

**CALIFORNIA REGIONAL WATER QUALITY  
CONTROL BOARD  
LOS ANGELES REGION**

**ORDER NO. R4-2010-0058  
Amending Order No. R4-2006-0085**

**NPDES PERMIT NO. CA0055531**

**CITY OF BURBANK  
BURBANK WATER RECLAMATION PLANT**

## TABLE OF CONTENTS

PURPOSE OF ORDER.....	1
LITIGATION HISTORY.....	2
BURBANK WRP FACILITY AND TREATMENT PROCESS DESCRIPTION.....	5
BURBANK STEAM POWER PLANT.....	7
STORM WATER.....	7
DISCHARGE OUTFALL AND RECEIVING WATER DESCRIPTION.....	7
DISCHARGE QUALITY.....	8
APPLICABLE LAWS PLANS, POLICIES AND REGULATIONS.....	9
Basin Plan.....	10
Sources of Drinking Water Policy.....	11
California Toxics Rule (CTR).....	11
State Implementation Policy (SIP).....	11
Alaska Rule.....	12
Beneficial Uses.....	13
Title 22.....	14
Antidegradation Policy.....	15
Watershed Approach.....	15
REGULATORY BASIS FOR EFFLUENT LIMITS AND DISCHARGE REQUIREMENTS.....	16
Clean Water Act (CWA) 303(d) Listed pollutants.....	21
Relevant Total Maximum Daily Loads (TMDLs).....	22
REASONABLE POTENTIAL ANALYSIS.....	27
POLLUTION MINIMIZATION PLAN.....	31
CEQA AND NOTIFICATION.....	33
DISCHARGE REQUIREMENTS.....	33

## TABLE OF CONTENTS

EFFLUENT LIMITATIONS.....	33
INTERIM EFFLUENT LIMITATIONS.....	37
RECEIVING WATER LIMITATIONS.....	40
SLUDGE REQUIREMENTS.....	43
PRETREATMENT REQUIREMENTS.....	43
REQUIREMENTS AND PROVISIONS.....	44
REOPENERS AND MODIFICATIONS.....	52
EXPIRATION DATE.....	53
RESCISSION.....	53
ATTACHMENTS:	
1. FIGURE 1 – Map, Burbank WRP location.....	54
2. FIGURE 2-A - Existing Wastewater Process Schematic.....	55
FIGURE 2-B – Future Wastewater Process Schematic.....	56
3. ATTACHMENT 3 - Receiving Water Monitoring Station Map.....	57
B. Biosolids Use and Disposal Requirements	
C. Generic Toxicity Reduction Evaluation (TRE) Workplan for POTWs	
F. Fact Sheet including:	
• Table D1: Effluent Data for Priority Pollutants	
• Table D1r: Updated Effluent Data	
• Table D2: Effluent Data for Non-Priority Pollutants	
• Table D3: Receiving Water Data	
• Table R1: Reasonable Potential Analyses (RPA) using SIP Methodology	
• Table R1r: Updated RPA using SIP Methodology	
• Table R2: RPA Using Technical Support Document (TSD) Methodology	
• Table R2r: Updated RPA Using TSD Methodology	
• Table R3: Total Recoverable Metal Criteria	
N. Standard Provisions	
P. Requirements for Pretreatment Annual Report	
T. Monitoring and Reporting Program	

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

**ORDER NO. R4-2010-0058  
Amending Order No. R4-2006-0085**

**NPDES NO. CA0055531**

**WASTE DISCHARGE REQUIREMENTS  
CITY OF BURBANK  
(Burbank Water Reclamation Plant)**

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

**PURPOSE OF ORDER**

1. City of Burbank (hereinafter the City or Discharger) discharges tertiary-treated wastewater, from its Burbank Water Reclamation Plant (Burbank WRP) and cooling tower blowdown and boiler blowdown from its Burbank Steam Power Plant (Burbank SPP), to the Burbank Western Channel, tributary to Los Angeles River, waters of the United States. The discharge is regulated under waste discharge requirements contained in Order No. 98-052, adopted by this Regional Board on June 29, 1998, which superceded Order No. 96-050. Order No. 98-052 also serves as a permit under the National Pollutant Discharge Elimination System (NPDES No. CA0055531).
2. Order No. 98-052 has an expiration date of May 10, 2003. Section 122.6 of Title 40, Code of Federal Regulations (40 CFR) and Section 2235.4 of Title 23, California Code of Regulations (CCR), state that an expired permit continues in force until the effective date of a new permit, provided that the permittee has made a timely submittal of a complete application for a new permit. On September 28, 2001, the City filed an incomplete Report of Waste Discharge (ROWD) and applied to the Regional Water Quality Control Board (Regional Board) for reissuance of waste discharge requirements (WDRs) and a NPDES permit to discharge tertiary-treated wastewater, cooling tower blowdown, boiler blowdown water, stormwater, and demineralizer water. Therefore, the Discharger's permit has been administratively extended until the Regional Board acts on the new WDR and permit. On July 2, 2002, the City submitted a complete ROWD. On August 2005, the Discharger met with Regional Board staff and, through a presentation, provided updated information to assist in the permit renewal process. On November 22, 2005, the Regional Board received a letter from the City, dated November 8, 2005, transmitting additional information.

3. This Order is the reissuance of waste discharge requirements that serves as a NPDES permit for the Burbank WRP. Since the discharge from the Burbank Steam Power Plant was discontinued, and is instead re-routed to the sewer, this Order will also rescind the WDR for the Burbank Steam Power Plant's discharge through Discharge Serial No. 001.

### **LITIGATION HISTORY**

4. On December 2, 1998, the City of Burbank filed a petition with the State Board for a stay of Order No. 98-052. The State Board dismissed the City of Burbank's petition for review and its request for a stay without review.

On December 23, 1999, the City of Burbank filed a Petition for a Writ of Mandate and application for stay challenging their permit (Order No. 98-052) and their Time Schedule Order. On December 29, 1999, the Court issued a stay of the following 31 contested effluent limitations contained in Order No. 98-052 for the Burbank WRP: ammonia nitrogen, arsenic, bis(2-ethylhexyl)phthalate, bromodichloromethane, bromoform, cadmium, chloroform, chromium VI, copper, cyanide, 2,4-D, detergents, dibromochloromethane, 1,4-dichlorobenzene, 1,2-dichloroethane, endrin, ethylbenzene, iron, lead, lindane, mercury, methylene chloride, nickel, selenium, silver, 2,4,5-TP (Silvex), tetrachloroethylene, toluene, total phosphates, total residual chlorine, and zinc.

In April 2000, the City of Burbank tried to amend its Petition to Writ of Mandate and the Judicial Stay to expand the list of stayed effluent limitations to include the following effluent limitations: acute toxicity, chronic toxicity, coliform, manganese, nitrite + nitrate-N, and turbidity. The City also tried to delete ammonia nitrogen from the list of constituents because it was incorrectly included in the appeal. However, the court denied the City of Burbank's requests to modify the original list of 31 constituents under appeal.

On August 21, 2000, the City of Burbank filed a complaint against the United States Environmental Protection Agency for declaratory and injunctive relief with the United States District Court, Central District of California, Western Division (*City of Los Angeles, City of Burbank, City of Simi Valley, and County Sanitation Districts of Los Angeles County, by and through their agent County Sanitation District Number 2 of Los Angeles County vs. United States Environmental Protection Agency, and Alexis Strauss, Director, Water Division, United States Environmental Protection Agency, Region IX* [Case No. BS 060 960]). The matter went before the court on August 31 and September 1, 2000 with a final decision overturning portions of USEPA's partial approval letter of May 26, 2000 related to the conditional potential MUN (p\* MUN) beneficial use for surface waters.

On November 30, 2000, the Superior Court of the State of California filed its Decision on the Submitted matter [Case No. BS 060 960] and ordered counsel for the petitioner to prepare, serve, and lodge a proposed Statement of Decision, Judgement and Writ, on or before December 14, 2000. Respondents were given until December 28, 2000, to serve and file objections. Respondents filed objections on January 19, 2001, and Petitioners lodged a revised proposed Statement of Decision, Judgement of Writ, and a response to

Respondent's objections on February 13, 2001.

On April 4, 2001, the Superior Court of the State of California signed and filed its Statement of Decision, ordering that judgment be entered granting the Petitioners' petition for a Writ of Mandamus, commanding the Respondents to vacate the Contested Effluent Limitations, and ordering the adoption of new effluent limitations at a new hearing.

In its December 24, 2002, opinion, the Court of Appeal unanimously reversed the trial court decision; and, made the following determinations:

- a. Cost Issues - For existing objectives, water quality-based effluent limitations (WQBELs) must be developed without reference to costs and Clean Water Act (CWA) Section 301(b)(1)(C) does apply to POTWs. (POTWs are not exempt from WQBELS.)
- b. CEQA Requirements – The Environmental Impact Report (EIR) exemption in Section 13389 of the Water Code means that "CEQA imposes no additional procedural or substantive requirements" other than compliance with the CWA and Porter-Cologne Act. (NPDES permits are exempt from CEQA.)
- c. Compliance Schedules - Compliance schedules may be included within a NPDES permit only if the applicable water quality standards or water quality control plans permit inclusion of compliance schedules it. (Compliance schedules must be contained in a Time Schedule Order or similar enforcement document if the Basin Plan does not allow the inclusion of compliance schedules in a NPDES permit.)
- d. Narrative Toxicity - The Regional Board's narrative toxicity objective which was upheld does not violate 40 CFR 131.11(a)(2). (The narrative standard can remain in NPDES permits as an effluent limitation.)

Although the Court of Appeal decided in favor of the State Board on every issue they appealed, the December 24, 2002, decision was not certified for publication at that time.

On August 14, 2003, the Court of Appeal of the State of California, Second Appellate District, Division Three, certified its December 24, 2002, opinion for partial publication. The importance of the August 14, 2003, decision is that the outcome of the *City of Burbank v. State Water Resources Control Board* case could then be cited. The City subsequently filed a petition for review with the California Supreme Court.

On November 19, 2003, the Supreme Court granted the petition for review filed by the Cities of Burbank and Los Angeles. The opening brief on the merits was filed December 19, 2003.

On April 4, 2005, the California Supreme Court issued its decision, affirming the judgement of the Court of Appeal, reinstating the wastewater discharge permits to the extent that the specified numeric limitations on chemical pollutants are necessary to satisfy federal Clean Water Act requirements for treated wastewater.

Ordinarily the Court's decision would become final 30 days after issuance (i.e., it would have become final on May 4, 2005); however, both the water boards and the cities filed petitions for rehearing. The Supreme court reviewed the petitions for rehearing and remanded one remaining issue back to the trial court for resolution. The trial court was required to determine whether or not the permit restrictions were "more stringent" than required by federal law.

On June 28, 2006, the Superior Court judge signed the statement of decision, which found that the following constituents had numeric effluent limitations more stringent than required to meet the federal law existing at the time that the Regional Board adopted the NPDES permit: Bis(2-ethylhexyl)phthalate, Cadmium, Chromium VI, 1,2-dichloroethane, Ethylbenzene, Lead, Selenium, Tetrachloroethylene, Toluene, and Toxaphene. The court issued a writ of mandate that also ordered the Regional Board to vacate the contested effluent limitations contained in Order No. 98-052, to file a return (a revised NPDES permit) with the court by December 31, 2006, and that the stay of contested effluent limitations would remain in effect until the return is served and filed by the Respondents with the court. The court's determination that these effluent limitations were more stringent than required by federal law was based on the following: (1) Section 122.45(d)(2) of title 40 of the Code of Federal Regulations requires that effluent limitations be expressed as average weekly and average monthly concentrations unless impracticable, yet the Regional Board expressed the effluent limitations as daily maximum concentrations but did not include findings of impracticability; and (2) Some of these effluent limitations were imposed based upon the "P\* MUN" beneficial use, which, in separate litigation, had been determined to be a conditional use designation, which has no legal effect until such time as the Regional Water Board undertakes additional study and amends the Basin Plan.

To comply with the writ, new permits were adopted by the Regional Water Board in November (Order No. R4-2006-0085 for Burbank) and December of 2006 (Order Nos. R4-2006-0091 and R4-2006-0092 for LA) ("Revised Permits"). The effective dates of these Revised Permits were December 29, 2006 for Burbank and February 2, 2007 for LA. The Regional Water Board filed a return to the writ of mandate on January 1, 2007.

Pursuant to Water Code section 13320, the Cities petitioned the State Board to review the Revised Permits on December 11, 2006 and on January 16, 2007, respectively. At the request of the Cities, the State Board placed those petitions in abeyance, and they currently remain in abeyance.

On March 29, 2007, the Cities moved to strike the return filed by the Regional Water Board. At the hearing, the Superior Court determined that the motion was not ripe

because the Cities had not exhausted their administrative remedies by completing State Board review under Water Code section 13320, by way of the pending petitions. Accordingly, the Superior Court stayed the Cities' motion until the State Board has ruled on the Cities' pending petitions for review.

On January 25, 2010, Regional Board staff entered into a settlement agreement with the Cities in an effort to resolve the lawsuits and petitions challenging the Permits and Revised Permits adopted in 1998 and 2006. The settlement agreement includes provisions that a variety of negotiated modifications to this Permit would be brought before the Regional Board for its consideration. The settlement agreement did not bind the Regional Board's judgment in consideration of those modifications, but the modifications did reflect staff recommendations. The modifications to this Permit adopted on April 1, 2010 were the result of the public hearing on staff's proposals pursuant to the settlement agreement.

## **FACILITY AND TREATMENT PROCESS DESCRIPTION**

### **BURBANK WATER RECLAMATION PLANT:**

5. The City owns the Burbank WRP and contracts with United Water Services to operate the Burbank WRP, a tertiary wastewater treatment plant located at 740 North Lake Street, Burbank, California. Effective June 15, 2000, the street address changed from 2 West Chestnut Street to 740 North Lake Street. The reason for the change is that the Chestnut Street entrance to the plant was vacated and replaced with the Lake Street entrance. The Burbank WRP has an average dry weather flow design capacity of 9.0 million gallons per day (MGD) with a peaking factor of 2 MGD, and only discharged an average of 5.8 MGD from the WRP (in the year 2005). However, with the completion of the new flow equalization basin project and related upgrades, the design capacity will increase to 12.5 MGD.
6. The Burbank WRP is part of the City of Los Angeles' integrated network of facilities, known as the North Outfall Sewer (NOS), which includes four treatment plants. The upstream treatment plants (Tillman WRP, Glendale WRP, and Burbank WRP) discharge solids to the Hyperion Treatment Plant. This system also allows biosolids, solids, and excess flows to be diverted from the upstream plants to the Hyperion Plant for treatment and disposal. Figure 1 shows the vicinity map for the Burbank WRP.
7. The Burbank WRP serves a population of approximately 100,000 people. Flow to the plant consists of domestic, commercial and industrial wastewater. For fiscal year 2005, industrial wastewater represented less than 10% of the total flow to the plant. Discharges to the collection system from industry include discharges from the following significant industrial user categories: metal finishing (40 CFR Part 433), electroplating (40 CFR Part 413), nonferrous metal forming and metal powder (40 CFR Part 471), plastic molding and forming (40 CFR Part 463), rubber manufacturing (40 CFR Part 428), canned and preserved food processing (40 CFR Part 408), and meat product processing (40 CFR Part 432).



8. The United States Environmental Protection Agency (USEPA) and the Regional Board have classified Burbank WRP as a major discharger. It has a Threat to Water Quality and Complexity Rating of 1-A, pursuant to Section 2200, Title 23, CCR.
9. Pursuant to 40 CFR, Part 403, the Burbank WRP developed, and has been implementing, an industrial wastewater Pretreatment Program, which has been approved by USEPA and the Regional Board.
10. The treatment at the Burbank WRP currently consists of barscreen segregation of large solids for maceration and return to the treatment stream, primary sedimentation, nitrification/denitrification (NDN) activated sludge biological treatment, secondary sedimentation with coagulation, single media sand filtration, and chlorination with sodium hypochlorite and dechlorination with sodium bisulfite. No facilities are provided for solids processing at the Burbank WRP. Sewage solids separated from the wastewater are returned to the trunk sewer for conveyance to NOS for treatment and disposal. Figure 2-A is a schematic of the Burbank WRP wastewater flow.
11. In September 1991, a draft Environmental Impact Report (EIR) was prepared for the City, by James M. Montgomery Consulting Engineers, Inc., to upgrade the plant and to expand its design capacity to 15 MGD. Although the EIR was finalized in January 1992, all of the upgrades have not been completed. The Burbank WRP has undergone several upgrades within the last decade and is still undergoing changes. The major plant upgrade, which was completed in 1999, included the addition of a third chlorine contact chamber and replacement of the old tertiary-filters with new deep-bed effluent filters. Following the 1999 upgrade, the City retrofitted its aeration basins for NDN treatment, in order to achieve compliance with the Basin Plan's ammonia objectives. Start-up of the NDN biological nutrient removal facilities began on March 18, 2003. Testing and modification operations of the NDN facilities continued for ninety days. In October 2003, the City began a nine-month construction project to provide new disinfection facilities (allowing the Burbank WRP to convert from gaseous chlorine disinfection to sodium hypochlorite disinfection), and new dechlorination facilities. Dechlorination facilities were formerly located at the Burbank SPP only, not at the Burbank WRP. The addition of a new flow equalization basin, which is currently in the design phase, will allow the City to capture peak daytime flow, increase the average dry weather influent flows to 12.5 MGD, increase recycled water availability, and improve operation of the biological system. Figure 2-B depicts the future schematic of the wastewater flow at the Burbank WRP, after the flow equalization basin is constructed.
12. **Water Recycling Facility.** In 2005, the Discharger recycled 1252.74 acre-feet (409.8 million gallons) of treated effluent from the Burbank WRP [50.3% (630.4 acre-feet) for irrigation and 49.7% (622.34 acre-feet) for cooling water supply] and discharged an average of 5.8 MGD from the Burbank WRP to Burbank Western Channel. The production, distribution and reuse of recycled water for direct, non-potable applications are presently regulated under Water Reclamation Requirements (WRR) Order No. 91-101, adopted by this Board on September 9, 1991, pursuant to California Water Code

section 13523.

BURBANK STEAM POWER PLANT:

13. The City of Burbank Water and Power Department owns and operates the Burbank SPP located at 164 West Magnolia Boulevard, Burbank, California, on a 23-acre site. The site is bound by Magnolia Boulevard on the north, Olive Avenue on the south, Lake Avenue on the west, and interstate Highway 5 on the east. The City of Burbank upgraded the Burbank SPP, as part of the Magnolia Power Project (MPP), by replacing the older power generating units with more energy-efficient units and switching to a zero liquid discharge (ZLD) process. On June 14, 2005, discharge of process wastewater from the Burbank SPP, through Discharge Serial No. 001, into the Burbank Western Channel ceased. Under the ZLD alternative, cooling tower blowdown and related wastewater from the new Magnolia Unit are completely evaporated using a crystallizer, filter press, and sludge dryer. Dry solids are transported off-site to a landfill. Thus, the need to discharge process wastewater to the Burbank Western Channel has been eliminated. Process wastewater from the Burbank SPP is now discharged to the sanitary sewer for treatment.
14. Recycled water is still supplied by the City of Burbank Public Works Department, from the Burbank WRP, to the Burbank SPP for industrial use as a source of cooling tower makeup water, demineralizer water, and boiler feed water. This reuse of recycled water is covered under WRR Order No. 91-101. In instances of low recycled water supply, the Burbank SPP uses potable water supplied by Metropolitan Water District and/or treated groundwater from wells owned by the City, as the make-up water in the cooling towers.
15. **Storm Water Management.** The City currently treats small quantities of storm water which falls on top of the uncovered aeration basins and other treatment units at the Burbank WRP. The City has filed a Notice of Intent to comply with State Board's General NPDES Permit No. CAS000001 and Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities; has developed a Storm Water Pollution Prevention Plan (SWPPP) for storm water that does not enter the treatment system; and, has retained coverage under the General Industrial Storm Water permit. Stormwater runoff from the Burbank SPP, which is not contained or treated, would still be discharged to the Burbank Western Channel.

The industrial stormwater discharge from the Burbank SPP is not regulated under this individual NPDES permit, but is instead regulated under the Statewide General Stormwater Permit for Industrial Discharges.

DISCHARGE OUTFALL AND RECEIVING WATER DESCRIPTION

16. The Burbank WRP discharges tertiary treated wastewater to the Burbank Western Channel, tributary to the Los Angeles River, waters of the United States, above the estuary, at the following discharge point:

Discharge Serial No. 002: Discharge to the Burbank Western Channel near Burbank Boulevard (approximate coordinates: Latitude 34° 10' 58", Longitude 118° 18' 58"). Discharge to 002 usually occurs when gravity line capacity to the Burbank Steam Power Plant is exceeded.

As mentioned in a previous finding, the Burbank SPP no longer discharges process wastewater into the Burbank Western Channel, through Discharge Serial No. 001: [former coordinates: Latitude 34° 10' 42", Longitude 118° 18' 44"].

During dry weather (May 1 – October 31), the primary sources of water flow in the receiving waters, downstream of the discharge points, are the Burbank WRP effluent and other NPDES-permitted discharges, including urban runoff conveyed through the municipal separate storm sewer systems (MS4). Storm water and dry weather urban runoff from MS4 are regulated under a NPDES permit, *Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles* (LA Municipal Permit), NPDES Permit No. CAS004001.

17. The Los Angeles County Flood Control District channelized portions of the Los Angeles River to convey and control floodwater, and to prevent damage to homes located adjacent to the river. Although not its main purpose, the Los Angeles River conveys treated wastewater along with floodwater, and urban runoff. The Burbank Western Channel is concrete lined at the point of discharge through its confluence with the Los Angeles River, however, the Los Angeles River is unlined further downstream of its confluence with the Burbank Western Channel, in what is known as the Glendale Narrows. Groundwater recharge occurs incidentally, in these unlined areas of the Los Angeles River. The Basin Plan lists a designated groundwater recharge (GWR) beneficial use in this reach. It is believed that this reach of the Los Angeles river was not lined because of groundwater upwelling. At times when the groundwater table is high, groundwater rises and contributes flow to the Los Angeles River. It is believed that this reach of the Los Angeles river was not lined because of groundwater upwelling. Natural springs feed the river and support willows, sycamores, and cottonwood trees. South of the Glendale Narrows, the Los Angeles River is concrete-lined down to Willow Street, in Long Beach.

### **DISCHARGE QUALITY**

18. In 2005, the Discharger's discharge monitoring reports showed the following:
  - treated wastewater average annual flow rate of 5.8 mgd.
  - average annual removal rate of 98.8% and 98.6%, of BOD and total suspended solids, respectively.
  - Median coliform values as <2 Most Probable Number (MPN)/ 100 ml in the treated wastewater.
19. Based on data submitted in the 2005 Annual report, Table 1 represents the

characteristics of the effluent discharged at Discharge No. 002 . (The “<” symbol indicates that the pollutant was not detected (ND) at that concentration level.) Attachment D contains extensive statistical analyses of the effluent priority pollutants data from June 2003 to May 2006.

Table 1  
 Effluent Characteristics

Constituent	Unit	Average	Maximum	Minimum
Flow	mgd	5.8	8.2	4.1
pH	pH units	7.3	7.6	6.8
Temperature	°F	75	80	69
BOD <sub>5</sub> 20°C	mg/L	4	5	3
Total coliform	MPN/ 100 mL	2	2	<2
Suspended solids	mg/L	2	4	2

20. The Discharger’s effluent demonstrated chronic toxicity during the last permit cycle. Based on this information, the Regional Board has determined that there is a reasonable potential that the discharge will cause toxicity in the receiving water. However, the circumstances warranting a numeric chronic toxicity effluent limitation when there is reasonable potential were under review by the State Water Resources Control Board (State Board) in SWRCB/OCC Files A-1496 & A-1496(a) [Los Coyotes/Long Beach Petitions]. On September 16, 2003, at a public hearing, the State Board adopted Order No. WQO 2003-0012, deferring the issue of numeric chronic toxicity effluent limitations until a subsequent phase of the SIP is adopted. In the mean time, the State Board replaced the numeric chronic toxicity limit with a narrative effluent limitation and a 1 TUc trigger, in the County Sanitation Districts of Los Angeles County’s Long Beach and Los Coyotes WRP NPDES permits. This permit contains a similar chronic toxicity effluent limitation. This Order also contains a reopener to allow the Regional Board to modify the permit, if necessary, consistent with any new policy, law, or regulation.

**APPLICABLE LAWS, PLANS, POLICIES AND REGULATIONS**

21. **Federal Clean Water Act.** The Federal Clean Water Act (CWA) provides that no person may discharge pollutants from a point source into a water of the United States, except in conformance with a NPDES permit. NPDES permits establish effluent limitations that incorporate various requirements of the CWA designed to protect and enhance water quality. CWA section 402 authorizes the USEPA or States with an approved NPDES program to issue NPDES permits. The State of California has an approved NPDES program.
22. **Thermal Plan.** On September 18, 1975, the State Water Resources Control Board (State Board) adopted a revised version of the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of*

*California* (Thermal Plan). The Thermal Plan contains temperature objectives for inland waters.

23. **Basin Plan.** The Regional Board adopted a revised *Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) on June 13, 1994, and amended it by various Regional Board Resolutions. This updated and consolidated plan represents the Board's master water quality control planning document and regulations. The State Board and the State of California Office of Administrative Law (OAL) approved the revised Basin Plan on November 17, 1994, and February 23, 1995, respectively. On May 26, 2000, the USEPA approved the revised Basin Plan except for the implementation plan for potential municipal and domestic supply (P\* MUN) designated surface waterbodies, which is not applicable to this discharge.

Ammonia Water Quality Objective (WQO). The 1994 Basin Plan contained water quality objectives for ammonia to protect aquatic life, in Tables 3-1 through Tables 3-4. However, those ammonia objectives were revised on April 25, 2002, by the Regional Board, with the adoption of Resolution No. 2002-011, Amendment to 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. Resolution No. 2002-011 was approved by the State Board, the Office of Administrative Law, and USEPA on April 30, 2003, June 5, 2003, and June 19, 2003, respectively, and are now in effect. The final effluent limitations for ammonia prescribed in this Order are based on the TMDL for Nitrogen Compounds and related Effects in the Los Angeles River and apply at the end of pipe.

Chloride WQO. The 1994 Basin Plan contained water quality objectives for chloride in Table 3-8. However, the chloride objectives for some waterbodies were revised on January 27, 1997, by the Regional Board, with the adoption of Resolution No. 97-02, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Policy for Addressing Levels of Chloride in Discharges of Wastewaters*. Resolution No. 97-02 was approved by the State Board, the Office of Administrative Law, and USEPA on October 23, 1997, January 9, 1998, and February 5, 1998, respectively, and are now in effect. The chloride WQO was revised from 150 mg/L to 190 mg/L, for the following segments of the Los Angeles River:

- a. Between Sepulveda Flood Control Basin and Figueroa Street (including Burbank Western Channel only), and
- b. Between Figueroa Street and the estuary (including Rio Hondo below Santa Ana Freeway only).

The final effluent limitations for chloride prescribed in this Order are based on the revised chloride WQOs and apply at the end of pipe.

The Basin Plan (i) designates beneficial uses for surface and groundwater, (ii) sets

narrative and numerical objectives that must be attained or maintained to protect the designated (existing and potential) beneficial uses and conform to the State's antidegradation policy, and (iii) includes implementation provisions, programs, and policies 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 Basin Plan was prepared to be consistent with all State and Regional Board plans and policies adopted in 1994 and earlier. This Order implements the plans, policies, and provisions of the Board's Basin Plan.

24. **Sources of Drinking Water Policy.** On May 19, 1988, the State Board adopted Resolution No. 88-63, *Sources of Drinking Water (SODW) Policy*, which established a policy that all surface and ground waters, with limited exemptions, are suitable or potentially suitable for municipal and domestic supply. To be consistent with State Board's SODW policy, on March 27, 1989, the Regional Board adopted Resolution No. 89-03, *Incorporation of Sources of Drinking Water Policy into the Water Quality Control Plans (Basin Plans) – Santa Clara River Basin (4A)/ Los Angeles River Basin (4B)*.
25. **Potential Municipal and Domestic Supply (P\* MUN).** Consistent with Regional Board Resolution No. 89-03 and State Board Resolution No. 88-63, in 1994 the Regional Board conditionally designated all inland surface waters in Table 2-1 of the 1994 Basin Plan as existing, intermittent, or potential for Municipal and Domestic Supply (MUN). However, the conditional designation in the 1994 Basin Plan included the following implementation provision: "no new effluent limitations will be placed in Waste Discharge Requirements as a result of these [potential MUN designations made pursuant to the SODW policy and the Regional Board's enabling resolution] until the Regional Board adopts [a special Basin Plan Amendment that incorporates a detailed review of the waters in the Region that should be exempted from the potential MUN designations arising from SODW policy and the Regional Board's enabling resolution]." On February 15, 2002, as a result of a legal challenge and federal court order, the USEPA clarified its partial approval (May 26, 2000) of the 1994 Basin Plan amendments and acknowledged that the conditional designations do not currently have a legal effect, do not reflect new water quality standards subject to USEPA review, and do not support new effluent limitations based on the conditional designations stemming from the SODW Policy until a subsequent review by the Regional Board finalizes the designations for these waters. This permit is designed to be consistent with the existing Basin Plan.
26. **State Implementation Plan (SIP) and California Toxics Rule (CTR)** - The State Board adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (also known as the State Implementation Plan or SIP) on March 2, 2000. The SIP was amended by Resolution No. 2000-30, on April 26, 2000, and the Office of Administrative Law approved the SIP on April 28, 2000. On this date, the SIP became effective 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 applies to

discharges of toxic pollutants in the inland surface waters, enclosed bays and estuaries of California which are subject to regulation under the State's Porter-Cologne Water Quality Control Act (Division 7 of the Water Code) and the Federal Clean Water Act (CWA). This policy also establishes the following:

- a. Implementation provisions for priority pollutant criteria promulgated by USEPA through the California Toxics Rule (CTR) and for priority pollutant objectives established by Regional Water Quality Control Boards in their water quality control plans (Basin Plans);
- b. Monitoring requirements for priority pollutants with insufficient data to determine reasonable potential;
- c. Monitoring requirements for 2, 3, 7, 8 – TCDD equivalents; and,
- d. Chronic toxicity control provisions.

The CTR became effective on May 18, 2000 (codified as 40 CFR, Part 131.38). The SIP (which implements CTR criteria) was revised by the State Board on February 24, 2005. The revised SIP became effective on May 31, 2005. Toxic pollutant limitations are prescribed in this Order to implement the CTR, the SIP, and the Basin Plan.

In the CTR, USEPA promulgated criteria that protects the general population at an incremental cancer risk level of one in a million ( $10^{-6}$ ), for all priority toxic pollutants regulated as carcinogens. USEPA recognizes that adoption of a different risk factor is outside of the scope of the CTR. However, states have the discretion to adopt water quality criteria that result in a higher risk level, if it can demonstrate that the chosen risk level is adequately protective of the most highly exposed subpopulation, and has completed all necessary public participation. This demonstration has not happened in California. Further, the information that is available on highly exposed subpopulations in California supports the need to protect the general population at the  $10^{-6}$  level. The Discharger may undertake a study, in accordance with the procedures set forth in Chapter 3 of USEPA's Water Quality Standards Handbook: Second Edition (EPA-823-B-005a, August 1994) to demonstrate that a different risk factor is more appropriate. Upon completion of the study, the State Board will review the results and determine if the risk factor needs to be changed. In the mean time, the State will continue using a  $10^{-6}$  risk level, as it has done historically, to protect the population against carcinogenic pollutants.

27. **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 Clean Water Act (CWA) purposes (40 CFR 131.21, 65 FR 24641, April 27, 2000). Under USEPA's new regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved 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

EPA.

28. **Beneficial Uses.** The Basin Plan contains water quality objectives and beneficial uses for Burbank Western Channel, the Los Angeles River, and its contiguous waters.

A. The beneficial uses of the receiving surface waters are:

Burbank Western Channel - Hydrologic Unit 405.21	
Intermittent:	non-contact water recreation, and
Potential:	Municipal and domestic water supply (MUN) <sup>1</sup> , water contact recreation (REC-1) <sup>2</sup> , warm freshwater habitat (WARM), and wildlife habitat (WILD).
Los Angeles River (upstream of Figueroa Street) - Hydrologic Unit 405.21	
Existing:	groundwater recharge (GWR), water contact recreation (REC-1) and non-contact recreation (REC-2), warm freshwater habitat (WARM), wildlife habitat (WILD), and wetland habitat (WET).
Potential:	MUN <sup>1</sup> , and industrial process supply.
Los Angeles River (downstream of Figueroa Street) - Hydrologic Unit 405.15	
Existing:	groundwater recharge (GWR), water contact <sup>2</sup> recreation (REC-1) and non-contact recreation (REC-2), and warm freshwater habitat (WARM).
Potential:	MUN <sup>1</sup> , and industrial process supply (PROC).
Los Angeles River to Estuary - Hydrologic Unit 405.12	
Existing:	groundwater recharge (GWR), water contact <sup>2</sup> recreation (REC-1) and non-contact water recreation (REC-2), warm freshwater habitat (WARM), marine habitat (MAR), wildlife habitat (WILD), and rare, threatened, or endangered species (RARE).
Potential:	MUN <sup>1</sup> , industrial service supply (IND), industrial process supply (PROC), migration of aquatic organisms (MIGR), spawning, reproduction, and/or early development (SPWN), and shellfish harvesting (SHELL).
Los Angeles River Estuary - Hydrologic Unit 405.12	
Existing:	industrial service supply (IND), navigation (NAV), water contact <sup>2</sup> recreation (REC-1) and non-contact water recreation (REC-2), commercial and sport fishing (COMM), estuarine habitat (EST), marine habitat (MAR), wildlife habitat (WILD), rare, threatened, or endangered species (RERE), migration of aquatic organisms

<sup>1</sup> The potential MUN beneficial use for the water body is consistent with Regional Board Resolution 89-03; however the Regional Board has only conditionally designated the MUN beneficial uses and at this time cannot establish effluent limitations designed to protect the conditional designation.

<sup>2</sup> Access is prohibited by Los Angeles County DPW.



	(MIGR), spawning, reproduction, and/or early development (SPWN), and wetland habitat (WET).
Potential:	shellfish harvesting (SHELL).

B. The beneficial uses of the receiving ground waters are:

San Fernando Basin (East of Highway 405 overall) - DWR Basin No. 4-12	
Existing:	municipal and domestic supply (MUN), industrial service supply (IND); industrial process supply (PROC); and, agricultural supply (AGR).
Los Angeles Coastal Plain (Central Basin) – DWR Basin No. 4-11	
Existing:	municipal and domestic supply (MUN), industrial service supply (IND); industrial process supply (PROC); and, agricultural supply (AGR).
Los Angeles Coastal Plain (West Coast Basin) – DWR Basin No. 4-11	
Existing:	municipal and domestic supply (MUN), industrial service supply (IND); industrial process supply (PROC); and, agricultural supply (AGR).

29. **Title 22 of the California Code of Regulations.** The California Department of Health Services established primary and secondary maximum contaminant levels (MCLs) for inorganic, organic, and radioactive contaminants in drinking water. These MCLs are codified in Title 22, California Code of Regulations (Title 22). The Basin Plan (Chapter 3) incorporates Title 22 primary MCLs by reference. This incorporation by reference is prospective including future changes to the incorporated provisions as the changes take effect. Title 22 primary MCLs have been used as bases for effluent limitations in WDRs and NPDES permits to protect the groundwater recharge beneficial use when that receiving groundwater is designated as MUN. Also, the Basin Plan specifies that “Ground waters shall not contain taste or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.” Therefore the secondary MCL’s, which are limitations based on aesthetic, organoleptic standards, are also incorporated into this permit to protect groundwater quality.

MCL Development Process - Health and Safety Code §116365(a) requires the Department of Health Services (DHS), while placing primary emphasis on the protection of public health, to establish a contaminant's maximum contaminant level (MCL) at a level as close as is technically and economically feasible to its public health goal (PHG). The PHG—established by Cal/EPA's Office of Environmental Health Hazard Assessment (OEHHA)—is the contaminant's concentration in drinking water that does not pose any significant risk to health, derived from a human health risk assessment.

As part of the MCL process, DHS evaluates the technical and economic feasibility of regulating a chemical contaminant. Technical feasibility includes an evaluation of

commercial laboratories' ability to analyze for and detect the chemical in drinking water, the costs of monitoring, and the costs of treatment required to remove it. Costs are required by law to be considered whenever MCLs are adopted.

Then, the proposed MCL moves through a formal regulatory process. DHS releases proposed regulations for a 45-day public comment period. If any "Post-hearing" changes made in response to comments, DHS subsequently provides an additional 15-day public comment period. Once DHS completes its process, it submits the regulation package, including responses to public comments, to the Office of Administrative Law (OAL). OAL has 30 working days to review the regulation and approve or reject it. If approved by OAL, it is filed with the Secretary of State, becoming effective in 30 calendar days.

Groundwater Recharge. Sections of the Los Angeles River, downstream of the Burbank WRP discharge point, are designated as GWR. The depth of groundwater below the Burbank WRP is approximately 100 feet below ground surface. Surface water from the Los Angeles River enters the San Fernando Valley and the Central Los Angeles Coastal Plain Groundwater Basins. Since ground water from these Basins is used to provide drinking water to people, Title 22-based limitations are needed to protect that drinking water supply. By limiting the contaminants in the Burbank WRP discharge, the amount of pollutants entering the surface waters and groundwater basins are correspondingly reduced. Once groundwater basins are contaminated, it may take years to clean up, depending on the pollutant. Compared to surface water pollution, investigations and remediation of groundwater are often more difficult, costly, and extremely slow. For these reasons Title 22-based limitations will remain in the NPDES permit.

30. **Antidegradation Policy.** On October 28, 1968, the State Board adopted Resolution No. 68-16, *Maintaining High Quality Water*, which established an antidegradation policy for State and Regional Boards. The State Board has, in State Board Order No. 86-17 and an October 7, 1987 guidance memorandum, interpreted Resolution No. 68-16 to be fully consistent with the federal antidegradation policy. Similarly, the CWA (section 304(d)(4)(B)) and USEPA regulations (40 CFR, Section 131.12) require that all permitting actions be consistent with the federal antidegradation policy. Together, the State and Federal policies are designed to ensure that a water body will not be degraded resulting from the permitted discharge. The provisions of this Order are consistent with the antidegradation policies.
  
31. **Watershed Approach** - This Regional Board has been implementing a Watershed Management Approach (WMA), to address water quality protection in the Los Angeles Region, as detailed in the Watershed Management Initiative (WMI). The WMI is designed to integrate various surface and ground water regulatory programs while promoting cooperative, collaborative efforts within a watershed. It is also designed to focus limited resources on key issues and use sound science. Information about the Los Angeles River Watershed and other watersheds in the region can be obtained from the Regional Board's web site at <http://www.swrcb.ca.gov/rwqcb4/> and clicking on the word "Watersheds".

Pursuant to this Regional Board's watershed initiative framework, the Los Angeles River Watershed Management Area was the targeted watershed for fiscal year 1998-1999. However, the NPDES permit renewals were re-scheduled for the 2003-2004 fiscal year so that provisions of the CTR and SIP could be incorporated into the permits. However, delays in the renewal were caused by lengthy litigation.

## **REGULATORY BASIS FOR EFFLUENT LIMITS AND DISCHARGE REQUIREMENTS**

32. ***Water Quality Objectives and Effluent Limitations.*** Water Quality Objectives (WQOs) and effluent limitations in this permit are based on:

- A. Applicable State Regulations/Policies/Guidances:
  - a. The plans, policies and water quality standards (beneficial uses + objectives + antidegradation policy) contained in the 1994 *Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*, as amended, including chemical constituent limitations established by incorporating the California Code of Regulations, Title 22, maximum contaminant levels designed to protect the existing drinking water use of the receiving groundwaters;
  - b. California Toxics Rule (40 CFR 131.38);
  - c. The State Board's "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California" (the State Implementation Plan or SIP);
  - d. Administrative Procedures Manual and Administrative Procedure Updates;
  - e. Porter-Cologne Water Quality Act (Water Code § 13000 et seq).
- B. Applicable Federal Regulations/Policies/Guidances
  - a. Federal Clean Water Act;
  - b. 40 CFR, Parts 122, 131, among others;
  - c. Best professional judgment (pursuant to 40 CFR 122.44);
  - d. USEPA Regions 9 & 10 Guidance for Implementing Whole Effluent Toxicity Programs Final May 31, 1996;
  - e. USEPA Whole Effluent Toxicity (WET) Control Policy July 1994;
  - f. Inspectors Guide for Evaluation of Municipal Wastewater Treatment Plants,

- April 1979 (EPA/430/9-79-010);
- g. Fate of Priority Pollutants in Publicly Owned Treatment Works Pilot Study October 1979 (EPA-440/1-79-300);
  - h. *Technical Support Document for Water Quality Based Toxics Control*, March 1991 (EPA-505/ 2-90-001);
  - i. *U.S. EPA NPDES Permit Writers' Manual*, December 1996 (EPA-833-B-96-003);
  - j. USEPA National Recommended Water Quality Criteria: 2002, November 2002 (EPA –822-R-02-047); and,
  - k. USEPA Drinking Water Standards, 40 CFR 141 and 142, Federal Register Vol.57, No. 138 (July 17, 1992).

Where numeric water quality objectives have not been established in the Basin Plan, 40 CFR Part 122.44(d) specifies that water quality based effluent limitations may be set based on USEPA criteria and supplemented where necessary by other relevant information to attain and maintain narrative water quality criteria to fully protect designated beneficial uses.

33. **Mass and Concentration Limitations.** 40 CFR section 122.45(f)(1) requires that except under certain conditions, all permit limitations, standards, or prohibitions be expressed in terms of mass units. 40 CFR section 122.45(f)(2) allows the permit writer, at its discretion, to express limitations in additional units (e.g., concentration units). The regulations mandate that, where limitations are expressed in more than one unit, the permittee must comply with both.

Generally, mass-based limitations ensure that proper treatment, and not dilution, is employed to comply with the final effluent concentration limitations. Concentration-based effluent limitations, on the other hand, discourage the reduction in treatment efficiency during low-flow periods and require proper operation of the treatment units at all times. In the absence of concentration-based effluent limitations, a permittee would be able to increase its effluent concentration (i.e., reduce its level of treatment) during low-flow periods and still meet its mass-based limitations. To account for this, this permit includes mass and concentration limitations for some constituents; however, the mass-based limitations are inappropriate during wet weather flows when plant flows may exceed design capacity. Therefore, during storm events when flows exceed design capacity, only concentration-based limitations are applicable.

34. **Maximum Daily Effluent Limitations.** Pursuant to 40 CFR section 122.45(d)(2), for a POTW's continuous discharges, all permit effluent limitations, standards, and prohibitions, including those necessary to achieve water quality standards, shall, unless

impracticable, be stated as average weekly and average monthly discharge limitations. It is impracticable to only include average weekly and average monthly effluent limitations for certain pollutants in the permit, because a single daily discharge of certain pollutants, in excess amounts, can cause violations of water quality objectives. The effects of certain pollutants on aquatic organisms are often rapid. For many pollutants, an average weekly or average monthly effluent limitation alone is not sufficiently protective of beneficial uses. As a result, maximum daily effluent limitations, as referenced in 40 CFR section 122.45(d)(1), are included in the permit for certain constituents as discussed in the Fact Sheet accompanying this Order.

35. **Pretreatment.** Pursuant to 40 CFR Part 403, the City developed and has implemented an approved industrial wastewater pretreatment program. This Order requires implementation of the approved Pretreatment Program and modifications thereof.
36. **Sludge Disposal.** To implement CWA Section 405(d), on February 19, 1993, the USEPA promulgated 40 CFR, Part 503 to regulate the use and disposal of municipal sewage sludge. This regulation was amended on September 3, 1999. The regulation requires that producers of sewage sludge meet certain reporting, handling, and disposal requirements. It is the responsibility of the City to comply with said regulations that are enforceable by USEPA, because California has not been delegated the authority to implement this program.
37. **Storm Water.** CWA section 402(p), as amended by the Water Quality Act of 1987, requires NPDES permits for storm water discharges. Pursuant to this requirement, in 1990, USEPA promulgated 40 CFR, Section 122.26 that established requirements for storm water discharges under a NPDES program. To facilitate compliance with federal regulations, on November 1991, the State Board issued a statewide general permit, General NPDES Permit No. CAS000001 and Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities. This permit was amended in September 1992 and reissued on April 17, 1997 in State Board Order No. 97-03-DWQ to regulate storm water discharges associated with industrial activity.

General NPDES permit No. CAS000001 is applicable to storm water discharges from the Burbank WRP's premises. On March 19, 1992, the City filed a Notice of Intent to comply with the requirements of the general permit. The City developed and currently implements a Storm Water Pollution Prevention Plan (SWPPP), to comply with the State Board's Order No. 97-03-DWQ.

38. **Clean Water Act Effluent Limitations.** Numeric and narrative effluent limitations are established pursuant to Section 301 (Effluent Limitations), Section 302 (Water Quality-Related Effluent Limitations), Section 303 (Water Quality Standards and Implementation Plans), Section 304 (Information and Guidelines [Effluent]), Section 305 (Water Quality Inventory), Section 307 (Toxic and Pretreatment Effluent Standards), and Section 402 (NPDES) of the CWA. The CWA and amendments thereto are applicable to the discharges herein.

39. **Antibacksliding.** Antibacksliding provisions are contained in Sections 303(d)(4) and 402(o) of the CWA and in 40 CFR section 122.44(l). Those provisions require a reissued permit to be as stringent as the previous permit with some exceptions. Section 402(o)(2) outlines six exceptions where effluent limitations may be relaxed.
40. **Applicable Water Quality Objectives.** 40 CFR section 122.44(d)(vi)(A) requires the establishment of effluent limitations to attain and maintain applicable narrative and numeric water quality criteria to protect the designated beneficial use.

The Basin Plan includes narrative and numeric Water Quality Objectives (WQOs). The CTR promulgates numeric aquatic life criteria for 24 toxic pollutants and numeric human health criteria for 92 toxic pollutants. A compliance schedule provision in the CTR and the SIP authorizes the State to issue schedules of compliance for new or revised NPDES permit limitations based on the federal CTR criteria when certain conditions are met. CTR's Compliance Schedule provisions sunsetted on May 18, 2005. After this date, the provisions of the SIP allow for Compliance Schedules not to exceed five years from issuance or past May 17, 2010, whichever is sooner. Where numeric water quality objectives have not been established in the Basin Plan, 40 CFR section 122.44(d) specifies that WQBELs may be set based on USEPA criteria and supplemented, where necessary, by other relevant information to attain and maintain narrative water quality criteria to fully protect designated beneficial uses.

41. **Types of Pollutants.** For CWA regulatory purposes, pollutants are grouped into three general categories under the NPDES program: conventional, toxic, and non-conventional. By definition, there are five conventional pollutants (listed in 40 CFR section 401.16): 5-day biochemical oxygen demand, total suspended solids, fecal coliform, pH, and oil and grease. Toxic or "priority" pollutants are those defined in Section 307(a)(1) of the CWA (and listed in 40 CFR section 401.15 and 40 CFR Part 423, Appendix A) and include metals and organic compounds. Non-conventional pollutants are those which do not fall under either of the two previously described categories and include such parameters as ammonia, phosphorous, chemical oxygen demand, whole effluent toxicity, etc.
42. **Technology-Based Limitations for Municipal Facilities (POTWs).** Technology-based effluent limitations require a minimum level of treatment for industrial/municipal point sources based on currently available treatment technologies while allowing the discharger to use any available control techniques to meet the effluent limitations.

The 1972 CWA required POTWs to meet performance requirements based on available wastewater treatment technology. Section 301 of the CWA established a required performance level--referred to as "secondary treatment"--that all POTWs were required to meet by July 1, 1977. More specifically, Section 301(b)(1)(B) of the CWA required that EPA develop secondary treatment standards for POTWs as defined in Section 304(d)(1). Based on this statutory requirement, EPA developed national secondary treatment

regulations which are specified in 40 CFR Part 133. These technology-based regulations apply to all POTWs and identify the minimum level of effluent quality to be attained by secondary treatment in terms of five-day biochemical oxygen demand, total suspended solids, and pH.

43. **Water Quality Based Effluent Limitations (WQBELs).** Water quality-based effluent limitations are designed to protect the quality of the receiving water by ensuring that State water quality standards are met by discharges from an industrial/municipal point source. If, after technology-based effluent limitations are applied, a point source discharge will cause, have the reasonable potential to cause, or contribute to an exceedance of an applicable water quality criterion, then 40 CFR 122.44(d)(1) requires that the permit contain a WQBEL. Although the CWA establishes explicit technology-based requirements for POTWs, Congress did not exempt POTWs from additional regulation to protect water quality standards. As a result, POTWs are also subject to WQBELs.
44. **Water Quality Based Effluent Limitations for Toxic Pollutants.** Toxic substances are regulated in this permit by WQBELs derived from the 1994 Basin Plan, the CTR, and/or best professional judgment (BPJ) pursuant to 40 CFR section 122.44. If a discharge causes, has a reasonable potential to cause, or contribute to a receiving water excursion above a narrative or numeric objective within a State water quality standard, federal law and regulations, as specified in 40 CFR section 122.44(d)(1)(i), and in part, the SIP, require the establishment of WQBELs that will protect water quality. As documented in the fact sheet, pollutants exhibiting reasonable potential in the discharge, authorized in this Order, are identified in the Reasonable Potential Analysis (RPA) section and have final effluent limitations. The discharger is required to gather the appropriate data and the Regional Board will determine if final effluent limitations are needed. If final limitations are needed, the permit will be reopened and limitations will be included in the permit.
45. **Stringency Requirements for Individual Pollutants.** This Order contains both technology-based and water quality-based effluent limitations for individual pollutants. The technology-based effluent limitations consist of restrictions on BOD and TSS. Restrictions on BOD and TSS are specified in federal regulations as discussed in findings. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements. In addition, this Order contains effluent limitations more stringent than the minimum federal technology-based requirements that are necessary to meet water quality standards.

This Order contains a pollutant restriction that is more stringent than applicable federal requirements and standards. Specifically, this Order includes an effluent limitation for bis(2-ethylhexyl)phthalate, that is more stringent than the applicable federal standards, but that is nonetheless necessary to meet numeric objectives or protect beneficial uses. The rationale for including this limitation is explained in Section X.2 of the corresponding Fact Sheet. In addition, the Regional Water Board has considered the factors in Water Code section 13241, as discussed in Section X.3 of the corresponding Fact Sheet.

The effluent limitation for total trihalomethanes is based on the Title 22 MCLs, which are equal to USEPA's MCLs. Therefore, they are not more stringent than federal requirements.

Water quality-based effluent limitations have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant water quality-based effluent limitations were derived from the California Toxics Rule, the California Toxics Rule is the applicable standard pursuant to 40 C.F.R. 131.38. The scientific procedures for calculating the individual water quality-based effluent limitations are based on the CTR-SIP, which was approved by USEPA on May 1, 2001. All designated beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the [Clean Water] Act" pursuant to 40 C.F.R. 131.21(c)(1). [The remaining water quality objectives (Basin Plan Amendments) implemented by this Order were subsequently approved by USEPA, and are applicable water quality standards pursuant to 40 C.F.R. 131.21(c)(2).] Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the technology-based requirements of the Clean Water Act and the applicable water quality standards for purposes of the Clean Water Act.

46. On August 2005, the discharger, during a meeting with Regional Board staff, presented economic information indicating that the cost of complying with the ammonia nitrogen and nitrate plus nitrite as nitrogen effluent limitations is approximately \$16 million, for the nitrification denitrification (NDN) capital improvement project. However, the discharger has not submitted any other economic information regarding the cost of compliance with any other permit requirements.
47. ***Basis for Effluent Limitations for 303(d) Listed Pollutants.*** For 303(d) listed pollutants, the Regional Board plans to develop and adopt total maximum daily loads (TMDLs) which will specify wasteload allocations (WLAs) for point sources and load allocations (LA) for non-point sources, as appropriate. Following the adoption of TMDLs by the Regional Board, NPDES permits will be issued, and where appropriate, reopened to include effluent limitations consistent with the assumptions of the TMDL, based on applicable WLAs. In the absence of a TMDL, the permits will include water quality-based effluent limitations derived as provided in the CTR and SIP (if applicable). These effluent limitations are based on criteria applied end-of-pipe due to no mixing zone or dilution credits allowed.
48. ***CWA 303(d) Listed Pollutants.*** On October 25, 2006, the State Board adopted a revised 303(d) list. The 2006 303(d) list was partially approved by the USEPA on November 30, 2006. However, on March 8, 2007, USEPA partially disapproved the State's 303(d) List, by disapproving the State's omission of impaired waters that met



federal listing regulations or guidance. USEPA added additional water bodies and additional pollutants for waters already listed by the State. On June 28, 2007, USEPA transmitted the final approved 2004-2006 Section 303(d) List, which serves as the State's most recent list of impaired water bodies. The list (hereinafter referred to as the 303(d) list) was prepared in accordance with Section 303(d) of the Federal Clean Water Act to identify specific impaired waterbodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources.

The Burbank Western Channel, Los Angeles River, and its tributaries are on the 303(d) List. The following pollutants/stressors, from point and non-point sources, were identified as impacting the receiving waters:

Burbank Western Channel - Hydrologic Unit 405.21:

- Ammonia<sup>B</sup>, copper<sup>B</sup>, cyanide<sup>A</sup>, lead<sup>B</sup>, and trash<sup>B</sup>;

Los Angeles River Reach 3 (Figueroa St. to Riverside Drive) Hydrologic Unit 405.21:

- Ammonia<sup>B</sup>, copper<sup>B</sup>, lead<sup>B</sup>, nutrients (algae)<sup>B</sup>, and trash<sup>B</sup>;

Los Angeles River Reach 2 (Carson to Figueroa Street) Hydrologic Unit 405.15:

- Ammonia<sup>B</sup>, coliform bacteria<sup>A</sup>, copper<sup>B</sup>, lead<sup>B</sup>, nutrients (algae)<sup>B</sup>, oil<sup>A</sup>, and trash<sup>B</sup>;

Los Angeles River Reach 1 (Estuary to Carson Street) Hydrologic Unit 405.12:

- Ammonia<sup>B</sup>, cadmium<sup>B</sup>, dissolved copper<sup>B</sup>, coliform bacteria<sup>A</sup>, cyanide<sup>A</sup>, diazinon<sup>A</sup>, lead<sup>B</sup>, nutrients (algae)<sup>B</sup>, pH<sup>B</sup>, trash<sup>B</sup>, and dissolved zinc<sup>B</sup>; and,

Los Angeles River Estuary (Queensway Bay) Hydrologic Unit 405.12:

- Chlordane (sediment)<sup>A</sup>, DDT (sediment)<sup>A</sup>, Lead (sediment)<sup>A</sup>, PCBs (Polychlorinated biphenyls) (sediment)<sup>A</sup>, sediment toxicity<sup>A</sup>, trash<sup>B</sup>, and zinc (sediment)<sup>A</sup>.

A TMDL Requirement Status of A = Those requiring TMDLs

B TMDL Requirement Status of B = Being addressed by USEPA approved TMDLs

The Regional Board adopted the 2008 303(d) list of impaired water bodies on July 16, 2009, and submitted the list to the State Board for approval.

49. **Relevant Total Maximum Daily Loads** - A Total Maximum Daily Load (TMDL) is a determination of the amount of a pollutant, from point, nonpoint, and natural background sources, including a margin of safety, which may be discharged to a water quality-limited water body. Section 303(d) of the CWA established the TMDL process. The statutory requirements are codified at 40 CFR, Part 130.7. TMDLs must be developed for the pollutants of concern which impact the water quality of water bodies on the 303(d) list. According to the TMDL schedule, under the amended consent decree, *Heal the Bay, Santa Monica Bay Keeper, et al. v. Browner, et al.* (March 23, 1999), the trash, nitrogen, and metals TMDLs for the Los Angeles River must be completed by March 2001, March

2003, and March 2004, respectively. The coliform TMDL for Los Angeles Harbor is scheduled for completion by March 2006.

- A. **Nitrogen Compounds TMDL.** On July 10, 2003, the Regional Board adopted Resolution No. 2003-009, *Amendment to the Basin Plan for the Los Angeles Region to Include a TMDL for Nitrogen Compounds and Related Effects in the Los Angeles River (Nitrogen Compounds TMDL)*. On November 19, 2003, the State Board approved the *Nitrogen Compounds TMDL*. However, on December 4, 2003, the Regional Board revised the Nitrogen Compound TMDL by adopting Resolution No. 2003-016, *Revision of Interim Effluent Limits for Ammonia in the Amendment to the Water Quality Control Plan for the Los Angeles Region to Include a TMDL for Nitrogen Compounds and Related Effects in the Los Angeles River*. Resolution No. 2003-016 only revised the portion of the Nitrogen Compounds TMDL containing interim limitations for total ammonia as nitrogen, for the Glendale and Tillman WRPs. All other portions of the TMDL remained unchanged. The *Nitrogen Compounds TMDL* went into effect on March 23, 2004, when the Regional Board filed the Notice of Decision with the California Resources Agency.
- B. **Trash TMDL.** On January 25, 2001, the Regional Board adopted Resolution No. 01-006. However, on September 19, 2001, the Regional Board reconsidered Resolution No. 01-006 and adopted Resolution No. 2001-013, *Amendment to the Basin Plan for the Los Angeles Region to Incorporate a TMDL for Trash in the Los Angeles River (Trash TMDL)*, which supercedes Resolution No. 01-006. On February 19, 2002, the State Board adopted Resolution No. 02-038, approving the Regional Board's Trash TMDL.

The TMDL subsequently was approved by the State Water Quality Control Board on February 19, 2002 and by OAL on July 16, 2002. Since the State Board and OAL failed to approve the TMDL in time to meet the relevant federal consent decree, USEPA promulgated its own Trash TMDL. Upon approval of the Regional Board's TMDL by OAL, USEPA approved the Regional Board's LA River Trash TMDL on August 1, 2002, and deemed it to have superceded the TMDL promulgated by USEPA.

The City of Los Angeles and the County of Los Angeles both filed petitions and complaints in the Los Angeles Superior Court challenging the LA River Trash TMDL. Subsequent negotiations led to a settlement agreement, which became effective on September 23, 2003. The Court of Appeal rejected the claims litigated by the cities, but found that the Water Board did not adequately complete the environmental checklist. The Court therefore affirmed a writ of mandate issued by the trial court, which orders the Water Board to set aside and not implement the TMDL until it has been brought into compliance with CEQA.

On June 6, the Regional Board set aside the TMDL and Resolution No. 01-013

which established it, pursuant to the writ of mandate. On June 28, 2006, a CEQA scoping meeting was conducted. Regional Board staff revised the CEQA checklist in response to comments received; prepared a Basin Plan Amendment to incorporate the LA River Trash TMDL; and, have scheduled the item for Board adoption at the October 2006 public hearing.

- C. **Metals TMDL**. On June 2, 2005, the Regional Board adopted Resolution No. R05-006, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Metals for the Los Angeles River and its Tributaries (LA River Metals TMDL)*. The LA River Metals TMDL contains waste load allocations for copper, lead, cadmium and zinc. Reasonable Potential Analysis (RPA) showed exceedances of water quality objectives in receiving water and the pollutants were detected in the effluent for these metals. Therefore, numeric water quality based effluent limitations have been prescribed for these metals in this permit. On October 20, 2005, the State Board approved the *LA River Metals TMDL* by adopting Resolution No. 2005-0077. On December 9, 2005 and December 22, 2005, respectively, OAL and USEPA approved the *LA River Metals TMDL*. It went into effect on January 11, 2006, when the Certificate of Fee Exemption was filed with the California Department of Fish and Game.

On February 16, 2006, the Cities of Bellflower, Carson, Cerritos, Downey, Paramount, Santa Fe Springs, Signal Hill, and Whittier (Cities) filed a petition for a writ of mandate challenging many aspects of the Los Angeles River Metals TMDL and the Ballona Creek Metals TMDL. (*Cities of Bellflower et al v. SWRCB et al*, Los Angeles Superior Court No. BS101732) On May 24, 2007, the Los Angeles County Superior Court adopted the third of three rulings with respect to the writ petition. Collectively, all challenges to the TMDLs were rejected, except for one CEQA claim. The Court ruled that the State and Regional Water Boards (Water Boards) should have adopted and circulated an alternatives analysis that analyzed alternatives to the project. The Court issued its writ of mandate, directing the Water Boards to adopt an alternative analysis that analyzed feasible alternatives to the TMDLs, and to reconsider the TMDLs accordingly.

After considering the alternative analysis, the Regional Board found that the TMDL as originally proposed and adopted was appropriate. The Regional Board further found that nothing in the alternatives analysis nor any of the evidence generated, presents a basis for the Regional Board to conclude that it would have acted differently when it adopted the TMDLs had the alternative analysis been prepared and circulated at that time. Thus, on September 6, 2007, the Regional Board adopted Resolution No. R2007-014, which reestablished the metals TMDL for the Los Angeles River in substantially its original form.

On May 7, 2009, the Regional Board adopted Resolution No. 09-003, which voided and set aside Resolution Nos. R05-006 and R05-007 as required by the

writ of mandate in the matter of *Cities of Bellflower et al v. SWRCB*.

50. **Mixing Zones, Water Effects Ratio (WER), and Dilution Credits.** Mixing zones, dilution credits, WER, and attenuation factors are not authorized in this Order. Allowance of a mixing zone is in the Regional Board's discretion under Section 1.4.2 of the SIP and under the Basin Plan (Basin Plan Chapter 4, page 30). If the Discharger subsequently conducts appropriate mixing zone, WER, and dilution credit studies, the Regional Board can evaluate the propriety of granting a mixing zone or establishing dilution credits.

Translator study – In September 2004, the City of Burbank submitted, to the Regional Board, a draft workplan to conduct a Copper Translator Study, based on the 1996 USEPA Metals Translator Guidance. The intent of the City for developing a copper translator is to obtain a localized factor specifically for the Burbank Western Channel, rather than using the default factors in the CTR developed by USEPA. The approved translator would be used in accordance with SIP procedures to develop a revised CTR-based copper final effluent limitation. On November 18, 2004, Regional Board staff provided preliminary comments requesting: the addition of a mixing zone study, clarification of sampling protocols, and clarification of the sampling schedule; suggesting that the workplan be revising, and requesting that it be resubmitted. In December 2004, the City subsequently submitted a revised draft workplan for Regional Board approval. On August 28, 2006, Regional Board staff provided comments on the December 2004 Workplan including a request for an additional sampling station, an updated sampling schedule, and clarification on details pertaining to the mixing zone study. The City submitted a revised workplan on October 19, 2006. Once the Workplan is approved, sampling for the Copper Translator Study along the Burbank Western Channel will begin.

Water Effects Ratio – The City of Burbank, in conjunction with the City of Los Angeles, is pursuing two separate water effect ratio (WER) studies, one for copper and another for ammonia. Larry Walker Associates (LWA) has been hired by the cities to conduct both the LA River Copper WER Study and the LA River Ammonia WER, according to their respective approved workplans. Technical Advisory Committees (TACs) have been assembled to provide independent review of the proposed WERs. A memorandum dated June 20, 2006, written by LWA, addressed to the Copper WER TAC, presents the results of sampling conducted and recommends different WERs for various reaches of the LA River. LWA was initially recommending a 5.7 WER for copper in the Burbank Western Channel. However, according to the Los Angeles River Copper WER Study final report, dated June 3, 2008, a 3.958 WER was recommended, in order to be protective of the downstream reach. Both WER studies have yet to be approved by the Regional Board. Although the results of the WER studies may not be incorporated into the corresponding TMDLs before the NPDES permit goes to the Board for revision, this permit contains a reopener which allows the modification of final effluent limitations, if at the conclusion of necessary studies conducted by the Discharger, the Regional Board determines that dilution credits, attenuation factors, water effect ratios, or metal translators are warranted.

Dilution and Attenuation Factors - On July 16, 2003, the State Board adopted Order No.

WQO 2003-0009, directing Regional Board staff to work with CSDLAC, once data was provided, to determine whether dilution and attenuation are appropriate factors to consider in developing effluent limitations to protect the GWR beneficial use, in the Whittier Narrows WRP NPDES permit. However, this does not apply to the Burbank WRP at this time, because the City of Burbank has not provided the necessary site-specific data or studies regarding the ground water basins in the San Fernando Valley and the Central Los Angeles Coastal Plain Groundwater Basin areas.

At this time, the Regional Board has concluded that mixing zones, WER, and dilution credits would be inappropriate to grant, in light of the following factors:

- A. The Burbank WRP discharge contributes the largest flow into the Burbank Western Wash, within the Los Angeles River watershed, in the vicinity of the discharge point where it overwhelms the receiving water, most of the year, providing very limited mixing and dilution;
  - B. Even in the absence of the Burbank WRP discharge, the receiving water primarily consists of nuisance flows and other effluents, limiting its assimilative capacity;
  - C. Several reaches of the Los Angeles River [including those subject to this Order] are 303(d) listed (i.e., impaired) for certain constituents;
  - D. Impaired waters do not have the capacity to assimilate pollutants of concern at concentrations greater than the applicable objective;
  - E. For the protection of the beneficial uses is listed on Finding 28;
  - F. Consistent with Antidegradation Policies;
  - G. Because a mixing zone study has not been conducted;
  - H. Because hydrologic models of the discharge and the receiving waters have not been conducted; and,
  - I. Because the final WER study reports have not been approved by the Board.
51. Specific effluent limitations for each constituent contained in this order were developed in accordance with the foregoing laws, regulations, plans, policies, and guidance. The specific methodology and example calculations are documented in the fact sheet prepared by Regional Board staff that accompanies this Order.

## **REASONABLE POTENTIAL ANALYSIS**

52. As specified in 40 CFR, Part 122.44(d)(1)(i), permits are required to include limitations for all pollutants “which the Director (defined as the Regional Administrator, State Director, or authorized representative in 40 CFR, Part 122.2) determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard.”

A. Using the method described in the TSD, the Regional Board has conducted Reasonable Potential Analysis (RPA) for:

1. Chronic Toxicity - RPA was conducted for Chronic Toxicity (Table R2 of the accompanying Fact Sheet) using the discharger’s effluent data from their ROWD and annual self monitoring reports. Chronic Toxicity effluent data is summarized in Table D2 of the accompanying Fact Sheet. The RPA compares the effluent data with USEPA’s 1 TUc water quality criteria. The Discharger’s effluent demonstrated Chronic Toxicity during the last permit cycle. Based on this information, the Regional Board has determined that there is a reasonable potential that the discharge will cause toxicity in the receiving water and, consistent with SIP section 4, the Order contains a narrative effluent limitation for Chronic Toxicity. The circumstances warranting a numeric Chronic Toxicity effluent limitation were reviewed by the State Water Resources Control Board (State Board) in SWRCB/OCC Files A-1496 & A-1496(a) [Los Coyotes/Long Beach WRP Petitions]. On September 16, 2003, the State Board adopted Order No. WQO 2003-0012, deferring the issue of numeric chronic toxicity effluent limitations until a subsequent phase of the SIP is adopted, and replaced the numeric chronic toxicity effluent limitation with a narrative effluent limitation for the time being.
2. Nitrate plus nitrite as nitrogen and other constituents with non-CTR based limitations – RPA was conducted for Nitrate plus Nitrite as Nitrogen and other constituents (Table R2 of the accompanying Fact Sheet) using the Discharger’s effluent data from their self monitoring reports. The effluent data for Non-priority pollutants is summarized in Table D2 of the accompanying Fact Sheet. The TSD RPA procedure compares the effluent data with the Basin Plan water quality objectives (WQOs) and other applicable criteria, and uses statistics to predict a receiving water concentration. Based on information submitted to the Regional Board by the Discharger, and using the TSD RPA procedure, the Regional Board has determined that there is a reasonable potential that the discharge will cause or contribute to an exceedance of the applicable criteria for: Nitrate plus Nitrite as Nitrogen, arsenic, bis(2-ethylhexyl)phthalate, total trihalomethanes and iron. During the settlement negotiations preceding the January 25, 2010 settlement agreement, a new reasonable potential analysis was conducted in February 2009, using available data that was representative of the treated effluent following the NDN upgrade and the ammonia add-back process change (Table R2r of the accompanying Fact Sheet). In response to

comments received, the dataset was expanded to include data from 2009; spreadsheets in the accompanying Fact Sheet were revised; and an updated reasonable potential analysis was conducted on March 1, 2010, yielding similar results. Therefore, the Order contains numeric effluent limitations for Nitrate plus Nitrite as Nitrogen, bis(2-ethylhexyl)phthalate, and total trihalomethanes, as reasonable potential continues to exist for the discharge to cause or contribute to excursions above criteria for these constituents. Effluent limitations for arsenic and iron are removed in this order for constituents that no longer have reasonable potential, as required by State Board Order WQ 2003-0009.

- B. Using the method described in the SIP, the Regional Board has conducted Reasonable Potential Analyses (RPA) for priority pollutants using the discharger's effluent data contained in Table D1 and receiving water data contained in Table D3. The RPA compares the effluent data with water quality objectives in the Basin Plan and CTR.
1. **Reasonable Potential Determination** - The RPA (per the SIP) involves identifying the observed maximum pollutant concentration in the effluent (MEC) for each constituent based on the effluent concentration data. There are three tiers to determining reasonable potential. If any of the following three tiers is triggered, then reasonable potential exists:
    - a. For the first tier, the MEC is compared with the lowest applicable Water Quality Objective (WQO), which has been adjusted for pH, hardness and translator data, if appropriate. If the MEC is greater than the (adjusted) WQO, then there is reasonable potential for the constituent to cause or contribute to an excursion above the WQO and a water quality-based effluent limitation (WQBEL) is required. However, if the pollutant was not detected in any of the effluent samples and all of the reported detection limitations are greater than or equal to the WQO, proceed with Tier 2. The Regional Board exercised its discretion in identifying all available, valid, relevant, representative data and information in accordance with SIP Section 1.2 (page 5).
    - b. For the second tier, the observed maximum ambient background concentration (B) for the pollutant is compared with the adjusted WQO. If B is greater than the adjusted WQO and the pollutant was present in the effluent, then a WQBEL is required, because the effluent has reasonable potential to contribute to an exceedance of the WQO. The Regional Board exercised its discretion in identifying all available, applicable ambient background data in accordance with SIP Section 1.4.3 (page 18).

- c. For the third tier, other information is used to determine RPA, such as the current CWA 303(d) List. Section 1.3 of the SIP describes the type of information that can be considered in Tier 3.

For all parameters that have reasonable potential to cause or contribute to an exceedance of a WQO/criteria, numeric WQBELs are required. Section 1.4, Step 5 of the SIP (page 10) states that MDELs shall be used for publicly-owned treatment works (POTWs) in place of average weekly limitations. WQBELs are based on CTR, USEPA water quality criteria, applicable TMDLs, and Basin Plan objectives (among which are MCLs included by reference).

If the data are unavailable or insufficient to conduct the RPA for the pollutant, or if all reported detection limitations of the pollutant in the effluent are greater than or equal to the WQO, the Regional Board shall require additional monitoring, in accordance with Section 1.3. of the SIP. Upon completion of the required monitoring, the Regional Board shall use the gathered data to conduct RPA and determine if a WQBEL is required.

A numeric limit has not been prescribed for a toxic constituent if it has been determined that it has no reasonable potential to cause or contribute to excursions of water quality standards. However, if the constituent had a limitation in the previous permit, and if none of the Antibracksliding exceptions apply, then the limitation will be retained. A narrative limitation to comply with all water quality objectives is provided in *Standard Provisions* for the priority pollutants, which have no available numeric criteria.

2. **RPA Data** - The RPA conducted in 2006 was based on effluent monitoring data for June 2003 through May 2006. Data collected prior to June 2003 was excluded from the dataset, because it was not representative of the level of treatment provided by the upgraded treatment units at the Burbank WRP. However, since the priority pollutants were not sampled that frequently in the previous monitoring and reporting program, there was no priority pollutant data for June and July in 2003. During the settlement negotiations preceding the January 25, 2010 settlement agreement, an updated RPA was conducted in February 2009, using available data that was representative of the treated effluent following the NDN upgrade and the ammonia add-back process change. Effluent monitoring data was collected between December 17, 2007 and December 3, 2008 (see Tables D1r, R1r and R2r). In response to comments received, the dataset was expanded to include data from 2009; spreadsheets in the accompanying Fact Sheet were revised; and an updated reasonable potential analysis was conducted on March 1, 2010, yielding similar results. Effluent limitations for Dibromochloromethane and Dichlorobromomethane are removed in this order for constituents that no longer have reasonable potential, as required by State Board Order WQ 2003-



0009. Table R1 of the fact sheet summarizes the RPA, lists the constituents, and where available, the lowest, adjusted WQO, the MEC, the "Reasonable Potential" result, and the limitations from the previous permit.

- a. **Metals Water Quality Objective** - For metals, the lowest applicable Water Quality Objective (WQO) was expressed as total recoverable, and where applicable, adjusted for hardness. A spreadsheet (Table R3) was used to calculate the total recoverable CTR criteria. Hardness values from samples collected in the receiving water upstream of the discharge point are typically averaged and used to determine the appropriate CTR WQO for those hardness-dependent metals. However, since the hardness upstream was much higher than both the effluent hardness and the hardness downstream of the discharge, the downstream hardness was used instead of the upstream hardness, in order to protect the downstream beneficial uses. The average hardness values at (R2) were used to determine the appropriate CTR WQO for hardness-dependent metals. Individual hardness values greater than 400 mg/L were capped at 400 prior to calculating the average hardness of 224 mg/L. This is consistent with the preamble to the CTR, contained in Federal Register Section E.f. *Hardness* (p.31692), 40 CFR Part 131.
- b. **Interim Monitoring Requirements** - In accordance with the SIP, the Regional Board may impose interim monitoring requirements upon the Discharger, so that the Discharger obtains adequate ambient, background water data for priority pollutants upstream of the discharge point as well as suitable effluent data. The Executive Officer directed the Discharger to begin an interim monitoring program for the duration of 18 months, beginning July 2001. The Discharger collected the eighteen required samples and reported the results quarterly to the Regional Board. The eighteen months worth of ambient (or receiving water) data were used in the RPA. However, since the effluent data was collected prior to the NDN upgrade, it was not representative of the current level of treatment provided by the Burbank WRP, and was not used in the RPA. After additional information is gathered, Regional Board staff will conduct another RPA, at a future date, to determine if additional numeric limitations are necessary. Section 1.3, Step 8, of the SIP authorizes the Regional Board to use the gathered data to conduct RPA, as outlined in Steps 1 through 7, and determine if a water quality-based effluent limitation is required.

A reopener provision is included in this Order that allows the permit to be reopened to allow the inclusion of new numeric limitations for any constituent that exhibits reasonable potential to cause or contribute to exceedance of applicable water quality objectives.

For some priority pollutants, the applicable water quality objectives are below the levels that current technology can measure. Section 2.4.5 of the SIP discusses how compliance will be determined in those cases. The Discharger should work with the laboratory to lower detection levels to meet applicable and reliable detection limits; follow procedures set forth in 40 CFR, Part 136; and, report the status of their findings in the annual report. During the term of the permit, if and when monitoring with lowered detection limits shows any of the priority pollutants at levels exceeding the applicable WQOs, the Discharger will be required to initiate source identification and control for the particular pollutant. Appendix 4 of the SIP lists the minimum levels and laboratory techniques for each constituent.

- C. The numeric limitations contained in this Order are intended to protect and maintain existing and potential beneficial uses of the receiving waters. Environmental benefits provided by these limitations are reasonable and necessary.
  - D. Regional Board staff have determined that chromium VI, mercury, selenium, and lindane (gamma-BHC) showed the potential to exceed respective CTR objectives, and, therefore, require CTR-based effluent limitations. Regional Board staff have determined that the following pollutants showed the potential to exceed their respective Basin Plan WQO, and, therefore, require Basin Plan-based effluent limitations: bis(2-ethylhexyl)phthalate, and total trihalomethanes. The following have effluent limitations based on the waste load allocations prescribed in the *LA River Metals TMDL*: cadmium, copper, zinc, and lead.
53. The Order is consistent with State and Federal antidegradation policies in that it does not authorize a change in the quantity of wastewater discharged by the facility, nor does it authorize a change or relaxation in the manner or level of treatment. As a result, both the quantity and quality of the discharge are expected to remain the same consistent with antidegradation policies. The accompanying monitoring and reporting program requires continued data collection and if monitoring data show a reasonable potential for a constituent to cause or contribute to an exceedance of water quality standards, the permit will be reopened to incorporate appropriate WQBELs. Such an approach ensures that the discharge will adequately protect water quality standards for potential and existing uses and conforms with antidegradation policies and antibacksliding provisions.
54. ***Pollutant Minimization Program.*** This Order provides for the use of a Pollutant Minimization Program, developed in conformance with Section 2.4.5.1 of the SIP, when there is evidence that a priority pollutant is present in the Discharger's effluent above an effluent limitation.

## **INTERIM REQUIREMENTS**

55. ***Mercury, Selenium, and Lindane (gamma-BHC)***. Data submitted in previous self-monitoring reports indicated that these constituents have reasonable potential to exceed the CTR criteria and therefore require the limitations prescribed in this Order. The Burbank WRP may not be able to achieve consistent compliance with the CTR-based final effluent limitation for these constituents. The City has the option of conducting studies to obtain the necessary data to develop site-specific objectives (SSOs) for mercury for the protection of human health from the consumption of fish and shellfish taken from the receiving waters; or, an SSO for chromium VI or selenium, for the protection of aquatic life. However, the City should prepare and submit a draft workplan to the Regional Board for review and approval, prior to initiating the study.
56. 40 CFR, Section 131.38(e) provides conditions under which interim effluent limitations and compliance schedules may be issued, but the current Basin Plan only allows the inclusion of interim limitations and compliance schedules in NPDES permits for effluent limitations under special circumstances. The SIP allows inclusion of interim limitations in NPDES permits for CTR-based priority pollutants, up to May 17, 2010. Therefore, this Order includes interim limitations and compliance schedules for CTR-based priority pollutants limitations for approximately four years, when the Discharger has been determined to have problems in meeting the new limitations. This Order also includes a reopener to allow the Regional Board to grant TMDL-based compliance schedules if the USEPA approves the longer compliance schedule provisions of the SIP. For the non-CTR-based final effluent limitation (for total trihalomethanes) prescribed in this Order, based on Basin Plan's WQO, for which the Discharger will not be able to meet immediately, an interim limitation and compliance date is provided in the NPDES permit, according to Resolution No. 2003-001, because the limitation is based on a new criteria.

On January 30, 2003, the Regional Board adopted Resolution No. 2003-001, *Resolution Amending the Water Quality Control Plan for the Los Angeles Region to Incorporate Language Authorizing Compliance Schedules in NPDES Permits*, which allows compliance schedules in NPDES permits for effluent limitations that implement new, revised or newly interpreted water quality standards, or for effluent limitations that implement TMDLs for new, revised or newly interpreted water quality standards.

57. The Discharger already has in place a source control and pollutant minimization approach through its existing pollutant minimization strategies and through the pretreatment program. The duration of interim requirements established in this Order was developed in coordination with Regional Board staff and the Discharger, and the proposed schedule is as short as practicable. The recommended compliance schedule is based on the maximum allowable compliance schedule.

### **CEQA AND NOTIFICATION**

58. The action to adopt a NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code §21100, et. seq.) in accordance with California Water Code §13389.
59. The Regional Board has notified the Discharger and interested agencies and persons of its intent to renew waste discharge requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.
60. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
61. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Clean Water Act, or amendments thereto, and is effective 50 days (May 21, 2010) from the date of its adoption because of significant public comment, in accordance with federal law, provided the Regional Administrator, USEPA has no objections.
62. 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, P.O. Box 100, Sacramento, California, 95812, within 30 days of adoption of the Order.

**IT IS HEREBY ORDERED** that the City of Burbank, as owner and operator of the Burbank Water Reclamation Plant, 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 adopted thereunder, shall comply with the following:

#### **I. DISCHARGE REQUIREMENTS**

##### **A. Effluent Limitations**

1. Wastes discharged shall be limited to treated: municipal wastewater, and stormwater, only, as proposed in the ROWD. The discharge of process wastewater from the Burbank Steam Power Plant, into the Burbank Western Channel, is expressly prohibited.
2. The discharge of an effluent with constituents in excess of the following limitations is prohibited:
  - (a) Conventional and nonconventional pollutants for Discharge Serial No. 002 for the Burbank WRP:

Constituent	Units	Discharge Limitations		
		Monthly Average <sup>[1]</sup>	Weekly Average <sup>[1]</sup>	Daily Maximum <sup>[2]</sup>
Settleable solids	ml/L	0.1	--	0.3
Suspended solids	mg/L	15	40	45
	lbs/day <sup>[3]</sup>	1,100	3,000	3,400
Oil and grease	mg/L	10	--	15
	lbs/day <sup>[3]</sup>	750	--	1,100
BOD <sub>5@20°C</sub>	mg/L	20	30	45
	lbs/day <sup>[3]</sup>	1,500	2,300	3,400
Total residual chlorine	mg/L	--	--	0.1 <sup>[4]</sup>
Total dissolved solids	mg/L	950	--	--
	lbs/day <sup>[3]</sup>	71,000	--	--
Chloride	mg/L	190 <sup>[5]</sup>	--	--
	lbs/day <sup>[3]</sup>	14,000	--	--
Sulfate	mg/L	300	--	--
	lbs/day <sup>[3]</sup>	23,000	--	--
Detergents (as MBAS)	mg/L	0.5	--	--
	lbs/day <sup>[3]</sup>	40	--	--
Nitrate + Nitrite (as N)	mg/L	7.2 <sup>[6]</sup>	--	--
Nitrate (as N)	mg/L	7.2 <sup>[6]</sup>	--	--
Nitrite (as N)	mg/L	0.9 <sup>[6]</sup>	--	--
Total ammonia (as N)	mg/L	2.1 <sup>[6]</sup>	--	9.1 <sup>[6]</sup>

[1] Average Monthly Discharge Limitation means the highest allowable average of daily discharge over a calendar month, calculated as the sum of all daily discharges measured during that month divided by the number of days on which monitoring was performed.

Average Weekly Discharge Limitation means the highest allowable average of daily discharge over a calendar week, calculated as the sum of all daily discharges measured during that week divided by the number of days on which monitoring was performed.

[2] The daily maximum effluent concentration limit shall apply to both flow weighted 24-hour composite samples and grab samples, as specified in the Monitoring and Reporting Program (Attachment T).

[3] The mass emission rates are based on the existing plant design flow rate of 9 mgd, and are calculated as follows: Flow(MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day. However, the design capacity will incrementally increase to 12.5 MGD, as the phased plant upgrade approaches completion. The mass-based effluent limitation will accordingly be modified upon certification and approval of increased treatment plant capacity. During wet-weather storm events in which the flow exceeds the design capacity, the mass discharge rate limitations shall not apply, and concentration limitations will provide the only applicable effluent limitations.

[4] Determination of compliance with the final effluent limitation of 0.10 mg/L for total residual chlorine will be based solely on end of pipe grab samples.

[5] In accordance with the Resolution 97-02, adopted by the Regional Board on January 27, 1997, the chloride limitation has been increased from 150 to 190 mg/L.

[6] This is the waste load allocation (WLA), according to the *Nitrogen Compounds TMDL* Resolution No. 2003-009, adopted by the Regional Board on July 10, 2003. The WLA serves as the effluent limitation for the discharge. It became effective on March 23, 2004, after the USEPA approved the *Nitrogen Compounds TMDL*, and after the Regional Board filed the Notice of Decision with the California Resources Agency. The interim effluent limitations contained in the *Nitrogen Compounds TMDL* would not apply to the City's discharge, because construction and start-up operations of the NDN facilities have been completed.

(b) Toxic pollutants for Discharge Serial No. 002:

CTR # <sup>[1]</sup>	Constituent	Units	Discharge Limitations <sup>[5]</sup>	
			Monthly Average <sup>[2]</sup>	Daily Maximum
4	Cadmium <sup>[3]</sup> (Wet weather)	µg/L	4.4 <sup>[7 &amp; 9]</sup>	5.8 <sup>[7 &amp; 9]</sup>
		lbs/day	0.33 <sup>[7, 9 &amp; 10]</sup>	0.44 <sup>[7, 9 &amp; 10]</sup>
5b	Chromium VI <sup>[3]</sup>	µg/L	9.7 <sup>[6]</sup>	16 <sup>[6]</sup>
		lbs/day <sup>[4]</sup>	0.73 <sup>[6]</sup>	1.2 <sup>[6]</sup>
6	Copper <sup>[3]</sup> (Dry weather & wet weather)	µg/L	16 <sup>[7, 8, &amp; 9]</sup>	30 <sup>[7, 8, &amp; 9]</sup>
		lbs/day <sup>[4]</sup>	1.2 <sup>[7, 8, &amp; 9]</sup>	2.6 <sup>[7, 8, &amp; 9]</sup>
7	Lead <sup>[3]</sup> (Dry weather & wet weather)	µg/L	8 <sup>[7, 8 &amp; 9]</sup>	13 <sup>[7, 8 &amp; 9]</sup>
		lbs/day	0.6 <sup>[7, 8, 9 &amp; 10]</sup>	0.98 <sup>[7, 8, 9 &amp; 10]</sup>
8	Mercury <sup>[3]</sup>	µg/L	0.051 <sup>[5], [6]</sup>	0.10 <sup>[5], [6]</sup>
		lbs/day <sup>[4]</sup>	0.004 <sup>[6]</sup>	0.008 <sup>[6]</sup>
10	Selenium <sup>[3]</sup>	µg/L	4.2 <sup>[6]</sup>	7.8 <sup>[6]</sup>
		lbs/day <sup>[4]</sup>	0.32 <sup>[6]</sup>	0.59 <sup>[6]</sup>
13	Zinc <sup>[3]</sup> (Wet weather)	µg/L	178 <sup>[7 &amp; 9]</sup>	236 <sup>[7 &amp; 9]</sup>
		lbs/day <sup>[4]</sup>	13 <sup>[7 &amp; 9]</sup>	18 <sup>[7 &amp; 9]</sup>
68	Bis(2-ethylhexyl)phthalate	µg/L	4	--
		lbs/day <sup>[4]</sup>	0.3	--
105	Lindane (Gamma-BHC)	µg/L	0.063 <sup>[6]</sup>	0.13 <sup>[6]</sup>
		lbs/day <sup>[4]</sup>	0.0047 <sup>[6]</sup>	0.0098 <sup>[6]</sup>
	Total trihalomethanes <sup>[11]</sup>	µg/L	80	--
		lbs/day <sup>[4]</sup>	6	--

[1] This number corresponds to the compound number found in Table 1 of CTR. It is simply the order in which the 126 priority pollutants were listed in 40 CFR section 131.38 (b)(1).

[2] Compliance may be determined according to the requirements in Section IV.E.2 - Compliance Determination.

[3] Concentration expressed as total recoverable.

[4] The mass emission rates are based on the existing plant design flow rate of 9 mgd, and are calculated as follows: Flow(MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day. However, the design capacity will incrementally increase to 12.5 MGD, as the phased plant upgrade approaches completion. The mass-based effluent limitation will accordingly be modified upon certification and approval of increased treatment plant capacity. During wet-weather storm events in which the flow exceeds the design capacity, the mass discharge rate limitations shall not apply, and concentration limitations will provide the only applicable effluent limitations.

- [5] For priority pollutants, Section 2.4.5 of CTR *Compliance Determination*, reads, "Dischargers shall be deemed out of compliance with an effluent limitation if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported ML."
- [6] This effluent limitation will not be in effect until May 18, 2010, and until that time the Discharger shall comply with the applicable interim limitations established in I.A.9.a. below.
- [7] This is the **wet weather** waste load allocation (WLA), according to Resolution No. R2007-014, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Metals for the Los Angeles River*, adopted by the Regional Board on September 6, 2007, which superseded Resolution No. R05-006, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Metals for the Los Angeles River and its Tributaries (LA River Metals TMDL)*, adopted by the Regional Board on June 2, 2005. The Metals TMDL was approved by the State Board, with the adoption of Resolution No. 2008-0046. On October 14, 2008 and October 29, 2008, respectively, OAL and USEPA approved the *LA River Metals TMDL*. It went into effect on October 29, 2008. According to the LA River Metals TMDL, wet weather is "when the maximum daily flow in the River is equal to or greater than 500 cfs at the LA River Wardlow gage station."
- [8] This is the **dry weather** waste load allocation (WLA), according to Resolution No. R2007-014, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Metals for the Los Angeles River*, adopted by the Regional Board on September 6, 2007, which superseded Resolution No. R05-006, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Metals for the Los Angeles River and its Tributaries (LA River Metals TMDL)*, adopted by the Regional Board on June 2, 2005. The Metals TMDL was approved by the State Board, with the adoption of Resolution No. 2008-0046. On October 14, 2008 and October 29, 2008, respectively, OAL and USEPA approved the *LA River Metals TMDL*. It went into effect on October 29, 2008. According to the LA River Metals TMDL, dry weather is "when the maximum daily flow in the River is less than 500 cfs at the LA River Wardlow gage station."
- [9] This effluent limitation will not be in effect until January 11, 2011, according to the LA River Metals TMDL Implementation Section, and until that time the Discharger shall comply with the applicable interim effluent limitations established in I.A.9.b. below.
- [10] According to the LA River Metals TMDL, the mass-based limitations for Cadmium and Lead will not apply during wet weather, when the influent flow exceeds the plant design flow rate of 9 MGD.
- [11] Total trihalomethanes is the sum of concentrations of the trihalomethane compounds: bromodichloromethane, bromoform, chloroform, and dibromochloromethane. This limitation is based on the Basin Plan WQO incorporation of MCLs by reference.

The following effluent limitations also apply to Discharge Serial No. 002:

3. The pH of wastes discharged shall at all times be within the range of 6.5 to 8.5.
4. The temperature of wastes discharged shall not exceed 86°F, except as a result of external ambient temperature.
5. Pursuant to 40 CFR sections 133.102(a)(3) and 133.102(b)(3), the 30-day average percent removal by weight for BOD and total suspended solids shall not be less than 85 percent. Percent removal is defined as a percentage expression

of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of the raw wastewater influent pollutant concentrations to the facility and the 30-day average values of the effluent pollutant concentrations.

6. Radioactivity of the wastes discharged shall not exceed the limitations specified in Title 22, Chapter 15, Article 5, Section 64443, of the California Code of Regulations, or subsequent revisions.
7. The wastes discharged to water courses shall at all times be adequately disinfected. For the purpose of this requirement, the wastes shall be considered adequately disinfected if the median number of coliform organisms at some point in the treatment process does not exceed 2.2 per 100 milliliters, and the number of coliform organisms does not exceed 23 per 100 milliliters in more than one sample within any 30-day period. The median value shall be determined from the bacteriological results of the last seven (7) days for which an analysis has been completed. Samples shall be collected at a time when wastewater flow and characteristics are most demanding on treatment facilities and disinfection processes.
8. For the protection of the potential water contact recreation beneficial use in the Burbank Western Channel and for the protection of the existing water contact recreation beneficial use in the Los Angeles River, the wastes discharged to water courses shall have received adequate treatment, so that the turbidity of the wastewater does not exceed: (a) a daily average of 2 Nephelometric turbidity units (NTUs); and (b) 5 NTUs more than 5 percent of the time (72 minutes) during any 24 hour period.
9. Interim Effluent Limitations
  - a. The Discharger shall comply immediately with the following interim effluent limitations until May 17, 2010. Thereafter, the Discharger shall comply with the limitations specified in Section I.A.2.b. of this Order.

Constituent	Units	Monthly Average **
Mercury	µg/L	0.06
Selenium	µg/L	23
Gamma-BHC (Lindane)	µg/L	0.088

\*\* The interim limitation was set as the maximum effluent concentration

- b. The Discharger shall comply immediately with the following interim effluent limitation until January 10, 2011. Thereafter, the Discharger shall comply with the limitations specified in Section I.A.2.b. of this Order.



Constituent	Units	Monthly Average **
Copper	µg/L	64

\*\* The interim limitation was set as the maximum effluent concentration

- c. The Discharger shall comply immediately with the following interim effluent limitation until October 10, 2011. Thereafter, the Discharger shall comply with the limitations specified in Section I.A.2.b. of this Order.

Constituent	Units	Monthly Average **
Total Trihalomethanes	µg/L	228

\*\* The interim limitation was set as the maximum effluent concentration

- d. The Discharger shall submit quarterly progress reports (January 15, April 15, July 15 and October 15) to describe the progress of studies and/or actions undertaken to reduce the compounds in the effluent, and to achieve compliance with the limitations in this Order by the above-mentioned deadlines. The next progress report shall be received at the Regional Board by July 15, 2010.
10. To protect underlying ground water basins, pollutants shall not be present in the wastes discharged at levels that pose a threat to ground water quality.
11. Acute Toxicity Limitation:
- a. The acute toxicity of the effluent shall be such that:
- (i) the average survival in the undiluted effluent for any three (3) consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, and
  - (ii) no single test producing less than 70% survival.
- b. If either of the above requirements (11.a.i or 11.a.ii) is not met, the Discharger shall conduct six additional tests over a six-week period. The Discharger shall ensure that results of a failing acute toxicity test are received by the Discharger within 24 hours of completion of the test and the additional tests shall begin within 3 business days of receipt of the result. If the additional tests indicate compliance with acute toxicity limitation, the Discharger may resume regular testing. However, if the results of any two of the six accelerated tests are less than 90% survival,

then the Discharger shall begin a Toxicity Identification Evaluation (TIE). The TIE shall include all reasonable steps to identify the sources of toxicity. Once the sources are identified, the Discharger shall take all reasonable steps to reduce toxicity to meet the objective.

- c. If the initial test and any of the additional six acute toxicity bioassay tests results are less than 70% survival, the Discharger shall immediately implement Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan.
- d. The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program (MRP) No. 4424.

12. Chronic Toxicity Limitation and Requirements:

- a. The chronic toxicity of the effluent shall be expressed and reported in toxic units, where:

$$TU_c = \frac{100}{NOEC}$$

The No Observable Effect Concentration (NOEC) is expressed as the maximum percent effluent concentration that causes no observable effect on test organisms, as determined by the results of a critical life stage toxicity test.

- b. Chronic toxicity of 100% effluent shall not exceed a monthly median trigger of 1.0 TU<sub>c</sub> or a daily maximum trigger of 1.0 TU<sub>c</sub> in a critical life stage test.
- c. If the chronic toxicity of the effluent exceeds the monthly median trigger of 1.0 TU<sub>c</sub>, the Discharger shall immediately implement accelerated chronic toxicity testing according to MRP No. 4424, Section VI.4.B.d. If any three out of the initial test and the six accelerated tests results exceed 1.0 TU<sub>c</sub>, the Discharger shall initiate a TIE and implement the Initial Investigation TRE Workplan, as specified in the following section of this Order (Section I.A.13).
- d. The Discharger shall conduct chronic toxicity monitoring as specified in MRP No. 4424.

13. Preparation of an Initial Investigation TRE Workplan

The Discharger shall submit a detailed copy of the Discharger's Initial Investigation TRE Workplan to the Executive Officer of the Regional Board for

approval within 90 days of the effective date of this permit. The Discharger shall use EPA manual EPA/833B-99/002 (municipal) as guidance, or most current version. At a minimum, the TRE Work Plan must contain the provisions in Attachment C. This Workplan shall describe the steps the Discharger intends to follow if toxicity is detected, and should include, at a minimum:

- i. A description of the investigation and evaluation techniques that will be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency;
- ii. A description of the facility's methods of maximizing in-house treatment efficiency and good housekeeping practices, and a list of all chemicals used in the operation of the facility; and,
- iii. If a toxicity identification evaluation (TIE) is necessary, an indication of the person who would conduct the TIEs (i.e., an in-house expert or an outside contractor). See MRP Section VI.4.D.a for guidance manuals.

**B. Receiving Water Limitations for Surface Waters**

1. For waters designated with a warm freshwater habitat (WARM) beneficial use, the temperature of the receiving water at any time or place and within any given 24-hour period shall not be altered by more than 5°F above the natural temperature (or above 70°F if the ambient receiving water temperature is less than 60°F) due to the discharge of effluent at the receiving water station located downstream of the discharge. Natural conditions shall be determined on a case-by-case basis.
2. The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of wastes discharged. Ambient pH levels shall not be changed more than 0.5 units from natural conditions as a result of wastes discharged. Natural conditions shall be determined on a case-by-case basis.
3. The dissolved oxygen in the receiving water shall not be depressed below 5 mg/L as a result of the wastes discharged.
4. The fecal coliform concentration in the receiving water shall not exceed the following, as a result of wastes discharged:
  - a. Geometric Mean Limits
    - i. E.coli density shall not exceed 126/100 mL.
    - ii. Fecal coliform density shall not exceed 200/100 mL.

- b. Single Sample Limits
      - i. E.coli density shall not exceed 235/100 mL.
      - ii. Fecal coliform density shall not exceed 400/100 mL.
5. Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in natural turbidity attributable to controllable water quality factors shall not exceed the following limitations, as a result of wastes discharged:
  - a. Where natural turbidity is between 0 and 50 NTU, increases shall not exceed 20%, and
  - b. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.
6. The wastes discharged shall not produce concentrations of toxic substances in the receiving water that are toxic to or cause detrimental physiological responses in human, animal, or aquatic life.
7. The wastes discharged shall not contain radionuclides in concentrations that are deleterious to human, plant, animal, or aquatic life, or that result in accumulation of radionuclides in the food web to an extent that present a hazard to human, plant, animal, or aquatic life.
8. The concentrations of toxic pollutants in the water column, sediments, or biota shall not adversely affect beneficial uses as a result of the wastes discharged.
9. The wastes discharged shall not contain substances that result in increases in BOD which adversely affect the beneficial uses of the receiving waters.
10. Waters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.
11. The wastes discharged shall not cause the receiving waters to contain any substance in concentrations that adversely affect any designated beneficial use.
12. The wastes discharged shall not alter the natural taste, odor, and color of fish, shellfish, or other surface water resources used for human consumption.
13. The wastes discharged shall not result in problems due to breeding of mosquitoes, gnats, black flies, midges, or other pests.

14. The wastes discharged shall not result in visible floating particulates, foams, and oil and grease in the receiving waters.
15. The wastes discharged shall not alter the color of the receiving waters; create a visual contrast with the natural appearance of the water; nor cause aesthetically undesirable discoloration of the receiving waters.
16. The wastes discharged shall not contain any individual pesticide or combination of pesticides in concentrations that adversely affect beneficial uses of the receiving waters. There shall be no increase in pesticide concentrations found in bottom sediments or aquatic life as a result of the wastes discharged.
17. Acute Toxicity Receiving Water Quality Objective
  - a. There shall be no acute toxicity in ambient waters as a result of wastes discharged.
  - b. Receiving water and effluent toxicity testing shall be performed on the same day as close to concurrently as possible.
  - c. The acute toxicity of the receiving water, at the station located immediately downstream of the discharge, R-2, including mixing zone shall be such that: (i) the average survival in the undiluted receiving water for any three (3) consecutive 96-hour static, static-renewal\*, or continuous flow bioassay tests shall be at least 90%, and (ii) no single test producing less than 70% survival.

\* Static-renewal bioassay tests may be used, as allowed by the most current USEPA test method, for measuring acute toxicity.
18. Chronic Toxicity Receiving Water Quality Objective
  - a. There shall be no chronic toxicity in ambient waters as a result of wastes discharged.
  - b. Receiving water and effluent toxicity testing shall be performed on the same day as close to concurrently as possible.
  - c. If the chronic toxicity of the receiving water, at the station located immediately downstream of the discharge, R-2, exceeds a monthly median of 1.0 TU<sub>c</sub> in a critical life stage test and the toxicity cannot be attributed to upstream toxicity, as assessed by the Discharger, then the Discharger shall immediately implement an accelerated chronic toxicity testing for receiving water monitoring similar to the effluent accelerated monitoring specified in Monitoring and Reporting Program CI 4424,

section VI.4.B.d. If two of the six tests exceed 1.0 TU<sub>c</sub>, the Discharger shall initiate a TIE and implement the Initial Investigation TRE Workplan, as specified in Section I.A.13 of this Order.

- d. The Discharger shall conduct chronic toxicity monitoring as specified in MRP No. 4424.

## II. SLUDGE REQUIREMENTS

- A. The Discharger shall comply with the requirements of 40 CFR, Part 503, in general, and in particular the requirements in Attachment B of this Order, [*Biosolids Use and Disposal Requirements*]. These requirements are enforceable by the USEPA.
- B. The Discharger shall comply, if applicable, with the requirements in State issued statewide general Waste Discharge Requirements (WDRs) Order No. 2000-10-DWQ, titled "General Waste Discharge Requirements for the Discharge of Biosolids to Land for use as a soil Amendment in Agricultural, Silvicultural and Horticultural and Land Reclamation Activities" adopted in August 2000.
- C. The Discharger shall furnish this Regional Board with a copy of any report submitted to USEPA, State Board or other regional board with respect to municipal sludge or biosolids.

## III. PRETREATMENT REQUIREMENTS

- A. This Order includes the City's approved pretreatment program as an enforceable condition. The City is required to implement and enforce the pretreatment program in its entire service area, including any contributing jurisdictions, if applicable.
- B. The City shall submit to the Regional Board technologically based local limits for Regional Board approval by May 10, 2007. In the development of the local limits, the City shall consider the effluent limitations contained in this Order. In addition, the City shall consider collection system overflow protection from such constituents as oil and grease, etc. Lack of adequate local limits shall not be a defense against liability for violations of effluent limitations and overflow prevention requirements contained in this Order.
- C. Any substantial modifications to the approved pretreatment program, as defined in 40 CFR 403.18(b), shall be submitted in writing to the Regional Board and shall not become effective until Regional Board approval is obtained.
- D. The Discharger shall perform the pretreatment functions as required in Federal Regulations 40 CFR, Part 403 including, but not limited to:

1. Implement the necessary legal authorities as provided in 40 CFR 403.8(f)(1);
  2. Enforce the pretreatment requirements under 40 CFR 403.5 and 403.6;
  3. Implement the programmatic functions as provided in 40 CFR 403.8(f)(2); and,
  4. Provide the requisite funding and personnel to implement the Pretreatment Program as provided in 40 CFR 403.8(f)(3).
- E. The Discharger shall submit semiannual and annual reports to the Regional Board, and USEPA, Region 9, describing the Discharger's pretreatment activities over the period. The annual and semiannual reports (and quarterly reports, if required) shall contain, but not be limited to, the information required in the attached *Pretreatment Reporting Requirements* (Attachment P), or an approved revised version thereof. If the Discharger is not in compliance with any conditions or requirements of this Order, the Discharger shall include the reasons for noncompliance and shall state how and when the Discharger will comply with such conditions and requirements.
- F. The Discharger shall be responsible and liable for the performance of all control authority pretreatment requirements contained in 40 CFR, Part 403, including subsequent regulatory revisions thereof. Where Part 403 or subsequent revision places mandatory actions upon the Discharger as Control Authority but does not specify a timetable for completion of the actions, the Discharger shall complete the required actions within six months from the effective date of this Order or the effective date of Part 403 revisions, whichever comes later. For violations of pretreatment requirements, the Discharger shall be subject to enforcement actions, penalties, fines, and other remedies by the Regional Board, USEPA, or other appropriate parties, as provided in the Federal Clean Water Act. The Regional Board or USEPA may initiate enforcement action against an industrial user for noncompliance with acceptable standards and requirements as provided in the Federal Clean Water Act and/or the California Water Code.

#### IV. REQUIREMENTS AND PROVISIONS

- A. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
- B. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and all federal regulations established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, 307, 316, 403 and 405 of the Federal Clean Water Act and amendments

thereto.

- C. This Order includes the attached "Standard Provisions and General Monitoring and Reporting Requirements" (Attachment N). If there is any conflict between provisions stated hereinbefore and the attached "Standard Provisions", those provisions stated herein prevail.
- D. This Order includes the attached Monitoring and Reporting Program (Attachment T). If there is any conflict between provisions stated in the Monitoring and Reporting Program and the "Standard Provisions" (Attachment N), those provisions stated in the Monitoring and Reporting Program prevail.
- E. Compliance Determination
  - 1. Compliance with single constituent effluent limitation – If the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (see Reporting Requirement III. 1. – III.5. of MRP), then the Discharger is out of compliance.
  - 2. Compliance with monthly average limitations - In determining compliance with monthly average limitations, the following provisions shall apply to all constituents:
    - a. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the monthly average limit for that constituent, the Discharger has demonstrated compliance with the monthly average limit for that month.
    - b. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the monthly average limitation for any constituent, the Discharger shall collect four additional samples at approximately equal intervals. All five analytical results shall be reported in the monitoring report for that month, or the subsequent month.
    - c. When all sample results are greater than or equal to the reported Minimum Level (see Reporting Requirement III. 1. of MRP), the numerical average of the analytical results of these five samples will be used for compliance determination.
    - d. When one or more sample results are reported as "Not-Detected (ND)" or "Detected, but Not Quantified (DNQ)" (see Reporting Requirement III. 4.B. of *M&RP*), the median value of these four samples shall be used for compliance determination. If one or both of the middle values



is ND or DNQ, the median shall be the lower of the two middle values.

- e. In the event of noncompliance with a monthly average effluent limitation, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the monthly average effluent limitation has been demonstrated.
  - f. If only one sample was obtained for the month or more than a monthly period and the result does not exceed the monthly average, then the Discharger is in compliance with the monthly average limitation.
3. Compliance with effluent limitations expressed as a sum of several constituents – If the sum of the individual pollutant concentrations is less than or equal to the effluent limitation, then the Discharger is in compliance. In calculating the sum of the concentrations of a group of pollutants, consider constituents reported as ND or DNQ to have concentrations equal to zero, provided that the applicable ML is used.
  4. Compliance with effluent limitations expressed as a median – in determining compliance with a median limitation, the analytical results in a set of data will be arranged in order of magnitude (either increasing or decreasing order); and
    - a. If the number of measurements (n) is odd, then the median will be calculated as  $= X_{(n+1)/2}$ , or
    - b. If the number of measurements (n) is even, then the median will be calculated as  $= [X_{n/2} + X_{(n/2)+1}]/2$ , i.e. the midpoint between the n/2 and n/2+1 data points.

Consecutive exceedances of the coliform 7-day median effluent limitation, which take place within a calendar week and result from a single operational upset, shall be treated as a single violation.

5. Compliance with the receiving water temperature limitation – If the receiving water temperature, downstream of the discharge, exceeds 86 °F as a result of:
    - a. high temperature in the ambient air, or
    - b. high temperature in the receiving water upstream of the discharge, then the exceedance shall not be considered a violation.
- F. In calculating mass emission rates from the monthly average concentrations, use one half of the method detection limit for “Not Detected” (ND) and the estimated

concentration for “Detected, but Not Quantified” (DNQ) for the calculation of the monthly average concentration. To be consistent with section II.E.3., if all pollutants belonging to the same group are reported as ND or DNQ, the sum of the individual pollutant concentrations should be considered as zero for the calculation of the monthly average concentration.

## **G. Best Management practices and Pollution Prevention**

### **1. Spill Contingency Plan (SCP)**

The Discharger shall maintain a SCP for the Burbank WRP and its sanitary sewage collection system in an up-to-date condition and shall amend the SCP whenever there is a change (e.g. in the design, construction, operation, or maintenance of the sewage system or sewage facilities) which materially affects the potential for spills. The Discharger shall review and amend the SCP as appropriate after each spill from the Burbank WRP or in the service area of the Facility. Upon request of the Regional Water Board, the Discharge shall submit the SCP and any amendments to the Regional Water Board. The Discharger shall ensure that the up-to-date SPC is readily available to the sewage system personnel at all times and that the sewage system personnel are familiar with it.

### **2. Pollutant Minimization Program (PMP)**

The Discharger shall be required to develop a PMP as further described below when there is evidence (e.g., sample results reported as DNQ when the effluent limitation is less than the MDL, sample results from analytical methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) that a pollutant is present in the effluent above an effluent limitation and either:

- (a) The concentration of the pollutant is reported as DNQ and the effluent limitation is less than the reported ML; or
- (b) The concentration of the pollutant is reported as ND and the effluent limitation is less than the MDL.

The goal of the PMP shall to reduce all potential sources of a pollutant through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative 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 PMP. The completion of a Pollution Prevention Plan, if required pursuant to CWC Section 13263.3(d), shall be considered to fulfill the PMP requirements.

The PMP shall include, but not be limited to, the following actions and submittals acceptable to the Regional Water Board:

- (a) An annual review and semi-annual monitoring of potential sources of the reportable pollutant(s), which may include fish tissue monitoring and other bio-uptake sampling;
- (b) Quarterly monitoring for the reportable pollutant(s) in the influent to the wastewater treatment system;
- (c) Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable pollutant(s) in the effluent at or below the effluent limitation;
- (d) Implementation of appropriate cost-effective control measures for the reportable pollutant(s), consistent with the control strategy; and
- (e) An annual status report that shall be sent to the Regional Water Board including:
  - (i) All PMP monitoring results for the previous year;
  - (ii) A list of potential sources of the reportable pollutant(s);
  - (iii) A summary of all actions undertaken pursuant to the control strategy; and
  - (iv) A description of actions to be taken in the following year.

**H. Construction, Operation and Maintenance Specification**

1. Wastewater treatment facilities subject to this Order shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Chapter 3, Subchapter 14, Title 23 of the California Code of Regulations (Section 13625 of the California Water Code).
2. The Discharger shall maintain in good working order a sufficient alternate power source for operating the wastewater treatment and disposal facilities. All equipment shall be located to minimize failure due to moisture, liquid spray, flooding, and other physical phenomena. The alternate power source shall be designed to permit inspection and maintenance and shall provide for

periodic testing. If such alternate power source is not in existence, the discharger shall halt, reduce, or otherwise control all discharges upon the reduction, loss, or failure of the primary source of power.

**I. Spill Reporting Requirements**

1. The Discharger shall develop and maintain a record of all spills, overflows or bypasses of raw or partially treated sewage from its collection system or treatment plant. This record shall be made available to the Regional Water Board upon request and a spill summary shall be included in the annual summary report. The reports shall provide:
  - (a) the date and time of each spill, overflow or bypass;
  - (b) the location of each spill, overflow or bypass;
  - (c) the estimated volume of each spill, overflow or bypass including gross volume, amount recovered and amount not recovered;
  - (d) the cause of each spill, overflow or bypass;
  - (e) whether each spill, overflow or bypass entered a receiving water and, if so, the name of the water body and whether it entered via storm drains or other man-made conveyances;
  - (f) mitigation measures implemented; and
  - (g) corrective measures implemented or proposed to be implemented to prevent/minimize future occurrences.
2. For certain spills, overflows and bypasses, the Discharger shall make reports and conduct monitoring as required below:
  - (a) For any spills or overflows of any volume, discharged where they are, or will probably be discharged, to waters of the State, the Discharger shall immediately notify the local health agency in accordance with the California Health and Safety Code section 5411.5.
  - (b) For spills, overflows or bypasses of any volume that flowed to receiving waters or entered a shallow ground water aquifer or has public exposure, the Discharger shall report such spills to the Regional Water Board, by telephone or electronically as soon as possible but not later than 24 hours of knowledge of the incident. The following information shall be included in the report: location; date and time of spill; volume and nature

of the spill; cause(s) of the spill; mitigation measures implemented; and corrective measures implemented or proposed to be implemented to prevent/minimize future occurrences.

- (c) For any spills or overflows of 1000 gallons or more discharged where they are, or probably will be discharged to waters of the State, the Discharger shall immediately notify the State Office of Emergency Services pursuant to Water Code section 13271.
- (d) For spills, overflows or bypasses of any volume that reach receiving waters, the Discharger shall obtain and analyze grab samples for total and fecal coliforms or E. coli, and enterococcus, and relevant pollutants of concern, upstream and downstream of the point of entry of the spill (if feasible, accessible and safe) in order to define the geographical extent of impact of the spill. This monitoring shall be on a daily basis from time the spill is known until the results of two consecutive sets of bacteriological monitoring indicate the return to the background level or cessation of monitoring is authorized by the County Department of Health Services.
- (e) For spills, overflows or bypasses of any volume that flowed to receiving waters or entered a shallow ground water aquifer, and all spills, overflows and bypasses of 1,000 gallons or more, the Discharger shall analyze a grab sample of the spill or overflow for total and fecal coliforms or E. coli, and enterococcus, and relevant pollutants of concern depending on the area and nature of spills or overflows if feasible, accessible and safe.
- (f) The Regional Water Board notification shall be followed by a written preliminary report five working days after verbal notification of the incident. Within 30 days after submitting preliminary report, the Discharger shall submit the final written report to this Regional Water Board. (A copy of the final written report, for a given incident, already submitted pursuant to a Statewide General Waste Discharge Requirements for Wastewater Collection System Agencies, may be submitted to the Regional Board to satisfy this requirement.) The written report shall document the information required in subparagraphs (b), (d), and (e) above, monitoring results and any other information required in provisions of the Standard Provisions document. An extension for submittal of the final written report can be granted by the Executive Officer for just cause.

In addition, Regional Board expects that the municipal departments that have responsibilities to implement: (i) this NPDES permit, including pretreatment program, (ii) a MS4 NPDES permit that may contain spill prevention, sewer

maintenance, reporting requirements and (iii) the SSO WDR will coordinate their compliance activities for consistency and efficiency.

- J. The Clean Water Act prohibits the discharge of pollutants from point sources to surface waters of the United States unless authorized under a NPDES permit. (33 U.S.C. §§1311, 1342). The State Board adopted General Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems, (WQ Order No. 2006-0003) on May 2, 2006, to provide a consistent, statewide regulatory approach to address Sanitary Sewer Overflows (SSOs). The WDR requires public agencies that own or operate sanitary sewer systems to develop and implement sewer system management plans and report all SSOs to the State Water Board's online SSO database.

The requirements contained in this Order in Sections IV.G.1, IV.H, and IV.I are intended to be consistent with the requirements of the SSO WDR. The Regional Board recognizes that there may be some overlap between the NPDES permit provisions and SSO WDR requirements, at least as related to the collection systems. The requirements of the SSO WDR are considered the minimum thresholds (see Finding 11 of State Board Order No. 2006-0003-DWQ). To encourage efficiency, the Regional Board will accept the documentation prepared by the Permittees under the SSO WDR for compliance purposes, as satisfying the requirements in Sections IV.G.1, IV.H, and IV.I, provided the monitoring requirements contained in this Order in sections IV.I.2.(d) and IV.I.2.(e) are also addressed. Pursuant to the SSO WDR, State Board Order No. 2006-0003-DWQ, Section D., Provision 2.(iii) and (iv), the provisions of this NPDES permit supercede the SSO WDR, for all purposes, including enforcement, to the extent the requirements may be deemed duplicative.

- K. The Discharger shall provide standby or emergency power facilities and/or storage capacity or other means so that in the event of plant upset or outage due to power failure or other cause, discharge of raw or inadequately treated sewage does not occur.
- L. The Discharger shall protect the facility from inundation, which could occur as a result of a flood having a predicted frequency of once in 100 years.
- M. The Discharger shall comply with all applicable water quality objectives for the receiving waters of the Burbank Western Channel and the Los Angeles River, including the toxic criteria in 40 CFR, Part 131.36, as specified in this permit.
- N. The Discharger may plan to conduct studies to obtain data in support of developing site-specific objectives for mercury and lindane (gamma-BHC) for the protection of human health from the consumption of organisms; and, chromium VI, or selenium for protection of aquatic life. If the Discharger chooses to conduct such studies, then they shall submit to Regional Board staff a detailed

work plan for these studies. The work plan shall provide a schedule consistent with Effluent Limitation I.A.9.a for development and adoption of site-specific objectives for these constituents.

V. REOPENERS AND MODIFICATIONS

- A. This Order may be reopened and modified, in accordance with SIP section 2.2.2.A to incorporate the results of revised reasonable potential analyses to be conducted upon receipt of additional data from the interim monitoring program.
- B. This Order may be modified, in accordance with the provisions set forth in 40 CFR, Parts 122 and 124 to include requirements for the implementation of the watershed protection management approach.
- C. The Board may modify, or revoke and reissue this Order if present or future investigations demonstrate that the discharge(s) governed by this Order will cause, have the potential to cause, or will contribute to adverse impacts on water quality and/or beneficial uses of the receiving waters.
- D. This Order may also be modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR, Parts 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order, endangerment to human health or the environment resulting from the permitted activity, or acquisition of newly obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the District for an Order modification, revocation and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
- E. This Order may be modified, in accordance with the provisions set forth in 40 CFR, Parts 122 to 124, to include new MLs.
- F. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, such as an update of a water quality objective, or the adoption of a TMDL for the Los Angeles River Watershed.
- G. This Order may be reopened and modified, to revise effluent limitations as a result of the delisting of a pollutant from the 303(d) list.
- H. This Order may be reopened and modified to revise the chronic toxicity effluent limitation, to the extent necessary, to be consistent with State Board precedential decisions, new policies, new laws, or new regulations.

- I. This Order may be reopened to modify final effluent limitations, if at the conclusion of necessary studies conducted by the Discharger, the Regional Board determines that dilution credits, attenuation factors, water effect ratios, or metal translators are warranted.
- J. This Order may be reopened and modified to revise the residual chlorine final effluent limitation, to the extent necessary, to be consistent with State Board's *Chlorine and Chlorine-Produced Oxidants Policy of California*, following the completion of the approval process of that document by OAL and USEPA.

VI. EXPIRATION DATE

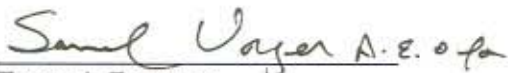
This Order expires on October 10, 2011.

The Discharger must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

VII. RESCISSION

Order No. 98-052, adopted by this Regional Board on June 29, 1998 was superseded upon the effective date of Order No. R4-2006-0085, except for enforcement purposes. To the extent any provisions, limitations, or requirements set forth in this Order supercede analogous provisions, limitations, or requirements in Order No. 98-052, are stayed or deemed to be unenforceable, the relevant provisions, limitations, or requirements of Order No. 98-052 shall remain enforceable.

I, Tracy J. Egoscue, 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 April 1, 2010.

  
Tracy J. Egoscue  
Executive Officer

/AVCA



FIGURE 1  
MAP

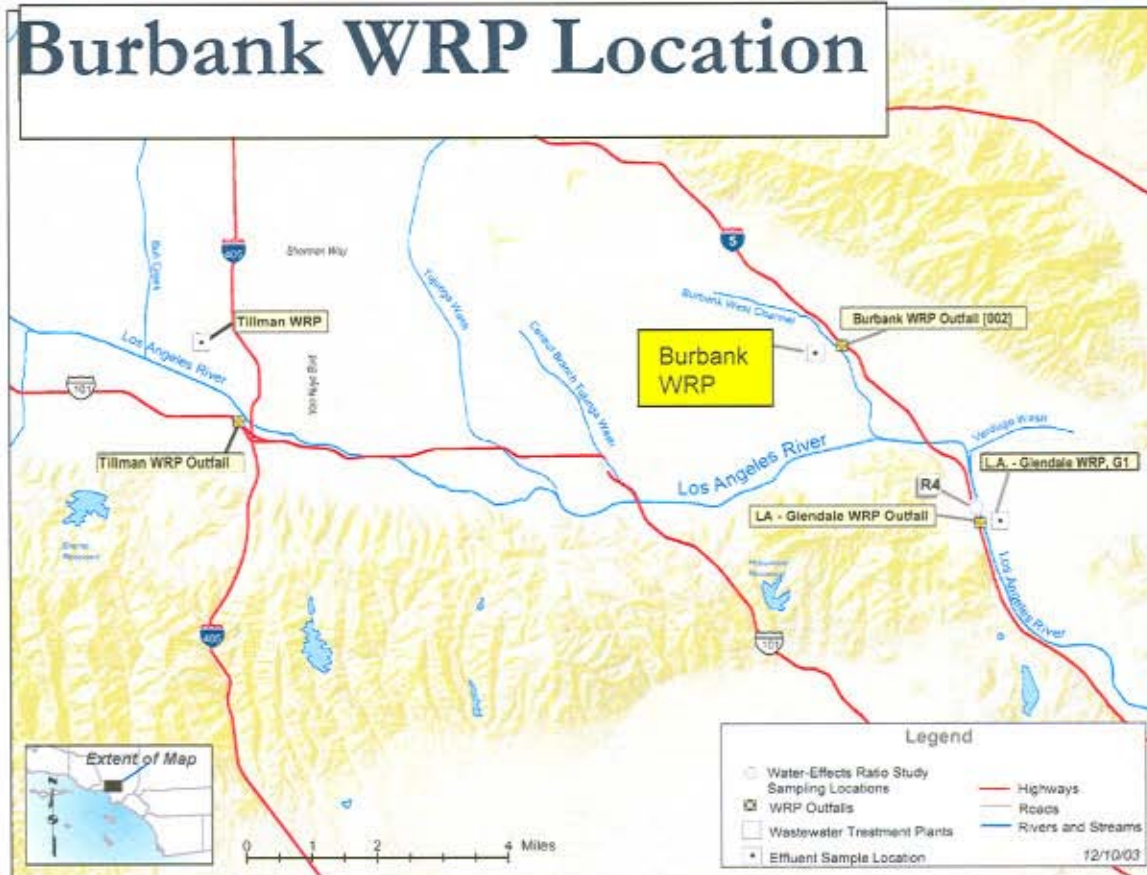


FIGURE 2-A  
 EXISTING WASTEWATER PROCESS DIAGRAM

**Simplified BWRP Flow Diagram  
 with Approximate Flow Values in MGD**

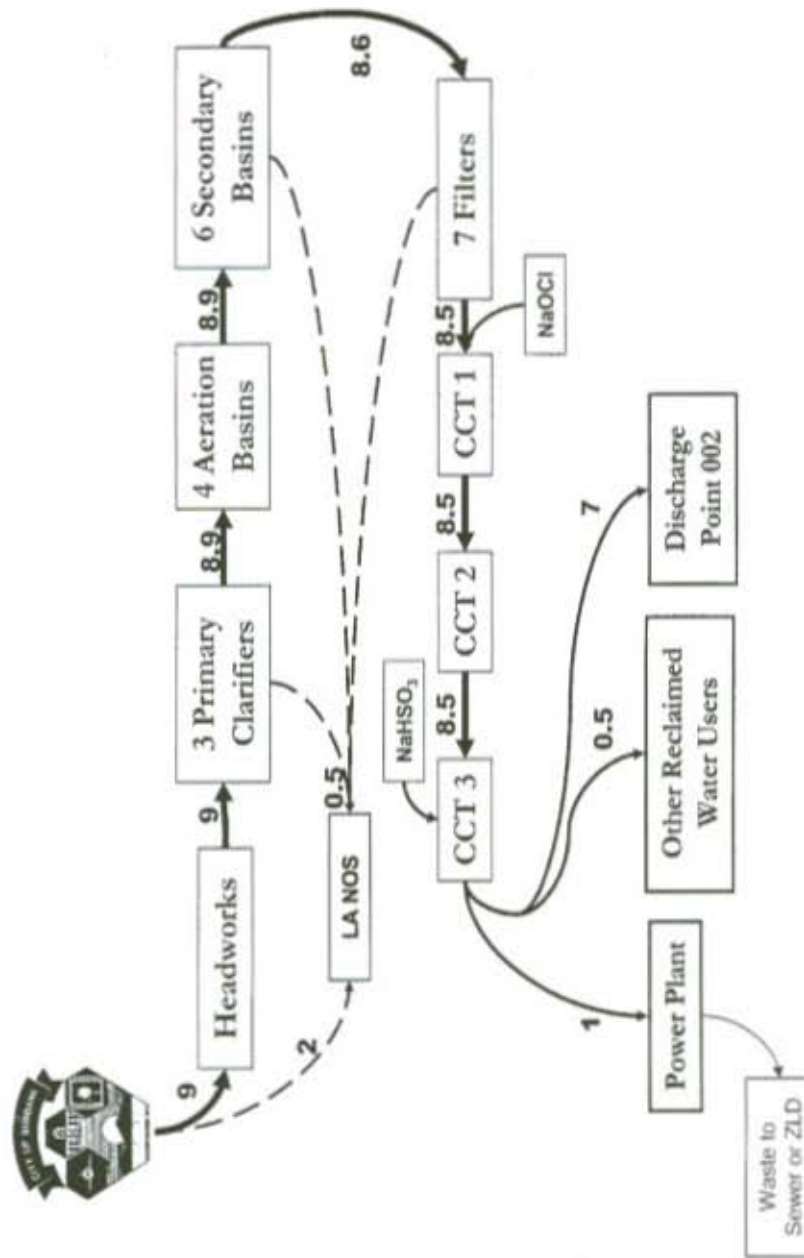


FIGURE 2-B  
 FUTURE WASTEWATER PROCESS DIAGRAM  
 SHOWING PROPOSED CHANGES

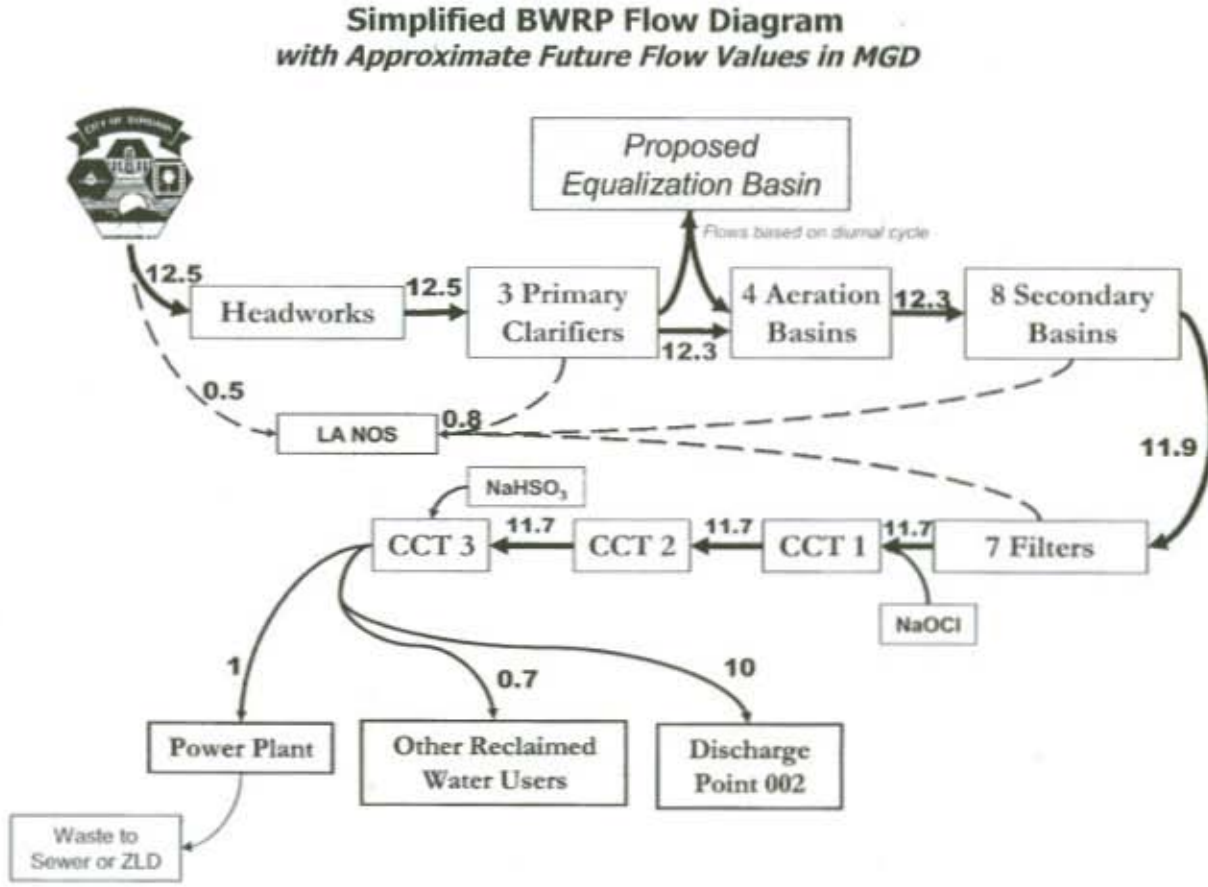


FIGURE 3  
RECEIVING WATER STATION MAP

