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

ORDER NO. R4-2005-0049
NPDES PERMIT NO. CA0000884

# NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT AND WASTE DISCHARGE REQUIREMENTS FOR SAINT-GOBAIN CONTAINERS (Formerly Ball-Foster Glass Container Corporation)

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

## Background

1. Saint-Gobain Containers (hereinafter, SGC or Discharger) discharges wastewater to the Rio Hondo Channel, a water of the United States. Wastes discharged from SGC are regulated by Waste Discharge Requirements (WDRs) and a National Pollutant Discharge Elimination System (NPDES) permit contained in Board Order No. 98-096 (NPDES Permit No. CA0000884, CI-5720) adopted by the Regional Board on December 14, 1998. Order No. 98-096 expired on November 10, 2003.

2. The Discharger filed a Report of Waste Discharge and applied for renewal of its NPDES permit on October 10, 2002. The tentative Order is the reissuance of the WDRs and NPDES permit for discharges from SGC.

## Purpose of Order

3. The purpose of this Order is to renew the WDRs for SGC. The proposed NPDES permit regulates the discharge of glass quenching water from the SGC facility to a storm drain located north of Valley Boulevard, Discharge Serial No. 001, which directs wastewater to the Rio Hondo Channel and then to the Los Angeles River, a water of the United States. The point of discharge of glass quenching water, Discharge Serial No. 001, is located at Latitude 34° 04' 46" North and Longitude 118° 02' 34" West.

## Facility Description

4. Saint-Gobain operates the SGC facility located at 4000 North Arden Drive, El Monte, California, for the manufacturing of glass containers from raw materials and recycled glass. Operations at the facility began in 1947 and include the production of glass containers, primarily for the food and beverage industries. The facility manufactures colored and flint (clear) bottles and jars used as food containers from both new material consisting primarily of silica sand and soda ash, and recycled glass. While water is not a component of the final product, it is used throughout the manufacturing process for supporting equipment and plant operations. Figure 1 provides a facility location map.

**Discharge Description**

5. The existing Order (Order No. 98-096) regulates the intermittent discharge of up to 800,000 gallons per day (gpd) of glass quenching water through Discharge Serial No. 001. City water is used to cool molten glass that is drained from the glass furnace at the time of furnace repair. Discharge from the furnace drains is intermittent and has been infrequent, with the most recent discharge occurring in December 2001, which was the only discharge during the previous permit term.

6. All process wastewater from the facility is treated and discharged to the sewer system of the County Sanitation Districts of Los Angeles County (CSDLAC) under an industrial discharge permit.

7. The glass quenching water is discharged once every five to ten years (or as needed) for maintenance purposes. The duration of the discharge is approximately one day with a flow of up to 800,000 gpd. No chemical additives are used and no treatment is provided for the effluent prior to discharge. The effluent is discharged from the furnace, via temporary piping, to the storm drain at Discharge Serial No. 001.

8. Quench water is generated when molten glass that is in the furnace has to be cooled from very high temperatures to normal temperature, whenever the furnace needs to be repaired. Temperature of the quench water is a pollutant of concern. The Discharger is required to monitor the temperature of the discharged quench water (and submit the recorded temperature chart) on a continuous basis during the entire discharge period.

9. Storm water discharges were not addressed in the previous permit, nor did the Discharger apply for authorization to discharge storm water in the permit renewal application. Storm water discharges are being covered under the Statewide General Permit for Storm Water Associated With Industrial Activities CAS000001. Therefore, storm water discharges are not addressed in the renewed NPDES permit.

**Applicable Plans, Policies, Laws, and Regulations**

10. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) as amended on January 27, 1997 by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface and ground waters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Board Resolution No. 68-16, October 28, 1968), and (iii) describes implementation programs to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The Regional Board prepared the 1994 update of the Basin Plan to be consistent with all previously adopted State and Regional Board plans and policies. This Order implements the plans, policies and provisions of the Regional Board's Basin Plan.

11. Ammonia Basin Plan Amendment. The 1994 Basin Plan provided 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 Lif*e. The ammonia Basin Plan amendment was approved by the State Board, the Office of Administrative Law, and U.S. EPA on April 30, 2003, June 5, 2003, and June 19, 2003, respectively. Although the revised ammonia water quality objectives may be less stringent than those contained in the 1994 Basin Plan, they are still protective of aquatic life and are consistent with U.S. EPA's 1999 ammonia criteria update.

12. The Basin Plan contains water quality objectives and beneficial uses for inland surface waters and for the Pacific Ocean. Inland surface waters consist of rivers, streams, lakes, reservoirs, and inland wetlands. Beneficial uses for a surface water can be designated, whether or not they have been attained on a waterbody, in order to implement either federal or state mandates and goals (such as fishable and swimmable for regional waters).

13. The immediate receiving body for the permitted discharge covered by this Order is Rio Hondo Channel. The Basin Plan contains beneficial uses and water quality objectives for Rio Hondo Channel. The beneficial uses listed in the Basin Plan for the Rio Hondo Channel, below the spreading grounds (Hydro Unit No. 405.15) are:

    Existing Uses: Non-contact water recreation.

    Intermittent Uses: Ground water recharge and wildlife habitat.

    Potential Uses: Municipal and domestic water supply, water contact recreation, and warm freshwater habitat.

14. The State Water Resources Control Board (State Board) adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters.

15. On May 18, 2000, the U.S. Environmental Protection Agency (U.S. EPA) promulgated numeric criteria for priority pollutants for the State of California [known as the *California Toxics Rule* (CTR) and codified as 40 CFR 131.38]. In the CTR, U.S. EPA promulgated criteria that protect the general population at an incremental cancer risk level of one in a million ($10^{-6}$), for all priority toxic pollutants regulated as carcinogens. The CTR also allows for a schedule of compliance not to exceed five years from the date of permit issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with effluent limitations derived from the CTR criteria. CTR's Compliance Schedule provisions sunset 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 1, 2011, which ever is sooner.

16. On March 2, 2000, the State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP*).* The SIP was effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the U.S. EPA through the National Toxics Rule (NTR), and to the priority pollutant objectives established by the Regional Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the U.S. EPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP was effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the U.S. EPA through the CTR. The SIP requires the Discharger's submittal of data sufficient to conduct the determination of priority pollutants requiring water quality-based effluent limitations (WQBELs) and to calculate the effluent limitations. The CTR criteria for fresh water or human health for consumption of organisms, whichever is more stringent, are used to develop the effluent limitations in this Order to protect the beneficial uses of the Rio Hondo Channel.

17. Under 40 CFR section 122.44(d), Water Quality Standards and State Requirements, "Limitations must control all pollutants or pollutant parameters (either conventional, non-conventional, or toxic pollutants), which the Director [permitting authority] 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, including State narrative criteria for water quality." Where numeric effluent limitations for a pollutant or pollutant parameter have not been established in the applicable state water quality control plan, 40 CFR section 122.44(d)(1)(vi) specifies that WQBELs may be set based on U.S. EPA criteria, and may be supplemented where necessary by other relevant information to attain and maintain narrative water quality criteria, and to fully protect designated beneficial uses.

18. Effluent Limitation Guidelines (ELGs) requiring the application of best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT), were not promulgated by the U.S. EPA for pollutants in this discharge. Effluent limitations for pollutants not subject to the U.S. EPA ELGs are based on one of the following: Best Professional Judgment (BPJ) of BPT, BCT or BAT; or WQBELs. The WQBELs are based on the Basin Plan, other State plans and policies, or U.S. EPA water quality criteria which are taken from the CTR. These requirements, as they are met, will protect and maintain existing beneficial uses of the receiving water. The attached Fact Sheet for this Order includes specific bases for the effluent limitations.

19. 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 his 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.

20. State and Federal antibacksliding and antidegradation policies require Regional Board actions to protect the water quality of a water body and to ensure that the waterbody will not be further degraded. The antibacksliding provisions are specified in sections 402(o) and 303(d)(4) of the Clean Water Act (CWA) and in Title 40, Code of Federal Regulations (40 CFR), section 122.44(l). Those provisions require a reissued permit to be as stringent as the previous permit with some exceptions where effluent limitations may be relaxed.

21. Effluent limitations are established in accordance with sections 301, 304, 306, and 307 of the CWA, and amendments thereto. These requirements, as they are met, will maintain and protect the beneficial uses of the Rio Hondo Channel.

22. On March 30, 2000, U.S. EPA 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 U.S. EPA' s new regulation (also known as the Alaska rule), new and revised standards submitted to U.S. EPA 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 U.S. EPA by May 30, 2000, may be used for CWA purposes, whether or not approved by EPA.

23. This Order contains restrictions on individual pollutants that are no more stringent than required by the federal Clean Water Act. Individual pollutant restrictions consist of technology-based restrictions and water quality-based effluent limitations. The technology-based effluent limitations consist of restrictions on total suspended solids (TSS), pH, BOD, and oil and grease. Restrictions on TSS, pH, BOD, and oil and grease are specified in federal regulations as discussed in Finding No. 28, and the permit's technology-based pollutant restrictions are no more stringent than required by the Clean Water Act. 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 U.S.EPA on May 1, 2001. Most beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by U.S.EPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to U.S.EPA prior to May 30, 2000, but not approved by U.S.EPA 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 and beneficial uses implemented by this Order (specifically Ammonia) were approved by U.S. EPA on June 19, 2003, 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.

**Watershed Management Approach and Total Maximum Daily Loads (TMDLs)**

24. The Regional Board has implemented the Watershed Management Approach to address water quality issues in the region. Watershed management may include diverse issues as defined by stakeholders to identify comprehensive solutions to protect, maintain, enhance, and restore water quality and beneficial uses. To achieve this goal, the Watershed Management Approach integrates the Regional Board's many diverse programs, particularly Total Maximum Daily Loads (TMDLs), to better assess cumulative impacts of pollutants from all point and non-point sources. A TMDL is a tool for implementing water quality standards and is based on the relationship between pollution sources and in-stream water quality conditions. The TMDL establishes the allowable loadings or other quantifiable parameters for a waterbody and thereby provides the basis to establish water quality-based controls. These controls should provide the pollution reduction necessary for a waterbody to meet water quality standards. This process facilitates the development of watershed-specific solutions that balance the environmental and economic impacts within the watershed. The TMDLs will establish waste load allocation (WLAs) and load allocations (LAs) for point and non-point sources, and will result in achieving water quality standards for the waterbody.

25. Rio Hondo Channel receives discharges from highly industrial areas. The 2002 303(d) list classifies the Rio Hondo Channel as impaired. The facility discharges within Reach 1 of the Rio Hondo Channel. The pollutants of concern for Reach 1 of the Rio Hondo Channel include: copper, high coliform count, lead, pH, trash, and zinc. Further, the Rio Hondo Channel is a tributary to the Los Angeles River. The Trash TMDL for the Los Angeles River watershed, was adopted by the Regional Board on September 19, 2001. It designates WLAs for Permittees and Co-Permittees of the Los Angeles County Municipal Stormwater Permit that are located within (entirely or partially) the Los Angeles River Watershed. WLAs are based on a phased reduction from the estimated current discharge over a 10-year period until the final WLA (currently set at zero) has been met. Based on the contributing waste stream from the facility, the Regional Board believes the discharge is not likely to contribute trash to the Los Angeles River Watershed. However, because the facility discharges to the Los Angeles County municipal separate storm sewer system, Los Angeles County may invoke requirements on the facility in order to meet the WLA.

**Effluent Limitations, Guidelines and Standards (ELGs)**

26. 40 CFR Part 426 establishes effluent limitations and requirements for the Glass Manufacturing point source category. The applicability discussion in the regulation indicates that the category applies to discharges resulting from the process by which raw materials are melted in a furnace and mechanically processed into glass containers. Therefore, the ELGs are applicable to furnace draining activities (i.e., glass quenching water).

27. CFR Part 426 establishes pollutant effluent limitations and standards for direct discharge point sources. The limitations contained in 40 CFR Part 426 represent the degree of effluent reduction attainable by the application of BPT. The limitations require production data to determine mass-based effluent limitations for process wastewaters. The Discharger provided production data from 2001 to 2003; ELG calculations were based on these data. In the case of oil and grease and TSS, the mass-based effluent limitations are determined by multiplying the concentration listed in 40 CFR section 426.82 by the pounds per day of glass produced at SGC. 40 CFR section 426.82 also specifies a pH range between 6.0 – 9.0.

28. The existing Order did not include effluent limitations derived from the ELGs. However, the Regional Board determined the ELGs are applicable to SGC's furnace drain effluent since they are discharges resulting from glass manufacturing processes and therefore, the proposed Order will establish the ELG-based limits for oil and grease and TSS for the glass quenching water discharge.

**Data Availability and Reasonable Potential Monitoring**

29. 40 CFR section 122.44(d)(1)(ii) requires that each toxic pollutant be analyzed with respect to its reasonable potential when determining whether a discharge (1) causes; (2) has the reasonable potential to cause; or (3) contributes to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant.

30. Section 1.3 of the SIP requires that a limitation be imposed for a toxic pollutant if (1) the maximum effluent concentration (MEC) is greater than the most stringent CTR criterion, or (2) the background concentration is greater than the CTR criterion, or (3) other information is available that indicates the need for a WQBEL. Sufficient effluent data are needed for this analysis.

31. Due to a lack of data to perform an RPA, effluent limitations for priority pollutants are not established in the proposed Order. The proposed Order includes requirements for effluent and receiving water monitoring to provide the data needed to complete an RPA for the priority pollutants.

**CEQA and Notifications**

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

33. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.

34. 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 30 days (August 6, 2005) from the date of its adoption, in accordance with federal law, provided the Regional Administrator, U.S. EPA, has no objections.

35. Pursuant to California Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, Office of Chief Counsel, ATTN: Elizabeth Miller Jennings, Senior Staff Counsel, 1001 I Street, 22nd Floor, Sacramento, California, 95814, within 30 days of adoption of this Order.

36. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with section 21100) of Division 13 of the Public Resources Code (CEQA) in accordance with the California Water Code, section 13389.

**IT IS HEREBY ORDERED** that Saint-Gobain Containers, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted there under, shall comply with the following:

## I. DISCHARGE REQUIREMENTS

A. Discharge Prohibitions

1. Wastes discharged shall be limited to the discharge of up to 800,000 gpd of glass quenching water through Discharge Serial No. 001 (Latitude 34° 04' 46" North and Longitude 118° 02' 34" West).

2. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to a storm drain system, the Rio Hondo Channel, or waters of the State, are prohibited.

B. Effluent Limitations

The discharge of an effluent in excess of the following limitations is prohibited:

1. A pH value less than 6.5 or greater than 8.5.

2. Temperature:

a. A temperature greater than 86 °F; and

b. The discharge shall not alter the receiving water temperature by more than 5 °F above the natural temperature. At no time shall the receiving water temperature be raised above 80 °F as a result of waste discharges.

3. Toxicity limitations:

a. Acute Toxicity Limitation and Requirements

i. 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 (or shorter test duration period with Executive Officer approval) static or continuous flow bioassay tests shall be at least 90%, and (ii) no single test shall produce less than 70% survival.

ii. If either of the above requirements [Section I.B.3.a.(i)] is not met, the Discharger shall conduct six additional tests over a 6-week period, if possible. The Discharger shall ensure that they receive results of a failing acute toxicity test within 24 hours of the completion of the test, and the additional tests shall begin within 3 business days of the 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 source(s) of toxicity. Once the source(s) of toxicity is identified, the Discharger shall take all reasonable steps to reduce the toxicity to meet the objective.

iii. If the initial test and any of the additional six acute toxicity bioassay tests result in less than 70% survival, including the initial test, the Discharger shall immediately begin a TIE.

iv. The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 5720.

4. Effluent limitations established in this Order are applicable to discharges of glass quenching water through NPDES Discharge Serial No. 001 (Latitude 34° 04' 46" North and Longitude 118° 02' 34" West) into the Rio Hondo Channel:

| Pollutant | Units | Maximum Daily Effluent Limitations (MDELs) |
|---|---|---|
| Oil and Grease | mg/L [1] | 11 |
| | lbs/day | 72 |
| Total Suspended Solids | mg/L [1] | 25 |
| | lbs/day | 168 |
| Settleable Solids | ml/L | 0.2 |
| BOD [2] | mg/L | 30 |
| | lbs/day [1] | 200 |
| Total Dissolved Solids | mg/L | 750 |
| | lbs/day [1] | 5,000 |
| Turbidity | NTU | 75 |

1. Based on a maximum total flow of 800,000 gpd.

2. 5-day biochemical oxygen demand at 20 °C.

C. Receiving Water Limitations

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

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

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

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

   d. Bottom deposits or aquatic growths; or,

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

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

3. No discharge shall cause a surface water temperature rise greater than $5^{o}F$ above the natural temperature of the receiving waters at any time or place.

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

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

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

   c. Dissolved sulfide shall not be greater than 0.1 mg/L;

   d. The ammonia limits in the 1994 Basin Plan were revised by Regional Board Resolution No. 2002-011, adopted on April 28, 2002, to be consistent with the 1999 U.S. EPA update on ammonia criteria. Regional Board Resolution No. 2002-011 was approved by State Board, OAL and U.S. EPA on April 30, 2003, June 5, 2003, and June 19, 2003, respectively and is now in effect. Total ammonia (as N) shall not exceed concentrations specified in the Regional Board Resolution 2002-011.

5. The discharge shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Board or State Board. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water Act, or amendments thereto, the Regional Board will revise or modify this Order in accordance with such standards.

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

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

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

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

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

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

   f. Substances that result in increases of $BOD_5 20^0C$ that adversely affect beneficial uses;

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

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

9. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures or facilities nor overload their design capacity.

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

## II. REQUIREMENTS

A. Pursuant to the requirements of 40 CFR section 122.42(a), the Discharger must notify the Board as soon as it knows, or has reason to believe (1) that it has begun or expected to begin, to use or manufacture a toxic pollutant not reported in the permit application, or (2) a discharge of toxic pollutant not limited by this Order has occurred, or will occur, in concentrations that exceed the specified limitations in 40 CFR section 122.42(a).

B. The Discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.

C. The Discharger shall comply with the waste load allocations that will be developed from the TMDL process for the 303 (d)-listed pollutants.

D. The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which may ultimately be released to waters of the United States, is prohibited unless specifically authorized elsewhere in this permit or another NPDES permit. This requirement is not applicable to products used for lawn and agricultural purposes.

E. The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream which ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this permit.

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

   a. Name and general composition of the chemical,
   b. Frequency of use,
   c. Quantities to be used,
   d. Proposed discharge concentrations, and
   e. U.S. EPA registration number, if applicable.

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

G. The Regional Board and U.S. EPA shall be notified immediately by telephone, of the presence of adverse conditions in the receiving waters or on beaches and shores as a result of wastes discharged; written confirmation shall follow as soon as possible but not later than five working days after occurrence.

## III. PROVISIONS

A. This Order includes the attached *Standard Provisions and General Monitoring and Reporting Requirements* (Standard Provisions, Attachment N). If there is any conflict between provisions stated herein and the attached Standard Provisions, those provisions stated herein shall prevail.

B. This Order includes the attached Monitoring and Reporting Program (No. 5720). If there is any conflict between provisions stated in the Monitoring and Reporting Program and the Standard Provisions, those provisions stated in the former shall prevail.Subject:

C. This Order may be modified, revoked, reissued, or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 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 Discharger 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.

D. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management program developed to comply with NPDES permits issued by the Regional Board to local agencies.

E. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.

F. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic effluent standards, and all federal regulations established pursuant to sections 301, 302, 303(d), 304, 306, 307, 316, and 423 of the Federal Clean Water Act and amendments thereto.

G. 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.A. of MRP No. 5720), then the Discharger is out of compliance.

2. Compliance with effluent limitations expressed as a sum of several constituents – If the sum of the individual pollutant concentrations is greater than the effluent limitation, then the Discharger is out of 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.

a. 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 [$X_{n/2}$ + $X_{(n/2)+1}$], i.e. the midpoint between the n/2 and n/2+1 data points.

## IV. REOPENERS

A. This Order may be reopened and modified, in accordance with SIP section 2.2.2.A, to incorporate new limitations based on future RPA to be conducted, upon completion of the collection of additional data by the Discharger.

B. This Order may be reopened and modified, to incorporate in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach.

C. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new minimum levels (MLs) for each pollutant.

D. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, or the adoption of a TMDL.

E. This Order may be reopened upon the submission by the Discharger, of adequate information, as determined by the Regional Board, to provide for dilution credits or a mixing zone, as may be appropriate.

F. This Order may be reopened and modified, to revise the toxicity language once that language becomes standardized.

G. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR sections 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 and permit, endangerment to human health or the environment resulting from the permitted activity.

## V. EXPIRATION DATE

This Order expires on June 10, 2010.

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.

## VI. RESCISSION

Order No. 98-096, adopted by this Regional Board on December 14, 1998, is hereby rescinded except for enforcement purposes.

I, Jonathan S. Bishop, 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 July 7, 2005.

_____
Jonathan S. Bishop
Executive Officer