

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

ORDER NO. R4-2004-0106  
NPDES PERMIT NO. CA0056928

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
AND  
WASTE DISCHARGE REQUIREMENTS  
FOR  
NORWALK INDUSTRIES-ECOLOGY AUTO PARTS

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

**Background**

1. Norwalk Industries-Ecology Auto Parts (hereinafter Norwalk Industries or Discharger) discharges treated storm water under waste discharge requirements (WDRs) contained in Order No. 97-076 (NPDES No. CA0056928, CI-6041) adopted by the Regional Board on June 16, 1997. Order No. 97-076 expired on May 10, 2002.
2. Norwalk Industries filed a report of waste discharge on November 4, 2001, and has applied for renewal of its WDRs and NPDES permit for discharge of wastes to surface waters.

**Purpose of Order**

3. The purpose of this Order is to renew the WDRs for the Norwalk Industries facility. This NPDES permit regulates the discharge of storm water runoff from the automobile dismantling area through Discharge Serial No. 001, to North Fork Coyote Creek, tributary to the San Gabriel River, a water of the United States, above the estuary. The point of discharge is located at Latitude 33°55'03", Longitude 118°02'00".

**Facility Description**

4. Norwalk Industries leases land to Ecology Auto Parts, which operates an automobile dismantling, smashing, and junk facility located at 13780 East Imperial Highway, Santa Fe Springs, California, and discharges up to 210,000 gallons per day (gpd) of treated storm water runoff to the North Fork Coyote Creek. Figure 1 depicts the location map.
5. At the facility, fluids from radiators, engines, transmissions, and gasoline tanks removed from the vehicles are stored and hauled away for reclamation. The automobiles are then set out into the yard where customers remove parts for purchase. After 3 to 4 weeks, vehicles are removed from the yard and the engines and transmissions are dismantled and sold for salvage scrap. The auto bodies are sold for scrap metal.

### **Discharge Description**

6. Storm water (including the first flush) from the facility site is routed to a collection sump located in the southeast corner of the property, adjacent to North Fork Coyote Creek. The water is pumped to one of three aboveground storage tanks, which together provide capacity for 105,000 gallons of storm water. Next, the storm water is processed through a 10,000 gallon multi-compartment clarifier that is also equipped with an oil skimmer and a Balboa-Pacific treatment unit for chemical treatment and removal of metals. Effluent from the treatment unit is returned to the final settling chamber of the clarifier prior to discharge.
7. Norwalk Industries discharges treated storm water to North Fork Coyote Creek, through Discharge Serial No. 001. North Fork Coyote Creek is tributary to the San Gabriel River, a water of the United States, and is part of the San Gabriel River Watershed.

### **Storm Water Management**

8. The objective of this Order is to protect the beneficial uses of receiving waters. To meet this objective, this Order requires Norwalk Industries to update and continue to implement a Storm Water Pollution Prevention Plan (SWPPP) consistent with the SWPPP requirements in the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity [State Water Resources Control Board (State Board) Order No. 97-03-DWQ, NPDES Permit No. CAS000001]. The SWPPP will outline site-specific management practices for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged into surface waters.
9. The SWPPP shall also specify Best Management Practices (BMPs) that will be implemented to reduce the discharge of pollutants in storm water to the maximum extent practicable. Further, the Discharger shall assure that the storm water discharges from the facility would neither cause, nor contribute to, the exceedance of water quality standards and objectives, nor create conditions of nuisance in the receiving water, and that the discharge of non-storm water to the receiving water has been effectively prohibited.

### **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 groundwaters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State 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 Life*. The ammonia Basin Plan amendment was approved by the State Board, the Office of Administrative Law, and United States Environmental Protection Agency (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 waterbody for the permitted discharge covered by this Order is North Fork Coyote Creek. The Basin Plan contains beneficial uses and water quality objectives for Coyote Creek. The beneficial uses listed in the Basin Plan for Coyote Creek are:  
  
Coyote Creek (to Estuary) – Hydro Unit No. 405.15  
  
Existing:        Preservation of rare, threatened or endangered species.  
  
Potential:       Municipal and domestic water supply, industrial service supply, industrial process supply, water contact recreation (prohibited by LA County DPW), warm freshwater habitat, and wildlife habitat.  
  
Intermittent:   Non-contact water recreation.
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. 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 5 years from the date of permit issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with effluent limitations derived from the CTR criteria.

16. Under 40 CFR 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 water quality-based effluent limitations (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.
17. Effluent limitation guidelines 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 promulgated by the U.S. EPA for some pollutants in this discharge. Effluent limitations for pollutants not subject to the U.S. EPA effluent limitation guidelines 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.
18. 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 section 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.
19. 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 Coyote Creek.

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

20. 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.

21. Coyote Creek is located in Los Angeles County, in the San Gabriel Watershed. The 2002 State Board's California 303(d) List (approved by the U.S. EPA in July 2003) classifies the Coyote Creek (to Estuary) as impaired. The pollutants of concern include abnormal fish histology, algae, dissolved copper, high coliform count, dissolved lead, total selenium, toxicity (listed by U.S. EPA), and dissolved zinc. Algae and high coliform counts are considered to be of high priority and TMDLs are being developed.

### **Data Availability and Reasonable Potential Monitoring**

22. 40 CFR 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. In performing the RPA, the permitting authority uses procedures that account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, and the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity). Because of effluent variability, there is always some degree of uncertainty in determining an effluent's impact on the receiving water. The U.S. EPA's *Technical Support Document for Water Quality-Based Toxics Control (TSD) of 1991* (USEPA/505/2-90-001), addresses this issue by suggesting the use of a statistical approach.
23. Regional Board staff has determined that pollutants that have effluent limits in the current Order will be included in this Order. The effluent limitations have been modified based on the revised water quality criteria contained in the CTR and the requirements contained in the TSD. Further, effluent limits have been established for priority pollutants that show reasonable potential to exceed state water quality standards. This Order also includes requirements for additional monitoring to provide the data needed to complete an RPA on all of the priority pollutants.
24. An RPA was completed using the data collected at the site for the period April 2001 through March 2003 for certain parameters to determine if any of the constituents sampled previously at the site showed reasonable potential. Based on the RPA, there was reasonable potential to exceed water quality standards for cadmium, copper, lead, and zinc. Effluent monitoring data indicate that four constituents; cadmium, copper, lead, and zinc have the potential to exceed the WQBELs.

### **Compliance Schedules and Interim Limitations**

25. The Norwalk Industries facility may not be able to achieve immediate compliance with the WQBELs for cadmium, copper, lead, and zinc in Section I.B.4. of this Order. Data submitted in self-monitoring reports indicate that these constituents have been detected at

concentrations greater than the new limit proposed in this Order. The Discharger may not be able to achieve immediate compliance with an effluent limitation based on CTR criteria for these constituents.

26. 40 CFR 131.38(e) provides conditions under which interim effluent limits and compliance schedules may be issued. The CTR allows inclusion of an interim limit with a specific compliance schedule included in a NPDES permit for priority pollutants if the limit for the priority pollutant is CTR-based. Interim limits have been included in this Order for cadmium, copper, lead, and zinc.
27. The Regional Board may establish other interim requirements, such as requiring the Discharger to develop a pollutant minimization plan and/or source control measures, and participate in the activities necessary to achieve final effluent limitations. These interim limitations shall be effective until June 30, 2006, after which the Discharger shall demonstrate compliance with the final effluent limitations.

#### **CEQA and Notifications**

28. 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.
29. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
30. 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 shall take effect in accordance with federal law, provided the Regional Administrator, U.S. EPA, has no objections.
31. 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.
32. 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 Norwalk Industries, 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 a maximum of 210,000 gpd of treated storm water.
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, Coyote Creek, 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. A temperature greater than 86° F.
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. 6041.

4. Final effluent limitations: In addition to the Requirements I.B.1 through I.B.3, the discharge of treated storm water from Discharge Serial No. 001 containing constituents in excess of the following limitations is prohibited:

| Constituents                 | Units | Maximum Daily Discharge Limitations | Average Monthly Discharge Limitations |
|------------------------------|-------|-------------------------------------|---------------------------------------|
| BOD <sub>5</sub> @ 20°C      | mg/L  | 30                                  | 20                                    |
| Settleable solids            | ml/L  | 0.3                                 | 0.1                                   |
| Oil and Grease               | mg/L  | 15                                  | 10                                    |
| Total suspended solids       | mg/L  | 75                                  | 50                                    |
| Phenols                      | mg/L  | 1                                   | --                                    |
| Sulfides                     | mg/L  | 1                                   | --                                    |
| Total petroleum hydrocarbons | µg/L  | 100                                 | ---                                   |
| Arsenic                      | µg/L  | 50                                  | 25                                    |
| Cadmium                      | µg/L  | 4                                   | 1                                     |
| Total Chromium               | µg/L  | 50                                  | 25                                    |
| Copper                       | µg/L  | 13                                  | 5                                     |
| Lead                         | µg/L  | 6                                   | 2                                     |
| Mercury                      | µg/L  | 2                                   | 1                                     |
| Nickel                       | µg/L  | 200                                 | 100                                   |
| Zinc                         | µg/L  | 112                                 | 47                                    |

5. Interim effluent limitations: From the effective date of this Order until June 30, 2006, the discharge of an effluent in excess of the following limitations is prohibited:

| Constituents         | Maximum Daily Discharge Limitations | Average Monthly Discharge Limitations |
|----------------------|-------------------------------------|---------------------------------------|
|                      | Concentration (i g/L)               | Concentration (i g/L)                 |
| Cadmium <sup>1</sup> | 14.9                                | 10.4                                  |
| Copper <sup>1</sup>  | 60                                  | --                                    |
| Lead <sup>1</sup>    | 20                                  | --                                    |
| Zinc <sup>1</sup>    | 670                                 | --                                    |

1 Discharge limitations for these metals are expressed as total recoverable.



Discharges from July 1, 2006, must comply with the limits for these constituents stipulated in the Table in section I.B.4.

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 to be present in concentrations or quantities which cause deleterious effects on aquatic biota, wildlife, or waterfowl or render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
2. The discharge shall not cause nuisance, or adversely effect beneficial uses of the receiving water.
3. No discharge shall cause a surface water temperature rise greater than 5°F above the natural temperature of the receiving waters at any time or place.
4. The discharge shall not cause the following limitations 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 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.

- e. 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.
5. 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<sub>5</sub>20<sup>0</sup>C that adversely affect beneficial uses;
  6. The discharge shall not alter the color, create a visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters.
  7. The discharge shall not degrade surface water communities and population including vertebrate, invertebrate, and plant species.
  8. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures or facilities nor overload their design capacity.
  9. The discharge shall not cause problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.

## II. REQUIREMENTS

- A. The Discharger shall develop and implement, within 90 days of the effective date of this Order:
1. A *Storm Water Pollution Prevention Plan (SWPPP)* that describes site-specific management practices for minimizing contamination of storm water runoff and for preventing contaminated storm water runoff from being discharged directly to waters of the State. The SWPPP shall be developed in accordance with the requirements in Attachment A.
  2. A *Best Management Practices Plan (BMPP)* that entails site-specific plans and procedures implemented and/or to be implemented to prevent hazardous waste/material from being discharged to waters of the State. The BMPP shall be consistent with the general guidance contained in the EPA *Guidance Manual for Developing Best Management Practices (BMPs)* (EPA 833-B-93-004). In particular, a risk assessment of each area identified by the Discharger shall be performed to determine the potential of hazardous or toxic waste/material discharge to surface waters.

Both plans shall cover all areas of the facility and shall include an updated drainage map for the facility. The discharger shall identify on a map of appropriate scale the areas that contribute runoff to the permitted discharge points; describe the activities in each area and the potential for contamination of storm water runoff and the discharge of hazardous waste/material; and address the feasibility of containment and/or treatment of the storm water. The plans shall be reviewed annually and at the same time. Updated information shall be submitted within 30 days of revision.

B. Compliance Plan

1. The Discharger shall develop and implement a compliance plan that will identify the measures that will be taken to reduce the concentrations of cadmium, copper, lead, and zinc in their discharge. This plan must evaluate options to achieve compliance with the Order limitations specified in provision 1.B.4.
2. The Discharger shall submit quarterly progress reports to describe the progress of studies and or actions undertaken to reduce cadmium, copper, lead, and zinc in the effluent, and to achieve compliance with the limits in this Order by the deadline specified in provision I.B.5. The Regional Board shall receive the first annual progress report at the same time the annual summary report is due, as required in Section I.B of *M&RP*.
3. The interim limits stipulated in section I.B.5 shall be in effect for a period not to extend beyond June 30, 2006. Thereafter, the Discharger shall comply with the limitations specified in Section I.B.4 of this Order.

- C. Pursuant to the requirements of 40 CFR 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 122.42(a).
- D. The Discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.
- E. The Discharger shall comply with the waste load allocations that will be developed from the TMDL process for the 303 (d)-listed pollutants.
- F. 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.
- G. 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.
- H. 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:
  - 1. Name and general composition of the chemical,
  - 2. Frequency of use,
  - 3. Quantities to be used,
  - 4. Proposed discharge concentrations, and
  - 5. U.S. EPA registration number, if applicable.

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

- I. 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 *M&RP*. If there is any conflict between provisions stated in the *M&RP* and the Standard Provisions, those provisions stated in the former shall prevail.
- C. The Discharger shall comply with the applicable requirements of SWPPP updates associated with industrial activity (State Board Order No. 97-03-DWQ adopted on April 17, 1997). This Order R4-2004-0106 shall take precedence where conflicts or differences arise between it and the aforementioned Orders. This Order includes the applicable requirements contained in the attached *Storm Water Pollution Prevention Plan Requirements (Attachment A)*.
- D. 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.
- E. 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.
- F. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
- G. 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.
- H. 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 *M&RP*), 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 limit for any constituent, the Discharger shall collect up to four additional samples at approximately equal intervals during that month. All analytical results shall be reported in the monitoring report for that month, or 45 days after results for the additional samples were received, whichever is later.

When one or more sample results are reported as “Not-Detected ND” or “Detected, but not Quantified (DNQ)” (see Reporting Requirement III.D. of *M&RP*), the median value of these 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.

- c. 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.
  - d. If only one sample was obtained for the month of more than a monthly period and the result exceed the monthly average, then the Discharger is in violation of the monthly average limit.
3. 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.

#### **IV. REOPENERS**

- A. This Order may be reopened and modified, in accordance with SIP Section 2.2.2.A, to incorporate new limits 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.

#### **IV. EXPIRATION DATE**

This Order expires on June 10, 2009.

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.

#### **V. RESCISSION**

Order No. 97-076, adopted by this Regional Board on June 16, 1997, is hereby rescinded except for enforcement purposes.

I, Jonathan Bishop, Interim 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 1, 2004.

---

Jonathan Bishop  
Interim Executive Officer