4946

STATE OF CALIFORNIA

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

ORDER NO. 96-022

REVISED WASTE DISCHARGE REQUIREMENTS FOR REMEDIATION AND CLOSURE OF EXISTING WASTE MANAGEMENT UNITS

4946

TCL CONSENT ORDER STUDY AREA WILMINGTON, CALIFORNIA (FILE NO. 65-121)

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

1. Port of Long Beach (discharger) has submitted a Report of Waste Discharge (ROWD) for the remediation and closure of existing waste managements units at the TCL Consent Study Area in Wilmington, CA.

2. This Regional Board on May 20, 1974, adopted City Permit No. W-38350 as its waste discharge requirement for Champlin Petroleum Company. This industrial waste permit allowed Champlin Petroleum Company, 420 Henry Ford Avenue, Wilmington, a wholly owned subsidiary of Union Pacific Corporation, to dispose of 135,000 gallons per day of oil field wastes by ponding, and spreading and disking. The conditions and limitations pertaining to water pollution and nuisance are contained in the permit. That part of the property which lies north of the Cerritos Channel and east of the Los Angeles-Long Beach city boundary is also included in Regional Board Order No. 78-49. The TCL Site (Site) is situated within a 600-acre active oil field production area which was purchased by the Port of Long Beach (Port) from Union Pacific Resources Company (UPRC) in 1993 (Figure 1).

   The TCL Site was owned and operated by UPRC since the late 1930s. From 1951 through 1971, the TCL Corporation, under an agreement with UPRC, operated a series of shallow impoundments, or sumps, throughout the property for the disposal of oil field production wastes. In 1988, UPRC entered into a Consent Order Agreement with the Department of Toxic Substances Control (DTSC) to investigate and prepare a remedial action plan (RAP) for a portion of the oil field (i.e., Area 1 or the "Study Area"). The Consent Order Agreement was amended in 1992 to delineate the Study Area boundary and in 1994 to add the Port as a signatory indicating responsibility for the 195-acre Port-owned portion of the Study Area. In total, the Study Area comprises approximately 230 acres. Remediation of the 35-acre Ultramar property is being address,d separately under an agreement by DTSC and UPRC. This Site consists of 162 acres (i.e., 195 acres of the Port-owned portion of

the Study Area less 33 acres that were remediated as part of the Toyota Parcel Development) (Figure 2).

3. The Site is located at 420 Henry Ford Avenue, Wilmington, California, and is bounded by the Port-owned Ford Parcel to the west, the Ultramar property and the Terminal Island Freeway to the north, Carrack Avenue and the Toyota Parcel to the east, and the Cerritos Channel to the south.

4. The Site has been designated by the Port for development as a container terminal. Under Title 23, California Code of Regulations (CCR), Chapter 15 (Chapter 15), the sumps, which are located throughout the Site, are characterized as "Existing Waste Management Units" that have not been classified and are inoperative and partially closed on the date of this application for closure.

5. The majority of the Site is below sea level and protected by levees and drainage facilities. The elevations of the roads are -4 to -7 feet mean low water (MLLW) at the south end of the Site (west to east) and approximately -2 to -3 feet MLLW at the north end of the Site (west to east). The former sumps are generally at elevations consistent with the road elevations. The average thickness of materials placed in the sumps, is approximately 9.5 feet including sump material and overlying fill soils (i.e., overburden soils). Data collected in late 1994 indicate that groundwater occurs at an elevation of 0 feet MLLW at the northeast corner of the Study Area and -10 feet MLLW toward the southern boundary of the Study Area. The direction of groundwater flow is generally to the south. Groundwater gradients are being created by a toe drain system that operates just north of the levee along the southern boundary of the Study Area. The collected water is directed to an on-site production water treatment facility and reinjected to an underlying oil reservoir for subsidence control. Groundwater flow toward the Cerritos Channel is impeded by the toe drain system. A clay cut-off wall constructed in the 1950s along the centerline of the levee also impedes shallow groundwater flow toward the channel and reduces seepage through the levee.

   Approximately 40 acres of the Site consist of former sump areas previously used for waste disposal; the remainder consists of roadways and adjacent oil wells and piping corridors. The roadways which bound the sumps are intact and accessible to vehicles.

6. The Site lies at the southern edge of the Los Angeles Basin within the Dominguez Gap (the alluvial flood plain of the Los Angeles River). The Site is underlain with 20 to 40 feet of fill soils, believed to be derived from dredging operations in nearby channels or imported from similar sources. The soils consist of very fine sandy clays and silts and silty sands. Dredge fill is underlain by approximately 70 feet of Quaternary silts and clays with interbedded layers of loose to medium dense fine sands. These deposits overlie about 15,000 feet of Tertiary basin fill deposits generally composed of dense to very dense sands and silty sands.

7. The shallowest regional occurrence of groundwater underlying the Site is the Gaspur Aquifer, which is approximately 70-90 feet below ground surface (bgs). The Gaspur Aquifer consists of gravel and cobbles at its base and grades upward into medium to coarse sand. Along the northern edge of the Site, the Gaspur Aquifer ranges in thickness from 60 to 100 feet. Depth to first groundwater beneath the Site occurs at approximately one to eight feet below ground surface (bgs) in a shallow unconfined groundwater-bearing unit that occurs well above the Gaspur Aquifer. The shallow groundwater beneath the site is separated from the Gaspur Aquifer by thick sequences of bay muds and clays as evidenced by the test excavations and Cone Penetrometer Test (CPT) work conducted on-site in April 1993. The groundwater flow direction beneath the site appears to be generally towards the south-southeast.

8. The Remedial Investigation (RI) for the Study Area was conducted in two phases. The initial phase was conducted during 1992 and included drilling 96 soil borings and construction of 13 groundwater monitoring wells. Phase 2, the Supplemental Remedial Investigation (SRI), was conducted in 1994 and included an additional 34 soil borings and three groundwater monitoring wells. A Remedial Action Plan (RAP) was submitted to the DTSC on January 11, 1996, and was released for public comment on January 17, 1996.

   Most of the chemicals detected in soils are those typically associated with oil field production wastes and include petroleum hydrocarbons, polynuclear aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and metals. Several VOCs and metals were detected in shallow groundwater beneath the site and at concentrations above their respective Maximum Contaminant Levels (MCLs).

9. A baseline health risk assessment report for the Site was reviewed and approved by DTSC and indicated an insignificant to very low level of potential risk to on-site workers from contaminants in soil at the site during construction activities. Risk to off-site residents was found to be insignificant.

10. Prior to the construction of the container terminal, all sump soils below groundwater will be excavated and backfilled with clean soil. Once excavated, all very low strength (VLS) sump soils, and other sump soils from below groundwater will be physically stabilized using cement and/or pozzolanic additives in accordance with the approved RAP. Non-VLS sump soils currently located greater than approximately 1 foot above groundwater will be excavated and placed without stabilization along with stabilized sump material beneath a minimum 3-foot clean imported fill and 2-foot rock and asphalt pavement section. It is anticipated that stabilization will proceed at the same daily rate as the excavation, thus eliminating the need for stockpiling the sump soils. The stabilization will occur at locations coincident with their placement thus eliminating the need for double handling of the stabilized soils.

11. The accessible sump soils will be removed to the extent practicable down to the native soils which underlie the sumps. The total estimated excavation volume of material for the Site is approximately 720,000 cubic yards. An additional estimated 250,000 cubic yards

consists of overburden fill. Approximately 60% of this overburden can be segregated and used as backfill material above the current groundwater level. This volume estimate excludes the inaccessible sump material east of the Toyota Parcel and in the footprint of the Harbor Cogeneration Plant due to the presence of existing operating facilities which preclude the remediation of these sumps at this time.

12. Stabilization of the sump soils will be accomplished with cement and/or pozzolanic additives. The sump soils will be processed by placing the soils in 6- to 12- inch layers, applying the dry additives, and then tilling and compacting. All sump material will be placed and regraded above the highest anticipated groundwater level. Stabilized and/or recompacted sump soils will be covered with a minimum of three feet of imported soils and a 2-foot rock and asphalt pavement section.

13. As part of the Container Terminal Development, new storm water and sanitary sewer facilities will be constructed and temporary dewatering will be required. Flow is estimated at approximately 100,000 gallons per day. This water will be temporarily routed to the current or relocated mainland treatment facilities which also receive groundwater from the toe drain system. This water, along with the toe drain and oilfield production water, will be reinjected.

14. The Regional Board adopted a revised Water Quality Control Plan for the Los Angeles Region on June 13, 1994. The Plan contains beneficial uses and water quality objectives for ground water in the Los Angeles Coastal Plain Ground Water Basin. The requirements contained in this Order, as they are met, will be in conformance with the goals of the Water Quality Control Plan.

15. The waste management units overlie the West Coast Basin of the Los Angeles Coastal Plain Hydrologic Area. Beneficial uses of the groundwater in the Basin include municipal, agricultural, industrial service and process supply. The ground water beneath the site is degraded and non-potable due to high concentrations of salts and total dissolved solids. The beneficial use of ground water is for industrial service and process supply (oil well repressurization).

16. Water bodies within the Region that do not have beneficial uses designated are assigned for municipal or domestic water supply (MUN) designations in accordance with the provisions of State Water Resources Control Board Resolution No. 88-63. These MUN designations in no way affect the presence or absence of other beneficial use designations in these water bodies.

17. An Environmental Impact Report (EIR), prepared by the Port of Long Beach pursuant to the requirements of the California Environmental Quality Act (CEQA), was adopted on June 5, 1995, for the proposed container terminal development project. Studies associated with the preparation of the EIR determined that the shallow groundwater underlying the site was contaminated by metals associated with oil field production. Some chlorinated compounds, generally not associated with oil field production, were also detected in low concentrations.

The studies further indicate that the environmental impacts will be mitigated by remediation of the sump soils.

The Board has notified the discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

The Board in a public meeting heard and considered all comments pertaining to the discharge and to the tentative requirements.

IT IS HEREBY ORDERED that the Port of Long Beach shall comply with the following:

A. Waste Discharge Requirements

1. Wastes discharged shall meet the requirements contained in Chapter 15 and guidelines contained in the approved RAP.

2. The treatment, handling, and disposal of wastes, including those produced and/or discharged on-site as a result of remediation by the stabilization process, shall be conducted in such a way that there will be no impact of contaminants on surface water or groundwater.

3. During the remediation operations, on-site surface runoff shall be prevented from passing over or percolating through the remediation and excavation zones in accordance with the Construction Storm Water Management Permit Application previously submitted to the RWQCB. Adequate facilities shall be provided to divert all surface runoff from storm water away from the remediation and excavation areas.

4. Any water produced during remedial and construction activities must be properly managed in such a manner as to not adversely impact ground or surface waters and be in compliance with applicable laws and regulations. To the extent that any such water is applied to the ground surface for purposes of dust control and/or compaction, this application shall be confined to a 51-acre area within the proposed limits of stabilized sump material.

5. An approved quality assurance and quality control program for each source location shall be developed for assuring that all imported material used at the Site for the backfilling of excavations, and in achieving the final project elevations, is free of contamination likely to impact groundwater.

6. Groundwater at the Study Area is known to have been impacted; therefore, long term monitoring of the existing groundwater monitor wells shall be conducted consistent with the post-remediation monitoring plan in the RAP.

7. Neither the disposal nor any handling of waste shall cause a condition of pollution or nuisance.

8. Wastes shall be discharged only at the site covered by these requirements and only on property owned or controlled by the discharger.

9. All wastes not disposed of in accordance with the foregoing requirements shall be retained in impervious containers and, if transported off site, the final discharge shall be to a legal disposal site in accordance with Division 7.5 of the California Water Code. The Board shall be informed in writing in the monitoring reports when relocation of wastes is necessary. The final disposition (and location) of the wastes shall also be reported.

B. Provisions

1. The Regional Board and other authorized representative shall be allowed:

   a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;

   b. Access to copy any records that are kept under the conditions of this Order;

   c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order, and;

   d. To photograph, sample, and monitor for the purpose of assuring compliance with this Order, or as otherwise authorized by the California Code.

2. The discharger shall obtain all permits necessary for any on-site remediation program from the appropriate State and local governmental agencies as required by law.

3. This Order does not exempt the discharger from compliance with any other laws, regulations, or ordinances which may be applicable, it does not legalize these waste treatment and disposal facilities and it leaves unaffected any further restraints on those facilities which may be contained in other statutes or required by other agencies.

4. This Order is not intended to stop or redirect any investigation or mitigation activities not required by this Order but ordered by this Regional Board or other agency.

5. A copy of this Order shall be maintained at the site, where it will be available at all times to operating personnel.

6. In accordance with Section 13260 of the Water Code, the discharger shall file a report of any material change or proposed change in the character, location or volume of the discharge.

7. In the event of any change in name or ownership of the Site, the discharger shall notify this Board of such change and shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Board.

8. The discharger shall notify this Board immediately by telephone or facsimile of any adverse condition resulting from this discharge or from operations producing this waste discharge, such notifications to be affirmed in writing within one week from the date of such occurrence.

9. In accordance with Section 13263 of the Water Code, these waste discharge requirements are subject to periodic review and revision by this Regional Board.

10. In accordance with Section 13267 of the Water Code, the discharger shall furnish, under penalty of perjury, technical monitoring program reports; such reports shall be submitted in accordance with specifications prepared by the Executive Officer, which specifications are subject to periodic revisions as may be warranted.

I, Robert P. Ghirelli, 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, 1996.

Robert P. Ghirelli

ROBERT P. GHIRELLI, D. Env.
Executive Officer

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Figure 1
Site Location Map

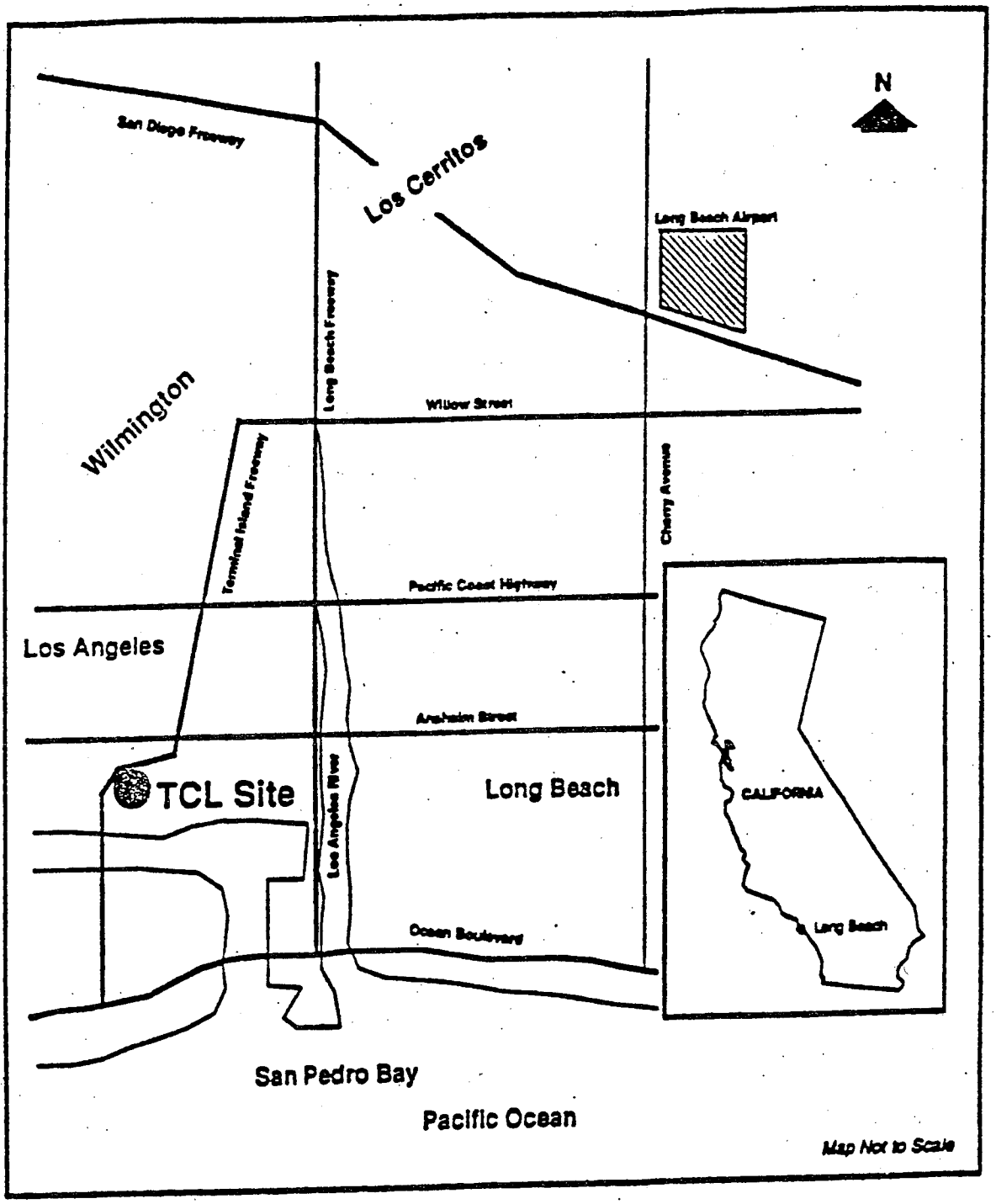

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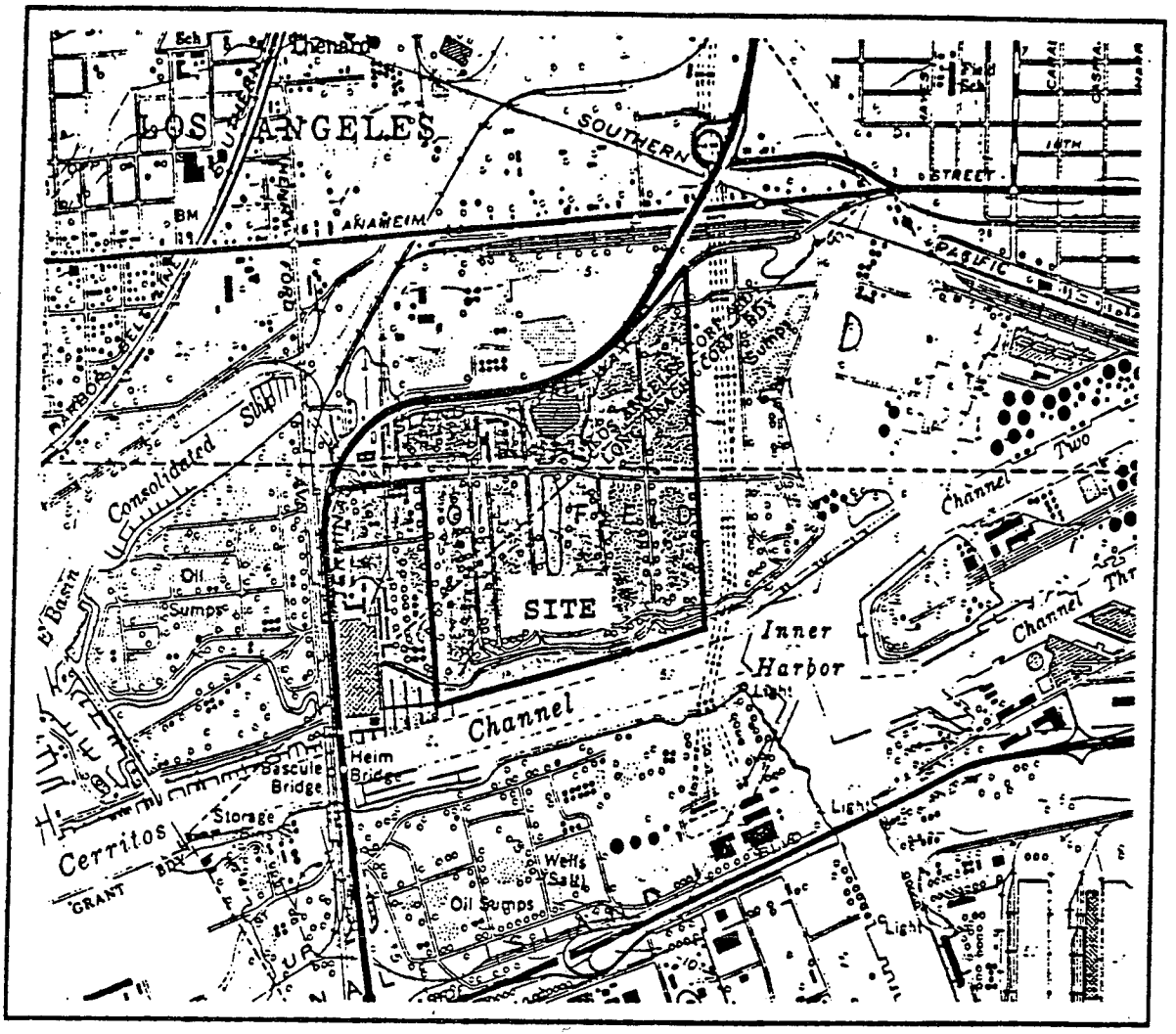
Figure 2
Site Vicinity Map



SCALE 1:24 000

1 0 1 MILE

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 .5 0 1 KILOMETER

LEGEND

- TCL Consent Order Study Area (230 acres)
- Toyota Parcel (33 acres)
- Ultramar Property (35 acres)
- Site (162 acres)
- Ford Parcel

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References: USGS 7.5 Minute Topographic Quadrangles
Long Beach, California 1964, photorevised 1981

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STATE OF CALIFORNIA

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

MONITORING AND REPORTING PROGRAM NO. 4946 FOR REMEDIATION AND CLOSURE OF EXISTING WASTE MANAGEMENT UNITS

TCL CONSENT ORDER STUDY AREA WILMINGTON, CALIFORNIA (ORDER NO. 96-022) (FILE NO. 65-121)

The discharger shall implement this Monitoring and Reporting Program on the date of issuance of the Waste Discharge Requirements and consistent with the post-remediation monitoring plan in the RAP. Thereafter, monitoring reports shall be submitted by the date in the following schedule:

Reporting Period	Report Due
January - March	April 30
April - June	July 30
July - September	October 30
October - December	January 30

I. GROUNDWATER MONITORING

The following shall constitute the groundwater monitoring program for all required monitoring wells within the Site as referenced in Appendix D of the approved RAP:

Parameter	Unit	Frequency
Total dissolved solids	mg/L	Quarterly
Turbitity	NTU	Quarterly
Total petroleum hydrocarbon (EPA 418.1 and Modified 8015)	µg/L	Quarterly
Salinity (EPA 325.3)	mg/L	Quarterly
pH (EPA 150.1)	pH units	Quarterly
Volatile organic compounds (EPA Methods 601 and 602)	µg/L	Quarterly
Semi-volatile organic compounds (EPA Method 625)	µg/L	Quarterly
CAM metals (EPA 6010/7000, Title 22 Metals)	mg/L	Quarterly

II. GENERAL PROVISIONS FOR SAMPLING AND ANALYSIS

A. All groundwater sampling, sample preservation, and analysis shall be performed in accordance with the latest edition of "Guidelines Establishing Test Procedure for Analysis of Pollutants," promulgated by the United States Environmental Protection Agency.

B. All analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services, or approved by the Executive Officer. No changes shall be made in sampling points without prior approval of the Executive Officer.

C. All sampling events require 72 hours written and verbal notice to the Regional Board in order for staff to participate in the sampling.

D. The discharger shall maintain all sampling and analytical results, including date, exact location, and time of sampling, date analysis were performed, name of analyst, analytical techniques used, and results of all analyses. Such result shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board.

III. SPECIFIC REPORTING REQUIREMENTS

A. The following technical reports shall be filed with the Regional Board:

1. A "Final Remedial Implementation Report" shall be submitted within 60 days of completing all remediation and backfilling activities, summarizing the quantity and the final disposition of the stabilized and imported material along with laboratory analytical results and well data.

B. All technical reports prepared for submittal to the Regional Board shall be signed by either a California registered professional engineer, a registered geologist, or certified engineering geologist.

C. For every item where the requirements are not met the discharger shall submit a statement of the actions undertaken or proposed, together with a timetable, to bring the discharge back into full compliance with the requirements at the earliest time.

D. In reporting the monitoring data, the discharger shall arrange the data in tabular form so that the data, the constituents, and the concentrations are readily discernible. The data shall be summarized to determine compliance with waste discharge requirements.

E. Monitoring reports submitted to the Regional Board shall be signed by:

1. In the case of corporation, principal executive officer at least the level of Vice President or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;

2. In case of partnership, a general partner;

3. In case of sole proprietorship, the proprietor;

4. In the case of a municipal, state or public facility, either a principal executive officer, ranking elected official, or other duly authorized employee.

Each report shall contain the following completed declaration:

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on the day of_____ at ____

_____ (Signature)

_____ (Title)

Ordered by Robert P. Ghirelli
ROBERT P. GHIRELLI, D. ENV.
Executive Officer

Date: April 1, 1996

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STANDARD PROVISIONS
APPLICABLE TO WASTE DISCHARGE REQUIREMENTS

1. DUTY TO COMPLY

The discharger must comply with all conditions of these waste discharge requirements. A responsible party has been designated in the Order for this project, and is legally bound to maintain the monitoring program and permit. Violations may result in enforcement actions, including Regional Board orders or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Board. [CWC Section 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350]

2. GENERAL PROHIBITION

Neither the treatment nor the discharge of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code (CWC). [H&SC Section 5411, CWC Section 13263]

3. AVAILABILITY

A copy of these waste discharge requirements shall be maintained at the discharge facility and be available at all times to operating personnel. [CWC Section 13263]

4. CHANGE IN OWNERSHIP

The discharger must notify the Executive Officer, in writing at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage to a new discharger. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on. [CWC Sections 13267 and 13263]

5. CHANGE IN DISCHARGE

In the event of a material change in the character, location, or volume of a discharge, the discharger shall file with this Regional Board a new Report of Waste Discharge. [CWC Section 13260(c)]. A material change includes, but is not limited to, the following:

(a) Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the Waste.

(b) Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.

(c) Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.

(d) Increase in flow beyond that specified in the waste discharge requirements.

(e) Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

6. REVISION

These waste discharge requirements are subject to review and revision by the Regional Board. [CCR Section 13263]

7. TERMINATION

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information. [CWC Sections 13260 and 13267]

8. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the discharger from his liability under Federal, State or local laws, nor do they create a vested right for the discharger to continue the waste discharge. [CWC Section 13263(g)]

9. SEVERABILITY

Provisions of these waste discharge requirements are severable. If any provision of these requirements are found invalid, the remainder of these requirements shall not be affected. [CWC Section 921]

10. OPERATION AND MAINTENANCE

The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order. [CWC Section 13263(f)]

11. HAZARDOUS RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of Section 13271 of the Water Code unless the discharger is in violation of a prohibition in the applicable Water Quality Control plan. [CWC Section 13271(a)]

12. PETROLEUM RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with Section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This provision does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan. [CWC Section 13272]

13. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

(d) Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the California Water Code, any substances or parameters at any location. [CWC Section 13267]

14. MONITORING PROGRAM AND DEVICES

The discharger shall furnish, under penalty of perjury, technical monitoring program reports; such reports shall be submitted in accordance with specifications prepared by the Executive Officer, which specifications are subject to periodic revisions as may be warranted. [CWC Section 13267]

All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year, or more frequently, to ensure continued accuracy of the devices. Annually, the discharger shall submit to the Executive Officer a written statement, signed by a registered professional engineer, certifying that all flow measurement devices have been calibrated and will reliably achieve the accuracy required.

Unless otherwise permitted by the Regional Board Executive officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. The Regional Board Executive Officer may allow use of an uncertified laboratory under exceptional circumstances, such as when the closest laboratory to the monitoring location is outside the State boundaries and therefore not subject to certification. All analyses shall be required to be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" [40 CFR Part 136] promulgated by the U.S. Environmental Protection Agency. [CCR Title 23, Section 2230]

15. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or to reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies, for example, when the primary source of power of the treatment facility fails, is reduced, or is lost. [CWC Section 13263(f)]

16. DISCHARGES TO NAVIGABLE WATERS

Any person discharging or proposing to discharge to navigable waters from a point source (except for discharge of dredged or fill material subject to Section 404 of the Clean Water Act and discharge subject to a general NPDES permit) must file an NPDES permit application with the Regional Board. [CCR Title 2 Section 22357]

17. ENDANGERMENT TO HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain adescription of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Officer within 24 hours:

(a) Any bypass from any portion of the treatment facility.

(b) Any discharge of treated or untreated wastewater resulting from sewer line breaks, obstruction, surcharge or any other circumstances.

(c) Any treatment plant upset which causes the effluent limitation of this Order to be exceeded. [CWC Sections 13263 and 13267]

18. MAINTENANCE OF RECORDS

The discharger shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used

to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

Records of monitoring information shall include:

(a) The date, exact place, and time of sampling or measurements;

(b) The individual(s) who performed the sampling or measurements;

(c) The date(s) analyses were performed;

(d) The individual(s) who performed the analyses;

(e) The analytical techniques or method used; and

(f) The results of such analyses.

19. (a) All application reports or information to be submitted to the Executive Officer shall be signed and certified as follows:

(1) For a corporation – by a principal executive officer or at least the level of vice president.

(2) For a partnership or sole proprietorship – by a general partner or the proprietor, respectively.

(3) For a municipality, state, federal, or other public agency – by either a principal executive officer or ranking elected official.

(b) A duly authorized representative of a person designated in paragraph (a) of this provision may sign documents if:

(1) The authorization is made in writing by a person described in paragraph (a) of this provision.

(2) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity; and

(3) The written authorization is submitted to the Executive Officer.

Any person signing a document under this Section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. [CWC Sections 13263, 13267, and 13268]"

20. OPERATOR CERTIFICATION

Supervisors and operators of municipal wastewater treatment plants and privately owned facilities regulated by the PUC, used in the treatment or reclamation of sewage and industrial waste shall possess a certificate of appropriate grade in accordance with Title 23, California Code of Regulations Section 3680. State Boards may accept experience in lieu of qualification training. In lieu of a properly certified wastewater treatment plant operator, the State Board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services where reclamation is involved.

Each plant shall be operated and maintained in accordance with the operation and maintenance manual prepared by the municipality through the Clean Water Grant Program. [CWC Title 23, Section 2233(d)]

ADDITIONAL PROVISIONS APPLICABLE TO PUBLICLY OWNED TREATMENT WORKS' ADEQUATE CAPACITY

21. Whenever a publicly owned wastewater treatment plant will reach capacity within four years the discharger shall notify the Regional Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies and the press. The discharger must demonstrate that adequate steps are being taken to address the capacity problem. The discharger shall submit a technical report to the Regional Board showing flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Board, or within 120 days after receipt of notification from the Regional Board, of a finding that the treatment plant will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Board itself. [CCR Title 23, Section 2232]

STATE OF CALIFORNIA—ENVIRONMENTAL PROT ON AGENCY

PETE WILSON, *Governor*

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION
101 CENTRE PLAZA DRIVE
MONTEREY PARK, CA 91754-2156
(213) 266-7500
FAX: (213) 266-7600

April 3, 1996

Mr. Bob Kanter
Port of Long Beach
925 Harbor Plaza, 4th Floor
Long Beach, CA 90802

WASTE DISCHARGE REQUIREMENTS - TCL CONSENT ORDER STUDY AREA, WILMINGTON (File No. 65-121) (CI 4946)

Reference is made to our letter dated February 28, 1996, which transmitted a copy of tentative waste discharge requirements and a monitoring and reporting program for the proposed remediation and closure of the TCL Consent Order Study Area.

Pursuant to Section 13263 of the California Water Code, this California Regional Water Quality Control Board, at a public meeting held on April 1, 1996, reviewed the tentative Order, considered all factors in the case, and adopted Order No. 96-022 and Monitoring and Reporting Program CI No. 4946 (copy attached) relative to this remediation and closure.

Please reference all technical and monitoring reports to our Compliance File No. 4946. We would appreciate it if you would not combine other reports, such as technical and progress reports, with your monitoring reports, but submit each report as a separate document.

If you have any questions, please call Don Peterson at (213) 266-7578.

J. E. ROSS, Unit Chief
Site Cleanup Unit

Enclosures

cc: See attached mailing list

original