MDL), as determined by the procedure in Part 136.

4. All sampling results, including any samples collected more frequently than the frequency specified in this order, shall be uploaded into CIWQS within 30 days of receipt of laboratory results.

5. The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

   a. Sample results greater than or equal to the reported ML shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).

   b. Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported.

   c. For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words "Estimated Concentration" (may be shortened to "Est. Conc."). The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (+ a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

   d. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.

6. The Discharger shall instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.

C. Discharge Monitoring Reports (NOT APPLICABLE)

D. Other Reports (NOT APPLICABLE)

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ATTACHMENT F – FACT SHEET

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ATTACHMENT F – FACT SHEET

This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

This Order has been prepared under a standardized format to accommodate a broad range of requirements for dischargers in California. Only those sections or subsections of this Order that are specifically identified as "not applicable" have been determined not to apply to this Discharger. Sections or subsections of this Order not specifically identified as "not applicable" are fully applicable to this Discharger.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

Table 1. Facility Information

Discharger	Los Alamitos Race Course
Name of Facility	Los Alamitos Race Course
Facility Address	4961 Katella Ave.
	Cypress, CA 90720
	County of Orange
Facility Contact	Frank Sherren, Facility Manager, (714) 820-2715
Authorized Person to Sign and Submit Reports	Frank Sherren, Facility Manager, (714) 820-2715
Mailing Address	SAME
Billing Address	SAME
Type of Facility	Horse Stabling, Training, and Racing
Major or Minor Facility	Minor
Threat to Water Quality	3
Complexity	C
Pretreatment Program	N/A
Reclamation Requirements	N/A
Facility Permitted Flow	N/A
Facility Design Flow	N/A
Watershed	San Gabriel River Watershed
Receiving Water	Los Alamitos Channel- tributary to San Gabriel River-Reach 1
Receiving Water Type	River

The Los Alamitos Race Course (LARC, Discharger, or Facility) is a horse stabling, training, and racing facility located in the city of Cypress. The facility currently discharges wet weather flows to the Los Alamitos Channel (a tributary to the San Gabriel River-Reach 1), a water of the United States, via the municipal separate storm sewer systems (MS4s) of the cities of Cypress and Los Alamitos. Wastes discharged from LARC were recently regulated by Waste Discharge Requirements (WDRs) Board Order No. R8-2009-0017 (National Pollutant Discharge Elimination System (NPDES) Permit No. CA0106348), which

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was issued on March 27, 2009. Order No. R8-2009-0017 expired on March 1, 2014. The terms and conditions of the 2009 Order have been automatically continued and remain in effect until new WDRs and an NPDES permit are adopted pursuant to this Order.

LARC filed a Report of Waste Discharge (ROWD) and applied for renewal of its WDRs and NPDES permit on June 20, 2014 for discharges of wastes to surface waters. Supplemental information was requested on July 11, 2014 and received on July 24, 2014. The application was deemed complete on July 24, 2014.

II. FACILITY DESCRIPTION

LARC owns and operates a 138-acre horse stabling, training, and racing facility located at 4961 Katella Avenue in Cypress, California. The facility includes a racetrack, a grandstand, landscaped areas, horse stables, a maintenance area, and parking lots. The facility confines and feeds approximately 1660 horses on 32.3 acres in 40 barns.

Facility Classification

Pursuant to the definitions in federal regulations Title 40, Code of Federal Regulations (40 CFR) Section 122.23 and Effluent Limitation Guidelines (ELGs) and Standards for Concentrated Animal Feeding Operations (CAFOs) established in 40 CFR 412 (Subpart A – Horses and Sheep), LARC is subject to the regulatory requirements for CAFOs. The stables are also considered a confined animal facility (CAF) pursuant to California Code of Regulations (CCR), Title 27, Section 20164 because the stables confine horses that do not graze. At any given time, LARC will stable approximately 1660 horses. Because more than 500 horses are confined for 45 days or more in a 12-month period, LARC is classified as a Large CAFO.

The Regional Water Board and USEPA have classified LARC as a minor discharge.

A. Description of Facility and Discharge

The LARC property is 138 acres including a racetrack, a grandstand, landscaped areas, horse stables, a maintenance area, and parking lots. The facility confines and feeds approximately 1660 horses on 32.3 acres in 40 barns.

Production Area

The “production area” as defined in 40 CFR 412.2(h) consists of the following:

“Production area means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milk rooms, milking centers, cow yards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is

not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities."

LARC's production area wastes (as defined in 40 CFR 122.23 and 412.2(d)) include, but are not limited to, dry manure, and process wastewater resulting from water directly or indirectly used in the management of the horses or resulting from any of the following: spillage or overflow from animal watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water or precipitation that comes into contact with raw materials, products, or byproducts such as manure, litter, feed, or bedding. The stable area produces approximately 82,800 gallons per day of production wash water. Manure is collected and removed from the facility on a daily basis. Any manure present during a rain event is covered to minimize contact with storm water.

Manure from horses contains high concentrations of salts (total dissolved solids, including constituents such as sodium and chloride). Manure from horses also contains elevated levels of nutrients (including nitrogen compounds, phosphorus and potassium compounds), organic matter, pathogens, odorous compounds, various trace pollutants, including metals, pesticides, antibiotics, and hormones.

The application of manure or the discharge of process wastewater to a land application results in the oxidation of nitrogen compounds (i.e., ammonia and organic nitrogen compounds) to nitrites and nitrates which have the potential to degrade the quality of surface water and groundwater near the facility, if not properly managed.

Surface water can be degraded by the presence of ammonia in the waste, which can cause ammonia toxicity to aquatic life or suppress dissolved oxygen concentrations. In addition, nitrogen and phosphorus compounds in the waste can cause excessive algal growth in surface waters, resulting in lower oxygen levels and which in turn causes fish and other organisms to die. The presence of pathogens in the waste can create a public health threat through contact with affected waters.

Nutrients and Dissolved Oxygen

When nutrients such as nitrogen and phosphorus are discharged to surface water, they can cause increased aquatic algae and plant growth. Decomposition of algae and plants consumes oxygen thereby depleting dissolved oxygen levels. In addition, the biochemical oxygen demand of organic waste depletes dissolved oxygen in water. Low dissolved oxygen levels in streams and lakes can cause fish kills in surface waters. Inorganic forms of nitrogen are taken up by plants as nutrients when wastes are applied to cropland. Some nitrogen can be released as ammonia. Excessive or improper application of wastes and improper collection and storage of wastes can cause runoff to surface water or leaching to ground water. High ammonia levels in surface water can be toxic to fish. Ingestion of high levels of nitrate can cause anemia and, if not treated, result in death to young infants. Elevated levels of nitrate may also indicate that the water source is polluted by other contaminants, such as pathogens and pesticides.

Pathogens

Bacteria, viruses, and protozoa found in animal waste can increase the risk of waterborne diseases. *E. coli* bacteria are used as a biological indicator to determine if pathogens are in the water. High *E. coli* concentration levels in water are a threat to public health, and restrict recreational, industrial, domestic, and agricultural water use.

TSS

Suspended sediments limit the passage of sunlight into waters, which in turn inhibits the growth of aquatic plants. Excessive deposition of sediments can destroy spawning habitat, blanket benthic organisms and abrade the gills of larval fish. In addition, certain pollutants (*e.g*., metals and organics) can adsorb onto fine-grained sediment as storm water runoff passes through a watershed, thereby depositing these pollutants in receiving waters.

Detention Basin

On October 2012, the construction of a lined detention basin was completed. The basin is designed to contain all production wash water and runoff from a 25-yr, 24 hour storm event produced within the Production Area.

To maintain capacity within the basin, Los Alamitos Race Course is approved to discharge its wastewater to the local sewer authority via 8” sewer line.

Non-Production Areas

Non-Production areas include the racetrack, grandstands, the maintenance yard, and parking lots. Storm water and irrigation runoff are the only wastewaters discharged off-site from these areas. Nonetheless, horse manure and all pollutants associated with manure are of concern and have a high probability of being present in the storm water from these non-production areas due of their proximity to the production areas and the activities that take place in these areas.

B. Discharge Points and Receiving Waters

Discharge Point 001 (DP001) is located near the southwestern corner of the property at the intersection of the existing Railroad Right-of-Way and Lexington Ave. DP001 collects storm water from some portions of the parking area, the grandstand area, and any overflows from the 25-year, 24-hour storm event from the stabling area. Storm water discharging from the site at DP001 enters the municipal storm drain system and eventually flows to the Los Alamitos Channel (C01). Los Alamitos Channel flows parallel but separate from Coyote Creek and discharges eventually into the Los Alamitos Retarding Basin before entering the San Gabriel River, Reach 1.

In addition to DP001, storm water discharges from three other locations at the facility that are not covered by this order. Discharge points are: DP002, DP003 and DP004.

DP002 consists of sheet flows from the eastern parking area;

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DP003 directs sheet flow in a southerly direction from the southeastern portion of the parking area out to Katella Avenue.

DP004 directs runoff, through several storm drains, from along the western edge of the access road to the racetrack, to a field located to the west of the access road.

The southwestern parking area sheet flows into a drainage system that is also directed to the field. Storm water directed to the field ponds eventually infiltrates into the ground.

LARC is within the jurisdiction of the Santa Ana Regional Water Board. Storm water flows from DP001 are discharged to Los Alamitos Channel which flows parallel but separate from Coyote Creek, discharges into the Los Alamitos Retarding Basin, which then enters the San Gabriel River, Reach 1. The San Gabriel River itself is within the jurisdiction of the Los Angeles Regional Board.

C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

Order No. R8-2015-002 allows no authorized discharges to waters of the U.S. unless the criteria contained in Section III.E.1 are met.

Discharge Specifications

The 2009 Order (Order No. R8-2009-0017) contains Interim Effluent Limitations for discharges from DP001 due to Los Alamitos Race Course inability to immediately comply with the discharge prohibitions specified in Section III and the Effluent Limitations in Section IV(A)(1) contained in Order R8-2009-0017. Interim effluent limitations were to expire once LARC completed construction of their storm water containment structures. As of November 2012, all construction to contain runoff of a 25-year 24-hour storm event plus all process water has been completed.

Historic effluent representative monitoring data from the monitoring reports are as follows:

Table 2. Interim Effluent Limitations and Monitoring Data

Parameter	Units	Effluent Limitation				Monitoring Data (03/27/09 – 01/18/10)		
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum	Highest Average Monthly Discharge	Highest Average Weekly Discharge	Highest Daily Discharge
pH	pH units	--		6.5	8.5	--	--	8.98
Total Suspended Solids (TSS)	mg/L		50		75	--	--	288

D. Compliance Summary

Los Alamitos Race Course (LARC) has failed to routinely submit annual reports. At the request of the Regional Water Board, the most recent annual report (2010 reporting year) was received by the Regional Board on February 1, 2012.

Since January 1995, discharges of storm water runoff from DP001 have exceeded TSS limitations twenty-two out of fifty-one samples. Further, LARC has failed to sample in accordance with the monitoring program for flow, MBAS or fecal coliform. Fecal coliform was a previous pathogen indicator. The current pathogen indicator is *E. Coli (*recommended criteria by U.S. EPA for the protection of human health in beaches and waters year round per U.S. District Court order and as required by the Beaches Environmental Assessment and Coastal Health Act of 2000).

On December 22, 2014, LARC was issued an Administrative Civil Liability Complaint (Complaint No. R8-2014-0080) for discharges in violation of provision of law for which the Regional Board was able to implose administrative civil liabilities pursuant to California Water Code section 13385. LARC was alleged to have viloated the waste discharge requirements, Permit Section III, by discharging non-storm water to waters of the United States.

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in the Order are based on the requirements and authorities described in this Section.

A. Legal Authorities

This Order is issued pursuant to CWA Section 402, regulations adopted by the USEPA and Chapter 5.5, Division 7 of the California Water Code (CWC) commencing with Section 13370. It serves as an NPDES permit for point source discharges from this facility to surface waters. This Order also serves as WDRs pursuant to Article 4, Chapter 4, Division 7 of the CWC commencing with Section 13260.

B. California Environmental Quality Act (CEQA)

Under CWC Section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code Sections 21100 through 21177.

C. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plans.** While the LARC facility is within the jurisdiction of the Santa Ana Regional Water Board, discharges from DP001 are ultimately discharged to the San Gabriel River via the MS4s of the cities of Cypress and Los Alamitos. The San Gabriel River itself is within the jurisdiction of the Los Angeles Regional Water Board. Therefore, both Basin Plans are applicable and each designates water quality standards that are set forth in this Order.

   The Water Quality Control Plan for the Santa Ana River Basin (Santa Ana Basin

Plan) was adopted by the Regional Board and became effective on January 24, 1995. The Santa Ana Basin Plan has been updated since 1995 to include the incorporation of total maximum daily loads for several impaired waterbodies, incorporation of a Salt Management Plan and most recently, the 2014 update of recreation bacterial indicator standards for inland surface waters.

The Los Angeles Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Los Angeles Basin Plan) was adopted on June 13, 1994 and amended by Regional Board Resolution No. 97-02 on January 27, 1997. The 1994 Los Angeles Basin Plan provided water quality objectives for ammonia to protect aquatic life, in Tables 3-1 through 3-4. However, those ammonia objectives were revised on April 25, 2002 by the Los Angeles Regional Board with the adoption of Resolution No. 2002-011, *Amendment for the Water Quality Control Plan for the Los Angeles Region to Update the Ammonia Objectives for Inland Surface Waters (Including Enclosed Bays, Estuaries and Wetlands) with Beneficial Use Designations for Protection of Aquatic Life*. The ammonia basin plan amendment was approved by the State Water Resources Control Board (State Water Board), the Office of Administrative Law and USEPA on April 30, 2003, June 5, 2003 and June 19, 2003, respectively. Although the revised ammonia water quality objectives may be less stringent than those contained in the 1994 Los Angeles Basin Plan, they are still protective of aquatic life and are consistent with USEPA's 1999 ammonia criteria update.

Beneficial uses applicable to the San Gabriel River are as follows:

Table 3. Los Angeles Regional Water Quality Control Board Basin Plan Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
DP001	Reach 1 - San Gabriel River (Firestone Blvd. – Estuary)	Existing: Contact (REC-1) and Non-contact (REC-2) Water Recreation Potential: Municipal and Domestic Water Supply (MUN), Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD)

Requirements of this Order implement the Basin Plans.

2. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. Approximately forty of the water quality criteria in the NTR are applicable in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants.

3. **State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP).

The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.

4. **Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards become effective for CWA purposes (40 CFR131.21, 65 Fed. Reg. 24641 (April 27, 2000)). Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.

5. **Antidegradation Policy.** 40 CFR 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. The permitted discharge must be consistent with the antidegradation provision of Section 131.12 and State Water Board Resolution No. 68-16.

6. **Anti-Backsliding Requirements.** CWA Sections 402(o)(2) and 303(d)(4) and 40 CFR 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed.

D. Impaired Water Bodies on CWA 303(d) List

Los Alamitos Race Course is located in the San Gabriel River watershed. The lower portion of Reach-1 of the San Gabriel River (downstream of Willow Street) is designated as the San Gabriel River Estuary of which LARC ultimately discharges to. The San Gabriel Estuary is listed under the Final California 2010 Integrated Report (303(d)/305(b) Report) for Dissolved Oxygen, Copper, Dioxin, and Nickel.

E. Other Plans, Polices and Regulations

Regulations governing discharges from CAFOs are contained in Division 2, Title 27 of the Combined State Water Resources Control Board/California Integrated Waste

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Management Board AB 1220 regulations, which became effective on July 18, 1997. Division 2, Subdivision 1, Chapter 7, Subchapter 2, Article 1 of the California Code of Regulations (Title 27, CCR) prescribes minimum standards for discharges of animal waste at confined animal facilities to protect both surface water and groundwater. Confined animal facilities (CAFs) are defined in CCR Title 27 as "…any place where cattle, calves, sheep, swine, horses, mules, goats, fowl, or other domestic animals are corralled, penned, tethered, or otherwise enclosed or held and where feeding is by means other than grazing." Designation as a CAF under the CCR is not based on facility size. CAFs under the CCR include CAFOs as well as all other types and sizes of animal feeding operations. However, LARC is classified as a large CAFO due to more than 500 horses being confined for 45 days or more in a 12-month period. Provided the Discharger operates the facility in compliance with this Order, the facility will be deemed in compliance with Title 27 requirements, with the exception of Title 27, Chapter 7, Subchapter 2, Article 1, Section 25561(d) – Retention Pond Design. This section requires that retention ponds be lined with, or underlain by, soils which contain at least 10 percent clay and not more than 10 percent gravel or artificial materials of equivalent permeability.

Effluent limitations and effluent standards established in CWA Sections 208(b), 301, 302, 303(d), 304, 306,and 403, as amended, are applicable to storm water discharges and authorized non-storm water discharges as regulated by this Order. On February 12, 2003, USEPA published revisions to its Clean Water Act (CWA) regulations for CAFOs and these regulations were again revised in 2008 and 2012. The references to 40 CFR 122, 123 and 412 below incorporate the revisions that are part of that final rule.

40 CFR 122.23 defines an Animal Feeding Operation (AFO) as an operation where animals have been, are or will be confined and fed for a total of 45 days or more in any 12-month period and where vegetation is not sustained in the confinement area. An AFO is considered a CAFO based on either the facility's animal population or regardless of population if the facility is determined to be a significant contributor of pollutants to waters of the United States by the appropriate authority.

Pursuant to the definitions in 40 CFR 122.23 and Effluent Limitation Guidelines (ELGs) and Standards for CAFOs established in 40 CFR 412 (Subpart A – Horses and Sheep), the stable portion of LARC is subject to the regulatory requirements for CAFOs. USEPA has promulgated ELGs and Standards for CAFOs that are contained in 40 CFR 412.

In accordance with 40 CFR 412.13, whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be discharged into U.S. waters.

All dry weather discharges, from non-CAFO production areas, are prohibited from discharging from the site.

On November 16, 1990, the USEPA promulgated Phase I storm water regulations (40 CFR 122, 123 and 124) in compliance with CWA Section 402(p). These regulations require operators of facilities that discharge storm water associated with industrial

activity (storm water discharges) to implement Best Available Technology (BAT) and Best Control Technology (BCT) to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. CWA Section 402(p)(3)(A) also requires that permits for discharges associated with industrial activity include requirements necessary to meet water quality standards.

On April 17, 1997, the State Water Board adopted a General Industrial Storm Water Permit, Order No. 97-03-DWQ, NPDES No. CAS000001. That order contains requirements for storm water runoff from industrial facilities including CAFOs.

On April 1, 2014, the State Water Board adopted a General Industrial Storm Water Permit 2014-0057-DWQ, NPDES No. CAS000001. That order contains requirements for storm water runoff from industrial facilities including CAFOs. Specifically, the Order requires compliance with 40 CFR 412 by all CAFOs.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations: 40 CFR122.44(a), which requires that permits include applicable technology-based limitations and standards, and 40 CFR 122.44(d), which requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water.

A. Discharge Prohibitions

LARC is prohibited from discharging wastewater at a different location or of a different make up than as described in this Order. LARC may not discharge any designated wastes, hazardous wastes or any other substance in concentrations toxic to animal or plant life.

The direct or indirect discharge of process wastewater from the production area to surface waters is prohibited except: (1) whenever a rainfall events causes an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, only then can any process wastewater pollutants in the overflow can be discharged into U.S. waters, as provided in 40 CFR 412.13; and (2) does not cause the receiving water to exceed water quality objectives as specified in the Basin Plans. Additionally, LARC may not dispose of any manure or dead animals on-site.

Non-storm water discharges are prohibited from the non-production area.

B. Technology-Based Effluent Limitations

1. Scope and Authority

CWA Section 301(b) and 40 CFR 122.44 require that permits include conditions meeting applicable technology-based requirements at a minimum and any more stringent effluent limitations necessary to meet applicable water quality standards (WQS). The discharge authorized by this Order must meet minimum federal technology-based requirements based on Best Professional Judgment (BPJ) in accordance with 40 CFR 125.3.

The CWA requires that technology-based effluent limitations be established based on several levels of controls:

- Best practicable treatment control technology (BPT) represents the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.

- Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.

- Best conventional pollutant control technology (BCT) represents the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering the “cost reasonableness” of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.

- New source performance standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires USEPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BAT, BCT, and NSPS. Technology-based effluent limits are intended to achieve a minimum level of treatment of pollutants for point source discharges. ELGs that would apply to a CAFO are defined in 40 CFR Part 412. CWA Section 402(a)(1) and 40 CFR 125.3 authorize the use of BPJ to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern.

As stated previously, in the 2009 Order, the facility was considered a CAFO based on the regulations found at 40 CFR 122.23 and 412. The revised regulations redefine the areas of the CAFO that are subject to the regulatory requirements, and establish ELGs for large CAFOs (including horse facilities). The Order incorporates these revisions, thereby defining the areas within LARC that are subject to the CAFO and ELG requirements. For purposes of the Order, the area regulated as a CAFO includes all areas that are considered “production areas,” as defined in 40 CFR 412.2(h). The ELGs state that there can be no discharge of wastewater to navigable

waters except, "whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location." The Order prohibits any discharges from the CAFO production area except as specified in 40 CFR 412.13(b). Other areas within LARC are not classified as CAFO production areas and therefore are not subject to CAFO regulatory requirements.

LARC is required to submit a statement with each annual self-monitoring report confirming that neither manure nor wastewater has been land-applied during that year.

There are no applicable ELGs for storm water discharges from non-production areas of the CAFO. However, the facility's Storm Water Pollution Prevention Plan (SWPPP) will outline site-specific best management practices (BMPs) to minimize pollutants in storm water runoff and to reduce or prevent contaminated storm water runoff from being discharged from portions of LARC that are not in the CAFO production areas. The SWPPP, including BMPs, will serve as the equivalent of technology-based effluent limitations, in the absence of established ELGs, in order to carry out the purposes and intent of the CWA.

2. Applicable Technology-Based Effluent Limitations

This Order prohibits the discharge of process wastewater as described in Section IV.D.

C. Water Quality-Based Effluent Limitations (WQBELs) and TMDLS

CWA Section 301(b) and 40 CFR 122.44(d) require that permits include WQBELs to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving waters. Where numeric water quality criteria have not been established, 40 CFR 122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA Section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter. 40 CFR 122.44(k)(3) allows the use of BMPs to control or abate the discharge of pollutants when numeric effluent limitations are infeasible or when practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.

Federal regulations [40 CFR 122.44(d)(1)(vii)(B)] require inclusion of effluent limits that are "consistent with the assumptions and requirements of any available wasteload allocation for the discharge prepared by the State and approved by EPA." EPA Region 9 has established a Metals and Selenium TMDLs for the San Gabriel River (established on March 27, 2007). The Los Angeles Regional Board adopted an implementation plan for this TMDL (Resolution R13-004). The TMDLs include a dry weather copper wasteload allocation of 18 µg/L for storm water permittees for discharges to the San Gabriel River Estuary and San Gabriel River, Reach 1. However, pursuant to Section III of this Order (Discharge Prohibitions), non-storm water discharges are prohibited. Therefore, since dry weather discharges are prohibited by this Order, the dry weather copper WLA and any associated implementation requirements are not applicable to the Discharger. The TMDLs also specify metals and selenium allocations for dry and/or wet weather applicable to discharges to San Jose Creek

and San Gabriel River, Reach 2. Since storm water discharges from the Facility are to San Gabriel River, Reach 1, these waste load allocations and associated implementation requirements are not applicable to the Discharger.

D. Effluent Limitations

There should be no discharge of manure, litter, or process wastewater into waters of the United States from the production area except as provided below:

1. Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be discharged into U.S. waters, as described by and in accordance with 40 CFR 412.13(b).

2. The design storage volume of any manure or process wastewater containment facilities must reflect all wastes accumulated during the storage period; typical precipitation less evaporation during the storage period; direct precipitation from a 25-year, 24-hour storm event; runoff from a 25-year, 24-hour storm event; residual solids after liquid has been removed; necessary freeboard to maintain structural integrity; and in the case of treatment lagoons, a minimum treatment volume.

LARC is required to update and continue to implement its SWPPP. LARC is further required to implement the minimum and other source-specific operational BMPs and structural source control BMPs, as applicable, as specified in Attachment K.

E. Land Discharge Specifications

Los Alamitos Race Course (LARC) does not propose to land apply manure, litter, or process wastewater.

If LARC proposes to land apply manure, litter, or process wastewater, their Nutrient Management Plan (NMP) must be updated in their SWPPP as required by 40 CFR 122.42(e)(6) and implemented in accordance with the requirements specified in Attachment I. If a separate NMP plan is developed, it will be made available for public review before it is considered for approval by the Executive Officer

F. Reclamation Specifications (Not Applicable)

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

Receiving water limitations are included in all NPDES permits issued pursuant to CWA section 402. Section 402(p)(3)(B)(iii) of the CWA authorizes the inclusion of “such other provisions as the Administrator or the State determines appropriate for the control of pollutants.” This requirement gives USEPA or the State permitting authority discretion to determine what permit conditions are necessary to control pollutants. By specifying

effluent limits, this order ensures compliance with applicable receiving water limits. At no time shall the discharge from the facility cause degradation of surface waters, nor shall it cause a nuisance or otherwise adversely affect beneficial uses or violate water quality standards in the receiving water. If more stringent water quality standards are promulgated or approved pursuant to CWA Section 303, or amendments thereto, the Regional Water Board will reopen this Order to revise or modify in accordance with such standards.

The discharge shall not cause the following limitations to be exceeded in the receiving waters at any location within the receiving waters:

a. The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH levels by more than 0.5 units;

b. Dissolved oxygen shall not be less than 5.0 mg/L anytime, and the median dissolved oxygen concentration for any three consecutive months shall not be less than 80 percent of the dissolved oxygen content at saturation;

c. Total ammonia (as N) shall not exceed concentrations specified in the Los Angeles Regional Water Board Resolution No. R13-003.

d. No chemicals shall be discharged without prior written approval from the Executive Officer.

B. Groundwater Limitations (Not Applicable)

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

40 CFR 122.48 requires that all NPDES permits specify requirements for monitoring and reporting. CWC Sections 13267 and 13383 authorize the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (MRP), Attachment E of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this facility.

A. Influent Monitoring (Not Applicable)

B. Effluent Monitoring

To assure compliance with Permit limitations and requirements, the Discharger is required to sample and analyze any discharge of wastes to surface waters for pollutants of concern that may be present in runoff from the facility. (40 CFR 122.48).

This Order specifies that the discharge of wet weather process wastewater from the production area is prohibited, except whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, only then can any process wastewater pollutants in the overflow be allowed to discharge into U.S. waters. In the event that any process wastewater is discharged during the term of the proposed Order, the Discharger

shall record the date and the approximate time and volume of each discharge of process wastewater (including storm water commingled with process wastewater from the production areas), and the approximate duration and volume of wastes discharged. During or immediately after any overflow or other discharge of pollutants from a manure or process wastewater storage area or retention pond, whether authorized by the permit or not, the Discharger shall collect samples of the discharge. These samples shall be analyzed for constituents specified in the Monitoring and Reporting Program (MRP).

LARC is required to inspect its on-site storm water control systems and all outfalls monthly during dry weather, three days prior to a rain event when the event has a 40% or greater probability of occurring as predicted by the National Weather Service (weather.gov), and daily during rain events.

All sampling results, including any samples collected more frequently than the frequency specified in this order, shall be uploaded into the State Water Board's California Integrated Water Quality System (CIWQS) within 30 days of receipt of laboratory results.

C. Whole Effluent Toxicity Testing Requirements (Not Applicable)

D. Receiving Water Monitoring (Not Applicable)

E. Other Monitoring Requirements (Not Applicable)

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D. The Discharger must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR 122.42.

40 CFR 122.41(a)(1) and (b) through (n) establish conditions that apply to all State-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. 40 CFR 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with 40 CFR 123.25, this Order omits federal conditions that address enforcement authority specified in 40 CFR 122.41(j)(5) and (k)(2) because the enforcement authority under the CWC is more stringent. In lieu of these conditions, this Order incorporates by reference CWC Section 13387(e).

B. Special Provisions

1. Reopener Provisions

If more stringent applicable water quality standards are promulgated or approved pursuant to CWA Section 303, or amendments thereto, the Regional Water Board will reopen and modify this order in accordance with such standards. This Order

may be reopened to address any changes in state or federal plans, policies or regulations that would affect the quality requirements for the discharges.

2. Special Studies and Additional Monitoring Requirements (Not Applicable)

3. Best Management Practices and Pollution Prevention

The Discharger shall operate and maintain a detention facility to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour duration rainfall event as required in this Order and in accordance to 40 CFR 412.13(b).

VIII. PUBLIC PARTICIPATION

The Regional Water Board is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for the Los Alamitos Race Course. As a step in the WDR adoption process and in accordance to 40 CFR 233.32, the Regional Water Board staff has developed tentative WDRs for consideration of the public and therefore encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through the following by posting notices in the vicinity of the facility and in the locality that may be affected by the discharge.

B. Written Comments

Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person or by mail to the Executive Officer at the Regional Water Board at the address above on the cover page of the Order.

To be fully responded to by staff and considered by the Regional Water Board, written comments must be received at the Regional Water Board offices by 5:00 p.m. on July 1, 2015**.**

C. Public Hearing

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: **July 24, 2015**
Time: **9:00 a.m.**
Location: **Orange County Water District**
18700 Ward Street
Fountain Valley, CA 92708

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our Web address is www.waterboards.ca.gov/santaana where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Water Board's action to the following address:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100
Sacramento, CA 95812-0100

E. Information and Copying

The Report of Waste Discharge (ROWD), related documents, tentative Order, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling (915) 782-4130.

F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference this facility, and provide a name, address, and phone number or an email address. Interested parties may also register at:
http://www.waterboards.ca.gov/resources/email_subscriptions/reg8_subscribe.shtml

G. Additional Information

Requests for additional information or questions regarding this order should be directed to Michael A. Perez at the Santa Ana Regional Water Board, Coastal Storm Water Unit at (951) 782-4306 or Michael.Perez@waterboards.ca.gov.

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ATTACHMENT G – MINIMUM LEVELS in ppb (μg/L)

The Minimum Levels (MLs) in this appendix are for use in reporting and compliance determination purposes in accordance with section 4 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California. These MLs were derived from data for priority pollutants provided by State certified analytical laboratories in 1997 and 1998. These MLs shall be used until new values are adopted by the SWRCB and become effective. The following tables (Tables 2a-2d) present MLs for four major chemical groupings: volatile substances, semi-volatile substances, inorganics, pesticides, and PCBs.

Table 2a - VOLATILE SUBSTANCES*	GC	GCMS
1,1 Dichloroethane	0.5	1
1,1 Dichloroethylene	0.5	2
1,1,1 Trichloroethane	0.5	2
1,1,2 Trichloroethane	0.5	2
1,1,2,2 Tetrachloroethane	0.5	1
1,2 Dichlorobenzene (volatile)	0.5	2
1,2 Dichloroethane	0.5	2
1,2 Dichloropropane	0.5	1
1,3 Dichlorobenzene (volatile)	0.5	2
1,3 Dichloropropene (volatile)	0.5	2
1,4 Dichlorobenzene (volatile)	0.5	2
Acrolein	2.0	5
Acrylonitrile	2.0	2
Benzene	0.5	2
Bromoform	0.5	2
Methyl Bromide	1.0	2
Carbon Tetrachloride	0.5	2
Chlorobenzene	0.5	2
Chlorodibromo-methane	0.5	2
Chloroethane	0.5	2
Chloroform	0.5	2
Chloromethane	0.5	2
Dichlorobromo-methane	0.5	2
Dichloromethane	0.5	2
Ethylbenzene	0.5	2
Tetrachloroethylene	0.5	2
Toluene	0.5	2
Trans-1,2 Dichloroethylene	0.5	1
Trichloroethene	0.5	2
Vinyl Chloride	0.5	2

*The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.

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Table 2b - SEMI-VOLATILE SUBSTANCES*	GC	GCMS	LC	COLOR
Benzo (a) Anthracene	10	5		
1,2 Dichlorobenzene (semivolatile)	2	2		
1,2 Diphenylhydrazine		1		
1,2,4 Trichlorobenzene	1	5		
1,3 Dichlorobenzene (semivolatile)	2	1		
1,4 Dichlorobenzene (semivolatile)	2	1		
2 Chlorophenol	2	5		
2,4 Dichlorophenol	1	5		
2,4 Dimethylphenol	1	2		
2,4 Dinitrophenol	5	5		
2,4 Dinitrotoluene	10	5		
2,4,6 Trichlorophenol	10	10		
2,6 Dinitrotoluene		5		
2- Nitrophenol		10		
2-Chloroethyl vinyl ether	1	1		
2-Chloronaphthalene		10		
3,3’ Dichlorobenzidine		5		
Benzo (b) Fluoranthene		10	10	
3-Methyl-Chlorophenol	5	1		
4,6 Dinitro-2-methylphenol	10	5		
4- Nitrophenol	5	10		
4-Bromophenyl phenyl ether	10	5		
4-Chlorophenyl phenyl ether		5		
Acenaphthene	1	1	0.5	
Acenaphthylene		10	0.2	
Anthracene		10	2	
Benzidine		5		
Benzo(a) pyrene		10	2	
Benzo(g,h,i)perylene		5	0.1	
Benzo(k)fluoranthene		10	2	
bis 2-(1-Chloroethoxyl) methane		5		
bis(2-chloroethyl) ether	10	1		
bis(2-Chloroisopropyl) ether	10	2		
bis(2-Ethylhexyl) phthalate	10	5		
Butyl benzyl phthalate	10	10		
Chrysene		10	5	
di-n-Butyl phthalate		10		
di-n-Octyl phthalate		10		
Dibenzo(a,h)-anthracene		10	0.1	
Diethyl phthalate	10	2		
Dimethyl phthalate	10	2		
Fluoranthene	10	1	0.05	
Fluorene		10	0.1	
Hexachloro-cyclopentadiene	5	5		
Hexachlorobenzene	5	1		
Hexachlorobutadiene	5	1		

Table 2b - SEMI-VOLATILE SUBSTANCES*	GC	GCMS	LC	COLOR
Hexachloroethane	5	1		
Indeno(1,2,3,cd)-pyrene		10	0.05	
Isophorone	10	1		
N-Nitroso diphenyl amine	10	1		
N-Nitroso-dimethyl amine	10	5		
N-Nitroso -di n-propyl amine	10	5		
Naphthalene	10	1	0.2	
Nitrobenzene	10	1		
Pentachlorophenol	1	5		
Phenanthrene		5	0.05	
Phenol **	1	1		50
Pyrene		10	0.05	

* With the exception of phenol by colorimetric technique, the normal method-specific factor for these substances is 1,000; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance multiplied by 1,000.

** Phenol by colorimetric technique has a factor of 1.

Table 2c – INORGANICS*	FAA	GFAA	ICP	ICPMS	SPGFAA	HYDRIDE	CVAA	COLOR	DCP
Antimony	10	5	50	0.5	5	0.5			1,000
Arsenic		2	10	2	2	1		20	1,000
Beryllium	20	0.5	2	0.5	1				1,000
Cadmium	10	0.5	10	0.25	0.5				1,000
Chromium (total)	50	2	10	0.5	1				1,000
Chromium VI	5							10	
Copper	25	5	10	0.5	2				1,000
Cyanide								5	
Lead	20	5	5	0.5	2				10,000
Mercury				0.5			0.2		
Nickel	50	5	20	1	5				1,000
Selenium		5	10	2	5	1			1,000
Silver	10	1	10	0.25	2				1,000
Thallium	10	2	10	1	5				1,000
Zinc	20		20	1	10				1,000

* The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.

Table 2d – PESTICIDES – PCBs*	GC
4,4'-DDD	0.05
4,4'-DDE	0.05
4,4'-DDT	0.01
a-Endosulfan	0.02
alpha-BHC	0.01
Aldrin	0.005
b-Endosulfan	0.01
Beta-BHC	0.005
Chlordane	0.1
Delta-BHC	0.005
Dieldrin	0.01
Endosulfan Sulfate	0.05
Endrin	0.01
Endrin Aldehyde	0.01
Heptachlor	0.01
Heptachlor Epoxide	0.01
Gamma-BHC (Lindane)	0.02
PCB 1016	0.5
PCB 1221	0.5
PCB 1232	0.5
PCB 1242	0.5
PCB 1248	0.5
PCB 1254	0.5
PCB 1260	0.5
Toxaphene	0.5

* The normal method-specific factor for these substances is 100; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance multiplied by 100.

Techniques:
GC - Gas Chromatography
GCMS - Gas Chromatography/Mass Spectrometry
HRGCMS - High Resolution Gas Chromatography/Mass Spectrometry (EPA 1613, 1624, or 1625)
LC - High Pressure Liquid Chromatography
FAA - Flame Atomic Absorption
GFAA - Graphite Furnace Atomic Absorption
HYDRIDE - Gaseous Hydride Atomic Absorption
CVAA - Cold Vapor Atomic Absorption
ICP - Inductively Coupled Plasma
ICPMS - Inductively Coupled Plasma/Mass Spectrometry
SPGFAA - Stabilized Platform Graphite Furnace Atomic Absorption (EPA 200.9)
DCP - Direct Current Plasma
COLOR - Colorimetric

ATTACHMENT H – ANALYTICAL METHODS

# Compound	Pollutant ID	Toxic Pollutants		EPA Analytical Method[1]
		Metals & Miscellaneous		
1		Aluminum (Al)		200.8, 1669
2	1097	Antimony (Sb)		200.7, 200.8, 204.1, 204.2, 6010B, 6020, 7040, 7041
3	1000	Arsenic (As)		200.7, 200.8, 200.9, 206.2, 206.3, 206.4, 206.5, 6010B, 6020, 7060A, 7061A
4	1012	Beryllium (Be)		200.7, 200.8, 200.9, 210.1, 210.2, 6010B, 6020, 7090, 7091
5	1027	Cadmium (Cd)		200.7, 200.8, 200.9, 213.1, 213.2, 6010B, 6020, 7130, 7131A
6a	1032	Chromium (Total)		200.7, 200.8, 200.9, 218.1, 218.2, 218.3, 6010B, 6020, 7190, 7191
6b	1033	Chromium-(Cr-VI)		218.4, 7196A, 218.6, 719.9
7	1119	Copper (Cu)		200.7, 200.8, 200.9, 220.1, 220.2, 6010B, 6020, 7210, 7211
8	720	Cyanide (CN)		335.2, 335.3, 9010B, 9012A
9		Iron (Fe)		200.8, 1669
10	1051	Lead (Pb)		200.8, 200.9, 239.1, 239.2, 6010B, 6020, 7420, 7421
11	71900	Mercury (Hg)		245.1, 245.2, 200.8, 7470A, 7471A
12	1067	Nickel (Ni)		200.7, 200.8, 200.9, 249.1, 249.2, 6010B, 6020, 7520, 7521
13	1147	Selenium (Se)		200.7, 200.8, 200.9, 270.2, 6010B, 6020, 7740, 7741A
14	1077	Silver (Ag)		200.7, 200.8, 200.9, 272.1, 272.2, 6010B, 6020, 7760A, 7761
15	1059	Thallium (Tl)		200.7, 200.8, 200.9, 279.1, 279.2, 6010B, 6020, 7840, 7841
16	1092	Zinc (Zn)		200.7, 200.8, 289.1, 289.2, 6010B, 6020, 7950, 7951
17	948	Asbestos		100.1, 100.2
18[2]	82698	TCDD Equivalent		8280A, 8290
		Toxicity Equivalent Factors (TEFs) for 2,3,7,8-TCCD Equivalents		
		Congener	TEF	
		2,3,7,8-TetraCDD	1	
		1,2,3,7,8-PentaCDD	1.0	
		1,2,3,4,7,8-HexaCDD	0.1	
		1,2,3,6,7,8-HexaCDD	0.1	
		1,2,3,7,8,9-HexaCDD	0.1	
		1,2,3,4,6,7,8-HeptaCDD	0.01	

1 Analytical Method selected must be capable of achieving an ML that is lower than the lowest criterion for the pollutant, as shown on Attachment B.

2 You shall report for each congener the analytical results of the effluent monitoring, including the quantifiable limit and the MDL, and the measured or estimated concentration. In addition you shall multiply each measured or estimated congener concentration by its respective TEF value above and report the sum of these values.

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# Compound	Pollutant ID	Toxic Pollutants		EPA Analytical Method[1]
		OctaCDD	0.0001	
		2,3,7,8-TetraCDF	0.1	
		1,2,3,7,8-PentaCDF	0.05	
		2,3,4,7,8-PentaCDF	0.5	
		1,2,3,4,7,8-HexaCDF	0.1	
		1,2,3,6,7,8-HexaCDF	0.1	
		1,2,3,7,8,9-HexaCDF	0.1	
		2,3,4,6,7,8-HexaCDF	0.1	
		1,2,3,4,6,7,8-HeptaCDF	0.01	
		1,2,3,4,7,8,9-HeptaCDF	0.01	
		OctaCDF	0.0001	
		Volatile Pollutants		
19	34210	Acrolein		603, 8030A, 8260B
20	34215	Acrylonitrile		603, 8031, 8260B
21	34030	Benzene		602, 624, 8021B, 8260B
22	32104	Bromoform		601, 624, 8021B, 8260B
23	32102	Carbon Tetrachloride		601, 624, 8021B, 8260B
24	34301	Chlorobenzene		601, 602, 624, 8021B, 8260B
25	34306	Chlorodibromomethane		601, 624, 8021B, 8260B
26	85811	Chloroethane		601, 624, 8021B, 8260B
27	34576	2-Chloroethylvinyl Ether		601, 624, 8021B, 8260B
28	32106	Chloroform		601, 624, 8021B, 8260B
29	32101	Dichlorobromomethane		601, 624, 8021B, 8260B
30	34496	1,1-Dichloroethane		601, 624, 8021B, 8260B
31	32103	1,2-Dichloroethane		601, 624, 8021B, 8260B
32	34501	1,1-Dichloroethylene		601, 624, 8021B, 8260B
33	34541	1,2-Dichloropropane		601, 624, 8021B, 8260B
34	34561	1,3-Dichloropropylene		601, 624, 8021B, 8260B
35	78113	Ethylbenzene		602, 624, 8021B, 8260B
36	34413	Methyl Bromide		601, 624, 8021B, 8260B
37	3	Methyl Chloride		601, 624, 8021B, 8260B
38	34418	Methylene Chloride		601, 624, 8021B, 8260B
39	34516	1,1,2,2-Tetrachloroethane		601, 624, 8021B, 8260B
40	34475	Tetrachloroethylene		601, 624, 8021B, 8260B
41	34010	Toluene		602, 624, 8021B, 8260B
42	34549	1,2-Trans-Dichloroethylene		601, 624, 8021B, 8260B
43	34506	1,1,1-Trichloroethane		601, 624, 8021B, 8260B
44	34511	1,1,2-Trichloroethane		601, 624, 8021B, 8260B
45	39180	Trichloroethylene		601, 624, 8021B, 8260B
46	39175	Vinyl Chloride		601, 624, 8021B, 8260B
		Semi-Volatile Pollutants		
47	34586	2-Chlorophenol		604, 625, 8041, 8270C
48	34601	2,4-Dichlorophenol		604, 625, 8041, 8270C
49	34606	2,4-Dimethylphenol		604, 625, 8041, 8270C
50	34452	2-Methyl-4,6-Dintrophenol		604, 625, 8041, 8270C

# Compound	Pollutant ID	Toxic Pollutants	EPA Analytical Method[1]
51	34616	2,4-Dinitrophenol	604, 625, 8041, 8270C
52	34591	2-Nitrophenol	604, 625, 8041, 8270C
53	34646	4-Nitrophenol	604, 625, 8041, 8270C
54		3-Methyl-4-Chlorophenol	604, 625, 8041, 8270C
55	39032	Pentachlorophenol	604, 625, 8041, 8270C
56	34694	Phenol	604, 625, 8041, 8270C
57	34624	2,4,6-Trichlorophenol	604, 625, 8041, 8270C
58	34205	Acenaphthene	610, 625, 8100, 8270C
59	34200	Acenapthylene	610, 625, 8100, 8270C
60	34220	Anthracene	610, 625, 8100, 8270C
61	39120	Benzidine	625, 8270C
62	34526	Benzo (a) Anthracene	610, 625, 8100, 8270C
63	34247	Benzo (a) Pyrene	610, 625, 8100, 8270C
64	34230	Benzo (b) Fluoranthene	610, 625, 8100, 8270C
65	34521	Benzo (g,h,i) Perylene	610, 625, 8100, 8270C
66	34242	Benzo (k) Fluoranthene	610, 625, 8100, 8270C
67	34278	Bis (2-Chloroethoxy) Methane	611, 625, 8270C
68	34283	Bis (2-Chloroisopropyl) Ether	611, 625, 8111, 8270C
69	34273	Bis (2-Chloroethyl) Ether	611, 625, 8111, 8270C
70	39100	Bis (2-Ethylhexyl) Phthalate	606, 625, 8061A, 8270C
71	34636	4-Bromophenyl Phenyl Ether	611, 625, 8111, 8270C
72	34292	Butylbenzyl Phthalate	606, 625, 8061A, 8270C
73	34581	2-Chloronaphthalene	612, 625, 8100, 8270C
74	34641	4-Chlorophenyl Phenyl Ether	611, 625, 8111, 8270C
75	34320	Chrysene	610, 625, 8100, 8270C
76	34556	Dibenzo (a,h) Anthracene	610, 625, 8100, 8270C
77	34536	1,2-Dichlorobenzene	601, 602, 612, 624, 625, 8021B, 8270C
78	34566	1,3-Dichlorobenzene	601, 602, 612, 624, 625, 8021B, 8270C
79	34571	1,4-Dichlorobenzene	601, 602, 612, 624, 625, 8021B, 8270C
80	34631	3,3-Dichlorobenzidine	625, 8270C
81	34336	Diethyl Phthalate	606, 625, 8061A, 8270C
82	34341	Dimethyl Phthalate	606, 625, 8061A, 8270C
83	34596	Di-n-Octyl Phthalate	606, 625, 8061A, 8270C
84	34611	2,4-Dinitrotoluene	609, 625, 8091, 8270C
85	34626	2,6-Dinitrotoluene	609, 625, 8091, 8270C
86	39110	Di-n-Butyl Phthalate	606, 625, 8061A, 8270C
87	34346	1,2-Diphenylhydrazine	625, 8270C
88	34376	Fluoranthene	610, 625, 8100, 8270C
89	34381	Fluorene	610, 625, 8100, 8270C
90	39700	Hexachlorobenzene	612, 625, 8120A, 8270C
91	39702	Hexachlorobutadiene	612, 625, 8120A, 8270C
92	34386	Hexachlorocyclopentatadiene	612, 8120A, 8270C
93	34396	Hexachloroethane	616, 625, 8120A, 8270C
94	34403	Indeno (1,2,3-cd) Pyrene	610, 625, 8100, 8270C
95	34408	Isophorone	609, 625, 8270C

# Compound	Pollutant ID	Toxic Pollutants	EPA Analytical Method[1]
96	34696	Napthalene	610, 625, 8100, 8270C
97	34447	Nitrobenzene	609, 625, 8091, 8270C
98	34438	N-Nitrosodimethylamine	607, 625, 8070A, 8270C
99	34428	N-Nitrosodi-n-Propylamine	607, 625, 8070A, 8270C
100	34433	N-Nitrosodiphenylamine	607, 8070A, 8270C
101	34461	Phenanthrene	610, 625, 8100, 8270C
102	34469	Pyrene	610, 625, 8100, 8270C
103	34551	1,2,4-Trichlorobenzene	612, 625, 8120A, 8270C
		Pesticides	
104	39330	Aldrin	608, 8081A
105	39336	Alpha-BHC	608, 8081A
106	39338	beta-BHC	608, 8081A
107	39340	Gamma-BHC	608, 8081A
108	34198	delta-BHC	608, 8081A
109	39350	Chlordane	608, 8081A
110	39300	4,4'-DDT	608, 8081A
111	39320	4,4'-DDE	608, 8081A
112	39310	4,4'-DDD	608, 8081A
113	39380	Dieldrin	608, 8081A
114	78428	Alpha-Endosulfan	608, 8081A
115	34356	beta-Endosulfan	608, 8081A
116	34351	Endosulfan Sulfate	608, 8081A
117	39390	Endrin	608, 8081A
118	34366	Endrin Aldehyde	608, 8081A
119	39410	Heptachlor	608, 8081A
120	39420	Heptachlor Epoxide	608, 8081A
121-127	4166	PCBs)	608, 8082
128	39400	Toxaphene	608, 8081A
Miscellaneous water monitoring parameters			
129		Oil and Grease	413.2 or 1664
130	4	pH of receiving water	
131	2	Hardness (mg/L as CaCO3)	
132		*Total Phosphorus*	SM 4500 PBE 10-115-01-1-U
133		*E. coli*	1603
134		Biochemical Oxygen Demand	SM 5210B
135		Total Suspended Solids	SM 2540 D
136		Nitrate + Nitrite as N	SM4500-NO2B 10-107-04-1-B
137		Ammonia Nitrogen	SM 4500-NH3 10-107-06-3-D
138		Total Dissolved Solids	160.1
139		Methylene Blue Active Substances (MBAS)	425.1
140		Acute Toxicity Testing	EPA-821-R-02-012
141		Salinity of receiving water (mg/L)	
		Receiving water flow rate (cfs)	

ATTACHMENT I – NUTRIENT MANAGEMENT PLAN (NMP)

The Discharger is required to submit a statement with each annual self-monitoring report confirming that LARC has not land-applied any manure or wastewater during that year. However, if the Discharger wishes to land-apply manure or process wastewater, the Discharger shall notify the Regional Board and update their NMP in their Storm Water Pollution Prevention Plan (SWPPP) or develop a separate NMP document. Both options must incorporate all the elements specified in this Attachment in accordance with 40 CFR section 122.42(e)(1) through (e)(6) to the extent applicable.

1. Ensure adequate of storage of manure, litter, and process wastewater, including the procedures to ensure proper operation and maintenance of the storage facilities;

2. Ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities;

3. Ensure that clean water is diverted, as appropriate, from the production area;

4. Prevent direct contact of confined animals with waters of, or waters tributary to, the United States;

5, Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants;

6. Identify appropriate site-specific conservation practices to be implemented, including as appropriate, buffers or equivalent practices to control runoff of pollutants to waters of the United States; and

7. Identify site-specific records that will be maintained to document the implementation and management of the minimum elements described in items (i) through (viii).

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ATTACHMENT J – STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

I. SWPPP OBJECTIVES

A. The SWPPP has two major objectives:

1. To identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-storm water discharges from the facility; and

2. To identify and implement site-specific Best Management Practices (BMPs) to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges. BMPs may include a variety of pollution prevention measures and are generally categorized as non-structural BMPs (activity schedules, prohibitions of practices, maintenance procedures, and other low-cost measures) and as structural BMPs (treatment measures, run-off controls, over-head coverage).

   The intention of the above objectives is to include and meet all requirements of a nutrient management plan. Ultimately, it is LARC's responsibility to ensure the SWPPP meets all requirements of 40 CFR 122.42 (e)(1) through (e)(6) to the extent applicable.

B. To achieve these objectives, LARC should consider the five phase process for SWPPP development and implementation as shown in Table A.

C. A facility's SWPPP is a written document that shall contain a compliance activity schedule, a description of industrial activities and pollutant sources, descriptions of BMPs, drawings, maps, and relevant copies or references of parts of other plans. The SWPPP shall be revised whenever appropriate and shall be readily available for review by facility employees or Regional Water Board inspectors.

II. SWPPP REQUIREMENTS

A. Availability

The SWPPP must be retained on-site and must be made immediately available to Regional Board personnel when requested. A copy of the SWPPP must be mailed within two (2) weeks of receiving a request or, for discharges to a storm sewer system, to the municipal operator of the storm sewer system. Upon receiving a request from the public for a copy of the SWPPP the permittee:

1. Shall provide a copy of the SWPPP, as requested, within a reasonable timeframe,
2. May contact the requester to determine if the entire SWPPP is needed or if specific portions satisfy the requestor's needs,
3. May notify the requestor of the location at or near the permitted facility and times within normal business hours that the SWPPP can be viewed; and

4. May notify Regional Board and the requestor of claims to confidential business information and/or security concerns with releasing the SWPPP to the public. The

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permittee shall identify the general sections of concern. Regional Board shall then coordinate with the permittee and requestor to provide such information as needed to satisfy the requestor's needs.

TABLE A - FIVE PHASES FOR DEVELOPING AND IMPLEMENTING INDUSTRIAL STORM WATER POLLUTION PREVENTION PLANS

PLANNING AND ORGANIZATION Pollution Prevention Team Review other Requirements
ASSESSMENT Facility Operation Site Map Materials Inventory Potential Pollutant Sources and Industrial Areas Significant Spills, Leaks, and Areas Non-Storm Water Discharges Monitoring, Sampling, and Visual Inspection Plan
BMP IDENTIFICATION Minimum BMPs Facility Specific BMPs
IMPLEMENTATION BMPs Employee Training
EVALUATION / MONITORING Annual Facility Evaluation Visual Inspections Maintaining / Updating Records Reviewing, Revising, and Implementing SWPPP

III. PLANNING AND ORGANIZATION

A. Pollution Prevention Team

1. A responsible facility official or duly authorized representative must sign the SWPPP, its significant updates, monitoring results, and all certifications required by the permit. The responsible facility official can be a vice president or higher, a general partner, or an owner of the company or facility. To delegate to a duly authorized representative, the responsible facility official must submit to Regional Board the name of the individual or a position (plant manager, superintendent, or equivalent) as the duly authorized representative having overall responsibility for environmental matters. The company official responsible for preparing, updating, and implementing the SWPPP and for compliance with the permit should be thoroughly familiar with the permit requirements.

2. The SWPPP will identify specific individuals (a pollution prevention team) by name or by title within the facility organization that are responsible for developing the SWPPP and assisting the plant manager in its implementation, maintenance, and modification. The activities and responsibilities of the pollution prevention team should address all aspects of the facility's SWPPP;

    a) The positions within the facility organization (collectively, team members) who assist in implementing the SWPPP and conducting all monitoring requirements in this permit.

    b) The responsibilities, duties, and activities of each of the team members.

    c) The procedures to identify alternate team members to implement the SWPPP and conduct required monitoring when the regularly assigned team members are temporarily unavailable (due to vacation, illness, out of town business, or other absences).

3. Other environmental management plans/permits for the facility should also be reviewed to determine their impact on storm water pollutants. Examples include any of the following plans:

    a) Federal Spill Control and Countermeasures;

    b) Hazardous Waste Reduction;

    c) Dangerous Waste and Toxics Reduction;

    d) Occupational Safety and Health Plans;

    e) Air Pollution Control Plans;

B. Review other Requirements

1. LARC shall ensure in its SWPPP the specific elements of existing plans, procedures, or regulatory compliance documents that contain storm water-related BMPs or other

related requirements of this permit.

2. LARC shall properly reference the original sources for any elements of existing plans, procedures, or regulatory compliance documents included as part of its SWPPP and shall maintain a copy of the documents at the facility as part of the SWPPP.

3. LARC shall document in its SWPPP the facility's scheduled operating hours as defined in Attachment A. Scheduled facility operating hours that would be considered irregular (temporary, intermittent, seasonal, weather dependent, etc.) shall also be documented in the SWPPP.

4. The SWPPP may incorporate or reference the appropriate elements of other regulatory requirements. Discharger should review all local, State, and Federal requirements that impact, complement, or are consistent with the requirements of this permit. Discharger should identify any existing facility plans that contain storm water pollutant control measures or relate to the requirements of this Permit.

IV. ASSESSMENT

A. Facility Operation

1. Describe the facility activities conducted at the site and provide a general layout. Include buildings, storage of raw materials, and the movement of horses and flow of goods and materials through the facility. A process flow diagram would be helpful. Include any variations that could impact storm water including seasonal and climate-related changes in activities, particularly if the changes affect contact with storm water.

B. Site Map

1. The SWPPP shall include a site map. The site map shall be provided on an 8-½ x 11 inch or larger sheet and include notes, legends, and other data as appropriate to ensure that the site map is clear and understandable. If necessary, facility operators may provide the required information on multiple site maps.

2. The following information shall be included on the site map:

   a. The facility boundaries; the outline of all storm water drainage areas within the facility boundaries; portions of the drainage area impacted by run-on from surrounding areas; and direction of flow of each drainage area, on-site surface water bodies, and areas of soil erosion. The map shall also identify nearby water bodies (such as rivers, lakes, and ponds) and municipal storm drain inlets where the facility's storm water discharges and authorized non-storm water discharges may be received.

   b. The location of the storm water collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect storm water discharges, authorized non-storm water discharges, and run-on. Examples of structural control measures are catch

basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.

c. An outline of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.
d. Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks may have occurred.

e. Areas of facility activity. This shall include the locations of all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and rinsing areas, and other areas of facility activity which are potential pollutant sources.

C. Materials Inventory

List materials with a narrative that describes materials handling practices including the following:

1. List of significant materials handled, treated, stored, or disposed of that can be exposed to storm water and result in storm water pollution of a significant amount. Include the location of each material that is exposed to storm water and a measure of its quantity, by volume or weight. Also include the significant materials handled during past activities.
2. Materials handled indoors that could be tracked outdoors by equipment or vehicles.
3. Explanations of how significant materials are handled, treated, stored, and disposed of to prevent pollution of storm water and how each material has or can contaminate storm water, including past activities.
4. A list of the pollutants that may be present in your storm water discharges.
5. Method(s) and location(s) of on-site storage and disposal and a list of significant past spills and leaks of toxic or hazardous pollutants.
6. *Note: The category of significant materials includes, but is not limited to, manure, process water, fuels; materials such as solvents, detergents, plastic pellets; hazardous substances designated under Section 101* (14) *CERCLA; any chemical the facility is required to report pursuant to Section* 313 *of Title III of SARA; fertilizer;, pesticide;, and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.*

D. Potential Pollutant Sources and Industrial Areas

1. List current and potential pollutant-generating activities and areas and describe their potential to be a pollutant source in a significant amount. Pollutant generating activities and areas can include:

   a. Routine and non-routine procedures conducted within the production area shall be incorporated in this section. The SWPPP shall describe each process conducted as a daily routine and non-routine procedures such as and not limiting

to:

1) the care of injured or maimed horses, any other animal, or personal,
2) procedures in operation due to mortalities
3) washing or bathing of horses, animals, or personal,
4) washing, sanitizing, or bedding change, of stalls or barns

b. Location of the presence and movement of horses and birds.

c. On-site solid waste or residual treatment, storage, or disposal; material handling sites; refuse sites; and sites used for the application or disposal of process wastewaters.

d. Vehicle and equipment maintenance, fueling, and washing/cleaning.

e. Outdoor storage area(s) of materials or products, stockpile area(s), tank farms, etc.

f. Petroleum transfer area.

g. Roofs or other surfaces composed of materials that may be mobilized (eluted) by storm water, (e.g., galvanized or copper roofs).

h. Plant yards, immediate access roads and rail lines, manufacturing buildings, and areas where facility activity has taken place in the past and significant materials remain and are exposed to storm water.

i. Also check storage tanks, pipes, or pumping areas and note any leaks, spills, or staining. Is the loading and unloading of materials exposed to storm water? Do the dumpsters have a lid, or are they stored in a covered area? Verify whether the dumpsters or other disposal units have "unsealed" bottoms. Also pay attention to material handling equipment, including everything from vehicles to pallets, where raw and waste materials from industrial activities are exposed to storm water.

j. *Note: Areas separate from the facility activity are excluded from permit coverage. Examples of excluded areas are office buildings and parking lots used solely for employee parking, if the drainage does not mix with storm water runoff areas with facility activity.*

E. Significant Spills, Leaks, and Areas

Update in the SWPPP the significant spills and leaks of oils and toxic or hazardous pollutants that have occurred during the three years prior to the effective date of this Permit. This list will provide additional information on the potential sources of storm water contamination. One way of identifying whether small spills and leaks are taking place is by noting areas with "residues" of a material that may pollute the storm water.

F. Non-Storm Water Discharges

1. The Discharger shall investigate the facility to identify all non-storm water discharges and their sources. As part of this investigation, all drains (inlets and outlets) shall be evaluated to identify whether they connect to the storm drain system.

2. All non-storm water discharges shall be described. This shall include the source, quantity, frequency, and characteristics of the non-storm water discharges and associated drainage area.

3. Non-storm water discharges that contain significant quantities of pollutants or that do not meet the conditions provided in Special Conditions in the permit are prohibited. (Examples of prohibited non-storm water discharges are contact and non-contact cooling water, boiler blowdown, rinse water, wash water, etc.) The SWPPP must include BMPs to prevent or reduce contact of non-storm water discharges with significant materials or equipment.

4. Include measures to identify and eliminate unpermitted discharges of process and domestic wastewater, and other wastewaters to storm drains or to surface waters. Process wastewater means any water directly or indirectly used in the operation of the Animal Feeding Operation (AFO) for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control or storm water from the production area. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, or bedding.

5. The SWPPP must include a certification by the responsible official from LARC that a test has been conducted for the presence of non-storm water discharges. Conduct the test during the dry season (July, August, and September) at all storm water discharge locations. The Discharger must keep a record if unable to test or certify for the presence of non-storm water discharges because of not having access to a particular outfall, manhole, or other point of access to a final storm water discharge point.

6. Regional Board anticipates covering certain non-storm water discharges including discharges form firefighting activities; fire protection system flushing, testing, and maintenance; discharges of potable water, including water line flushing provided that water line flushing water is dechlorinated; uncontaminated air conditioning or compressor condensate; irrigation drainage; uncontaminated ground water or spring water; and discharges associated with dewatering of foundations, footing drains, or utility vaults where flows are not contaminated with process materials such as solvents. The following information on these conditionally approved non-storm water discharges, except for discharges from firefighting activities and of uncontaminated ground or spring water, must be included in the SWPPP:

    a. Identification and location of the discharge to the storm water collection system of each non-storm water discharge.

    b. Characterization of the non-storm water source, including estimated flows or flow volume, and likely pollutants, which may be present.

    c. Evaluation of non-storm water discharges for any chemical contamination, including cooling tower mist.

    d. Evaluation, design, and implementation of available and reasonable BMPs to

reduce or eliminate pollutants and/or flow volumes in non-storm water discharges.

G. Monitoring, Sampling, and Visual Inspection Plan

Identify who is responsible for monitoring and thoroughly describe monitoring procedures to meet permit requirements including sampling points, frequencies, methods, parameters, completing the discharge monitoring report, etc. At a minimum the monitoring plan must include:

1. Who conducts the sampling and visual inspections;
2. Descriptions of all points of discharge to storm drains or to surface water, where samples will be taken and why sampling points were or were not selected at all multiple discharges;
3. An explanation how volumes/rates of each discharge will be/are estimated considering storm duration, intensity quantity, tributary area, slope, and permeability of pervious and impervious areas;
4. A record of the differences in exposure to pollutants, e.g., periodic vs. continuous, and pollutant concentrations likely in the discharge(s);
5. A list of the pollutant parameters (constituents) for analysis; and,
6. Procedures for sample collection and handling, sending samples to the lab, and submitting the results to Regional Board.

V. BMP IDENTIFICATION

A. Minimum BMPS

The Discharger shall implement the minimum BMPs described in the permit throughout their facility unless clearly inapplicable to the facility. If any of the minimum BMPs are not applicable to the facility, dischargers shall include a written explanation of inapplicability in their SWPPP. The Discharger has the burden to prove inapplicability. Dischargers may use alternative BMPs instead of the minimum BMPs only if the dischargers provide specific justification in their SWPPP explaining why the minimum BMPs cannot be implemented, and what alternative BMPs shall be implemented that will reduce or prevent pollutants in storm water discharges at least to the same degree. Dischargers have the burden to show that its alternative BMPs are at least as effective as the minimum BMPs.

1. Describe and implement appropriate facility specific BMPs that will reduce or prevent pollutants in storm water discharges to achieve compliance with the BAT/BCT standard, compliance with water quality standards, and meet the reduction goals of the pollutants of concern.

2. This permit requires the implementation of BMPs to comply with State water quality standards; all known, available, and reasonable methods of prevention, control, and treatment; and federal technology-based treatment requirements.

3. The technical basis for the selection of all storm water BMPs must be documented in the SWPPP including how storm water BMPs were selected; the pollutant removal performance expected from the BMP being selected; the technical bases which support the performance claims for the BMPs being selected; and an assessment of how the selected BMPs will achieve compliance with state water quality standards and the federal technology-based treatment requirements under 40 CFR part 125.3. Regional Board expects the demonstration documentation to be based on good science and sound engineering judgment.

B. Facility Specific BMPs

The Discharger, based upon the potential pollutant source assessment required in the permit, shall identify and implement additional facility specific BMPs necessary to reduce or prevent pollutants in storm water discharges to achieve compliance with the BAT/BCT standard and reduction goals of the pollutant of concern.

VI. IMPLEMENTATION

A. BMPs

1. Discharger shall include in the SWPPP a narrative description of each BMP implemented at the facility that includes:

    a. The type of pollutants the BMP is designed to reduce or prevent;

    b. The frequency, time(s) of day, or conditions when the BMP is scheduled for implementation;

    c. The locations within each area of industrial activity or industrial pollutant source where the BMP shall be implemented;

    d. Identification of the individual and/or position responsible for implementing the BMP;

    e. The procedures (including maintenance procedures) and/or instructions to implement the BMP; and

    f. The equipment and tools necessary to implement the BMP.

2. Include a schedule in the SWPPP for implementing additional or enhanced BMPs, which are either ordered by Regional Board or are necessary due to facility changes or a self-inspection, within 30 days of self-determination or a Regional Board order. Modification of BMPs to reduce pollutants may also be necessary for a change in design, construction, or operation and maintenance (O&M) of any BMP, and/or if a BMP is observed to be insufficiently effective during a visual inspection. Non-capital BMPs must be completed within two (2) weeks and capital BMPs within six (6) months after completing the implementation plan for addition or modification of BMPs.

3. Describe any capital improvements (e.g., detention pond, oil removal, filter, cover (roof) for exposed materials, paving, construction of outside storage buildings, overhangs, containment areas, covered fuel island with concrete, etc.). Provide the date(s) of completion of the capital and non-capital improvements.

B. Employee Training

The Discharger shall:

1. Ensure that all team members implementing the various compliance activities of this permit are properly trained to implement the requirements of this permit, including but not limited to: BMP implementation, BMP effectiveness evaluations, visual observations, and monitoring activities;

2. Prepare or acquire appropriate training manuals or training materials;

3. Identify which personnel need to be trained, their responsibilities, and the type of training they shall receive;

4. Provide a training schedule and conduct training sessions annually; and,

5. Maintain documentation of all completed training classes and the personnel that received training in the SWPPP.

VII. EVALUATION / MONITORING

A. Annual Facility Evaluation

The Discharger shall conduct comprehensive site compliance evaluation (evaluation) annually (December of each year). The SWPPP shall be revised, as appropriate, and the revisions implemented within 90 days of the evaluation. Evaluations shall include the following:

1. A review of all visual observation records, inspection records, and sampling and analysis results.

2. A visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system.

3. A review and evaluation of all BMPs (both structural and non-structural) to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be included.

4. An evaluation report that includes, (i) identification of personnel performing the evaluation, (ii) the date(s) of the evaluation, (iii) necessary SWPPP revisions, (iv) schedule, for implementing SWPPP revisions, and (v) any incidents of non-compliance and the corrective actions taken, If the above certification cannot be provided, explain in the evaluation report why the facility operator is not in compliance with this General Permit. The evaluation report shall be submitted as

part of the annual report.

B. Visual Inspections

1. Monthly Visual Observations:

   a. At least once per calendar month and at least three weeks from the previous visual inspection, the Discharger shall visually observe each drainage area for the following:
      i. The presence or indicators of prior, current, or potential unauthorized NSWDs and their sources;
      ii. Authorized NSWDs, sources, and associated BMPs to ensure compliance with section V.A.2 of this attachment; and,
      iii. Outdoor industrial equipment and storage areas, production areas, BMPs, and all other potential source of pollutants.

   b. The monthly visual inspection shall be conducted during daylight hours of scheduled facility operating hours and on days without precipitation.

   c. The Discharger shall provide an explanation in the Annual Report for uncompleted monthly visual inspections.

2. Sampling Event Visual Observations:

   a. Sampling event visual observations shall be conducted at the same time sampling occurs at a discharge location. At each discharge location where a sample is collected, the Discharger shall observe the discharge of storm water associated with the production area or of storm water flowing through the production area.

   b. The Discharger shall visually observe and record the presence or absence of floating and suspended materials, oil and grease, discolorations, turbidity, odors, trash/debris, and source of any discharged pollutants.

   c. In the event that a discharge location is not visually observed during the sampling event, the Discharger shall record which discharge locations were not observed during sampling or that there was no discharge from the discharge location.

C. Maintaining / Updating Records

1. LARC shall maintain records of all visual observations. Records shall include the date, approximate time, locations observed, presence and probable source of any observed pollutants, name of person(s) that conducted the observations, and any response actions and/or additional SWPPP revisions necessary in response to the visual observations.

2. The update of records shall only consist of the addition of corrected information or the addition of explanations to previous records. No previous records should be

destroyed, discarded, or removed from record unless the records are beyond the five year retention requirement.

D. Reviewing, Revising, and Implementing the SWPPP

1. The Discharger shall review and revise their on-site SWPPP annually, at a minimum or after the change of any management practices or facility changes, whichever is sooner.

2. The Discharger's current Report of Waste Discharge (ROWD) does not propose any changes to the storm water system which was approved on May 24, 2012. Therefore, the Discharger shall continue and become immediately responsible for the continued implementation of its Storm Water Pollution Prevention Plan (SWPPP).

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ATTACHMENT K – REQUIRED MINIMUM AND OTHER SOURCE-SPECIFIC OPERATIONAL BEST MANAGEMENT PRACTICES (BMPS)

1. Minimum Operational BMPs

To comply with the permit, the categories of operational BMPs listed in this section are a minimum set of BMPs that must be included in the SWPPP.

A. Formation of a Storm Water Pollution Prevention Team. The responsible company official must organize a pollution prevention team and assign responsibilities that comply with the Permit. The responsibilities include:

a. Assigning one or more individuals by name and title to be responsible for developing the SWPPP and assisting the plant manager in its implementation, maintenance, and modification.

b. Holding regular meetings to review the overall operation of the BMPs.

c. Establishing responsibilities for sampling, inspections, operation and maintenance, and availability for emergency situations.

c. Arranging the training of all team members in the operation, maintenance, and inspections of BMPs.

B. Good Housekeeping. Good housekeeping is an ongoing approach to improve and maintain a clean and orderly work environment and includes the following BMPs:

a. Promptly contain and clean up solid and liquid pollutant leaks and spills including oils, solvents, fuels, and dust from manufacturing operations on any soil, vegetation, or paved area exposed to storm water.

b. Sweep paved material handling and storage areas regularly as needed to collect and dispose of dust and debris that could contaminate storm water. Do not hose down pollutants from any area to the ground, storm drain, conveyance ditch, or receiving water unless necessary for dust control purposes to meet air quality regulations and unless the pollutants are conveyed to a treatment system approved by the local jurisdiction.

c. Clean oils, debris, sludge, etc. from all BMP systems regularly, including catch basins, sedimentation basins, oil/water separators, boomed areas, and conveyance systems, to prevent the contamination of storm water.

d. Promptly repair or replace all substantially cracked or otherwise damaged paved secondary containment, high-intensity parking, and any other drainage areas, which are subjected to pollutant material leaks or spills.

e. Promptly repair or replace all leaking connections, pipes, hoses, valves, etc., which can contaminate storm water.

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f. Use solid absorbents, e.g., clay and peat absorbents and rags for cleanup of liquid spills/leaks, where practicable.

C. Preventive Maintenance. A preventive maintenance program includes inspection and maintenance of storm water management devices (BMPs) and drainage systems, and routine inspections of industrial facility operations including vehicle maintenance. Equipment such as tanks, containers (drums), and outside piping, pumps, and process equipment should be checked regularly for signs of deterioration. The following are additional preventive BMPs applicable at industrial sites:

a. Prevent the discharge of unpermitted liquid or solid wastes, process wastewater, and sewage to ground or surface water or to storm drains, which discharge, to surface water or to the ground. Floor drains in potential pollutant source areas shall not be connected to storm drains, surface water, or to the ground. Eliminate illicit non-storm water discharges within 30 days of discovery.

b. Conduct all oily parts cleaning, steam cleaning, or pressure washing of equipment or containers inside a building and/or on an impervious contained area such as a concrete pad. Direct contaminated storm water from such an area to a sanitary sewer where allowed by local sewer authority.

c. Do not pave over contaminated soil unless it has been determined that ground water has not been and will not be contaminated by the soil.

d. Construct impervious areas that are compatible with the materials handled. Concrete, asphalt, or equivalent material may be considered.

e. Use drip pans to collect leaks and spills from equipment such as cranes at repair facilities, log stackers, industrial parts, trucks, and other vehicles that are stored outside. Empty drip pans immediately after collecting a spill or a leak especially the spill or leak occurred in an uncovered area.

f. Drain oil from fuel filters before disposal. Discard empty oil and fuel filters, oily rags, and other oily solid waste into appropriately closed and properly labeled containers and in compliance with the Uniform Fire Code (UFC).

g. For the storage of liquids use containers, such as steel and plastic drums, that are rigid and durable, corrosion resistant to the weather and fluid content, nonabsorbent, water tight, rodent-proof, and equipped with a close fitting cover.

h. For the temporary storage of solid wastes contaminated with liquids or other potential pollutant materials use dumpsters, garbage cans, drums and comparable containers that are durable, corrosion resistant, non-absorbent, non-leaking, and equipped with either a solid cover or screen cover to prevent littering. If covered with a screen, the container must be stored under a lean-to or equivalent structure.

i. Where exposed to storm water, use containers, piping, tubing, pumps, fittings, and valves that are appropriate for their intended use and for the contained liquid.

Note: Evidence of storm water contamination can include the presence of floatable, visible sheen, color, or turbidity in the runoff or existing or historical operational problems at the facility. Use pH paper or meter to test for storm water contamination in areas subject to acid or alkaline contamination.

D. Spill Prevention and Reporting and Emergency Cleanup. Identify area(s) of the facility where oil, hazardous material, or other pollutant spill(s) is/are likely to occur and their drainage points. Ensure that employees are aware of response procedures, including material handling and storage requirements. Access to appropriate spill cleanup equipment is essential. The SWPPP may include excerpts from other spill plans for the facility, e.g., Federal Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the Clean Water Act.

The following are required spill control and reporting BMPs:

a. Stop, contain, and clean up all spills immediately upon discovery. Do not flush absorbent materials or other spill cleanup materials to a storm drain or to surface water. Collect the contaminated absorbent material as a solid and place in appropriate disposal containers.

b. If any spill has reached, or may reach, a sanitary or a storm sewer, ground water, or surface water, notify Regional Board and the local sewer authority immediately (not to exceed one hour). Take reasonable steps to minimize any adverse impacts to waters of the state and to correct the problem. Follow up with written documentation covering the event within thirty (30) days. Compliance with the preceding requirements does not relieve the permittee from responsibility to maintain continuous compliance with all permit conditions or the resulting liability for failure to comply.

c. Place and maintain emergency spill containment and cleanup kites) at outside areas where there is a potential for fluid spills. These kits should be appropriate for the materials being handled and the size of the potential spill, and readily accessible to personnel responsible for spill response.

d. Oil includes the following: oil, gasoline, or diesel fuel that causes a violation of the state of California's Water Quality Standards, or, that causes a film or sheen upon or discoloration of the waters of the state or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

Note: Regional Board recommends that the kit(s} include salvage drums or containers, such as high density polyethylene, polypropylene or polyethylene sheet-lined steel; polyethylene or equivalent disposal bags; an emergency response guidebook; safety gloves/clothes/ equipment; shovels or other soil removal equipment; and oil containment booms and absorbent pads-all stored in an impervious container.

2. Clean rainwater. All roofs, buildings, and non-manured areas located in the production area shall be constructed or otherwise designed so that clean rainwater is diverted away from manure and waste containment facilities, unless such drainage is fully contained. Also, effective BMPs will be implemented to discourage bird nesting and eliminate bird droppings.

3. Roof drainage. Roof drainage from barns and shelters shall not drain into the corrals unless the corrals are paved and properly drained (Title 3 CCR, Division 2, Chapter 1, Article 22, Section 661).

4. Other Source-Specific Operational and Structural Source Control BMPs

A. BMPs for Dust Control

Description of Pollutant Sources. Material handling activities can generate dust that is typically removed using exhaust systems. This can generate air emissions that can contaminate storm water. Dusts can be generated wherever powdered materials are handled. The objective of this BMP is to reduce the storm water pollutants caused by dust generation and control.

Pollutant Control Approach. Prevent dust generation and emissions where practicable, regularly clean-up dust that can contaminate storm water, and convey dust contaminated storm water to proper treatment.

Applicable BMPs

Clean, as needed, powder material handling equipment and vehicles that can be sources of storm water pollutants to remove accumulated dust and residue.

Regularly sweep dust accumulation areas that can contaminate storm water. Sweeping should be conducted using vacuum filter equipment to minimize dust generation and to ensure optimal dust removal.

Consider using dust filtration/collection systems such as bag house filters, cyclone separators, etc., to control vented dust emissions that could contaminate storm water.

Use water spray to flush dust accumulations to sanitary sewers where allowed by the local sewer authority or to other appropriate treatment system.

Use approved dust suppressants. Application of some products may not be appropriate in close proximity to receiving waters or conveyances close to receiving waters.

Treatment BMPs, if required**.** For removal of TSS in storm water, use sedimentation basins, wet ponds, wet vaults, catch basin filters, vegetated filter strips, or equivalent sediment removal BMPs.

B. BMPs for Fueling at Dedicated Stations

Description of Pollutant Sources. Typically, storm water contamination at fueling stations is caused by leaks/spills of fuels, lube oils, radiator coolants, and vehicle wash water.

Pollutant Control Approach. Cover with roof or canopy and conduct the fueling in an impervious containment area.
Operational BMPs

Prepare an emergency spill response and cleanup plan (see applicable spill control BMPs) and have designated trained person(s) available either on site or on call at all times to promptly and properly implement that plan and immediately cleanup all spills. Keep

suitable cleanup materials, such as dry adsorbent materials, on site to allow prompt cleanup of a spill.

Train employees on the proper use of fuel dispensers. Post signs in accordance with the Uniform Fire Code (UFC). Post "No Topping Off' signs (topping off gas tanks causes spillage and vents gas fumes to the air). Make sure that the automatic shutoff on the fuel nozzle is functioning properly.

The person conducting the fuel transfer must be present at the fueling pump during fuel transfer, particularly at unattended or self-serve stations.

Keep drained oil filters in a suitable container or drum.

Structural Source Control BMPs

Design the fueling island to control spills (dead-end sump or spill control separator in compliance with the UFC) and to treat collected storm water and/or wastewater to required levels. Slope the concrete containment pad around the fueling island toward drains-either trench drains, catch basins, and/or a dead-end sump. The slope of the drains shall not be less than 1 percent (Section 7901.8 of the UFC). Drains to treatment shall have a shutoff valve, which must be closed in the event of a spill. The spill control sump must be sized in compliance with Section 7901.8 of the UFC; or Design the spill containment pad of the fueling island with a sill or berm raised to a minimum of four inches (Section 7901.8 of the UFC) to prevent the runoff of spilled liquids and to prevent run-on of storm water from the surrounding area. Raised sills are not required at the open-grate trenches that connect to an approved drainage-control system.

The fueling pad must be paved with concrete, or equivalent. Asphalt is not considered an equivalent material.

The fueling island must have a roof or canopy to prevent the direct entry of precipitation onto the spill containment pad. The roof or canopy should, at a minimum, cover the spill containment pad (within the grade break or fuel dispensing area) and preferably extend several additional feet to reduce the introduction of windblown rain. Convey all roof drains to storm drains outside the fueling containment area.

If treatment of the runoff is required storm water collected on the fuel island containment pad must be conveyed to a sanitary sewer system, if approved by the sanitary authority; or to an appropriate treatment system such as an oil/water separator, media filter, bio-filter, or equivalent treatment. Discharges from treatment systems to storm drains or surface water or to the ground must not display ongoing or recurring visible sheen and must not contain concentration values greater than the Basin Plan limits for oil and grease.

Alternatively, storm water collected on the fuel island containment pad may be collected and held for proper off-site disposal.

Conveyance of any fuel-contaminated storm water to a sanitary sewer must be approved by the local sewer authority and must comply with pretreatment regulations. These regulations prohibit discharges that could cause fire or explosion. An explosive or flammable mixture is defined under state and federal pretreatment regulations, based on a flash point determination of the mixture. If contaminated storm water is determined not to be explosive, then it could be conveyed to a sanitary sewer system.

Transfer the fuel from the delivery tank trucks to the fuel storage tank in impervious contained areas and ensure that appropriate overflow protection is used. Alternatively, cover nearby storm drains during the filling process and use drip pans under all hose connections.

Additional BMPs for vehicles ten feet in height or greater. A roof or canopy may not be practicable at fueling stations that regularly fuel vehicles that are ten feet in height or greater. At those types of fueling facilities, the following BMPs apply, as well as the applicable BMPs and fire prevention (UFC requirements) of this BMP for fueling stations. If a roof or canopy is impractical the concrete fueling pad must be equipped with emergency spill control, which includes a shutoff valve for the drainage from the fueling area. The valve must be closed in the event of a spill. An electronically actuated valve is preferred to minimize the time lapse between spill and containment. Spills must be cleaned up and disposed off-site in accordance with BMPs for Spills of Oil and Hazardous Substances.

If treatment is required the valve may be opened to convey contaminated storm water to a sanitary sewer, if approved by the sewer authority, or to oil/water separator, media filter, biofilter, or equivalent treatment. Discharges from treatment systems to storm drains or surface water or to the ground must not display ongoing or recurring visible sheen and must not contain values greater than the Basin Plan requirement for oil and grease.

C. BMPs for Non-storm water Illicit Connections to Storm Drains

Description of Pollutant Sources. Illicit connections are unpermitted sanitary or process wastewater discharges to a storm drain or to a surface water, rather than to a sanitary sewer, industrial process wastewater or other appropriate treatment. Examples of non-stormwater discharges include any wastewater coming from production areas (process water), non-contact cooling water, vehicle wash water, and sanitary wastewater.

Pollutant Control Approach. Identify and eliminate unpermitted discharges within 30 days.

Operational BMPs

Identify and eliminate unpermitted non-storm water discharges to storm drains, ground water, or surface water; and, convey unpermitted discharges to a sanitary sewer if allowed by the local sewer authority, or to other approved treatment, and, obtain appropriate permits for these discharges. Conduct a survey of sanitary and industrial wastewater, condensate, cooling water, and any other contaminant discharge connections to storm drains and to surface water as follows:

a. Conduct a field survey of buildings, particularly older buildings, and other facility areas to locate storm drains from buildings and paved surfaces. Note where these join the public storm drain(s).

b. If useful, prepare a map of each area as it is to be surveyed. Show on the map the known location of storm drains, sanitary sewers, and permitted and unpermitted discharges. Aerial photos may be useful. Check records such as piping schematics to identify known side sewer connections and show these on the map. Consider using smoke, dye, or chemical analysis tests to detect connections between two

conveyance systems (e.g., process water and storm water). If desirable, conduct TV inspections of the storm drains and record the footage on videotape. Compare the observed locations of connections with the information on the map and revise the map accordingly. Note suspect connections that are inconsistent with the field survey. Several of the common dry weather inspection methods are described below.

Common Dry Weather Methods for Locating Non-storm water Discharges

- Review a sewer map or plant schematic (a map of pipes and drainage systems used to carry process wastewater, non-contact cooling water, air conditioner condensate, and sanitary wastes (bathrooms, sinks, etc.). It is not uncommon to find that accurate and current information is not available. If you have an accurate and current map, simply examine the pathways of the different water circuits cited above. Determine where interior floor drains discharge. The drain(s) may be connected to the storm water drainage system. If so, they *must* be disconnected and redirected to the sanitary sewer. Contact your local sewage utility before redirecting flow to the sanitary sewer.

- Observe all discharge points during dry weather for odors, discolorations, abnormal flows or conditions. As a rule, the discharge point should be dry during a period of extended dry weather since a storm water collection system should only collect storm water.

- Smoke testing of wastewater and storm water collection and conveyance is used to detect connections between the two systems. During dry weather, the storm water collection system is filled with smoke and then traced to sources. The appearance of smoke at the base of a toilet, sink, floor drain, wastewater conveyance, etc., indicates that there may be a connection with the storm water system. If so, they must be disconnected and redirected to the sanitary sewer. Contact your local sewage utility before redirecting flow to the sanitary sewer.

- A dye test can be performed by simply releasing a dye into floor drains, sinks, basins, or other potential contaminant sources that may discharge to a surface water or storm sewer system. Examine discharge points in the storm water collection system or surface water for discoloration.

D. BMPs for Pesticide Management

Description of Pollutant Sources. Runoff from pesticide application areas can cause contaminants of storm water. Pesticide applications at access roads and yard areas include sapstain and insect control on lumber and logs, rooftop moss removal, and killing nuisance rodents. Leaching and dripping from treated parts, container leaks, product misuse, and outside storage of pesticide contaminated materials and equipment can cause storm water contamination.

Pollutant Control Approach. Develop and implement an Integrated Pest Management (IPM) Plan and use pesticides only as a last resort. If pesticides/herbicides are used they must be carefully applied in accordance with label instructions on U.S. Environmental Protection Agency (EPA) registered materials.

Operational BMPs for the Use of Pesticides

Develop and implement an IPM and use pesticides only as a last resort program may consist of the following steps:

Step 1. Correctly identify problem pests and understand their life cycle.

Step 2. Establish tolerance thresholds for pests.

Step 3. Monitor to detect and prevent pest problems.

Step 4. Modify the maintenance program to promote healthy plants and discourage pests.

Step 5. Use cultural, physical, mechanical, or biological controls first if pests exceed the tolerance thresholds.

Step 6. Evaluate and record the effectiveness of the control and modify maintenance practices to support lawn or landscape recovery and prevent recurrence.

Implement a pesticide-use plan and include at a minimum: a list of selected pesticides and their specific uses; brands, formulations, application methods and quantities to be used; equipment use and maintenance procedures; safety, storage, and disposal methods; and monitoring, record keeping, and public notice procedures. Include the following BMPs:

- Choose the least toxic pesticide available that is capable of reducing the infestation to acceptable levels. The pesticide should readily degrade in the environment and/or have properties that strongly bind it to the soil. Any pest control used should be conducted at the life stage when the pest is most vulnerable. Any method used should be site specific and not used wholesale over a wide area.

- Apply the pesticide according to label directions. Under no conditions shall pesticides be applied in quantities that exceed manufacturer's instructions.

- Mix the pesticides and clean the application equipment in an area where accidental spills will not enter surface or ground waters and will not contaminate the soil.

- Store pesticides in enclosed areas or in covered impervious containment. Ensure that pesticide contaminated storm water or spills/leaks of pesticides are not discharged to storm drains. Do not hose down the paved areas to a storm drain or conveyance ditch. Store and maintain appropriate spill cleanup materials in a location known to all near the storage area.

- Clean up any spilled pesticides and ensure that the pesticide contaminated waste materials are kept in designated covered and contained areas.

- Include immediate shutoff of the pesticide application equipment in the event of an emergency.

- Do not spray pesticides within 100 feet of open waters including wetlands, ponds, and streams, sloughs and any drainage ditch or channel that leads to open water except when approved by Regional Board or the local jurisdiction. All sensitive areas including wells, creeks, and wetlands must be flagged prior to spraying.

- As required by the local government or by California Department of Food and Agriculture, complete public posting of the area to be sprayed prior to the application.

- Spray applications should be conducted only during weather conditions as specified in the label direction and applicable local and state regulations. Do not apply during rain or immediately before expected rain.

- Consider alternatives to the use of pesticides such as covering or harvesting weeds, substituting vegetative growth, and manually controlling weeds and removing moss.

- Rinseate from equipment cleaning and/or triple rinsing of pesticide containers should be used as product or recycled into product.

- Once a pesticide is applied, its effectiveness should be evaluated for possible improvement. Records should be kept showing the applicability and inapplicability of the pesticides considered. An annual evaluation procedure should be developed including a review of the effectiveness of pesticide applications, impact on buffers and sensitive areas (including potable wells), public concerns, and recent toxicological information on pesticides used/proposed for use.

- If individual or public potable wells are located in the proximity of commercial pesticide applications, contact the state Department of Health or Department of Food and Agriculture hydro-geologist to determine if additional pesticide application control measures are necessary.

Consider the use of soil amendments, such as compost, that are known to control some common diseases in plants such as Pythium root rot, ashy stem blight, and parasitic nematodes. The following are three possible mechanisms for disease control by compost addition (USEPA Publication 530-F-9-044):

a. Successful competition for nutrients by antibiotic production.
b. Successful predation against pathogens by beneficial microorganism.
c. Activation of disease-resistant genes in plants by composts.

Note: Installing an amended soil/landscape system can preserve both the plant system and the soil system more effectively. This type of approach provides a soil/landscape

system with adequate depth, permeability, and organic matter to sustain itself and continue working as an effective storm water infiltration system and a sustainable nutrient cycle.

For more information, contact the Bio-Integral Resource Center (BIRC), P.O. Box 7414, *Berkeley, CA 94707, and/or EPA to obtain a publication entitled "Suspended, Canceled and Restricted Pesticides" which lists all restricted pesticides and the specific uses that are allowed. Valuable information from these sources may also be available on the internet.*

E. BMPs for Loading and Unloading Areas for Liquid or Solid Material

Description of Pollutant Sources. Loading and unloading of liquid and solid materials are typically conducted at shipping and receiving, outside storage, fueling areas, etc. Materials transferred can include products, raw materials, intermediate products, waste materials, fuels, and scrap metals. Leaks and spills of fuels, oils, powders, organics, heavy metals, salts, acids, alkalis, etc., during transfer are potential causes of storm water contamination. Spills from hydraulic line breaks are a common problem at loading docks.

Pollutant Control Approach. Cover and contain the loading/unloading area where necessary to prevent run-on of storm water and run-off of contaminated storm water.

Operational BMPs

A significant amount of debris can accumulate at outside, uncovered loading/unloading areas. Sweep these surfaces frequently to remove material that could otherwise be washed off by storm water. Sweep outside areas that are covered for a period of time by containers, logs, or other material after the areas are cleared.

Place drip pans, or other appropriate temporary containment device, at locations where leaks or spills may occur such as hose connections, hose reels, and filler nozzles. Drip pans shall always be used when making and breaking connections. Check loading/unloading equipment such as valves, pumps, flanges, and connections regularly for leaks and repair as needed.

At Tanker Truck and Rail Transfer Areas to Above/Below-ground Storage Tanks.
To minimize the risk of accidental spillage, prepare an operations plan that describes procedures for loading/unloading. Train the employees, especially fork lift operators, in its execution and post it or otherwise have it readily available to employees.

Prepare and implement an emergency spill cleanup plan for the facility which includes the following BMPs:

- Ensure the cleanup of liquid/solid spills in the loading/unloading area immediately, if a significant spill occurs, and, upon completion of the loading/unloading activity, or, at the end of the working day.
- Retain and maintain an appropriate oil spill cleanup kit on-site for rapid cleanup of material spills.
- Ensure that an employee trained in spill containment and cleanup is present during loading/unloading.

- Report spills as required in BMP on spills

At Rail Transfer Areas to Above/Below-Ground Storage Tanks.

- Install a drip pan system within the rails to collect spills/leaks from tank cars and hose connections, hose reels, and filler nozzles.

Structural Source Control BMPs

At All Loading/Unloading Areas

- Consistent with UFC requirements and to the extent practicable, conduct unloading or loading of solids and liquids in the facility building, under a roof, or lean-to, or other appropriate cover.

- Berm, dike, and/or slope the loading/unloading area to prevent run-on of storm water and to prevent the run-off or loss of any spilled material from the area.

- Large loading areas frequently are not curbed along the shoreline. As a result, storm water passes directly off the paved surface into surface water. Place curbs along the edge or slope the edge such that the storm water can flow to an internal storm drain system that leads to an approved treatment BMP.

- Pave and slope loading/unloading areas to prevent the pooling of water. The use of catch basins and drain lines within the interior of the paved area must be minimized as they will frequently be covered by material, or they should be placed in designated "alleyways" that are not covered by material, containers, or equipment.

- For the transfer of pollutant liquids in areas that cannot contain a catastrophic spill, consider installing an automatic shutoff system in case of unanticipated off-loading interruption (e.g., coupling break, hose rupture, overfill, etc.).

At Loading and Unloading Docks

- Install/maintain overhangs or door skirts that enclose the trailer end to prevent contact with rainwater.
- Design the loading/unloading area with berms, sloping, etc., to prevent the run-on of storm water.

- Retain on-site the necessary materials for rapid cleanup of spills.

At Tanker Truck Transfer Areas to Above/Below-ground Storage Tanks

- Pave the area on which the transfer takes place. If any transferred liquid, such as gasoline, is reactive with asphalt, pave the area with concrete.

- Slope, berm, or dike the transfer area to a dead-end sump, spill containment sump, a spill control (SC) oil/water separator, or other spill control device. The minimum spill retention time should be 15 minutes at the greater flow rate of the highest fuel dispenser nozzle through-put rate, or the peak flow rate of the 6-month, 24-hour storm event over the surface of the containment pad, whichever is greater. The volume of the spill containment sump should be a minimum of 50 gallons with an adequate grit sedimentation volume.

F. BMPs for Maintenance and Repair of Vehicles and Equipment

Description of Pollutant Sources. Pollutant sources include parts/vehicle cleaning, spills/leaks of fuel and other liquids, replacement of liquids, outdoor storage of batteries/liquids/parts, and vehicle parking.

Pollutant Control Approach. Control of leaks and spills of fluids using good housekeeping and cover and containment BMPs.

Operational BMPs

- Inspect for leaks all incoming vehicles, parts, and equipment stored temporarily outside.

- Use drip pans or containers under parts or vehicles that drip or that are likely to drip liquids, such as during dismantling of liquid containing parts or removal or transfer of liquids.

- Remove batteries and liquids from vehicles and equipment in designated areas designed to prevent storm water contamination. Store cracked batteries in a covered non-leaking secondary containment system.

- Empty oil and fuel filters before disposal. Provide for proper disposal of waste oil and fuel.

- Do not pour/convey wash water, liquid waste, or other pollutant into storm drains or to surface water. Do not hose down work areas to storm drains. Use dry methods for cleaning leaked fluids. Check with the local sanitary sewer authority for approval to convey to a sanitary sewer.

- Do not connect maintenance and repair shop floor drains to storm drains or to surface water.

- Consider storing damaged vehicles inside a building or other covered containment until all liquids are removed. Remove liquids from vehicles retired for scrap.

- Consider cleaning parts with aqueous detergent based solutions or non-chlorinated solvents such as kerosene or high flash mineral spirits, and/or use wire brushing or sand blasting whenever practicable. Avoid using toxic liquid cleaners such as methylene chloride, 1,1,1trichloroethane, trichloroethylene, or similar chlorinated solvents. Choose cleaning agents that can be recycled.

- Inspect all BMPs regularly, particularly after a significant storm. Identify and correct deficiencies to ensure that the BMPs are functioning as intended.

Structural Source Control BMPs

- Conduct all maintenance and repair of vehicles and equipment in a building, or other covered impervious containment area that is sloped to prevent run-on of uncontaminated storm water and run-off of contaminated storm water.

- Park large mobile equipment, such as log stackers, in a designated contained area.

Treatment BMPs, if required. Contaminated storm water run-off from vehicle staging and maintenance areas may be conveyed to a sanitary sewer, if allowed by the local sewer

authority, or to an API or CP oil and water separator followed by a basic treatment BMP, media filtration systems, or other equivalent oil treatment system.

G. BMPs for Maintenance of Storm Water Drainage and Treatment Systems

Description of Pollutant Sources. Facilities include roadside catch basins, conveyance systems, detention facilities such as ponds and vaults, oil and water separators, biofilters, settling basins, infiltration systems, and all other types of storm water treatment systems. Oil and grease, hydrocarbons, debris, heavy metals, sediments, and contaminated water are found in catch basins, oil and water separators, settling basins, etc.

Pollutant Control Approach. Provide maintenance and cleaning of debris, sediments, and oil from storm water collection, conveyance, and treatment systems to obtain proper operation.

Operational BMPs. Maintain storm water treatment facilities according to to the following BMPs:

- Inspect and clean treatment BMPs, conveyance systems, and catch basins as needed, and determine whether improvements in O&M are needed.

- Promptly repair any deterioration threatening the structural integrity of the facilities. These include replacement of clean-out gates, catch basin lids, and rock in emergency spillways.

- Ensure that storm sewer capacities are not exceeded and that heavy sediment discharges to the sewer system are prevented.

- Regularly remove debris and sludge from BMPs used for peak-rate control, treatment, etc., and discharge to a sanitary sewer if approved by the sewer authority or truck to a local or state government approved disposal site.

- Post warning signs; "Dump No Waste - Drains to Ground Water," "Streams," "Lakes," or emboss on or adjacent to all storm drain inlets *where practical.*

H. BMPs for Mobile Fueling of Vehicles and Heavy Equipment

Pollutant Control Approach**.** Proper training of the fueling operator and the use of spill/drip control and reliable fuel transfer equipment with backup shutoff valving are typically needed.
Note that some local fire departments may have restrictions on mobile fueling practices.

Operational BMPs

- Ensure that all mobile fueling operations are approved by the local fire department and comply with local and California State fire codes.

- In fueling locations that are in close proximity to sensitive aquifers, designated wetlands, wetland buffers, or other waters of the state, approval by local jurisdictions is necessary to ensure compliance with additional local requirements.

- Ensure the compliance with all 49 CFR 178 requirements for DOT 406 cargo tanker. Documentation from a Department of Transportation (DOT) Registered Inspector shall be proof of compliance.

- Ensure the presence and the constant observation/monitoring of the driver/operator at the fuel transfer location at all times during fuel transfer and ensure that the following procedures are implemented at the fuel transfer locations:

  - Locating the point of fueling at least 25 feet from the nearest storm drain or inside an impervious containment with a volumetric holding capacity equal to or greater than 110 percent of the fueling tank volume, or covering the storm drain to ensure no inflow of spilled or leaked fuel. Storm drains that convey the inflow to a spill control separator approved by the local jurisdiction and the fire department need not be covered. Potential spill/leak conveyance surfaces must be impervious and in good repair.

  - Placing a drip pan or an absorbent pad under each fueling location prior to and during all dispensing operations. The pan (must be liquid tight) and the absorbent pad must have a capacity of 5 gallons. Spills retained in the drip pan or the pad need not be reported.

  - The handling and operation of fuel transfer hoses and nozzle, drip panes), and absorbent pads as needed to prevent spills/leaks of fuel from reaching the ground, storm drains, and receiving waters.

  - Not extending the fueling hoses across a traffic lane without fluorescent traffic cones, or equivalent devices, conspicuously placed so that all traffic is blocked from crossing the fuel hose.

  - Removing the fill nozzle and cessation of filling when the automatic shut-off valve engages. Do not allow automatic shutoff fueling nozzles to be locked in the open position.

  - Not "topping off' the fuel receiving equipment.

  - Provide the driver/operator of the fueling vehicle with:

    - Adequate flashlights or other mobile lighting to view fill openings with poor accessibility. Consult with local fire department for additional lighting requirements.

    - Two-way communication with his/her home base.

    - Train the driver/operator annually in spill prevention and cleanup measures and emergency procedures. Make all employees aware of the significant liability associated with fuel spills.

    - The fueling operating procedures should be properly signed and dated by the responsible manager, distributed to the operators, retained in the organization files, and made available in the event an authorized government agency requests a review.

    - Ensure that the local fire department (911) and the Regional Board are immediately notified in the event of any spill entering the surface or ground waters. Establish a "call down list" to ensure the rapid and proper notification of

management and government officials should any significant amount of product be lost offsite. Keep the list in a protected but readily accessible location in the mobile fueling truck. The "call down list" should also pre-identify spill response contractors available in the area to ensure the rapid removal of significant product spillage into the environment.

- Maintain in all fueling vehicles a minimum of the following spill cleanup materials that are readily available for use:

  - Non-water absorbents capable of absorbing 15 gallons of diesel fuel.
  - A storm drain plug or cover kit.
  - A non-water absorbent containment boom of a minimum 10 feet in length with a 12 gallon absorbent capacity.
  - A non-metallic shovel.
  - Two, five-gallon buckets with lids.

  - Maintain and replace equipment on fueling vehicles, particularly hoses and nozzles, at established intervals to prevent failures.

Structural Source Control BMP. Automatic fuel transfer shut-off nozzles; and, an adequate lighting system at the filling point.

I. BMPs for Painting/Finishing/Coating of Vehicles/Starting Gate/Finishing Post/Track Fence/ Buildings/ Equipment

Description of Pollutant Sources. Surface preparation and the application of paints, finishes and/or coatings to vehicles, buildings, and/or equipment outdoors can be sources of pollutants. Potential pollutants include organic compounds, oils and greases, heavy metals, and suspended solids.

Pollutant Control Approach. Cover and contain painting and sanding operations and apply good housekeeping and preventive maintenance practices to prevent the contamination of storm water with painting over sprays and grit from sanding.

Operational BMPs

Train employees in the careful application of paints, finishes, and coatings to reduce misuse and over spray. Use ground or drop cloths underneath outdoor painting, scraping, and sandblasting work, and properly clean and temporarily store collected debris daily.

Do not conduct spraying, blasting, or sanding activities over open water or where wind may blow paint into water.

Wipe up spills with rags and other absorbent materials immediately. On dock areas sweep rather than hose down debris. If hosing is conducted, collect any hose water generated and convey to appropriate treatment and disposal. Do not hose down the area to a storm drain or receiving water or conveyance ditch to receiving water.

Use a storm drain cover, filter fabric, or similarly effective run-off control device if dust, grit, wash water, or other pollutants may escape the work area and enter a catch basin. The containment device(s) must be in place at the beginning of the workday. Collect contaminated run-off and solids and properly dispose of such wastes before removing the containment device(s) at the end of the workday.

Use a ground cloth, pail, drum, drip pan, tarpaulin, or other protective device for activities such as paint mixing and tool cleaning outside or where spills can contaminate storm water.

Properly dispose of all wastes and prevent all uncontrolled releases to the air, ground, or water.

Clean brushes and tools covered with non-water-based paints, finishes, or other materials in a manner that allows collection of used solvents (e.g., paint thinner, turpentine, xylol) for recycling or proper disposal.

Store toxic materials under cover (tarp, etc.) during precipitation events and when not in use to prevent contact with storm water.

Structural Source Control BMPs. Enclose and/or contain all work while using a spray gun or conducting sand blasting and in compliance with applicable air pollution control and OSHA requirements. Do not conduct outside spraying, grit blasting, or sanding activities during windy conditions which render containment ineffective.

J. BMPs for Storage of Liquid, Food Waste, or Dangerous Wastes in Containers

Description of Pollutant Sources. Steel and plastic drums with volumetric capacities of 55 gallons or less are typically used at industrial facilities for container storage of liquids and powders. The BMPs specified below apply to container(s) located outside a building used for temporary storage of accumulated food wastes, vegetable or animal grease, used oil, liquid feedstock or cleaning chemical, or Dangerous Wastes (liquid or solid) unless the business is permitted by Regional Board to store the wastes. Leaks and spills of pollutant materials during handling and storage are the primary sources of pollutants. Oil and grease, acid/alkali pH, BOD, COD are potential pollutant constituents.

Pollutant Control Approach. Store containers in impervious containment under a roof or other appropriate cover, or in a building. For roll-containers (for example, dumpsters) that are picked up directly by the collection truck, a filet can be placed on both sides of the curb to facilitate moving the dumpster. If a storage area is to be used on site for less than 30 days, a portable temporary secondary system can be used in lieu of a permanent system as described above.

Operational BMPs

Place tight-fitting lids on all containers.

Place drip pans beneath all mounted container taps and at all potential drip and spill locations during filling and unloading of containers.

Inspect container storage areas regularly for corrosion, structural failure, spills, leaks, overfills, and failure of piping systems. Check containers daily for leaks/spills. Replace containers and replace and tighten bungs in drums as needed.

Businesses accumulating dangerous wastes that do not contain free liquids need only to store these wastes in a sloped designated area with the containers elevated or otherwise protected from storm water run-on.

Drums stored in an area where unauthorized persons may gain access must be secured in a manner that prevents accidental spillage, pilferage, or any unauthorized use.

If the material is a dangerous waste, the business owner must comply with any additional State Board requirements.

Storage of reactive, ignitable, or flammable liquids must comply with the Uniform Fire Code.

Cover dumpsters, or keep them under cover such as a lean-to, to prevent the entry of storm water. Replace or repair leaking garbage dumpsters.

Drain dumpsters and/or dumpster pads to sanitary sewer. Keep dumpster lids closed. Install water proof liners.

Structural Source Control BMPs

Keep containers with dangerous waste, food waste, or other potential pollutant liquids inside a building unless this is impracticable due to site constraints or Uniform Fire Code requirements.

Store containers in a designated area, which is covered, bermed or diked, paved and impervious in order to contain leaks and spills. The secondary containment shall be sloped to drain into a dead-end sump for the collection of leaks and small spills.

For liquid wastes, surround the containers with a dike. The dike must be of sufficient height to provide a volume of either 10 percent of the total enclosed container volume or 110 percent of the volume contained in the largest container, whichever is greater, or, if a single container, 110 percent of the volume of that container.

Place containers mounted for direct removal of a liquid chemical for use by employees inside a containment area as described above. Use a drip pan during liquid transfer

Treatment BMP, if required

For contaminated storm water in the containment area, connect the sump outlet to a sanitary sewer, if approved by the local sewer authority, or to appropriate treatment such as an API or CP oil/water separator, catch basin filter, or other appropriate system. Equip the sump outlet with a normally closed valve to prevent the release of spilled or leaked liquids, especially flammables (compliance with fire codes), and dangerous liquids. This valve may be opened only for the conveyance of contaminated storm water to treatment.

Another option for discharge of contaminated storm water is to pump it from a dead-end sump or catchment to a tank truck or other appropriate vehicle for off-site treatment and/or disposal.

K. BMPs for Washing and Steam Cleaning Vehicles/Equipment Building Structures

Description of Pollutant Sources. Wash water from cleaning activities can contain oil and grease, suspended solids, heavy metals, soluble organics, soaps, and detergents that can contaminate storm water.

Pollutant Control Approach. The preferred approach to separate the uncontaminated storm water from the pollutant sources is to cover and/or contain the cleaning activity, or conduct the activity inside a building. Wash water must be conveyed to industrial treatment or a sanitary sewer after approval by the local sewer authority; temporarily stored before proper disposal; or recycled, with no discharge to the ground, to a storm drain, or to surface water.

Structural Source Control BMPs

Conduct vehicle equipment washing in a building or under a roof, with washwater draining to industrial treatment facility or a sanitary sewer, if approved by the local sewer authority,

Conduct outside washing operation in a designated wash area as follows:

- Conduct washing on a paved spill containment pad to prevent the run-on of storm water from adjacent areas. Slope the spill containment area so that wash water is collected in a containment pad drain system with perimeter drains, trench drains or catchment drains. Size the containment pad to extend out a minimum of four feet on all sides of the vehicles and/or equipment being washed.

- Convey the washwater to a sump (like a grit separator) and then to a sanitary sewer (if allowed by the local Sewer Authority), or industrial wastewater treatment, or recycle system. An NPDES permit would be required for any wash water discharge to a storm drain or receiving water after treatment. Contact the Regional Board regional office for NPDES Permit requirements.

- For discharge to a sanitary sewer, the containment sump must have a positive control outlet valve for spill control with live containment volume and oil/water separation. Size the minimum live storage volume to contain the maximum expected daily wash water flow plus the sludge storage volume below the outlet pipe. The outlet valve will be shut during the washing cycle to collect the wash water in the sump. The valve should remain shut for at least two hours following the washing operation to allow the oil and solids to separate before discharge to a sanitary sewer. (See Regional Board Publication WQ-95-056) The inlet valve could be closed when washing is not occurring, thereby preventing the entry of uncontaminated storm water into the pretreatment/ treatment system. The storm water can then drain into the conveyance discharge system outside of the wash pad (essentially bypassing the wash water treatment/conveyance system). Post signs to inform operating personnel of the operation and purpose of the valve. Clean the concrete pad thoroughly until there is no foam or visible sheen in the wash water prior to closing the inlet valve and allowing uncontaminated storm water to bypass (overflow and drain off) the pad.

- For uncovered wash pads, the positive control outlet valve may be manually operated, but an automatic pneumatic or electric valve system is preferable. The

valve may be on a timer circuit to be opened on completion of a wash cycle. The timer would then close the valve after the sump or separator is drained

- Because soluble/emulsifiable detergents can be used in the wash medium, the selection of soaps and detergents and treatment BMPs should be considered carefully. *Oil/water separators are ineffective in removing emulsified or water soluble detergents*

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