

**State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION**

**ORDER NO. R4-2004-0089
REVISION TO ORDER NO. 2000-081
NPDES PERMIT NO. CA0000353**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER
(Haynes Generating Station)**

The California Regional Water Quality Board, Los Angeles Region (hereinafter Regional Board), finds:

Background

1. The City of Los Angeles, Department of Water and Power (LADWP) owns and operates the Haynes Generating Station (hereinafter Haynes or Discharger) and discharges waste waters under waste discharge requirements (WDRs) contained in Order No. 2000-081, adopted by this Board on June 29, 2000. This Order serves as a permit under the National Pollutant Discharge Elimination System (NPDES No. CA0000353).
2. LADWP intends to shut down Haynes operating Units 3 and 4 (gas fired boilers with copper-nickel condensers), and replace them with new Units 8, 9, and 10 (combined cycle with two gas turbines and one boiler, with titanium condensers).
3. LADWP has filed a Report of Waste Discharge and has applied for revision of its waste discharge requirements and NPDES permit for Units 3 and 4 to incorporate these changes.

Purpose of Order

4. The purpose of this Order is to revise the WDRs and NPDES permit for Haynes. The proposed new Units 8, 9, and 10 will intake water through the existing Units 3 and 4 cooling water intake structures (CWIS) and discharge wastewaters through the Units 3 and 4 existing outfalls 002A and 002B located at Latitude 33°45'46", Longitude 118°05'47".
5. This Order updates the facility description and requires additional data submissions, but leaves all existing discharge requirements and limitations intact.

Facility Description

6. LADWP operates the Haynes Generating Station, with 1,580 megawatts design capacity, is located at 6801 Second Street, Long Beach, California. Haynes discharges up to 1,014 million gallons per day (mgd) of wastes consisting of once-through cooling water from six steam electric generating units, reverse osmosis membrane reject metal cleaning wastes, and low volume wastes into the San Gabriel River, a water of the United States, within the estuary. The wastes are discharged at six discharge points (at the west property edge of the power plant) along the east bank of the river, about 984 feet north of Westminster Avenue. Low volume wastes from the facility flow into the settling basins and then are discharged along with the once-through cooling water to the river through any one of the the six discharge points. Residues in the settling basins are periodically hauled away to a legal disposal site.
7. Figures 1 and 2 show the location map and schematic of the wastewater flow, respectively.
8. The CWIS for Units 3 and 4 are located at the east corner of the Long Beach Marina and draw ocean water at a depth of 2 to 9.5 feet Mean Lower Low Water (MLLW) from the Marina through seven closed conduits under the San Gabriel River to an open earth intake channel.
9. Regional Board staff have reviewed the design plans and concluded that the replacement of the new units will not increase the intake of cooling water, and it will not increase the discharge of pollutants at the existing outfalls. Further, the replacement of the existing copper-nickel condensers with titanium condensers will reduce the potential to discharge these toxics into the San Gabriel River Estuary.

Applicable Plans, Policies, and Regulations

10. Section 316(b) of the Federal Clean Water Act (Clean Water Act) requires that the location, design, construction, and capacity of CWIS reflect the best technology available for minimizing adverse environmental impacts.
11. On February 16, 2004, the U. S. Environmental Protection Agency (USEPA) published regulations governing the CWIS that require existing power plants to reduce the impingement of fish and other aquatic organisms by 80-95% and reduce entrainment of said organisms by up to 60-90%. The regulations are expected to take effect 90 days from the date of publication. The implementation of these rules shall occur during the NPDES permit renewal.
12. On May 18, 2000, the USEPA promulgated numeric criteria for priority pollutants for the State of California [known as the *California Toxics Rule* (CTR) and codified as 40 CFR part 131.38]. In the CTR, USEPA promulgated criteria that protect the general population at an incremental cancer risk level of one in a million (10^{-6}), for all priority toxic pollutants regulated as carcinogens. The CTR also provides a schedule of compliance not to exceed 5 years from the date of permit issuance for a point source discharge if the discharger demonstrates that it is infeasible to promptly comply with the CTR criteria.

13. On March 2, 2000, State 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 was effective April 28, 2000 with respect to the priority pollutants criteria that were promulgated for California by the USEPA through the National Toxics Rule (NTR) and also with respect to the priority pollutant objectives established by the Regional Boards in their Basin Plans, with the exception of the provision on “alternate test procedures for individual discharges” that have been approved by the USEPA Regional Administrator. The “alternate test procedures” provision was effective on May 22, 2000. The SIP was effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR.
14. On July 18, 2001, the State Board determined that Haynes discharges to the San Gabriel River Estuary and thus falls under the jurisdiction of the CTR/SIP for the purposes of determining water quality based effluent limitations (WQBELs).
15. The State Water Resources Control Board (State Board) adopted the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters, enclosed bays, and estuaries. The narrative objective of the Thermal Plan states that elevated temperatures of wastes discharged shall comply with limitations necessary to assure protection of the beneficial uses.
16. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) as amended on January 27, 1997 by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface and groundwaters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Water Resources Control Board (State Board) Resolution No. 68-16, October 28, 1968), and (iii) describes implementation programs to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) all applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The 1994 update of the Basin Plan has been prepared to be consistent with all State and Regional Board plans and policies adopted to date. This Order implements the plans, policies and provisions of the Regional Board’s Basin Plan.

Data Availability and Reasonable Potential Analysis

17. 40 CFR 122.44(d)(1)(i) and (ii) require that each pollutant be analyzed with respect to its reasonable potential when determining whether a discharge (1) causes, (2) has the reasonable potential to cause, or (3) contributes to the exceedance of a receiving water quality objective/criterion. This is done by conducting a reasonable potential analysis (RPA) for each pollutant. If data are not sufficient to do a RPA, a pollutant is subject to interim monitoring requirements.

18. Sufficient data are necessary to perform a scientifically defensible RPA. At this time, there are insufficient data about priority pollutants to conduct an adequate RPA. In accordance with §section 13267 of the California Water Code and the SIP, on January 21, 2003, the Regional Board Executive Officer ordered the Discharger to conduct an interim monitoring program of the effluent at each of the six outfalls, the receiving water, and the intake water for three years. The required data will be submitted every quarter to the Regional Board to determine the Reasonable Potential of a priority pollutant and to calculate the effluent limitations. The resulting WQBELs will be based on the CTR criteria for saltwater or human health for consumption of organisms, whichever is more stringent in order to protect the beneficial uses of the San Gabriel River.

Special Studies

19. The Haynes Facility is being reclassified as an estuarine discharge based on the 1994 Water Quality Control Plan (Basin Plan) for the Los Angeles Region, from its long-standing classification as an ocean discharge. The beneficial uses specified in the existing NPDES permit include, among other uses, marine and estuarine habitat. The Discharger has disputed this reclassification of the discharge and is questioning the actual location of the estuary relative to the discharge location. The discharger voluntarily has proposed to conduct a study, at its own expense, that examines the existing classification of the receiving water and its existing beneficial uses. Regional Board staff will review this study and determine whether changes are merited to the receiving water classification or beneficial use designations.

CEQA and Notifications

20. The Regional Board has notified the Discharger and interested agencies and persons of its intent to modify the waste discharge requirements for this discharge, and has provided them with an opportunity to submit their written views and recommendations.
21. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
22. This Order shall serve as an amendment to the National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal CWA or amendments thereto, and shall take effect in accordance with federal law, provided the Regional Administrator, USEPA, has no objections.
23. Pursuant to California Water Code §section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, Office of Chief Counsel, ATTN: Elizabeth Miller Jennings, Senior Staff Counsel, 1001 I Street, 22nd Floor, Sacramento, California, 95814, within 30 days of adoption of this Order.
24. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with §section 21100) of Division 13 of the Public

Resources Code (CEQA) in accordance with the California Water Code, § 13389.

IT IS HEREBY ORDERED that Order No. 2000-081, adopted by the Board on June 29, 2000, is hereby amended as follows:

1. In order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted there under, the City of Los Angeles Department of Water and Power (LADWP) shall comply with the existing applicable discharge requirements for the existing Haynes Generating Station (Haynes) boiler Units 3 and 4, narrative requirements, numerical objectives, and all toxicity requirements, already provided in Order No. 2000-081 for the new combined cycle Units 8, 9, and 10.
2. By no later than July 30, 2004, LADWP shall submit a work plan to bring the discharges from Haynes Outfall 002A and 002B to the San Gabriel River Estuary (end of pipe) into compliance with applicable regulations including:
 - a. *California Toxics Rule (CTR)*;
 - b. *Policy for Implementation of the California Toxics Rule for Inland Surface Waters, Enclosed Bays and Estuaries (SIP)*;
 - c. *Water Quality Control Plan for Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (Thermal Plan)*; and
 - d. *California Regional Water Quality Control Board, Los Angeles Region Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan)*.
3. The expiration date and all other limitations, requirements, and provisions of Order No. 2000-081 are unchanged and shall remain in full force and effect.

I, Dennis Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on June 10, 2004.

Dennis A. Dickerson
Executive Officer