CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

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Los Angeles Regional Water Quality Control Board
(http://www.waterboards.ca.gov/losangeles)

WATER QUALITY ORDER R4-2026-0120
NPDES NUMBER CA0056464, CI NUMBER 6079

WASTE DISCHARGE REQUIREMENTS
FOR OWENS-BROCKWAY GLASS CONTAINER INC.

The following Discharger is subject to waste discharge requirements (WDRs) set forth in this Order:

Table 1. Discharger Information

Discharger:	Owens-Brockway Glass Container Inc.
Name of Facility:	Owens-Brockway Glass Container Inc.
Facility Address:	2901 Fruitland Avenue Vernon, CA 90058 Los Angeles County

Table 2. Discharge Location

Discharge Point	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	33.9964	-118.2172	Los Angeles River
002	33.9974	-118.2180	Los Angeles River

Table 3. Administrative Information

This Order was adopted on:	**March 26, 2026**
This Order shall become effective on:	**May 1, 2026**
This Order shall expire on:	**April 30, 2031**
The Discharger shall file a Report of Waste Discharge (ROWD) as an application for reissuance of WDRs in accordance with title 23, California Code of Regulations, and an application for reissuance of a NPDES permit no later than:	**180 days prior to the Order expiration date**
The United States Environmental Protection Agency (U.S. EPA) and the California Regional Water Quality Control Board have classified this discharge as follows:	**Minor**

I, Susana Arredondo, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on **the date indicated above**.

Jenny Newman

Digitally signed by Jenny Newman
Date: 2026.04.20 11:06:43 -07'00'

for Susana Arredondo, Executive Officer

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1. FACILITY INFORMATION

Information describing Owens-Brockway Glass Container Inc. (Discharger), Owens-Brockway Glass Container Inc. (Facility) is summarized in Table 1 and in sections 1 and 2 of the Fact Sheet (Attachment F). Section 1 of the Fact Sheet also includes information regarding the Facility's permit application.

2. FINDINGS

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

2.1. **Legal Authorities.** This Order serves as waste discharge requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). This Order is also issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the United States Environmental Protection Agency (U.S. EPA) and chapter 5.5, division 7 of the Water Code (commencing with section 13370). It shall serve as a National Pollutant Discharge Elimination System (NPDES) permit authorizing the Discharger to discharge into waters of the United States at the discharge location described in Table 2 subject to the WDRs in this Order.

2.2. **Background and Rationale for Requirements.** The Los Angeles Water Board developed the requirements in this Order based on information submitted as part of the application and through the Discharger's monitoring and reporting program along with other available information. The Fact Sheet (Attachment F), which contains background information and rationale for the requirements in this Order, is hereby incorporated into and constitutes Findings for this Order. Attachments A through E and G are also incorporated into this Order.

2.3. **Notification of Interested Parties.** The Los Angeles Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of the notification are provided in the Fact Sheet.

2.4. **Consideration of Public Comment.** The Los Angeles Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet.

THEREFORE, IT IS HEREBY ORDERED that Order No. R4-2016-0122 is terminated upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order. This action in no way prevents the Los Angeles Water Board from taking enforcement action for violations of the previous Order.

3. DISCHARGE PROHIBITIONS

3.1. The discharge of wastes shall not exceed 0.163 million gallons per day (MGD) of stormwater runoff from the central yard and production area through Discharge Point

001 and 0.680 MGD of stormwater runoff from the main yard through Discharge Point 002.

3.2. The discharge of wastes at a location other than specifically described in this Order is prohibited. The discharge of wastes from accidental spills or other sources is prohibited.

3.3. 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, Los Angeles River, or other waters of the United States, are prohibited.

3.4. The discharge of oil or any residuary product of petroleum to waters of the United States, except in accordance with waste discharge requirements or other provisions of division 7 of the Water Code, is prohibited.

3.5. The discharge of any radiological, chemical, or biological warfare agent into the waters of the United States is prohibited under Water Code section 13375.

3.6. The discharge of trash to waters of the United States or the deposition of trash where it may be discharged into waters of the United States is prohibited.

4. EFFLUENT LIMITATIONS AND DISCHARGE PROHIBITIONS

4.1. Effluent Limitations – Discharge Point 001

4.1.1. Final Effluent Limitations – Discharge Point 001

The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Locations EFF-001, as described in the Monitoring and Reporting Program (MRP), Attachment E.

Table 4. Final Effluent Limitations at Discharge Point 001

Parameter	Units	Maximum Daily	Instantaneous Minimum/Maximum	Notes
Biochemical Oxygen Demand 5-day @ 20ºC (BOD)	milligram per liter (mg/L)	30	---	--
BOD	pounds per day (lbs/day)	41	---	a
Oil and Grease	mg/L	15	---	--
Oil and Grease	lbs/day	20	---	a
pH	standard units	---	6.5 to 8.5	b
Total Suspended Solids (TSS)	mg/L	75	---	---
TSS	lbs/day	102	---	a
Ammonia as Nitrogen	mg/L	8.7	---	---
Ammonia as Nitrogen	lbs/day	12	---	a
Chloride	mg/L	150	---	---
Chloride	lbs/day	204	---	a
Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect <50	---	c

Parameter	Units	Maximum Daily	Instantaneous Minimum/Maximum	Notes
E. coli	CFU/100 ml or MPN/100 ml	235	---	d
Fluoride	mg/L	1.0	---	---
Fluoride	lbs/day	1.4	---	a
Phenols	mg/L	1.0	---	--
Phenols	lbs/day	1.4	---	a
Settleable Solids	mL/L	0.3	---	---
Sulfate	mg/L	350	---	---
Sulfate	lbs/day	476	---	a
Sulfides	mg/L	0.1	---	---
Sulfides	lbs/day	0.14	---	a
Temperature	degrees Fahrenheit (°F)	---	80	e
Total Dissolved Solids	mg/L	1,500	---	---
Total Dissolved Solids	lbs/day	2,039	---	a
Turbidity	NTU	75	---	---
Antimony, Total Recoverable (TR)	µg/L	6	---	---
Antimony, TR	lbs/day	0.008	---	a
Arsenic, TR	µg/L	10	---	---
Arsenic, TR	lbs/day	0.014	---	a
Bis (2-Ethylhexyl) Phthalate	µg/L	4	---	---
Bis (2-Ethylhexyl) Phthalate	lbs/day	0.005	---	a
Cadmium, TR (Wet Weather)	mg/L	3.1	---	f
Cadmium, TR (Wet Weather)	lbs/day	0.004	---	a
Chromium (VI)	mg/L	16	---	---
Chromium (VI)	lbs/day	0.022	---	a
Copper, TR (Dry Weather)	µg/L	136	---	g
Copper, TR (Dry Weather)	lbs/day	0.18	---	a
Copper, TR (Wet Weather)	µg/L	68	---	f
Copper, TR (Wet Weather)	lbs/day	0.09	---	a
Cyanide, Total (as CN)	µg/L	8.5	---	---
Cyanide, Total (as CN)	lbs/day	0.012	---	a
Lead, TR (Dry Weather)	µg/L	18	---	g
Lead, TR (Dry Weather)	lbs/day	0.025	---	a
Lead, TR (Wet Weather)	µg/L	62	---	f
Lead, TR (Wet Weather)	lbs/day	0.084	---	a
Mercury, TR	µg/L	0.3	---	h
Nickel, TR	µg/L	100	---	---
Nickel, TR	lbs/day	0.14	---	a
Total PCBs	µg/L	0.00034	---	---
Total PCBs	lbs/day	4.6×10^{-7}	---	a
Pentachlorophenol	µg/L	1	---	---
Pentachlorophenol	lbs/day	0.0014	---	a
Selenium, TR	µg/L	5.68	---	---
Selenium, TR	lbs/day	0.008	---	a

Parameter	Units	Maximum Daily	Instantaneous Minimum/Maximum	Notes
TCDD Equivalents	µg/L	2.8×10^{-8}	---	---
TCDD Equivalents	lbs/day	3.8×10^{-11}	---	a
Thallium	µg/L	2	---	---
Thallium	lbs/day	0.003	---	a
Zinc, TR (Wet Weather)	µg/L	159	---	f
Zinc, TR (Wet Weather)	lbs/day	0.22	---	a

Footnotes for Table 4

a. The mass (lbs/day) limitations are based on a maximum flow of 0.163 MGD from Discharge Point 001 and are calculated as follows: Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day.

b. The effluent limitations for pH are 6.5 as an Instantaneous Minimum and 8.5 as an Instantaneous Maximum.

c. The maximum daily effluent limitation (MDEL) for chronic toxicity shall be reported as “Pass” or “Fail” and “% Effect”. The MDEL is exceeded when a toxicity test results in a “Fail,” and the percent effect is greater than or equal to 0.50.

d. The effluent limitation is based on the Los Angeles River Bacteria TMDL Waste Load Allocations (WLAs). The LA River Bacteria TMDL contains WLAs of zero days of allowable exceedances of the single sample target of 235/100mL *E. coli* for both dry and wet weather (defined as days with 0.1 inch of rain or greater and the three days following the rain event) and no exceedances of the geometric mean TMDL numeric target of 126/100 mL *E. coli* for general and individual NPDES permits. In the event that discharges occur more than once per month, the rolling 30-day geometric mean values should be calculated based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period, if possible). If any of the single sample limits are exceeded, the Los Angeles Water Board may require repeat sampling on a daily basis until the sample falls below the single sample limit in order to determine persistence of exceedance. Results collected during accelerated monitoring can be used to calculate the geometric mean.

e. The effluent limitation for temperature is 80ºF as an Instantaneous Maximum.

f. The wet weather limits apply when the maximum daily flow in the Los Angeles River at Wardlow gauge station (F319-R) is greater than or equal to 500 cubic feet per second (cfs).

g. The dry weather limits are applicable when flow in the Los Angeles River at the Wardlow stream gauge station (F319-R) is less than 500 cfs.

h. This value is a benchmark. A “benchmark” is a technology-based level that is used to evaluate the performance of best management practices (BMPs) with regard to the removal of pollutants present in the discharge. A benchmark for mercury is established based on the numeric action level for total mercury established in the Mercury Provisions for stormwater discharges from industrial activities. A benchmark is not enforceable water quality objectives or effluent limits. Exceedance of a benchmark triggers additional monitoring of mercury in the effluent. If the benchmark exceedance persists more than three times, the Discharger shall evaluate the BMPs and submit a plan to control the mercury exceedance.

i. Total PCBs (polychlorinated biphenyls) means the sum of chlorinated biphenyls whose analytical characteristics resembles those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260.

End of Footnotes for Table 4

4.2. Effluent Limitations – Discharge Point 002

4.2.1. Final Effluent Limitations – Discharge Point 002

The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 002, with compliance measured at Monitoring Locations EFF-002, as described in the Monitoring and Reporting Program (MRP), Attachment E.

Table 5. Final Effluent Limitations at Discharge Point 002

Parameter	Units	Maximum Daily	Instantaneous Minimum/Maximum	Notes
Biochemical Oxygen Demand 5-day @ 20ºC (BOD)	milligram per liter (mg/L)	30	---	--
BOD	pounds per day (lbs/day)	170	---	a
Dissolved Oxygen (DO)	mg/L	---	5	b
Oil and Grease	mg/L	15	---	--
Oil and Grease	lbs/day	85	---	a
pH	standard units	---	6.5 to 8.5	c
Total Suspended Solids (TSS)	mg/L	75	---	---
TSS	lbs/day	425	---	a
Ammonia as Nitrogen	mg/L	8.7	---	---
Ammonia as Nitrogen	lbs/day	49	---	a
Chloride	mg/L	150	---	---
Chloride	lbs/day	851	---	a
Chlorine, Total Residual	mg/L	0.1	---	---
Chlorine, Total Residual	lbs/day	0.23	---	a
Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect <50	---	d
E. coli	CFU/100 ml or MPN/100 ml	235	---	e
Fluoride	mg/L	1.0	---	---
Fluoride	lbs/day	6	---	a
Phenols	mg/L	1.0	---	--
Phenols	lbs/day	6	---	a
Settleable Solids	mL/L	0.3	---	---
Sulfate	mg/L	350	---	---
Sulfate	lbs/day	1,985	---	a
Sulfides	mg/L	0.1	---	---
Sulfides	lbs/day	0.6	---	a
Temperature	degrees Fahrenheit (ºF)	---	80	f
Total Dissolved Solids	mg/L	1,500	---	---
Total Dissolved Solids	lbs/day	8,507	---	a
Turbidity	NTU	75	---	---
Arsenic, Total Recoverable (TR)	µg/L	10	---	---

Parameter	Units	Maximum Daily	Instantaneous Minimum/Maximum	Notes
Arsenic, TR	lbs/day	0.06	---	a
Bis (2-Ethylhexyl) Phthalate	µg/L	4	---	---
Bis (2-Ethylhexyl) Phthalate	lbs/day	0.02	---	a
Cadmium, TR (Wet Weather)	mg/L	3.1	---	g
Cadmium, TR (Wet Weather)	lbs/day	0.02	---	a
Chromium (VI)	mg/L	16	---	---
Chromium (VI)	lbs/day	0.09	---	a
Copper, TR (Dry Weather)	µg/L	144	---	h
Copper, TR (Dry Weather)	lbs/day	0.82	---	a
Copper, TR (Wet Weather)	µg/L	68	---	g
Copper, TR (Wet Weather)	lbs/day	0.39	---	a
Cyanide, Total (as CN)	µg/L	8.5	---	---
Cyanide, Total (as CN)	lbs/day	0.05	---	a
Lead, TR (Dry Weather)	µg/L	18	---	h
Lead, TR (Dry Weather)	lbs/day	0.1	---	a
Lead, TR (Wet Weather)	µg/L	62	---	g
Lead, TR (Wet Weather)	lbs/day	0.35	---	a
Mercury, TR	µg/L	0.3	---	i
Nickel, TR	µg/L	100	---	---
Nickel, TR	lbs/day	0.57	---	a
Total PCBs	µg/L	0.00034	---	j
Total PCBs	lbs/day	1.9×10^{-6}	---	a
Pentachlorophenol	µg/L	1	---	---
Pentachlorophenol	lbs/day	0.006	---	a
Selenium, TR	µg/L	5.15	---	---
Selenium, TR	lbs/day	0.03	---	a
TCDD Equivalents	µg/L	2.8×10^{-8}	---	---
TCDD Equivalents	lbs/day	1.6×10^{-10}	---	a
Thallium	µg/L	2	---	---
Thallium	lbs/day	0.01	---	a
Zinc, TR (Wet Weather)	µg/L	159	---	g
Zinc, TR (Wet Weather)	lbs/day	0.9	---	a

Footnotes for Table 5

a. The mass (lbs/day) limitations are based on a maximum flow of 0.680 MGD from Discharge Point 001 and are calculated as follows: Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day.

b. The effluent dissolved oxygen concentration shall be maintained above 5 mg/L at all times.

c. The effluent limitations for pH are 6.5 as an Instantaneous Minimum and 8.5 as an Instantaneous Maximum.

d. The effluent limitation for temperature is 80ºF as an Instantaneous Maximum.

e. The effluent limitation is based on the Los Angeles River Bacteria TMDL Waste Load Allocations (WLAs). The LA River Bacteria TMDL contains WLAs of zero days of allowable exceedances of the single sample target of 235/100mL *E. coli* for both dry and wet weather (defined as days with 0.1 inch of rain or greater and the three days following the rain event) and no exceedances of the geometric mean TMDL numeric target of 126/100 mL *E. coli* for general and individual NPDES

permits. In the event that discharges occur more than once per month, the rolling 30-day geometric mean values should be calculated based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period, if possible). If any of the single sample limits are exceeded, the Los Angeles Water Board may require repeat sampling on a daily basis until the sample falls below the single sample limit in order to determine persistence of exceedance. Results collected during accelerated monitoring can be used to calculate the geometric mean.

f. The maximum daily effluent limitation (MDEL) for chronic toxicity shall be reported as “Pass” or “Fail” and “% Effect”. The MDEL is exceeded when a toxicity test results in a “Fail,” and the percent effect is greater than or equal to 0.50.

g. The wet weather limits apply when the maximum daily flow in the Los Angeles River at Wardlow gauge station (F319-R) is greater than or equal to 500 cubic feet per second (cfs).

h. The dry weather limits are applicable when flow in the Los Angeles River at the Wardlow stream gauge station (F319-R) is less than 500 cfs.

i. This value is a benchmark. A “benchmark” is a technology-based level that is used to evaluate the performance of best management practices (BMPs) with regard to the removal of pollutants present in the discharge. A benchmark for mercury is established based on the numeric action level for total mercury established in the Mercury Provisions for stormwater discharges from industrial activities. A benchmark is not enforceable water quality objectives or effluent limits. Exceedance of a benchmark triggers additional monitoring of mercury in the effluent. If the benchmark exceedance persists more than three times, the Discharger shall evaluate the BMPs and submit a plan to control the mercury exceedance.

j. Total PCBs (polychlorinated biphenyls) means the sum of chlorinated biphenyls whose analytical characteristics resembles those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260.

End of Footnotes for Table 5

4.3. Interim Effluent Limitations – Not Applicable

4.4. Land Discharge Specifications – Not Applicable

4.5. Recycling Specifications – Not Applicable

5. RECEIVING WATER LIMITATIONS

5.1. Surface Water Limitations – Not Applicable

5.2. Groundwater Limitations – Not Applicable

6. PROVISIONS

6.1. Standard Provisions

6.1.1. The Discharger shall comply with all Standard Provisions included in Attachment D.

6.1.2. The Discharger shall comply with the following provisions. In the event that there is any conflict, duplication, or overlap between provisions specified by this Order, the more stringent provision shall apply:

a. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of stormwater to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal stormwater

management programs developed to comply with NPDES permits issued by the Los Angeles Water Board to local agencies.

b. 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, 318, 405, and 423 of the federal CWA and amendments thereto.

c. These requirements do not exempt the operator of the waste disposal facility from compliance with any other laws, regulations, or ordinances which may be applicable; they do not legalize this waste disposal facility, and they leave unaffected any further restraints on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.

d. Oil or oily material, chemicals, refuse, or other wastes that constitute a condition of pollution or nuisance shall not be stored or deposited in areas where they may be picked up by rainfall and carried off of the property and/or discharged to surface waters. Any such spill of such materials shall be contained and removed immediately.

e. A copy of these waste discharge requirements shall be maintained at the discharge facility so as to be available at all times to operating personnel.

f. If there is any storage of hazardous or toxic materials or hydrocarbons at this Facility and if the Facility is not staffed at all times, a 24-hour emergency response telephone number shall be prominently posted where it can easily be read from the outside.

g. The Discharger shall file with the Los Angeles Water Board a report of waste discharge at least 120 days before making any proposed change in the character, location or volume of the discharge.

h. The Discharger must notify the Los Angeles Water Board as soon as they know or have reason to believe that they have begun or expect to begin to use or manufacture an intermediate or final product or byproduct of any toxic pollutant that was not reported on their application.

i. In the event of any change in name, ownership, or control of these waste disposal facilities, the Discharger shall notify the Los Angeles Water 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 Los Angeles Water Board, 30 days prior to taking effect.

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

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

    i. Name and general composition of the chemical;

ii. Frequency of use;
iii. Quantities to be used;
iv. Proposed discharge concentrations; and,
v. U.S. EPA registration number, if applicable.

l. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from this Facility, may subject the Discharger to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Discharger to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.

m. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, or effluent limitation, of this Order, the Discharger shall notify the Manager of the Watershed Regulatory Section at the Los Angeles Water Board by telephone at (213) 576-6616 within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing to the Los Angeles Water Board within five days, unless the Los Angeles Water Board waives confirmation. The written notification shall state the nature, time, duration, and cause of noncompliance, and shall describe the measures being taken to remedy the current noncompliance and, prevent recurrence including, where applicable, a schedule of implementation. The written notification shall also be submitted via email with reference to NPDES No. CA0056464, CI-6079 to losangeles@waterboards.ca.gov. Other noncompliance requires written notification as above at the time of the normal monitoring report.

n. The Discharger shall make diligent, protective efforts to reduce Facility infrastructure vulnerability to current and future impacts resulting from climate change, including but not limited to extreme wet weather events, flooding, storm surges, wildfires, and projected sea level rise when the facility is located near the ocean or discharges to the ocean.

o. Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the Discharger from any responsibilities, liabilities or penalties established pursuant to any applicable state law or regulation under authority preserved by section 311 of the CWA, related to oil and hazardous substances liability.

p. The provisions of this Order are severable. If any provision of this Order is found invalid, the remainder of this Order shall not be affected.

6.2. Monitoring and Reporting Program (MRP) Requirements

The Discharger shall comply with the MRP, and any future revisions thereto, in Attachment E.

6.3. Special Provisions

6.3.1. Reopener Provisions

a. This Order may be modified, revoked and reissued, or terminated for cause, including, but not limited to:

i. Violation of any term or condition contained in this Order;

ii. Obtaining this Order by misrepresentation, or by failure to disclose fully all relevant facts; or

iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

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.

b. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the federal CWA, and amendments thereto, the Los Angeles Water Board may revise and modify this Order in accordance with such more stringent standards.

c. This Order may be reopened and modified, in accordance with the provisions set forth in title 40 of the Code of Federal Regulations (40 CFR) parts 122 and 124 to include requirements for the implementation of a watershed protection management approach or to include new minimum levels (MLs).

d. This Order may reopened for modification, or revocation and reissue this Order if present or future investigations demonstrate that the discharge(s) governed by this Order will cause, have reasonable potential to cause, or contribute to adverse impacts on beneficial uses or degradation of water quality of the receiving waters.

e. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR parts 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order, endangerment to human health or the environment resulting from the permitted activity, or acquisition of newly obtained information which would have justified the application of different conditions if known at the time of Order adoption.

f. This Order may be reopened for modification, or revocation and reissuance, as a result of the detection of a reportable priority pollutant generated by special conditions included in this Order. These special conditions may be, but are not limited to, fish tissue sampling, whole effluent toxicity testing, monitoring of internal waste stream(s), and monitoring for surrogate parameters. Additional requirements may be included in this Order as a result of the special condition monitoring data.

g. This Order may be reopened and modified to the extent necessary, to be consistent with new or revised state-wide plans, new laws, or new regulations.

h. This Order may be reopened for modification to revise the aquatic toxicity provisions if the Supreme Court determines that the test of significant toxicity cannot be used in NPDES permits and the State Water Board suspends or revises the aquatic toxicity water quality standard.

6.3.2. **Special Studies, Technical Papers, and Additional Monitoring Requirements**

a. **Updated Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan**

The Discharger shall submit to the Los Angeles Water Board an updated Initial Investigation TRE workplan **within 90 days** of the effective date of this permit. This plan shall describe the steps the Discharger intends to follow in the event that toxicity is detected. See section 5.6 of the Monitoring and Reporting Program (Attachment E) for an overview of Toxicity Reduction Evaluation (TRE) requirements.

6.3.3. **Best Management Practices and Pollution Prevention**

The Discharger shall submit to the Los Angeles Water Board, **within 90 days** of the effective date of this Order, updated versions of the following:

a. **Stormwater Pollution Prevention Plan (SWPPP)** An updated SWPPP that describes site-specific management practices for minimizing pollution of stormwater runoff and preventing contaminated stormwater runoff from being discharged directly to the Los Angeles River. The SWPPP 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 point; describe the activities in each area and the potential for pollution of stormwater runoff and the discharge of trash or hazardous waste/material; and address the feasibility of containment and/or treatment of stormwater. In addition, the SWPPP shall address and include best management practices procedures that the Discharger will implement to prohibit the discharge of trash from the Facility. The updated SWPPP shall be developed in accordance with the requirements for the evaluation included in Attachment G of this Order.

b. **Best Management Practice Plan (BMPP)** An updated BMPP that will be implemented to reduce the discharge of pollutants to the receiving water. The BMPP may be included within the SWPPP as a description of best management practices (BMPs). The BMPP shall include site-specific plans and procedures implemented and/or to be implemented to prevent hazardous waste/material from being discharged to waters of the State. Further, the Discharger shall ensure that the stormwater 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 unauthorized discharges (i.e., spills) to the receiving water have been effectively prohibited. In particular, a risk assessment of each area identified by the Discharger shall be performed to determine the potential for hazardous or toxic waste/material discharge to surface waters.

c. **Spill Contingency Plan (SCP)** An updated SCP for the Facility shall be submitted that includes a technical report on the preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. The SCP may be substituted with an updated version of the Discharger's existing Spill Prevention Control and Countermeasure (SPCC) Plan.

The BMPP and the SCP (SPCC) may be included as a component of the SWPPP with a description of best management practices (BMPs) and measures for controlling accidental discharges are required for the Facility. Each plan 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 point; describe the activities in each area and the potential for pollution of stormwater runoff and the discharge of hazardous waste/material; and address the feasibility of containment and/or treatment of stormwater.

The Discharger shall implement the SWPPP, BMPP, and SCP (or SPCC Plan) within 10 days of the approval by the Los Angeles Water Board or no later than 90 days after submission to the Los Angeles Water Board, whichever comes first. The plans shall be reviewed annually and at the same time. Updated information shall be submitted to the Los Angeles Water Board within 30 days of revisions.

6.3.4. **Construction, Operation and Maintenance Specifications**

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

6.3.5. **Climate Change Effects Vulnerability Assessment and Mitigation Plan**

The Discharger shall develop a Climate Change Effects Vulnerability Assessment and Mitigation Plan (Climate Change Plan) to assess and manage climate change-related effects that may impact the facility's operation, water supplies, water quality, and beneficial uses. The Discharger shall consider the impacts of climate change as they affect the operation of the facility and impacts to its stormwater quality due to flooding, sea level rise, wildfires, or other climate-related changes. The Climate Change Plan shall also discuss any projected changes to pollutant concentrations in the stormwater. Given recent impacts of increased storm intensity to the Facility's stormwater drainage and containment system, the Discharger shall evaluate whether additional changes to the Facility's operations or infrastructure are necessary to reduce or eliminate discharges and ensure that future discharges comply with all applicable effluent limitations. This requirement helps ensure the Facility's long-term resilience and environmental compliance in the face of changing climate conditions. The Climate Change Plan is **due 12 months** after the effective date of this Order.

6.3.6. **Other Special Provisions – Not Applicable**

6.3.7. **Compliance Schedules – Not Applicable**

7. COMPLIANCE DETERMINATION

Compliance with the effluent limitations is based on all available data collected during the time period, contained in section 4 of this Order will be determined as specified below:

7.1. 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 (ML) (see Reporting Requirement 1.9. of the MRP), then the Discharger is out of compliance.

7.2. 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, constituents reported as ND or DNQ are treated as having concentrations equal to zero, provided that the applicable ML is used.

7.3. 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

7.3.1. If the number of measurements (n) is odd, then the median will be calculated as = $X_{(n+1)/2}$; or,

7.3.2. If the number of measurements (n) is even, then the median will be calculated as = $[X_{n/2} + X_{(n/2)+1}]/2$, i.e. the midpoint between the n/2 and n/2+1 data points.

7.4. Multiple Sample Data

When determining compliance with an AMEL or MDL for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In those cases, the Discharger shall compute the median in accordance with the following procedure:

7.4.1. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.

7.4.2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

7.5. Maximum Daily Effluent Limitation (MDEL)

If a daily discharge on a calendar day exceeds the MDEL for a given parameter, an alleged violation will be flagged, and the Discharger will be considered out of compliance for that day for that parameter. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

7.6. Instantaneous Minimum Effluent Limitation

If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a potential violation will be flagged, and the Discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

7.7. Instantaneous Maximum Effluent Limitation

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a potential violation will be flagged, and the Discharger will be considered out of compliance for that parameter for that single

sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

7.8. Chronic Toxicity

The discharge is subject to determination of “Pass” or “Fail”, and “Percent Effect” from a chronic toxicity test using the Test of Significant Toxicity (TST) statistical t-test approach described in National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document (EPA 833-R-10-003, 2010), Appendix A, Figure A-1, Table A-1, and Appendix B, Table B-1 and the procedures described in the *State Policy for Water Quality Control: Toxicity Provisions*.

Attainment of the water quality objective is demonstrated by conducting chronic aquatic toxicity testing as described in Section III.B.2 of the Toxicity Provisions and rejecting the null hypothesis in accordance with the TST statistical approach described in Section III.B.3. of the Toxicity Provisions.

Under Section II.C.1. of the Toxicity Provisions, the chronic aquatic toxicity water quality objective is expressed as a null hypothesis. The null hypothesis (H_0) for the TST statistical approach is: Mean discharge In-stream Waste Concentration (IWC) response ≤0.75 × Mean control response. A test result that rejects the null hypothesis is reported as “Pass.” A test result that does not reject this null hypothesis is reported as “Fail.”

The relative “Percent Effect” at the discharge IWC is defined and reported as:

> Percent Effect at the IWC = ((Mean control response - Mean discharge IWC response) ÷ Mean control response)) × 100.

This is a t-test (formally Student’s t-Test), a statistical analysis comparing two sets of replicate observations - in the case of Whole Effluent Toxicity (WET), only two test concentrations (i.e., a control and IWC). The purpose of this statistical test is to determine if the means of the two sets of observations are different (i.e., if the IWC or receiving water concentration differs from the control (the test result is “Pass” or “Fail”)). The Welch’s t-test employed by the TST statistical approach is an adaptation of Student’s t-test and is used with two samples having unequal variances.

The MDEL for chronic toxicity is exceeded and a violation will be flagged when a chronic toxicity test, analyzed using the TST statistical approach, results in “Fail” and the “Percent Effect” is ≥0.50.

The chronic toxicity MDEL is set at the IWC for the discharge (100% effluent) and expressed in units of the TST statistical approach (“Pass” or “Fail”, “Percent Effect”). All NPDES effluent compliance monitoring for the chronic toxicity MDEL shall be reported using only the 100% effluent concentration and negative control, expressed in units of the TST. The TST hypothesis (H_0) (see above) is statistically analyzed using the IWC and a negative control. Effluent toxicity tests shall be run using a multi-concentration test design when required by *Short-term Methods for Estimating the Chronic Toxicity of West Coast Marine and Estuarine Organisms (EPA/600/R-95/136, 1995*). The Los Angeles Water Board’s review of reported toxicity test results will include review of concentration-response patterns as appropriate (see Fact Sheet discussion at 4.3.5.).

As described in the bioassay laboratory audit correspondence from the State Water Board dated August 7, 2014, and from the U.S. EPA dated December 24, 2013, the Percent Minimum Significant Difference (PMSD) criteria only apply to compliance reporting for the No Observable Effect Concentration (NOEC) and the sublethal statistical endpoints of the NOEC, and therefore are not used to interpret TST results. Standard Operating Procedures used by the toxicity testing laboratory to identify and report valid, invalid, anomalous, or inconclusive effluent toxicity test measurement results from the TST statistical approach, must be consistent with Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (USEPA 2002, EPA-821-R-02-013). The Los Angeles Water Board will make a final determination as to whether a toxicity test result is valid, and may consult with the Discharger, the U.S. EPA, the State Water Board's Quality Assurance Officer, or the State Water Board's Environmental Laboratory Accreditation Program (ELAP) as needed. The Board may consider the results of any TIE/TRE studies in an enforcement action.

7.9. Mass and Concentration Limitations

Compliance with mass and concentration effluent limitations for the same parameter shall be determined separately with their respective limitations. When the concentration of a constituent in an effluent sample is determined to be ND or DNQ, the corresponding mass emission rate determined from that sample concentration shall also be reported as ND or DNQ.

7.10. Bacterial Standards and Analysis

The geometric mean used for determining compliance with bacterial standards is calculated with the following equation:

$$\text{Geometric Mean} = (C_1 \times C_2 \times \ldots \times C_3)^{1/n}$$

Where n is the number of days samples were collected during the period and C is the concentration of bacteria (MPN/100 mL or CFU/100 mL) found on each day of sampling. For bacterial analyses, sample dilutions should be performed so the expected range of values is bracketed (for example, with multiple tube fermentation method or membrane filtration method, 2 to 16,000 per 100 ml for total coliform, at a minimum, and 1 to 1000 per 100 ml for *Enterococcus*). The detection methods used for each analysis shall be reported with the results of the analyses.

Detection methods used for coliforms (total) and *Enterococci* shall be those presented in Table 1A of 40 CFR part 136 (revised August 28, 2017), unless alternate methods have been approved by U.S. EPA pursuant to 40 CFR part 136, or improved methods have been determined by the Executive Officer and/or U.S. EPA.

ATTACHMENT A – DEFINITIONS

Arithmetic Mean (μ)
Also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows: Arithmetic mean (μ) = the sum of the measured ambient water concentrations divided by the number of samples.

Best Management Practices (BMPs)
BMPs are methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges including stormwater. BMPs include structural and non-structural controls, and operation maintenance procedures, which can be applied before, during, and/or after pollution-producing activities.

Bioaccumulative
Those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

Carcinogenic
Pollutants are substances that are known to cause cancer in living organisms.

Coefficient of Variation (CV)
CV is a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

Daily Discharge
Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

Detected, but Not Quantified (DNQ)
DNQ are those sample results less than the RL, but greater than or equal to the laboratory's MDL. Sample results reported as DNQ are estimated concentrations.

Dilution Credit
Dilution Credit is the amount of dilution granted to a discharge in the calculation of a water quality-based effluent limitation, based on the allowance of a specified mixing zone. It is calculated from the dilution ratio or determined through conducting a mixing zone study or modeling of the discharge and receiving water.

Effluent Concentration Allowance (ECA)
ECA is a value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the coefficient of variation for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as wasteload allocation (WLA) as used in U.S. EPA guidance (Technical Support Document for Water Quality-based Toxics Control, March 1991, second printing, EPA/505/2-90-001).

Enclosed Bays
Enclosed Bays means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

Estimated Chemical Concentration
The estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

Estuaries
Estuaries means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters included, but are not limited to, the Sacramento-San Joaquin Delta, as defined in Water Code section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

Inland Surface Waters
All surface waters of the state that do not include the ocean, enclosed bays, or estuaries.

Instantaneous Maximum Effluent Limitation
The highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation
The lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

Maximum Daily Effluent Limitation (MDEL)
The highest allowable daily discharge of a pollutant, over a calendar day (or 24-hour period). For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

Median
The middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements (n) is odd, then the median = $X_{(n+1)/2}$. If n is even, then the median = $(X_{n/2} + X_{(n/2)+1})/2$ (i.e., the midpoint between the n/2 and n/2+1).

Method Detection Limit (MDL)
MDL is the minimum concentration of a substance that can be reported with 99 percent confidence that the measured concentration is distinguishable from method blank results, as defined in 40 CFR part 136, Attachment B.

Minimum Level (ML)
ML is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

Mixing Zone
Mixing Zone is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body.

Not Detected (ND)
Sample results which are less than the laboratory's MDL.

PAHs (polynuclear aromatic hydrocarbons)
The sum of acenaphthylene, anthracene, 1,2-benzanthracene, 3,4-benzofluoranthene, benzo[k]fluoranthene, 1,12-benzoperylene, benzo[a]pyrene, chrysene, dibenzo[ah]anthracene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene and pyrene.

PCBs (polychlorinated biphenyls) as Aroclors
The sum of chlorinated biphenyls whose analytical characteristics resemble those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260.

PCBs (polychlorinated biphenyls) as Congeners
The sum of the following 41 individually quantified PCB congeners or mixtures of isomers of a single congeners in a co-elution: PCB- 18, 28, 37, 44, 49, 52, 66, 70, 74, 77, 81, 87, 99, 101, 105, 110, 114, 118, 119, 123, 126, 128, 138, 149, 151, 153, 156, 157, 158, 167, 168, 169, 170, 177, 180, 183, 187, 189, 194, 201, and 206.

Persistent Pollutants
Persistent pollutants are substances for which degradation or decomposition in the environment is nonexistent or very slow.

Pollutant Minimization Program (PMP)
PMP means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Los Angeles Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

Pollution Prevention
Pollution Prevention means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in Water Code section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State Water Resources Control Board (State Water Board) or Los Angeles Water Board.

Reporting Level (RL)
The RL is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order, including an additional factor if applicable as discussed herein. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Los Angeles Water Board either from Appendix 4 of the SIP in accordance with section 2.4.2 of the SIP or established in accordance with section 2.4.3 of the SIP. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

Significant Storm Event
A continuous discharge of stormwater for a minimum of one hour, or the intermittent discharge of stormwater for a minimum of three hours in a 12-hour period.

Source of Drinking Water
Any water designated as municipal or domestic supply (MUN) in a Los Angeles Water Board Basin Plan.

Standard Deviation (σ)

Standard Deviation is a measure of variability that is calculated as follows: Standard Deviation (α) = $\sum(x-\mu)^2/(n-1)^{0.5}$, where: x is the observed value; μ is the arithmetic mean of the observed values; and n is the number of samples.

Statistical Threshold Value (STV)
The STV for the bacteria water quality objectives is a set value that approximates the 90th percentile of the water quality distribution of a bacterial population.

Toxicity Reduction Evaluation (TRE)
TRE is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A Toxicity Identification Evaluation (TIE) may be required as part of the TRE, if appropriate. (A TIE is a set of procedures to identify the specific chemical(s) responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests.)

Trash
All improperly discarded solid material from any production, manufacturing, or processing operation including, but not limited to, products, product packaging, or containers constructed of plastic, steel, aluminum, glass, paper, or other synthetic or natural material.

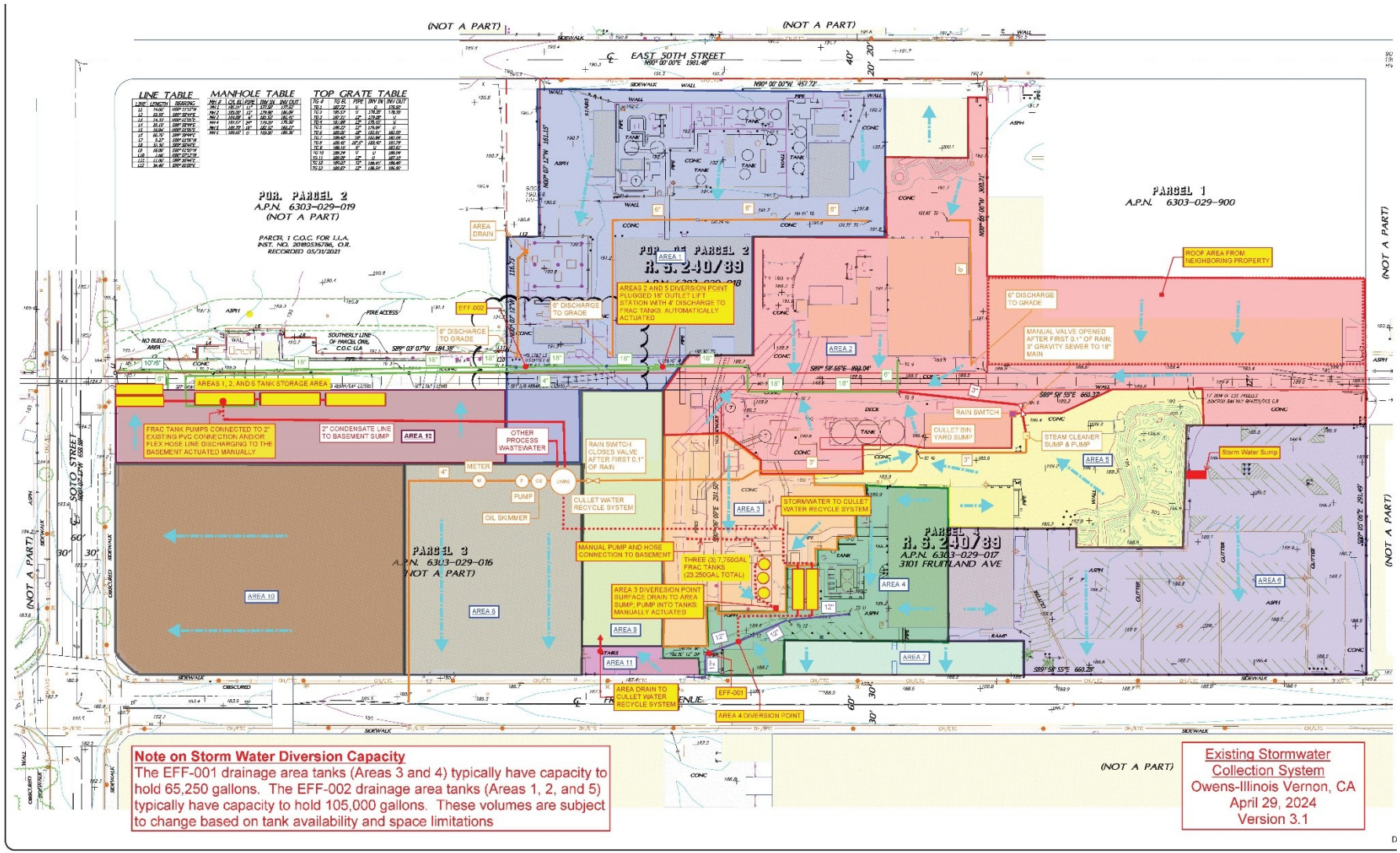
ACRONYMS AND ABBREVIATIONS

ASTM	American Society for Testing and Materials
B	Background Concentration
BAT	Best Available Technology Economically Achievable
Basin Plan	Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties
BCT	Best Conventional Pollutant Control Technology
BMP	Best Management Practices
BMPP	Best Management Practices Plan
BPJ	Best Professional Judgment
BOD	Biochemical Oxygen Demand 5-day @ 20°C
BPT	Best Practicable Treatment Control Technology
C	Water Quality Objective
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CFU	Colony Forming Units
CTR	California Toxics Rule
CV	Coefficient of Variation
CWA	Clean Water Act
CWC	California Water Code
Discharger	Owens-Brockway Glass Container Inc.
DMR	Discharge Monitoring Report
DNQ	Detected But Not Quantified
E	Existing Order
ELAP	State Water Resources Control Board, Drinking Water Division, Environmental Laboratory Accreditation Program
ELG	Effluent Limitations, Guidelines and Standards
Facility	Owens-Brockway Glass Container Inc.
gpd	gallons per day
IC	Inhibition Coefficient
LA	Load Allocations
LOEC	Lowest Observed Effect Concentration
Los Angeles Water Board	California Regional Water Quality Control Board, Los Angeles Region
µg/L	micrograms per Liter
mg/L	milligrams per Liter
MDEL	Maximum Daily Effluent Limitation
MEC	Maximum Effluent Concentration
MGD	Million Gallons Per Day
ML	Minimum Level
MPN	Most Probable Number
MRP	Monitoring and Reporting Program
ND	Not Detected
NOEC	No Observable Effect Concentration
NPDES	National Pollutant Discharge Elimination System

NSPS	New Source Performance Standards
NTR	National Toxics Rule
OAL	Office of Administrative Law
Ocean Plan	Water Quality Control Plan for Ocean Waters of California
PCBs	Polychlorinated Biphenyls
PMEL	Proposed Maximum Daily Effluent Limitation
PMP	Pollutant Minimization Plan
POTW	Publicly Owned Treatment Works
QA	Quality Assurance
QA/QC	Quality Assurance/Quality Control
RL	Reporting Limit
RPA	Reasonable Potential Analysis
SCP	Spill Contingency Plan
SIP	State Implementation Policy (Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California)
SMR	Self Monitoring Reports
SPCC	Spill Prevention Control and Countermeasures Plan
SQP	Sediment Quality Provisions
SSC	Suspended Sediment Concentration
State Water Board	California State Water Resources Control Board
SWAMP	Stormwater Ambient Monitoring Program
SWPPP	Stormwater Pollution Prevention Plan
TAC	Test Acceptability Criteria
TEF	Toxicity equivalency factors
Thermal Plan	Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California
TIE	Toxicity Identification Evaluation
TMDL	Total Maximum Daily Load
TOC	Total Organic Carbon
TR	Total Recoverable
TRE	Toxicity Reduction Evaluation
TSD	Technical Support Document
TST	Test of Significant Toxicity
TSS	Total Suspended Solid
TUc	Chronic Toxicity Unit
U.S. EPA	United States Environmental Protection Agency
USC	United States Code
WDR	Waste Discharge Requirements
WET	Whole Effluent Toxicity
WER	Water Effect Ratio
WLA	Wasteload Allocations
WQBELs	Water Quality-Based Effluent Limitations
WQS	Water Quality Standards
%	Percent

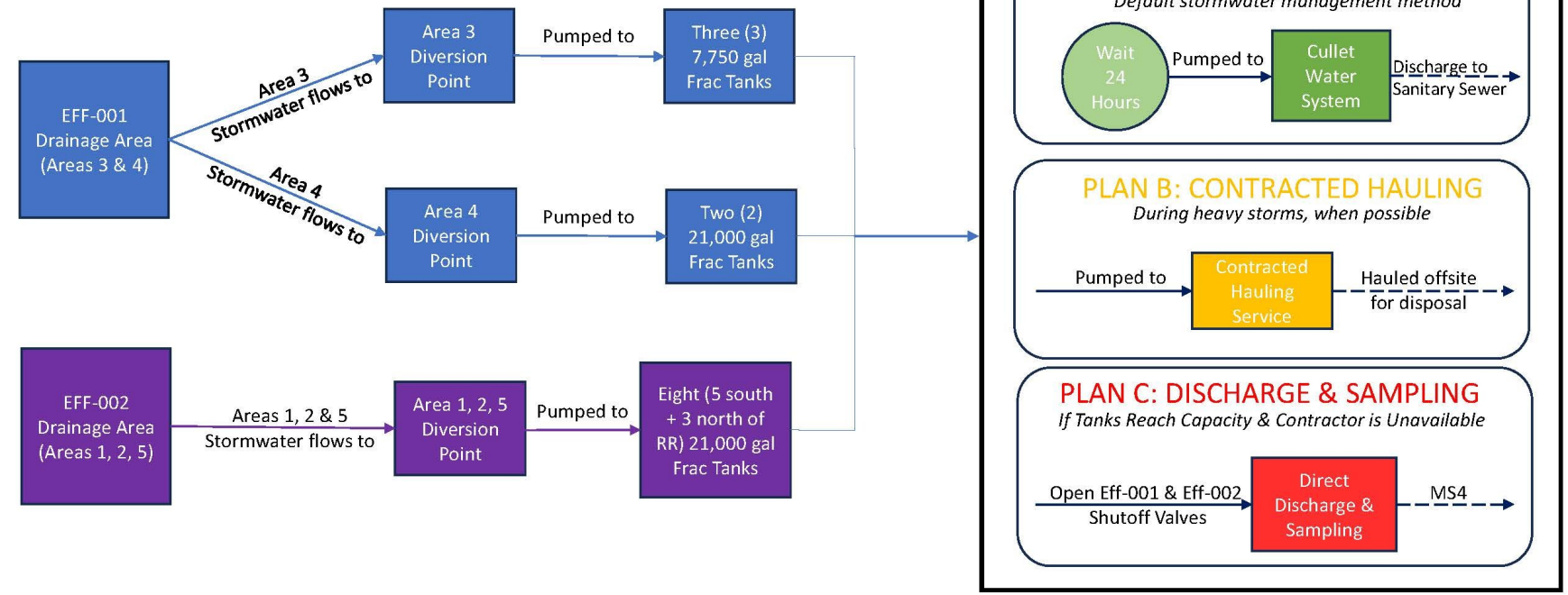
ATTACHMENT B – SITE VICINITY MAP

ATTACHMENT C1 – DRAINAGE MAP



ATTACHMENT C2 – PROCESS FLOW DIAGRAM

Owens-Brockway Glass Container, Inc.
Storm Water Diversion System Process Flow
Date: 10/18/2024



Note: Volume of storage is subject to change based on space availability.

ATTACHMENT D – STANDARD PROVISIONS

1. STANDARD PROVISIONS – PERMIT COMPLIANCE

1.1. Duty to Comply

1.1.1. The Discharger must comply with all the terms, requirements, and conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof. (Title 40 of the Code of Federal Regulations (40 CFR) § 122.41(a); California Water Code (CWC), §§ 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385.)

1.1.2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 CFR § 122.41(a)(1).)

1.2. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 CFR § 122.41(c).)

1.3. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR § 122.41(d).)

1.4. Proper 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 the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 CFR § 122.41(e).)

1.5. Property Rights

1.5.1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 CFR § 122.41(g).)

1.5.2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 CFR § 122.5(c).)

1.6. Inspection and Entry

The Discharger shall allow the Los Angeles Water Board, State Water Board, U.S. EPA, and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may

be required by law, to (33 United States Code (USC) § 1318(a)(B); 40 CFR § 122.41(i); CWC, §§ 13267, 13383):

1.6.1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (33 USC § 1318(a)(B)(i); 40 CFR § 122.41(i)(1); CWC, §§ 13267, 13383);

1.6.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (33 USC § 1318(a)(B)(ii); 40 CFR § 122.41(i)(2); CWC, §§ 13267, 13383);

1.6.3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (33 USC § 1318(a)(B)(ii); 40 CFR § 122.41(i)(3); CWC, §§ 13267, 13383); and

1.6.4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (33 USC § 1318(a)(B); 40 CFR § 122.41(i)(4); CWC, §§ 13267, 13383.)

1.7. **Bypass**

1.7.1. Definitions

a. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR § 122.41(m)(1)(i).)

b. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR § 122.41(m)(1)(ii).)

1.7.2. Bypass not exceeding limitations. The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance 1.7.3, 1.7.4, and 1.7.5 below. (40 CFR § 122.41(m)(2).)

1.7.3. Prohibition of bypass. Bypass is prohibited, and the Los Angeles Water Board may take enforcement action against a Discharger for bypass, unless (40 CFR § 122.41(m)(4)(i)):

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 CFR § 122.41(m)(4)(i)(A));

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during

normal periods of equipment downtime or preventive maintenance (40 CFR § 122.41(m)(4)(i)(B)); and

c. The Discharger submitted notice to the Los Angeles Water Board as required under Standard Provisions – Permit Compliance 1.7.5 below. (40 CFR § 122.41(m)(4)(i)(C).)

1.7.4. The Los Angeles Water Board may approve an anticipated bypass, after considering its adverse effects, if the Los Angeles Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance 1.7.3 above. (40 CFR § 122.41(m)(4)(ii).)

1.7.5. Notice

a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass. As of December 21, 2023, all notices must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 below. Notices shall comply with 40 CFR part 3, 40 CFR section 122.22, and 40 CFR part 127. (40 CFR § 122.41(m)(3)(i).)

b. Unanticipated bypass. The Discharger shall submit a notice of an unanticipated bypass as required in Standard Provisions - Reporting 5.5 below (24-hour notice). As of December 21, 2023, all notices must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 below. Notices shall comply with 40 CFR part 3, 40 CFR section 122.22, and 40 CFR part 127. (40 CFR § 122.41(m)(3)(ii).)

1.8. **Upset**

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 CFR § 122.41(n)(1).)

1.8.1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance 1.8.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 CFR § 122.41(n)(2).)

1.8.2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 CFR § 122.41(n)(3)):

a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 CFR § 122.41(n)(3)(i));

b. The permitted facility was, at the time, being properly operated (40 CFR § 122.41(n)(3)(ii));

c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting 5.5.2.2 below (24-hour notice) (40 CFR § 122.41(n)(3)(iii)); and

d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance 1.3 above. (40 CFR § 122.41(n)(3)(iv).)

1.8.3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 CFR § 122.41(n)(4).)

2. STANDARD PROVISIONS – PERMIT ACTION

2.1. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 CFR § 122.41(f).)

2.2. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 CFR § 122.41(b).)

2.3. Transfers

This Order is not transferable to any person except after notice to the Los Angeles Water Board. The Los Angeles Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 CFR §§ 122.41(l)(3), 122.61.)

3. STANDARD PROVISIONS – MONITORING

3.1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 CFR § 122.41(j)(1).)

3.2. Monitoring must be conducted according to test procedures approved under 40 CFR part 136 for the analyses of pollutants unless another method is required under 40 CFR chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 CFR part 136 for the analysis of pollutants or pollutant parameters or as required under 40 CFR chapter 1, subchapter N. For the purposes of this paragraph, a method is sufficiently sensitive when:

3.2.1. The method minimum level (ML) is at or below the level of the most stringent effluent limitation established in the permit for the measured pollutant or pollutant parameter, and either the method ML is at or below the level of the most stringent applicable water quality criterion for the measured pollutant or pollutant parameter or the method ML is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in the facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or

3.2.2. The method has the lowest ML of the analytical methods approved under 40 CFR part 136 or required under 40 CFR chapter 1, subchapter N for the measured pollutant or pollutant parameter. In the case of pollutants or pollutant parameters for which there are no approved methods under 40 CFR part 136 or otherwise required under 40 CFR chapter 1, subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters. (40 CFR §§ 122.21(e)(3), 122.41(j)(4), 122.44(i)(1)(iv).)

4. STANDARD PROVISIONS – RECORDS

4.1. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and 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, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Los Angeles Water Board Executive Officer at any time. (40 CFR § 122.41(j)(2).)

4.2. **Records of monitoring information shall include:**

a. The date, exact place, and time of sampling or measurements (40 CFR § 122.41(j)(3)(i));

b. The individual(s) who performed the sampling or measurements (40 CFR § 122.41(j)(3)(ii));

c. The date(s) analyses were performed (40 CFR § 122.41(j)(3)(iii));

d. The individual(s) who performed the analyses (40 CFR § 122.41(j)(3)(iv));

e. The analytical techniques or methods used (40 CFR § 122.41(j)(3)(v)); and

f. The results of such analyses. (40 CFR § 122.41(j)(3)(vi).)

4.3. **Claims of confidentiality for the following information will be denied (40 CFR § 122.7(b)):**

a. The name and address of any permit applicant or Discharger (40 CFR § 122.7(b)(1)); and

b. Permit applications and attachments, permits and effluent data. (40 CFR § 122.7(b)(2).)

5. STANDARD PROVISIONS – REPORTING

5.1. **Duty to Provide Information**

The Discharger shall furnish to the Los Angeles Water Board, State Water Board, or U.S. EPA within a reasonable time, any information which the Los Angeles Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Los Angeles Water Board, State Water Board, or U.S. EPA copies of records required to be kept by this Order. (40 CFR § 122.41(h); CWC, §§ 13267, 13383.)

5.2. **Signatory and Certification Requirements**

5.2.1. All applications, reports, or information submitted to the Los Angeles Water Board, State Water Board, and/or U.S. EPA shall be signed and certified in accordance with Standard Provisions – Reporting 5.2.2, 5.2.3, 5.2.4, 5.2.5, and 5.2.6 below. (40 CFR § 122.41(k).)

5.2.2. All permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Los Angeles Administrators of U.S. EPA). (40 CFR § 122.22(a)(3).).

5.2.3. All reports required by this Order and other information requested by the Los Angeles Water Board, State Water Board, or U.S. EPA shall be signed by a person described in Standard Provisions – Reporting 5.2.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Standard Provisions – Reporting 5.2.2 above (40 CFR § 122.22(b)(1));

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 CFR § 122.22(b)(2)); and

c. The written authorization is submitted to the Los Angeles Water Board and State Water Board. (40 CFR § 122.22(b)(3).)

5.2.4. If an authorization under Standard Provisions – Reporting 5.2.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting 5.2.3 above must be submitted to the Los Angeles Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 CFR § 122.22(c).)

5.2.5. Any person signing a document under Standard Provisions – Reporting 5.2.2 or 5.2.3 above shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for

submitting false information, including the possibility of fine and imprisonment for knowing violations." (40 CFR § 122.22(d).)

5.2.6. Any person providing the electronic signature for documents described in Standard Provisions – 5.2.1, 5.2.2, or 5.2.3 that are submitted electronically shall meet all relevant requirements of Standard Provisions – Reporting 5.2, and shall ensure that all relevant requirements of 40 CFR part 3 (Cross-Media Electronic Reporting) and 40 CFR part 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 CFR § 122.22(e).)

5.3. **Monitoring Reports**

5.3.1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 CFR § 122.41(l)(4).)

5.3.2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Los Angeles Water Board or State Water Board. As of December 21, 2016, all reports and forms must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 and comply with 40 CFR part 3, 40 CFR section 122.22, and 40 CFR part 127. (40 CFR § 122.41(l)(4)(i).)

5.3.3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR part 136, or another method required for an industry-specific waste stream under 40 CFR chapter 1, subchapter N, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Los Angeles Water Board or State Water Board. (40 CFR § 122.41(l)(4)(ii).)

5.3.4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 CFR § 122.41(l)(4)(iii).)

5.4. **Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date. (40 CFR § 122.41(l)(5).)

5.5. **Twenty-Four Hour Reporting**

5.5.1. The Discharger shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A report shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The report shall contain a description 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 reoccurrence of the noncompliance.

For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (i.e.,

combined sewer overflow, sanitary sewer overflow, or bypass event), type of overflow structure (e.g., manhole, combined sewer overflow outfall), discharge volume untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the event, and whether the noncompliance was related to wet weather.

As of December 21, 2025, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events must be submitted must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 The reports shall comply with 40 CFR part 3, 40 CFR section 122.22, and 40 CFR part 127. The Los Angeles Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 CFR § 122.41(l)(6)(i).)

5.5.2. The following shall be included as information that must be reported within 24 hours:

a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 CFR § 122.41(l)(6)(ii)(A).)

b. Any upset that exceeds any effluent limitation in this Order. (40 CFR § 122.41(l)(6)(ii)(B).)

5.5.3. The Los Angeles Water Board may waive the above required written report on a case-by-case basis if an oral report has been received within 24 hours. (40 CFR § 122.41(l)(6)(ii)(B).)

5.6. **Planned Changes**

The Discharger shall give notice to the Los Angeles Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 CFR § 122.41(l)(1)):

5.6.1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 CFR § 122.41(l)(1)(i)); or

5.6.2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (40 CFR § 122.41(l)(1)(ii).) or

5.7. **Anticipated Noncompliance**

The Discharger shall give advance notice to the Los Angeles Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements. (40 CFR § 122.41(l)(2).)

5.8. **Other Noncompliance**

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting 5.3, 5.4, and 5.5 above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting 5.5 above. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports shall contain the information described in Standard Provision – Reporting 5.5 and the applicable required data in

appendix A to 40 CFR part 127. The Los Angeles Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 CFR § 122.41(l)(7).)

5.9. **Other Information**

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Los Angeles Water Board, State Water Board, or U.S. EPA, the Discharger shall promptly submit such facts or information. (40 CFR § 122.41(l)(8).)

5.10. **Initial Recipient for Electronic Reporting Data**

The owner, operator, or the duly authorized representative is required to electronically submit NPDES information specified in appendix A to 40 CFR part 127 to the initial recipient defined in 40 CFR section 127.2(b). U.S. EPA will identify and publish the list of initial recipients on its website and in the Federal Register, by state and by NPDES data group [see 40 CFR section 127.2(c)]. U.S. EPA will update and maintain this listing. (40 CFR § 122.41(l)(9).)

6. STANDARD PROVISIONS – ENFORCEMENT

6.1. The Los Angeles Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13268, 13385, 13386, and 13387.

6.2. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the CWA, is subject to a civil penalty not to exceed $25,000 per day for each violation. The CWA provides that any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the CWA, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two years, or both. Any person who *knowingly* violates such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who *knowingly* violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by

imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions (40 CFR § 122.41(a)(2); CWC section 13385 and 13387).

6.3. Any person may be assessed an administrative penalty by the Administrator of U.S. EPA, the Los Angeles Water Board, or State Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of this CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000. (40 CFR § 122.41(a)(3)).

6.4. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both. (40 CFR § 122.41(j)(5)).

6.5. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both. (40 CFR § 122.41(k)(2)).

7. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

7.1. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the Los Angeles Water Board as soon as they know or have reason to believe (40 CFR § 122.42(a)):

7.1.1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 CFR section 122.42(a)(1)):

a. 100 micrograms per liter (µg/L) (40 CFR section 122.42(a)(1)(i));

b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony (40 CFR section 122.42(a)(1)(ii));

c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR section 122.42(a)(1)(iii)); or

d. The level established by the Los Angeles Water Board in accordance with section 122.44(f). (40 CFR section 122.42(a)(1)(iv).)

7.1.2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following “notification levels" (40 CFR section 122.42(a)(2)):

a. 500 micrograms per liter (µg/L) (40 CFR section 122.42(a)(2)(i));

b. 1 milligram per liter (mg/L) for antimony (40 CFR section 122.42(a)(2)(ii));

c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR section 122.42(a)(2)(iii)); or

d. The level established by the Los Angeles Water Board in accordance with section 122.44(f). (40 CFR section 122.42(a)(2)(iv).)

ATTACHMENT E – MONITORING AND REPORTING PROGRAM

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP) NO. 6079

Section 308(a) of the federal Clean Water Act (CWA) and sections 122.41(h), (j)-(l), 122.44(i), and 122.48 of title 40 of the Code of Federal Regulations (40 CFR) require that all NPDES permits specify monitoring and reporting requirements. California Water Code (CWC) section 13383 also authorizes the Los Angeles Water Board to establish monitoring, reporting, and recordkeeping requirements. This MRP establishes monitoring, reporting, and recordkeeping requirements that implement the federal and California laws and/or regulations.

1. GENERAL MONITORING PROVISIONS

1.1. All samples shall be representative of the waste discharge.

1.2. The Los Angeles Water Board shall be notified in writing of any change in the sampling stations or in the methods for determining the quantities of pollutants in the individual waste streams.

1.3. Pollutants shall be analyzed using the analytical methods described in 40 CFR parts 136.3, 136.4, and 136.5 (revised August 28, 2017); or where no methods are specified for a given pollutant, by methods approved by this Los Angeles Water Board or the State Water Resources Control Board (State Water Board).

1.4. **Laboratory Certification.** Laboratories analyzing monitoring samples shall be certified by the State Water Resources Control Board, Division of Drinking Water Environmental Laboratory Accreditation Program (ELAP) in accordance with the provision of Water Code section 13176 or approved by the Executive Officer and must include quality assurance/quality control data with their reports. A copy of the laboratory certification shall be provided each time a new certification and/or renewal of the certification is obtained.

1.5. Pollutants shall be analyzed within allowable holding time limits as specified in 40 CFR section 136.3. All Quality Assurance/Quality Control (QA/QC) items must be run on the same dates the samples were actually analyzed, and the results shall be reported in the Los Angeles Water Board format, when it becomes available, and submitted with the laboratory reports. Proper chain of custody procedures must be followed, and a copy of the chain of custody shall be submitted with the report.

1.6. For any analyses performed for which no procedure is specified in the United States Environmental Protection Agency (U.S. EPA) guidelines, or in the MRP, the constituent or parameter analyzed, and the method or procedure used must be specified in the monitoring report.

1.7. Each monitoring report must affirm in writing that “all analyses were conducted at a laboratory certified for such analyses by the State Water Board or approved by the Executive Officer and in accordance with current U.S. EPA guideline procedures or as specified in this MRP”.

1.8. The monitoring reports shall specify the analytical method used, the Method Detection Limit (MDL), and the Minimum Level (ML) for each pollutant. For the purpose of reporting compliance with numerical limitations, and performance goals, analytical data shall be reported by one of the following methods, as appropriate:

a. An actual numerical value for sample results greater than or equal to the ML; or

b. "Detected, but Not Quantified (DNQ)" if results are greater than or equal to the laboratory's MDL but less than the ML; or,

c. "Not-Detected (ND)" for sample results less than the laboratory's MDL with the MDL indicated for the analytical method used.

Analytical data reported as "less than" for the purpose of reporting compliance with permit limitations shall be the same or lower than the permit limit(s) established for the given parameter.

Current MLs are those published by the State Water Board in the *Policy for the Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, (State Implementation Policy or SIP), February 24, 2005, Appendix 4.

1.9. The MLs employed for effluent analyses to determine compliance with effluent limitations shall be lower than the effluent limitations established in this Order for a given parameter as per the 40 CFR parts 122 and 136; *Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting*. If the ML value is not below the effluent limitation, then the lowest ML value and its associated analytical method shall be selected for compliance purposes. At least once a year, the Discharger shall submit a list of the analytical methods employed for each test and associated laboratory QA/QC procedures, reporting levels (RLs), and method detection limits (MDLs).

1.10. The MLs employed for effluent analyses not associated with determining compliance with effluent limitations in this Order shall be lower than the lowest applicable water quality objective, for a given parameter as per the 40 CFR parts 122 and 136; *Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting*. Water quality objectives for parameters may be found in Chapter 3 of the Basin Plan and the CTR (40 CFR section 131.38). If the ML value is not below the water quality objective, then the lowest ML value and its associated analytical method shall be selected for compliance purposes. At least once a year, the Discharger shall submit a list of the analytical methods employed for each test, the associated laboratory QA/QC procedures, RLs, and MDLs.

The Los Angeles Water Board, in consultation with the State Water Board Quality Assurance Program, shall establish a ML that is not contained in Appendix 4 of the SIP to be included in the Discharger's permit in any of the following situations:

a. When the pollutant under consideration is not included in Appendix 4 of the SIP;

b. When the Discharger and Los Angeles Water Board agree to include in the permit a test method that is more sensitive than that specified in part 136 (revised August 28, 2017);

c. When the Discharger agrees to use an ML that is lower than that listed in Appendix 4 of the SIP;

d. When the Discharger demonstrates that the calibration standard matrix is sufficiently different from that used to establish the ML in Appendix 4 of the SIP, and proposes an appropriate ML for their matrix; or,

e. When the Discharger uses a method whose quantification practices are not consistent with the definition of an ML. Examples of such methods are the U.S.

EPA-approved method 1613 for dioxins and furans, method 1624 for volatile organic substances, and method 1625 for semi-volatile organic substances. In such cases, the Discharger, the Los Angeles Water Board, and the State Water Board shall agree on a lowest quantifiable limit and that limit will substitute for the ML for reporting and compliance determination purposes.

1.11. Field analyses with short sample holding time such as pH, total chlorine residual, and temperature, may be performed using properly calibrated and maintained portable instruments by trained personnel acting on the Discharger's behalf, using methods in accordance with 40 CFR part 136. All field instruments must be calibrated according to the manufacturer's instructions. A manual containing the standard operating procedures for all field analyses, including records of personnel proficiency, training, instruments calibration and maintenance, and quality control procedures shall be maintained onsite, and shall be available for inspection by Los Angeles Water Board staff. Information including instrument calibration, time of sample collection, time of analysis, name of analyst, QA/QC data, and measurement values shall be clearly documented during each field analysis and submitted to the Los Angeles Water Board as part of the corresponding regular monitoring report.

1.12. All analyses shall be accompanied by the chain of custody, including but not limited to date and time of sampling, sample identification, and name of person who performed sampling, date of analysis, name of person who performed analysis, QA/QC data, method detection limits, analytical methods, copy of laboratory certification, and a perjury statement executed by the person responsible for the laboratory.

1.13. The Discharger shall have, and implement, an acceptable written quality QA plan for laboratory analyses. Unless otherwise specified in the analytical method, duplicate samples must be analyzed at a frequency of 5% (1 in 20 samples) with at least one if there is fewer than 20 samples in a batch. A batch is defined as a single analytical run encompassing no more than 24 hours from start to finish. A similar frequency shall be maintained for analyzing spiked samples.

1.14. For parameters that both average monthly and daily maximum limits are specified, and the monitoring frequency is less than four times a month, the following shall apply. If an analytical result is greater than the average monthly limit, the Discharger shall collect four additional samples at approximately equal intervals during the month, until compliance with the average monthly limit has been demonstrated. All five 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. In the event of noncompliance with an average monthly effluent limitation, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the average monthly effluent limitation has been demonstrated. The Discharger shall provide for the approval of the Executive Officer a program to ensure future compliance with the average monthly limit.

1.15. The Discharger shall ensure the results of the Discharge Monitoring Report -Quality Assurance (DMR-QA) Study or the most recent Water Pollution Performance Evaluation Study are submitted annually to the State Water Board at the following address:

State Water Resources Control Board
Quality Assurance Program Officer

Office of Information Management and Analysis
1001 I Street, Sacramento, CA 95814

1.16. In the event stormwater or spills in the areas permitted by this Order are transported to a different disposal site during the reporting period, the following shall be reported in the monitoring report:

a. Type of stormwater and spilled wastes and quantity of each;

b. Name and address for each hauler of wastes (or method of transport if other than by hauling); and

c. Location of the final point(s) of disposal for each type of waste.

If no stormwater or spilled wastes are transported off-site during the reporting period, a statement to that effect shall be submitted.

1.17. Each monitoring report shall state whether or not there was any change in the discharge as described in the Order during the reporting period.

1.18. Each monitoring report shall affirm in writing that "*all analyses were conducted at a laboratory certified for such analyses by the State Water Board, Division of Drinking Water, Environmental Laboratory Accreditation Program or approved by the Executive Officer and in accordance with current U.S. EPA guideline procedures or as specified in this MRP.*"

2. MONITORING LOCATIONS

The Discharger shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order (latitude and longitude information in Table E-1 is approximate for administrative purposes):

Table E-1. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
001	EFF-001	The effluent sampling station shall be located downstream of any treatment works and prior to mixing with the receiving waters, where representative sample can be obtained. Latitude: 33.9964° Longitude: -118.2172°
002	EFF-002	The effluent sampling station shall be located downstream of any treatment works and prior to mixing with the receiving waters, where representative sample can be obtained. Latitude: 33.9974° Longitude: -118.2180°

3. INFLUENT MONITORING REQUIREMENTS – Not Applicable

4. EFFLUENT MONITORING REQUIREMENTS

4.1. Monitoring Location EFF-001 and EFF-002

4.1.1. The Discharger shall monitor discharges at the Effluent Monitoring Location EFF-001 and EFF-002 as shown in Table E-2. If more than one analytical test method is listed for a given parameter, the Discharger must select a sufficiently sensitive method as defined in 40 CFR 122.21(e)(3) and 122.44(i)(1)(iv):

Table E-2. Effluent Monitoring at EFF-001 and EFF-002

Parameter	Units	Sample Type	Minimum Sampling Frequency	Notes
Total Flow	MGD	Meter	1/Discharge Event	a
Biochemical Oxygen Demand @20°C (BOD)	mg/L	Grab	1/Discharge Event	b and c
Oil and Grease	mg/L	Grab	1/Discharge Event	b and c
pH	standard unit	Grab	1/Discharge Event	b and c
Total Suspended Solids (TSS)	mg/L	Grab	1/Discharge Event	b and c
Ammonia as Nitrogen	mg/L	Grab	1/Discharge Event	b and c
Chloride	mg/L	Grab	1/Discharge Event	b and c
Chronic Toxicity	Pass or Fail, % Effect	Grab	1/Discharge Event	b and d
Dissolved Oxygen (DO)	mg/L	Grab	1/Discharge Event	b and c
E. coli	CFU/100mL or MPN/100mL	Grab	1/Discharge Event	b and c
Fluoride	mg/L	Grab	1/Discharge Event	b and c
Hardness (as $CaCO_3$)	mg/L	Grab	1/Discharge Event	b and c
Methyl-ethyl-ketone (MEK)	µg/L	Grab	1/Discharge Event	b and c
Methyl tertiary butyl ether (MTBE)	µg/L	Grab	1/Discharge Event	b and c
Nitrate as Nitrogen (NO_3-N)	mg/L	Grab	1/Discharge Event	b and c
Nitrite as Nitrogen (NO_2-N)	mg/L	Grab	1/Discharge Event	b and c
Nitrate as Nitrogen + Nitrite as Nitrogen (NO_3-N + NO_2-N), Total	mg/L	Calculated	1/Discharge Event	b and c
Nitrogen, Total Kjeldahl Nitrogen (TKN)	mg/L	Grab	1/Discharge Event	b and c
Nitrogen, Total	mg/L	Calculated	1/Discharge Event	b and c
Total Phosphorus	mg/L	Grab	1/Discharge Event	b and c
Phenols, Total	mg/L	Grab	1/Discharge Event	b and e
Residual Chlorine	mg/L	Grab	1/Discharge Event	b and c
Settleable Solids	ml/L	Grab	1/Discharge Event	b and c

Parameter	Units	Sample Type	Minimum Sampling Frequency	Notes
Specific Conductance @ 25°C	µmho/cm	Grab	1/Discharge Event	b and c
Sulfate	mg/L	Grab	1/Discharge Event	b and c
Sulfides	mg/L	Grab	1/Discharge Event	b and c
Temperature	°F	Grab	1/Discharge Event	b and c
Tertiary Butyl Alcohol (TBA)	µg/L	Grab	1/Discharge Event	b and c
Total Dissolved Solids	mg/L	Grab	1/Discharge Event	b and c
Total Petroleum Hydrocarbons (TPH) as Gasoline (C_4-C_{12})	µg/L	Grab	1/Discharge Event	b and f
TPH as Diesel (C_{13}-C_{22})	µg/L	Grab	1/Discharge Event	b and f
TPH as Waste Oil (C_{23+})	µg/L	Grab	1/Discharge Event	b and f
Turbidity	NTU	Grab	1/Discharge Event	b and c
Antimony, Total Recoverable (TR)	µg/L	Grab	1/Discharge Event	b and c
Arsenic, TR	µg/L	Grab	1/Discharge Event	b and c
Cadmium, TR	µg/L	Grab	1/Discharge Event	b and c
Chromium, TR	mg/L	Grab	1/Discharge Event	b and c
Chromium VI	mg/L	Grab	1/Discharge Event	b and c
Copper, TR	µg/L	Grab	1/Discharge Event	b and c
Lead, TR	µg/L	Grab	1/Discharge Event	b and c
Mercury, TR	µg/L	Grab	1/Discharge Event	b and g
Nickel, TR	µg/L	Grab	1/Discharge Event	b and c
Selenium, TR	µg/L	Grab	1/Discharge Event	b and c
Silver, TR	µg/L	Grab	1/Discharge Event	b and c
Thallium, TR	µg/L	Grab	1/Discharge Event	b and c
Zinc, TR	µg/L	Grab	1/Discharge Event	b and c
Cyanide, TR	µg/L	Grab	1/Discharge Event	b and c
Pentachlorophenol	µg/L	Grab	1/Discharge Event	b and c
Bis (2-Ethylhexyl) Phthalate	µg/L	Grab	1/Discharge Event	b and c
Polychlorinated Biphenyls (PCBs) as aroclors, Total	µg/L	Grab	1/Discharge Event	b and h
Polychlorinated Biphenyls (PCBs) as congeners, Total	µg/L	Grab	1/Discharge Event	b and i
TCDD Equivalents	µg/L	Grab	1/Discharge Event	b, j and k
Remaining Priority Pollutants	µg/L	Grab	1/Year	b, j and l

Footnotes for Table E-2

a. Flow shall be monitored and reported for the duration of the discharge event.

b. During periods of extended discharge, no more than one sample per week (or 7-day period) needs to be taken. Sampling shall be performed during the first hour of discharge. If, for safety reasons, a sample cannot be obtained during the first hour of discharge, a sample shall be obtained at the first

safe opportunity, and the reason for the delay shall be included in the report. If there is no discharge to surface waters, then no monitoring is required, and in the corresponding monitoring report, the Discharger will indicate under statement of perjury that no effluent was discharged to surface water.

c. Pollutants shall be analyzed using the analytical methods described in 40 CFR part 136; for priority pollutants, the methods must meet the lowest MLs specified in Appendix 4 of the SIP. Where no methods are specified for a given pollutant, the methods must be approved by the Los Angeles Water Board or the State Water Board. If more than one analytical test method is listed for a given parameter, the Discharger must select a sufficiently sensitive method from the listed methods and corresponding ML necessary to demonstrate compliance with applicable effluent limitations.

d. Refer to section 5 below, Whole Effluent Toxicity Testing Requirements. “Pass” or “Fail” and “% Effect” for Maximum Daily Effluent Limitation (MDEL).

e. Total phenols measured by U.S. EPA Method 420.1 or 420.2 (using the 4AAP method).

f. For TPH as Gasoline (C_4-C_{12}) use U.S. EPA Method 503.1 or 8015B. For TPH as Diesel (C_{13}-C_{22}) and TPH as Kerosene (C_{23+}) use U.S. EPA Method 503.1 or 8015B, or 8270.

g. U.S. EPA Method 1631E, per 40 CFR part 136, with a reporting limit of 0.5 ng/L or lower, shall be used to analyze total mercury. If an alternative method with an equivalent or more sensitive method detection limit is approved in 40 CFR part 136, the Discharger may use that method in lieu of U.S. EPA Method 1631E.

h. Total PCBs (polychlorinated biphenyls) as aroclors means the sum of chlorinated biphenyls whose analytical characteristics resembles those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260. PCBs as aroclors shall be analyzed using U.S. EPA method 608.3.

i. Total PCBs (polychlorinated biphenyls) as congeners means the sum of chlorinated biphenyls whose analytical characteristics resembles those of PCB-8, 18, 28, 37, 44, 49, 52, 66, 70, 74, 77, 81, 87, 99, 101, 105, 110, 114, 118, 119, 123, 126, 128, 138, 149, 151, 153, 156, 157, 158, 167, 168, 169, 170, 177, 180, 183, 187, 189, 194, 195, 201, 206 and 209. PCBs monitoring shall be required for the listed 44 congeners using recommended EPA methods 8270 and 1668 or equivalent method and shall be reported with a target reporting limit of 10 to 20 pg/L.

j. Monitoring is only required during years in which discharge occurs. Annual samples shall be collected during the first storm event of the wet season (October 1 – May 30). If there is no discharge to surface waters, the Discharger will indicate in the corresponding monitoring report, under statement of perjury, that no effluent was discharged to surface water during the reporting period.

k. TCDD equivalents shall be calculated using the following formula, where the minimum levels (MLs) and toxicity equivalency factors (TEFs) are as listed in the Table below. The Discharger shall report all measured values of individual congeners, including data qualifiers. When calculating TCDD equivalents, the Discharger shall set congener concentrations below the MLs to zero. U.S. EPA method 1613 may be used to analyze dioxin and furan congeners. The TCDD Equivalents are calculated as follows: Dioxin-TEQ (TCDD equivalents) = Sum of Concentration of dioxin or furan congener$_x$ (C_x) X Toxicity Equivalency Factors (TEFs) for congener$_x$. The TEFs are listed in the Table below.

Toxicity Equivalency Factors

Congeners	Minimum Levels (pg/L)	Toxicity Equivalence Factor (TEF)
2,3,7,8 - tetra CDD	10	1.0
1,2,3,7,8 - penta CDD	50	1.0
1,2,3,4,7,8 - hexa CDD	50	0.1

Congeners	Minimum Levels (pg/L)	Toxicity Equivalence Factor (TEF)
1,2,3,6,7,8 - hexa CDD	50	0.1
1,2,3,7,8,9 - hexa CDD	50	0.1
1,2,3,4,6,7,8 - hepta CDD	50	0.01
Octa CDD	100	0.0003
2,3,7,8 - tetra CDF	10	0.1
1,2,3,7,8 - penta CDF	50	0.03
2,3,4,7,8 - penta CDF	50	0.3
1,2,3,4,7,8 - hexa CDF	50	0.1
1,2,3,6,7,8 - hexa CDF	50	0.1
1,2,3,7,8,9 - hexa CDF	50	0.1
2,3,4,6,7,8 - hexa CDF	50	0.1
1,2,3,4,6,7,8 - hepta CDFs	50	0.01
1,2,3,4,7,8,9 - hepta CDFs	50	0.01
Octa CDF	100	0.0003

l. Priority Pollutants as defined in 40 CFR Part 131.

End of Footnotes for Table E-2

5. CHRONIC WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

5.1. Discharge In-stream Waste Concentration (IWC) for Chronic Toxicity

The chronic toxicity IWC for the discharges at Discharge Points 001 and 002 are 100 percent effluent.

5.2. Sample Volume and Holding Time

The total sample volume shall be determined by the specific toxicity test method used. Sufficient sample volume shall be collected to perform the required toxicity test. Sufficient sample volume shall also be collected for subsequent TIE studies, if necessary, at each sampling event. All toxicity tests shall be conducted as soon as possible following sample collection. No more than 36 hours shall elapse before the conclusion of sample collection and test initiation.

5.3. Chronic Freshwater Species and Test Methods

If effluent samples are collected from outfalls discharging to receiving waters with salinity <1,000 mg/L at least 95% of the time, the Discharger shall conduct the following chronic toxicity tests on effluent samples—at the in-stream waste concentration for the discharge—in accordance with the test species provided in the State Policy for Water Quality Control: Toxicity Provisions and shall follow the test methods in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (EPA/821/R-02/013, 2002). In no case shall these species be substituted with another test species unless written authorization from the Executive Officer is received.

- A static renewal toxicity test with the water flea, *Ceriodaphnia dubia* (Survival and Reproduction Test Method 1002.0).
- A static renewal toxicity test with the fathead minnow, *Pimephales promelas* (Larval Survival and Growth Test Method 1000.0).

- A static renewal toxicity test with the green alga, *Selenastrum capricornutum* (also named *Raphidocelis subcapitata*) (Growth Test Method 1003.0).

5.4. Species Sensitivity Screening

Species sensitivity screening shall be conducted during this permit's first required sample collection or when the Facility discharges. The Discharger shall collect a single effluent sample and concurrently conduct three toxicity tests using the fish, an invertebrate, and the alga species previously referenced. This sample shall also be analyzed for the parameters required for the discharge. The species that exhibits the highest "Percent Effect" at the discharge IWC during species sensitivity screening shall be used for routine monitoring during the permit cycle.

Rescreening is required at least once per five (5) years. The Discharger shall rescreen with the three species listed above and continue to monitor with the most sensitive species. If the first suite of rescreening tests demonstrates that the same species is the most sensitive, then the rescreening does not need to include more than one suit of tests. If a different species is the most sensitive, or if there is ambiguity, then the Discharger shall proceed with suites of screening tests using enough collected effluent for a minimum of three, but not to exceed five suites.

5.5. Quality Assurance and Additional Requirements

Quality assurance measures, instructions, and other recommendations and requirements are found in the test methods manuals previous referenced. Additional requirements are specified below.

5.5.1. The discharge is subject to a determination of "Pass" or "Fail" and "Percent Effect" from a chronic toxicity test at the discharge IWC using the Test of Significant Toxicity (TST) approach described in National Pollutant Discharge Elimination System Test of Significant Toxicity/Implementation Document (EPA 833-R-10-003, 2010), Appendix A, Figure A-1, and Table A-1 and Appendix B, Table B-1, and the procedures described in the State Policy for Water Quality Control: Toxicity Provisions. Attainment of the water quality objective is demonstrated by conducting chronic aquatic toxicity testing as described in Section III.B.2 of the Toxicity Provisions and rejecting the null hypothesis in accordance with the TST statistical approach described in Section III.B.3. of the Toxicity Provisions. The null hypothesis (H0) for the TST statistical approach is: Mean discharge In-stream Waste Concentration (IWC) response ≤0.75 × Mean control response. A test result that rejects this null hypothesis is reported as "Pass." A test result that does not reject this null hypothesis is reported as "Fail". The relative "Percent Effect" at the discharge IWC is defined and reported as: ((Mean control response-Mean discharge IWC response) ÷ Mean control response)) x 100. This is a t-test (formally Student's t-Test), a statistical analysis comparing two sets of replicate observations - in the case of WET, only two test concentrations (i.e., a control and IWC). The purpose of this statistical test is to determine if the means of the two sets of observations are different (i.e., if the IWC or receiving water concentration differs from the control (the test result is "Pass" or "Fail")). The Welch's t-test employed by the TST statistical approach is

an adaptation of Student's t-test and is used with two samples having unequal variances.

5.5.2. If the effluent toxicity test does not meet all test acceptability criteria (TAC) specified in the referenced test method, then the Discharger must re-sample and re-test at the subsequent discharge event.

5.5.3. Reference toxicant tests and effluent toxicity tests shall be conducted using the same test conditions (e.g., same test duration, etc.). Monthly reference toxicant testing is sufficient.

5.5.4. All reference toxicant test results should be reviewed and reported according to U.S. EPA guidance on the evaluation of concentration-response relationships found in *Method Guidance and Recommendations for Whole Effluent Toxicity (WET) Testing* (40 CFR part 136) (EPA 821-B-00-004, 2000).

5.5.5. The Discharger shall perform toxicity tests on final effluent samples. Chlorine and ammonia shall not be removed from the effluent sample prior to toxicity testing, unless explicitly authorized under this section of the Monitoring and Reporting Program and the rational is explained in the Fact Sheet (Attachment F).

5.6. Preparation of an Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan

The Discharger shall prepare and submit a copy of the Discharger's initial investigation TRE work plan to the Executive Officer of the Los Angeles Water Board for approval within 90 days of the effective date of this permit. If the Executive Officer does not disapprove the work plan within 60 days, the work plan shall become effective. The Discharger shall use U.S. EPA manual U.S. EPA/833B-99/002 (municipal) or its most current version or U.S. EPA manual *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070, April 1989*) as guidance. This work plan shall describe the steps that the Discharger intends to follow if toxicity is detected. At a minimum, the work plan shall include:

- A description of the investigation and evaluation techniques that will be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency.
- A description of the Facility's methods of maximizing in-house treatment efficiency and good housekeeping practices, and a list of all chemicals used in the operation of the Facility.
- If a Toxicity Identification Evaluation (TIE) is necessary, an indication of the person who would conduct the TIEs (i.e., an in-house expert or an outside contractor).

The Facility discharges stormwater irregularly and has had chronic toxicity exceedances. Therefore, the Discharger shall initiate the TRE based on the effective TRE workplan during the subsequent discharge event after one chronic toxicity test shows "Fail and % Effect value ≥ 50".

5.7. Toxicity Identification Evaluation (TIE) and TRE Process

5.7.1. **TIE Implementation**. The Discharger may initiate a TIE as part of a TRE to identify the causes of toxicity using the same species and test method and, as guidance, U.S. EPA manuals: *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures* (EPA/600/6-91/003, 1991); *Chronic TIE Manual: Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I (*EPA/600/6-91/005F, 1992); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996). The TIE should be conducted on the species demonstrating the most sensitive toxicity response.

5.7.2. The Discharger shall consider source control, pollution prevention, and stormwater control when conducting a TRE. As toxic substances are identified or characterized, the Discharger shall continue the TRE by determining the sources and evaluating alternative strategies for reducing or eliminating the substances from the discharge. All reasonable steps shall be taken to reduce toxicity to levels consistent with toxicity evaluation parameters.

5.7.3. The Discharger shall continue to conduct routine effluent monitoring for compliance determination purposes while the TIE and/or TRE process is taking place.

5.7.4. The Los Angeles Water Board recognizes that toxicity may be episodic and identification of causes and reduction of sources of toxicity may not be successful in all cases. The TRE may be ended at any stage if monitoring finds there is no longer toxicity.

5.7.5. The Water Board may consider the results of any TRE/TIE studies in an enforcement action.

5.8. Reporting

The Self-Monitoring Report (SMR) shall include a full laboratory report for each toxicity test. This report shall be prepared using the format and content of the test methods manual chapter, “Report Preparation,” including:

a. The valid toxicity test results for the TST statistical approach, reported as “Pass” or “Fail” and “Percent Effect” at the chronic toxicity IWC for the discharge. All toxicity test results (whether identified as valid or otherwise) conducted during the calendar month shall be reported on the SMR due date.

b. A summary of water quality measurements for each toxicity test (e.g., pH, dissolved oxygen, temperature, conductivity, hardness, salinity, chlorine, ammonia).

c. The statistical analysis used in National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document (EPA 833-R-10-003, 2010) Appendix A, Figure A-1, Table A-1, and Appendix B, Table B-1.

d. TRE/TIE results. The Executive Officer shall be notified no later than 30 days from completion of each aspect of TRE/TIE analyses. Prior to the completion of the final TIE/TRE report, the Discharger shall provide status updates in the monthly monitoring reports, indicating which TIE/TRE steps are underway and which steps have been completed.

e. Statistical program (e.g., TST calculator, CETIS, etc.) output results, including graphical plots, for each toxicity test.

f. Tabular data and graphical plots clearly showing the laboratory's performance for the reference toxicant, for each solution, for the previous 20 tests and the laboratory's performance for the control mean, control standard deviation, and control coefficient of variation, for each solution, for the previous 12-month period.

g. Any additional QA/QC documentation or any additional chronic toxicity-related information, upon request from the Los Angeles Water Board Executive Officer.

6. LAND DISCHARGE MONITORING REQUIREMENTS – NOT APPLICABLE

7. RECYCLING MONITORING REQUIREMENTS – NOT APPLICABLE

8. RECEIVING WATER MONITORING REQUIREMENTS

8.1. Receiving Water Monitoring Location RSW-002

The Discharger shall report the maximum daily flow in the Los Angeles River, at the Los Angeles County Department of Public Works' Williow Street Gage Station at Wardlow, which was identified as RSW-002 in the previous Order. This information is necessary to determine the wet weather and dry weather condition of the river, as defined in the Los Angeles River Metals TMDL.

The Facility's discharge point is approximately 4.5 miles away from the receiving water and the storm drain system passes through approximately 10 laterals prior to reaching the Los Angeles River. Therefore, the annual receiving water sampling at station RSW-001 was removed under a previous Order R4-2010-0087-R. Although the receiving water sampling was removed, compliance with the receiving water standards can still be assessed utilizing the effluent data from the outfall.

9. OTHER MONITORING REQUIREMENTS

9.1. Rainfall Monitoring

The Discharger shall measure and record the rainfall on each day of the month or submit the data obtained from the nearest city/county operated rain gauge monitoring station. The location of the rain gauge utilized and the distance from the Facility and any other information shall be included in the monitoring report for that month.

9.2. Stormwater Visual Observation

The Discharger shall make visual observations of all stormwater discharge locations during at least one storm event per month that produces a significant discharge of

stormwater. Observations shall note the presence of floating and suspended materials, oil and grease, discoloration, turbidity, and odor at the stormwater discharge locations. A "significant stormwater discharge" is a continuous discharge of stormwater for a minimum of one hour, or the intermittent discharge of stormwater for a minimum of 3 hours in a 12-hour period.

10. REPORTING REQUIREMENTS

10.1. General Monitoring and Reporting Requirements

10.1.1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.

10.1.2. If there is no discharge during any reporting period, the Discharger shall indicate under penalty of perjury in the corresponding monitoring report that no effluent was discharged to surface water during the reporting period.

10.1.3. Each monitoring report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and corrective actions taken or planned that may be needed to bring the discharge into full compliance with waste discharge requirements. This section shall clearly list all non-compliance with waste discharge requirements, as well as all excursions of effluent limitations.

10.1.4. The Discharger shall inform the Los Angeles Water Board well in advance of any proposed construction activity that could potentially affect compliance with applicable requirements.

10.2. Self-Monitoring Reports (SMRs)

10.2.1. The Discharger shall electronically submit SMRs using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site:

http://www.waterboards.ca.gov/ciwqs/index.html

The CIWQS Web site will provide additional information for SMR submittal in the event there will be a planned service interruption for electronic submittal.

10.2.2. The Discharger shall report in the SMR the results for all monitoring specified in this MRP under sections 3 through 9. The Discharger shall submit quarterly SMRs including the results of all required monitoring using U.S. EPA-approved test methods or other test methods specified in this Order. SMRs are to include all new monitoring results obtained since the last SMR was submitted. If the Discharger monitors any pollutant more frequently than required by this Order, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR.

10.2.3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

Table E-3. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On	Monitoring Period	SMR Due Date
1/Discharge Event	Permit Effective Date	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	May 15 August 15 November 15 February 15
1/Year	Permit Effective Date	January 1 through December 31	Submit with corresponding quarterly SMR for February 15

10.2.4. The Discharger shall report flow maximum daily flow in the Los Angeles River, at the LACDPW's Wardlow gage as receiving water location (RSW)-002. This data shall be used to determine compliance with the wet weather effluent limitation set forth in this Order. The stream flow data can be obtained on LACDPW's website at: https://dpw.lacounty.gov/wrd/rainfall/Home/Flow

10.2.5. **Reporting Protocols.** The Discharger shall report with each sample result the applicable Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR part 136. The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

a. Sample results greater than or equal to the RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).

b. Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported. For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ. The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (± a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

c. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.

d. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.

10.2.6. **Compliance Determination.** Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined above and Attachment A. For purposes of reporting and administrative enforcement by the Los Angeles Water Board and State Water Board, the Discharger shall be

deemed out of compliance with effluent limitations if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reporting level (RL).

10.2.7. **Multiple Sample Data.** When determining compliance with a Maximum Daily Effluent Limitation (MDEL) for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:

a. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.

b. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

10.2.8. **SMRs.** The Discharger shall submit SMRs in accordance with the following requirements:

a. The Discharger shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations. The Discharger is not required to duplicate the submittal of data that is entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, the Discharger shall electronically submit the data in a tabular format as an attachment.

b. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the waste discharge requirements; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.

10.3. Discharge Monitoring Reports (DMRs)

DMRs are U.S. EPA reporting requirements. The Discharger shall electronically certify and submit DMRs together with SMRs using Electronic Self-Monitoring Reports module eSMR 2.5 or any upgraded version. Electronic DMR submittal shall be in addition to electronic SMR submittal. Information about electronic DMR submittal is available at the DMR website at:
https://www.waterboards.ca.gov/water_issues/programs/discharge_monitoring/

10.4. Other Reports

10.4.1. Within 90 days of the effective date of this permit, the Discharger is required to submit the following to the Los Angeles Water Board:

a. Updated Initial Investigation TRE workplan.

b. Updated SWPPP

c. Updated BMPP

d. Updated Spill Control Plan (SCP) or SPCC Plan

The SWPPP, BMPP, and SCP shall be reviewed at a minimum once per year and updated as needed to ensure all actual or potential sources of trash and pollutants discharged from the Facility are addressed. All changes or revisions to the SWPPP, BMPP, and SCP shall be submitted to the Los Angeles Water Board within 30 days of revisions.

10.4.2. Within 12 months from the effective date of this Order, the Discharger is required to submit a Climate Change Effects Vulnerability Assessment and Mitigation Plan (Climate Change Plan) to assess and manage climate change related-effects associated with the facility operation, water supplies, collection system, water quality and beneficial uses.

ATTACHMENT F – FACT SHEET

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ATTACHMENT F – FACT SHEET

As described in section 2.2 of this Order, the Los Angeles Water Board incorporates this Fact Sheet as findings of the Los Angeles Water Board supporting the issuance of this Order. This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for Dischargers in California. Only those sections or subsections of this Order that are specifically identified as "not applicable" have been determined not to apply to this Discharger. Sections or subsections of this Order not specifically identified as "not applicable" are fully applicable to this Discharger.

1. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

Table F-1. Facility Information

WDID	4B192085002
Discharger	Owens-Brockway Glass Container Inc.
Name of Facility	Owens-Brockway Glass Container Inc.
Facility Address	2901 Fruitland Avenue, Vernon, CA 90058
Facility Contact, Title and Phone	Anita Luitel, Environmental Manager, (213) 798-0310
Authorized Person to Sign and Submit Reports	Kyle Martin, Plant Manager, (213) 494-8827
Mailing Address	2901 Fruitland Avenue, Vernon, CA 90058
Billing Address	2901 Fruitland Avenue, Vernon, CA 90058
Type of Facility	Industrial - Glass Container Manufacturer (SIC Code 3221)
Major or Minor Facility	Minor
Threat to Water Quality	2
Complexity	C
Pretreatment Program	Not applicable (N/A)
Recycling Requirements	N/A
Facility Permitted Flow	Discharge Point 001: 0.163 million gallons per day (MGD) Discharge Point 002: 0.680 MGD
Facility Design Flow	Discharge Point 001: 0.163 MGD Discharge Point 002: 0.680 MGD
Watershed	Los Angeles River Watershed
Receiving Water	Los Angeles River
Receiving Water Type	Inland Surface Water

1.1. Owens-Brockway Glass Container Inc. (hereinafter Discharger) is the owner and operator of Owens-Brockway Glass Container Inc., (hereinafter Facility), a glass

container manufacturing company. For the purposes of this Order, references to the "Discharger" or "Permittee" in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

1.2. The Facility discharges stormwater runoff to the Los Angeles River, a water of the United States. The Discharger was previously regulated by Order No. R4-2016-0122, which was adopted on March 10, 2016. The Order expired on May 31, 2021. The Facility was also regulated under Time Schedule Order (TSO) No. R4-2016-0221 which was administratively issued and became effective on June 2, 2016 and expired on June 2, 2019. The TSO was amended and administratively extended, TSO No. R4-2016-0221-A01, and became effective on January 14, 2019 and expired on June 30, 2019.

1.3. Federal regulations at 40 Code of Federal Regulations (CFR) section 122.46 limit the duration of NPDES permits to a fixed term not to exceed five years. However, pursuant to 40 CFR section 122.6(d)(1) and California Code of Regulations, title 23, section 2235.4, the terms and conditions of an expired permit are automatically continued pending reissuance of the permit if the Discharger complies with all federal NPDES requirements for continuation of expired permits. The Discharger filed a report of waste discharge (ROWD) and submitted an application for reissuance of its WDRs and NPDES permit on November 30, 2020. The application was deemed complete on December 2, 2020. Site visits were conducted on May 5, 2022, and August 29, 2024, to observe operations and collect additional data to develop permit limitations and conditions. The terms and conditions of the current Order have been continued and remain in effect until new WDRs and NPDES permits are adopted pursuant to this Order. Attachment B provides a map of the area around the Facility. Attachment C provides the drainage map showing the drainage areas and discharge points of the Facility.

2. FACILITY DESCRIPTION

The Facility is a glass container manufacturer that uses raw materials, consisting primarily of silica sand, limestone and soda ash, and recycled glass (referred to as "cullet") to manufacture glass containers primarily for the food and beverage industries. The Facility manufactures flint (clear), amber (brown), and emerald (green) bottles. While water is not a component of the product itself, it is used throughout the manufacturing process for supporting equipment and plant operations.

2.1. Description of Wastewater and Treatment or Controls

The Facility is permitted to discharge up to a total of 0.843 MGD of stormwater through Discharge Points 001 and 002. The total discharge consists of a maximum of 0.163 MGD of stormwater from the central yard and production area through Discharge Point 001 and a maximum of 0.680 MGD of stormwater from the main yard through Discharge Point 002.

Under normal conditions, stormwater is captured and stored for 24 hours into one of 13 onsite stormwater tanks prior to discharge into the sanitary sewer via the Facility's cullet water recycle system. The discharge point to the sanitary sewer is located in the basement of the glass manufacturing building. Stormwater discharged to the sanitary

sewer is authorized under a joint permit issued by the City of Vernon and Los Angeles County Sanitation Districts of (Permit No. 1029).

During heavy storms when the storage capacity of the Facility's stormwater tanks is reached, the Facility will haul away excess stormwater when possible. The Facility has a total of 65,250-gallons of storage available for the EFF-001 area and 105,000-gallons available for the EFF-002 area. Additional tank capacities and improvements were added to address the exceedances under the previous Order as described in more detail below. The stormwater that discharges to Discharge Point 001 is runoff from Areas 3 and 4 as identified on the drainage map in Attachment C of this Order. The area is made up of 73,560 square feet of impervious area. Area 3 is contained within a concrete berm and equipped with a sump and a manually-actuated pump that lifts stormwater to a series of three 7,750-gallon tanks. The tanks discharge to the basement of the glass manufacturing building via a manually-actuated pump, where it drains to the cullet water recycle system using a flexible hose connection and is discharged to the sanitary sewer under normal conditions. Area 4 has multiple catch basins that drain to the EFF-001 trench. A shutoff valve is located immediately upstream of EFF-001 and two sump pumps operate on float switches to direct water to two 21,000-gallon aboveground storage tanks. When activated, a pump also directs water from these tanks to the basement and cullet water recycle system for discharge to the sanitary sewer. The stormwater that discharges to Discharge Point 002 is runoff from Areas 1, 2, and 5 as shown on the drainage map in Attachment C of this Order. Stormwater runoff that falls Areas 1 and 2 sheet flows to a series of catch basins that discharge through EFF-002. A sump is located upstream of EFF-002 to divert stormwater to a series of five 21,000-gallon tanks. A manually-actuated pump will drain these tanks to the cullet water recycle system when the tanks reach capacity. Area 5 discharges directly to the basement of the glass manufacturing building for discharge to the sanitary sewer for up to 0.1" of rain, after which it sheet flows to Area 2. During large storm events the stormwater may exceed the Facility's storage capacity and permitted discharge rates to LACSD. In the event that the accumulated stormwater exceeds capacity and cannot be hauled offsite for disposal, stormwater will be discharged to the Los Angeles River through EFF-001 and EFF-002 as the last option.

The Facility also generates wastewater, including furnace drain water and oxygen plant vacuum pump seal water and fire protection system test water. All wastewater and test waters are discharged to the sanitary sewer under Permit No. 1029. Therefore, this Order only regulates stormwater runoff from industrial areas of the Facility.

Completed Improvement Projects at the Facility

The Discharger completed a four-phase project to address the non-compliance issues in stormwater discharges. Phase 1 began in early 2015 and was completed before the issuance of Order No. R4-2016-122. Phase 1 included EFF-001 drainage system improvements, pavement repair of existing furnace air pollution control duct line, and replacement of a portion of the duct line, Phase 2 began in November 2015 and consisted of renovations of EFF-002 drainage area including the installation of new drainage pipes, catch basins, manholes, replacing the discharge point and resurfacing approximately 72,000 square feet within the drainage area. Phase 3 comprised of the installation of a new furnace air pollution control equipment and Phase 4 was the removal of existing furnace air pollution control equipment. TSO R4-2016-0221-A01

extended the deadline to complete Phase 4, also identified as Task 3, in TSO R4-2016-0221. On May 28, 2020, the Discharger sent a letter to the Los Angeles Water Board stating the four phases were complete and submitting a corrective action plan for further exceedances. This plan included requesting approval to include stormwater discharges under the Facility's LACSD sanitary sewer permit and diverting stormwater to onsite storage containers for disposal to the sanitary sewer or off site. The improvements are operational as of September 2023 and are being implemented under this Order.

2.2. Discharge Points and Receiving Waters

Stormwater runoff may be discharged to surface waters at the following discharge point:

Discharge Point 001: Discharge of stormwater runoff from the central yard to the Los Angeles River, approximate coordinates: Latitude 33.9964°, Longitude -118.2172°.

Discharge Point 002: Discharge of stormwater runoff from the main yard to the Los Angeles River, approximate coordinates: Latitude 33.9974°, Longitude -118.2180°.

2.3. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

Effluent limitations contained in Order R4-2016-0122 from Discharge Point 001 and 002 and the representative monitoring data are as follows:

Table F-2. Historic Effluent Limitations and Monitoring Data for EFF-001

Parameter	Units	Maximum Daily	Highest Daily Discharge
BOD	mg/L	30	31
Oil and Grease	mg/L	15	3.4
pH	standard units	6.5 to 8.5	6.62 to 10.1
Temperature	degrees Fahrenheit (°F)	86	72.9
TSS	mg/L	75	76
E. coli	CFU/100 ml or MPN/100 ml	235	3500
Settleable Solids	mL/L	0.3	6.5
Turbidity	NTU	75	28
Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect <50	Fail
Phenols	mg/L	1.0	0.5
Sulfides	mg/L	0.1	ND < 0.05
Fluoride	mg/L	1.0	0.9

Parameter	Units	Maximum Daily	Highest Daily Discharge
Total Dissolved Solids	mg/L	1,500	760
Chloride	mg/L	150	44
Sulfate	mg/L	350	54
Ammonia as Nitrogen	mg/L	8.7	0.4
Antimony, Total Recoverable (TR)	mg/L	6	7.8
Cadmium, TR (Wet Weather)	mg/L	3.1	11
Chromium (VI)	mg/L	16	3.5
Copper, TR (Dry Weather)	µg/L	36	57
Copper, TR (Wet Weather)	µg/L	17	57
Lead, TR (Dry Weather)	µg/L	18	49
Lead, TR (Wet Weather)	µg/L	62	49
Mercury, TR	µg/L	0.102	0.029
Nickel, TR	µg/L	100	35
Selenium, TR	µg/L	8.2	260
Thallium	µg/L	2	0.45
Zinc, TR (Wet Weather)	µg/L	159	1300
Cyanide, Total (as CN)	µg/L	8.5	ND < 3.8
Pentachlorophenol	µg/L	1	1.8
Bis (2-Ethylhexyl) Phthalate	µg/L	4	9.4
Total PCBs	µg/L	0.00034	ND < 5

Table F-3. Historic Effluent Limitations and Monitoring Data for EFF-002

Parameter	Units	Maximum Daily	Highest Daily Discharge
BOD	mg/L	30	19
Oil and Grease	mg/L	15	4.7
pH	standard units	6.5 to 8.5	6.99 to 10.25
Temperature	degrees Fahrenheit (°F)	86	69.9
TSS	mg/L	75	310

Parameter	Units	Maximum Daily	Highest Daily Discharge
E. coli	CFU/100 ml or MPN/100 ml	235	9200
Settleable Solids	mL/L	0.3	0.5
Turbidity	NTU	75	140
Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect <50	Fail
Phenols	mg/L	1.0	0.11
Sulfides	mg/L	0.1	ND < 0.05
Fluoride	mg/L	1.0	0.71
Total Dissolved Solids	mg/L	1,500	810
Chloride	mg/L	150	120
Sulfate	mg/L	350	150
Ammonia as Nitrogen	mg/L	8.7	0.3
Arsenic, Total Recoverable (TR)	mg/L	10	10
Cadmium, TR (Wet Weather)	mg/L	3.1	3.1
Chromium (VI)	mg/L	16	2.7
Copper, TR (Dry Weather)	µg/L	36	72
Copper, TR (Wet Weather)	µg/L	17	72
Lead, TR (Dry Weather)	µg/L	18	80
Lead, TR (Wet Weather)	µg/L	62	80
Mercury, TR	µg/L	0.102	0.06
Nickel, TR	µg/L	100	21
Selenium, TR	µg/L	8.2	210
Thallium	µg/L	2	0.16
Zinc, TR (Wet Weather)	µg/L	159	1,000
Cyanide, Total (as CN)	µg/L	8.5	9.9
Pentachlorophenol	µg/L	1	1.1
Bis (2-Ethylhexyl) Phthalate	µg/L	4	37
Total PCBs	µg/L	0.00034	ND < 3.7

2.4. Compliance Summary

A review of effluent monitoring data submitted during the permit term in Order R4-2016-0122 indicates that the Discharger violated the following effluent limitations:

Table F-4. Summary of Compliance Violations for EFF-001 and EFF-002

Location	Date of Violation	Violation Type	Pollutant	Units	Effluent Limitations	Reported Value
EFF-001	12/16/2016	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-001	12/30/2016	Maximum Daily	Selenium	µg/L	8.2	95
EFF-001	01/5/2017	Maximum Daily	Selenium	µg/L	8.2	65
EFF-001	01/5/2017	Maximum Daily	*E.coli*	MPN/100 ml	235	900
EFF-001	02/17/2017	Maximum Daily	TSS	mg/L	75	76
EFF-001	02/17/2017	Maximum Daily	Settleable Solids	ml/L	0.3	6.5
EFF-001	02/17/2017	Maximum Daily	*E.coli*	MPN/100 ml	235	1,300
EFF-002	01/09/2018	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-001	01/09/2018	Maximum Daily	*E.coli*	MPN/100 ml	235	500
EFF-002	01/09/2018	Maximum Daily	*E.coli*	MPN/100 ml	235	1,700
EFF-001	01/09/2018	Maximum Daily	TCDD Equivalents	µg/L	2.8×10^{-8}	3.94×10^{-8}
EFF-001	01/09/2018	Maximum Daily	TSS	mg/L	75	200
EFF-002	01/09/2018	Maximum Daily	pH	SU	8.5	9.46
EFF-002	01/09/2018	Maximum Daily	TSS	mg/L	75	200
EFF-002	01/09/2018	Maximum Daily	TCDD Equivalents	µg/L	2.8×10^{-8}	3.32×10^{-8}
EFF-001	01/09/2018	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-002	01/09/2018	Maximum Daily	Zinc, TR	µg/L	970	1,000
EFF-001	03/02/2018	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-002	03/02/2018	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail

Location	Date of Violation	Violation Type	Pollutant	Units	Effluent Limitations	Reported Value
EFF-002	03/02/2018	Maximum Daily	*E.coli*	MPN/100 ml	235	9,200
EFF-002	03/02/2018	Maximum Daily	Turbidity	NTU	75	100
EFF-001	03/02/2018	Maximum Daily	Selenium	µg/L	49	77
EFF-002	03/02/2018	Maximum Daily	TSS	mg/L	75	80
EFF-001	03/22/2018	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-001	03/22/2018	Maximum Daily	*E.coli*	MPN/100 ml	235	2,400
EFF-001	11/29/2018	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-001	11/29/2018	Maximum Daily	TCDD Equivalents	µg/L	$2.8x10^{-8}$	$3.02x10^{-8}$
EFF-002	12/06/2018	Maximum Daily	pH	SU	8.5	9.87
EFF-002	12/06/2018	Maximum Daily	TSS	mg/L	75	83
EFF-002	12/06/2018	Maximum Daily	*E.coli*	MPN/100 ml	235	460
EFF-002	12/06/2018	Maximum Daily	Turbidity	NTU	75	130
EFF-001	12/06/2018	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-002	12/06/2018	Maximum Daily	Bis (2-Ethylhexyl) Phthalate	µg/L	5.1	7.8
EFF-002	12/06/2018	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-002	12/06/2018	Maximum Daily	TCDD Equivalents	µg/L	$2.8x10^{-8}$	$2.91x10^{-8}$
EFF-002	01/14/2019	Maximum Daily	Bis (2-Ethylhexyl) Phthalate	µg/L	5.1	37
EFF-001	01/14/2019	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-002	01/14/2019	Maximum Daily	pH	SU	8.5	8.6
EFF-002	01/14/2019	Maximum Daily	TSS	mg/L	75	170
EFF-002	01/14/2019	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail

Location	Date of Violation	Violation Type	Pollutant	Units	Effluent Limitations	Reported Value
EFF-001	01/31/2019	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-002	01/31/2019	Maximum Daily	Turbidity	NTU	75	110
EFF-002	01/31/2019	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-002	01/31/2019	Maximum Daily	pH	SU	8.5	9.3
EFF-002	01/31/2019	Maximum Daily	TSS	mg/L	75	98
EFF-002	01/31/2019	Maximum Daily	Bis (2-Ethylhexyl) Phthalate	µg/L	5.1	5.8
EFF-002	01/31/2019	Maximum Daily	*E.coli*	MPN/100 ml	235	490
EFF-002	02/14/2019	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-001	02/14/2019	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-002	02/14/2019	Maximum Daily	pH	SU	8.5	10.1
EFF-001	03/06/2019	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-001	05/16/2019	Maximum Daily	Arsenic	µg/L	10	11
EFF-001	05/16/2019	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-001	05/16/2019	Maximum Daily	pH	SU	8.5	9.34
EFF-001	05/16/2019	Maximum Daily	*E.coli*	MPN/100 ml	235	3,500
EFF-001	05/16/2019	Maximum Daily	Selenium	µg/L	49	220
EFF-001	12/04/2019	Maximum Daily	Zinc	µg/L	159	570
EFF-001	12/04/2019	Maximum Daily	TCDD Equivalents	µg/L	2.8×10^{-8}	3.9×10^{-8}
EFF-001	12/04/2019	Maximum Daily	Copper	µg/L	17	20
EFF-001	12/04/2019	Maximum Daily	Selenium	µg/L	8.2	43
EFF-002	12/04/2019	Maximum Daily	TSS	mg/L	75	150

Location	Date of Violation	Violation Type	Pollutant	Units	Effluent Limitations	Reported Value
EFF-002	12/04/2019	Maximum Daily	Selenium	µg/L	8.2	130
EFF-001	12/04/2019	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-002	12/04/2019	Maximum Daily	pH	SU	8.5	10.2
EFF-002	12/04/2019	Maximum Daily	Turbidity	NTU	75	100
EFF-002	12/04/2019	Maximum Daily	Copper	µg/L	17	72
EFF-002	12/04/2019	Maximum Daily	Zinc	µg/L	159	330
EFF-002	12/04/2019	Maximum Daily	TCDD Equivalents	µg/L	$2.8x10^{-8}$	$5.83x10^{-8}$
EFF-001	03/12/2020	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-001	03/12/2020	Maximum Daily	Selenium	µg/L	8.2	26
EFF-001	03/12/2020	Maximum Daily	Copper	µg/L	17	21
EFF-001	03/12/2020	Maximum Daily	Bis (2-Ethylhexyl) Phthalate	µg/L	4	8.2
EFF-001	03/12/2020	Maximum Daily	Zinc	µg/L	159	290
EFF-002	03/13/2020	Maximum Daily	pH	SU	8.5	9.2
EFF-001	03/13/2020	Maximum Daily	*E.coli*	MPN/100 ml	235	1,700
EFF-002	03/13/2020	Maximum Daily	Selenium	µg/L	8.2	110
EFF-002	03/13/2020	Maximum Daily	Zinc	µg/L	159	250
EFF-002	03/13/2020	Maximum Daily	Bis (2-Ethylhexyl) Phthalate	µg/L	4	4.6
EFF-002	03/13/2020	Maximum Daily	TSS	mg/L	75	92
EFF-001	04/09/2020	Maximum Daily	Selenium	µg/L	8.2	24
EFF-002	04/09/2020	Maximum Daily	*E.coli*	MPN/100 ml	235	1,700
EFF-001	04/09/2020	Maximum Daily	Bis (2-Ethylhexyl) Phthalate	µg/L	4	4.4
EFF-002	04/09/2020	Maximum Daily	Selenium	µg/L	8.2	110
EFF-002	04/09/2020	Maximum Daily	pH	SU	8.5	8.9

Location	Date of Violation	Violation Type	Pollutant	Units	Effluent Limitations	Reported Value
EFF-001	04/09/2020	Maximum Daily	Zinc	µg/L	159	200
EFF-001	12/28/2020	Maximum Daily	*E.coli*	MPN/100 ml	235	490
EFF-001	12/28/2020	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-001	12/28/2020	Maximum Daily	Zinc	µg/L	159	410
EFF-001	12/28/2020	Maximum Daily	Selenium	µg/L	8.2	29
EFF-001	12/28/2020	Maximum Daily	Copper	µg/L	17	32
EFF-001	01/29/2021	Maximum Daily	Zinc	µg/L	159	680
EFF-002	01/29/2021	Maximum Daily	Selenium	µg/L	8.2	71
EFF-002	01/29/2021	Maximum Daily	pH	SU	8.5	8.51
EFF-002	01/29/2021	Maximum Daily	Copper	µg/L	17	21
EFF-002	01/29/2021	Maximum Daily	TCDD Equivalents	µg/L	$2.8x10^{-8}$	$6.2x10^{-8}$
EFF-001	01/29/2021	Maximum Daily	Copper	µg/L	17	43
EFF-002	01/29/2021	Maximum Daily	*E.coli*	MPN/100 ml	235	330
EFF-002	01/29/2021	Maximum Daily	Turbidity	NTU	75	110
EFF-001	01/29/2021	Maximum Daily	Selenium	µg/L	8.2	22
EFF-002	01/29/2021	Maximum Daily	TSS	mg/L	75	130
EFF-002	01/29/2021	Maximum Daily	Zinc	µg/L	159	390
EFF-002	01/29/2021	Maximum Daily	pH	SU	8.5	9.42
EFF-001	03/03/2021	Maximum Daily	Zinc	µg/L	159	430
EFF-001	03/03/2021	Maximum Daily	Copper	µg/L	17	57
EFF-001	03/03/2021	Maximum Daily	BOD	mg/L	30	31
EFF-001	03/03/2021	Maximum Daily	pH	SU	8.5	8.83
EFF-001	03/03/2021	Maximum Daily	Selenium	µg/L	8.2	170
EFF-001	03/15/2021	Maximum Daily	Selenium	µg/L	8.2	23

Location	Date of Violation	Violation Type	Pollutant	Units	Effluent Limitations	Reported Value
EFF-001	03/15/2021	Maximum Daily	Zinc	µg/L	159	270
EFF-002	10/25/2021	Maximum Daily	Cyanide	µg/L	8.5	9.9
EFF-002	10/25/2021	Maximum Daily	Zinc	µg/L	159	180
EFF-002	10/25/2021	Maximum Daily	Bis (2-Ethylhexyl) Phthalate	µg/L	4	10
EFF-002	10/25/2021	Maximum Daily	Turbidity	NTU	75	140
EFF-002	10/25/2021	Maximum Daily	pH	SU	8.5	9.25
EFF-002	10/25/2021	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-001	10/25/2021	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-001	10/25/2021	Maximum Daily	*E.coli*	MPN/100 ml	235	460
EFF-001	10/25/2021	Maximum Daily	Copper	µg/L	17	47
EFF-001	10/25/2021	Maximum Daily	Zinc	µg/L	159	1,100
EFF-001	10/25/2021	Maximum Daily	Selenium	µg/L	8.2	88
EFF-001	10/25/2021	Maximum Daily	TCDD Equivalents	µg/L	2.8×10^{-8}	2.99×10^{-8}
EFF-002	10/25/2021	Maximum Daily	*E.coli*	MPN/100 ml	235	790
EFF-002	10/25/2021	Maximum Daily	Selenium	µg/L	8.2	14
EFF-001	12/14/2021	Maximum Daily	Pentachlorophenol	µg/L	1	3.3
EFF-002	12/14/2021	Maximum Daily	Zinc	µg/L	159	480
EFF-002	12/14/2021	Maximum Daily	Copper	µg/L	17	32
EFF-002	12/14/2021	Maximum Daily	Settleable Solids	mg/L	0.3	0.5
EFF-001	12/14/2021	Maximum Daily	Copper	µg/L	17	27
EFF-001	12/14/2021	Maximum Daily	Selenium	µg/L	8.2	180
EFF-002	12/14/2021	Maximum Daily	Selenium	µg/L	8.2	120
EFF-002	12/14/2021	Maximum Daily	pH	SU	8.5	10.25

Location	Date of Violation	Violation Type	Pollutant	Units	Effluent Limitations	Reported Value
EFF-002	12/14/2021	Maximum Daily	*E.coli*	MPN/100 ml	235	3,500
EFF-002	12/14/2021	Maximum Daily	TSS	mg/L	75	310
EFF-002	12/14/2021	Maximum Daily	Turbidity	NTU	75	100
EFF-001	12/14/2021	Maximum Daily	Zinc	µg/L	159	760
EFF-002	12/27/2021	Maximum Daily	Selenium	µg/L	8.2	56
EFF-002	12/27/2021	Spill	Commingled stormwater and process water	---	---	---
EFF-001	12/27/2021	Maximum Daily	Zinc	µg/L	159	200
EFF-002	12/27/2021	Maximum Daily	Pentachlorophenol	µg/L	1	1.1
EFF-001	12/27/2021	Maximum Daily	pH	SU	8.5	10.1
EFF-001	12/27/2021	Maximum Daily	Copper	µg/L	17	45
EFF-001	12/27/2021	Maximum Daily	Selenium	µg/L	8.2	260
EFF-001	12/27/2021	Maximum Daily	Pentachlorophenol	µg/L	1	1.8
EFF-001	12/27/2021	Maximum Daily	pH	SU	8.5	9.03
EFF-001	03/28/2022	Maximum Daily	Pentachlorophenol	µg/L	1	3.5
EFF-001	03/28/2022	Maximum Daily	Copper	µg/L	17	39
EFF-001	03/28/2022	Maximum Daily	Zinc	µg/L	159	450
EFF-001	03/28/2022	Maximum Daily	Selenium	µg/L	8.2	42
EFF-001	02/05/2024	Maximum Daily	Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect < 50	Fail
EFF-001	02/05/2024	Maximum Daily	Selenium	µg/L	8.2	30
EFF-001	02/05/2024	Maximum Daily	TCDD Equivalents	µg/L	2.8×10^{-8}	5.8×10^{-8}
EFF-001	02/05/2024	Maximum Daily	Zinc	µg/L	159	550
EFF-002	02/05/2024	Deficient Monitoring	---	---	---	---

On September 5, 2017, the Los Angeles Water Board issued a Stipulated Order on Settlement Offer No. R4-2017-0170 for effluent limitation violations for the period from

4th Quarter 2016 through the 1st Quarter 2017 at Discharge Point 001 in the amount of $15,000. The effluent violations included selenium, *E. coli*, TSS, and settable solids. On December 29, 2017, the Los Angeles Water Board received the payment of $15,000 as required by the "Expedited Payment Program".

On July 10, 2018, the Los Angeles Water Board issued a Stipulated Order on Settlement Offer No. R4-2018-0094 for effluent limitation violations for the 1st Quarter of 2018 at Discharge Points 001 and 002 in the amount of $27,000. The effluent violations included *E. coli*, pH, zinc, TSS, TCDD, selenium, and turbidity. On November 7, 2018, the Los Angeles Water Board received the payment of $27,000 as required by the "Expedited Payment Program".[1]

On September 27, 2019, the Los Angeles Water Board issued a Stipulated Order on Settlement Offer No. R4-2019-0080 for effluent limitation violations for the period from 4th Quarter 2018 through the 2nd Quarter 2019 in the amount of $54,000. The effluent violations included TCDD, TSS, pH, bis(2-ethylhexyl) phthalate, turbidity, *E. coli*, arsenic, and selenium. On March 18, 2020, the Los Angeles Water Board received the payment of $54,000 as required by the "Expedited Payment Program".

On August 21, 2020, the Los Angeles Water Board issued a Stipulated Order on Settlement Offer No. R4-2020-0041 for effluent limitation violations for the period from 4th Quarter 2019 through the 2nd Quarter 2020 in the amount of $75,000. The effluent violations included pH, turbidity, copper, selenium, TCDD, TSS, zinc, bis(2-ethylhexyl) phthalate, and *E. coli*. On December 30, 2020, the Los Angeles Water Board received the payment of $54,000 as required by the "Expedited Payment Program".

On October 27, 2023, the Los Angeles Water Board issued a Stipulated Order on Settlement Offer No. R4-2023-0153 for effluent limitation violations for the period from 4th Quarter 2020 through the 1st Quarter 2022 in the amount of $674,306. The effluent violations included *E. coli*, copper, selenium, zinc, chronic toxicity, TSS, TCDD, pH, bis(2-ethylhexyl) phthalate, cyanide, settleable solids, and pentachlorophenol. On February 20, 2024, the Los Angeles Water Board received the payment of $674,306 as required by the "Expedited Payment Program".

Currently, the Los Angeles Water Board is addressing alleged violations from the 1st Quarter of 2024. The alleged violations include chronic toxicity, selenium, TCDD, zinc and deficient monitoring. This investigation from the Los Angeles Water Board enforcement staff is still pending.

The Facility had two spills during the permit term of Order No. R4-2016-0122. The first occurred on November 10, 2021, when an unplanned draining of multiple glass production lines generated thousands of tons of cullet and overfilled the cullet yard with wet cullet. Approximately six hundred gallons of cullet water overflowed and flowed through the employee parking lot to the city storm drain on Fruitland Ave. The water quality of the spill is unknown. Upon discovery of the spill, the Discharger mobilized an

[1] Settlement Offer No. R4-2018-0094 included violations of TSO No. R4-2016-0221 Interim Effluent Limitations for selenium at Discharge Point 001, TCDD at Discharge Points 001 and 002, and zinc at Discharge Point 002.

emergency response crew and diverted the flow using a portable pump, used a shop vacuum to capture the spilled water, retained the water within a sandbag berm, unclogged the process water drain and removed cullet to allow flow toward the process water drain. The second spill occurred on April 1, 2024, when the Discharger discovered commingled stormwater and cullet water overflowing from the cullet yard towards the employee parking lot and the city storm drain on Fruitland Ave. An unknown quantity and quality of commingled water discharged to the city storm drain. Upon investigation, the Discharger discovered that a flexible pipe used to divert water to the sanitary sewer was obstructed. The Discharger immediately fixed the obstruction and the commingled water flow was diverted back to the sanitary sewer. The Discharger is now performing daily inspections of the area to prevent another spill.

In order to address the exceedances listed above, the Discharger has made a number of improvements to the Facility aiming to reduce and potentially eliminate stormwater discharges. The improvements include obtaining a permit that allows the Facility to discharge stormwater to the sanitary sewer and installing stormwater retention tanks onsite as described above in section 2.1 of this Fact Sheet. The Discharger has also added three more stormwater retention tanks for the EFF-002 drainage area, resulting in an additional 63,000 gallons of storage, since the exceedances that occurred in the second quarter of 2024 to further minimize the potential for discharge from this area.

2.5. Planned Changes

The Discharger does not anticipate any changes during the permit term of this Order. SWPP implementation to address any future exceedances is expected to continue on an ongoing basis.

3. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in this Order are based on the requirements and authorities described in this section.

3.1. Legal Authorities

This Order serves as WDRs pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). This Order is also issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. EPA and chapter 5.5, division 7 of the Water Code (commencing with section 13370). It shall serve as an NPDES permit authorizing the Discharger to discharge into waters of the United States at the discharge locations described in Table 2 subject to the WDRs in this Order.

3.2. California Environmental Quality Act (CEQA)

Under CWC section 13389, this action to adopt an NPDES permit is exempt from CEQA, (commencing with section 21100) of Division 13 of the Public Resources Code.

3.3. State and Federal Laws, Regulations, Policies, and Plans

3.3.1. **Water Quality Control Plan.** The Water Quality Control Plan for the Los Angeles Region (Basin Plan) designates beneficial uses, establishes water quality objectives (WQOs), and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan.

Requirements in this Order implement the Basin Plan. Beneficial uses applicable to the Los Angeles River are as follows:

Table F-5. Basin Plan Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
001 and 002	Los Angeles River, Reach 2 (Rio Hondo Reach 1 to Figueroa Street)	Existing: Ground Water Recharge (GWR), Warm Freshwater Habitat (WARM), Water Contact Recreation (REC-1), Non-Contact Water Recreation (REC-2) Potential: Municipal and Domestic Supply (MUN) (footnote a), Industrial Service Supply (IND), Wildlife Habitat (WILD)

Footnote for Table F-5

a. The potential municipal and domestic supply (P*) beneficial use for the water body is consistent with the Sources of Drinking Water Policy (page 5-13 of the Basin Plan). However, the Los Angeles Water Board has only conditionally designated the MUN beneficial use. Therefore, the Los Angeles Water Board is not establishing effluent limitations based on the potential MUN designation at this time.

End of footnotes for Table F-5

3.3.2. **Anti-Backsliding Requirements.** Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 CFR section 122.44(l) restrict backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. This Order complies with the anti-backsliding provisions as discussed in finding 4.4.1 of this Fact Sheet.

3.3.3. **Antidegradation Policy.** Federal regulation 40 CFR section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16 Statement of Policy with Respect to Maintaining High Quality of Waters in California (Resolution 68-16). Resolution 68-16 is deemed to incorporate the federal antidegradation policy where the federal policy applies under federal law. Resolution 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Los Angeles Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. The permitted discharge is consistent with the antidegradation provision of 40 CFR section 131.12 and State Water Board Resolution 68-16 as discussed in finding 4.4.2 of this Fact Sheet.

3.3.1. **Bacteria Provisions.** On August 7, 2018, the State Water Board adopted bacteria provisions and a water quality variance policy as (1) Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays and Estuaries of California; and (2) an amendment to the Water Quality Control Plan for Ocean

Waters of California (collectively referred to as the “Bacteria Provisions”) through Resolution No. 2018-0038. The goals of the Bacteria Provisions are to (1) establish a beneficial use definition of limited water contact recreation (LREC-1); (2) establish new statewide numeric water quality objectives for bacteria to protect primary contact recreation (REC-1) beneficial use; (3) include implementation elements; and (4) create a water quality standards variance framework under provisions established by the U.S. EPA. OAL approved the regulatory action on February 4, 2019. On March 22, 2019, U.S. EPA approved the Bacteria Provisions, and they became effective. The Bacteria Provisions were incorporated into the Basin Plan in Chapter 3 via Los Angeles Water Board Resolution No. R20-001 and supersede the numeric bacteria objectives contained in the Basin Plan prior to February 4, 2019. However, the Bacteria Provisions state that any total maximum daily loads (TMDLs) established before the effective date of the Bacteria Provisions (February 4, 2019) “remain in effect where a bacteria water quality objective supersedes a water quality objective for bacteria for which the TMDL was established.” Therefore, this Order establishes limitations for Bacteria consistent with the Los Angeles River Bacteria TMDL.

3.3.4. **Domestic Use of Water.** It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy by requiring discharges to meet maximum contaminant levels developed to protect human health and ensure that water is safe for domestic use.

3.3.5. **Endangered Species Act Requirements.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code, §§ 2050 to 2097) or the Federal Endangered Species Act (16 USCA §§ 1531 to 1544). This Order requires compliance with effluent limits, and other requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

3.3.6. **Mercury Provisions.** The State Water Board adopted “Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California-Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions” (hereinafter Mercury Provisions) through Resolution No. 2017-0027, which was approved by OAL on June 28, 2017, and became effective upon U.S. EPA approval on July 14, 2017. The Mercury Provisions are implemented through NPDES permits issued pursuant to CWA section 402, waste discharge requirements, or waivers of waste discharge requirements. The Mercury Provisions include specific implementation provisions for individual non-stormwater discharge including municipal wastewater and industrial discharges; stormwater discharges from municipal separate storm sewer systems and industrial activities mine site remediation discharges; dredging activities; wetland projects and nonpoint source discharges.

The implementation provisions for stormwater discharges regulated under general and individual NPDES stormwater permits do not include specific implementation provisions for industrial stormwater discharges regulated under an individual permit. However, the Mercury Provisions specifies that the State Water Board shall revise its NPDES General Permit for Storm Water Discharges Associated with Industrial Activities (Industrial General Permit) to include a numeric action level of 300 ng/l for total mercury. Since this Order regulates stormwater associated with industrial activities at the Facility, the Los Angeles Water Board determined that inclusion of a numeric action level of 300 ng/l for mercury as a benchmark is consistent with the intent of the Mercury Provisions. In addition, this benchmark is appropriate, based on the Los Angeles Water Board's best professional judgement, because the Facility provides on-site storages to treat suspended solids, implements BMPs to reduce discharges from the Facility, and monitoring data for mercury reported during the previous permit term did not exceed the effluent limitation for mercury. Thus, this Order implements the Mercury Provisions by incorporating a benchmark of 300 ng/l (0.3 µg/L).

The benchmark of 300 ng/l replaces an effluent limitation for mercury in the prior permit and is consistent with anti-backsliding and antidegradation provisions in the CWA as discussed in sections 4.4.1 and 4.4.2 below.

This Order also requires monitoring for mercury with a reporting limit of 0.5 ng/L, which the Mercury Provisions specify as a quantification limit for the water samples.

3.3.7. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** U.S. EPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995, and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, U.S. EPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. On December 10, 2024, the EPA Administrator signed a final rule to revise the current federal CWA freshwater selenium water quality criterion applicable to certain waters of California, including the Los Angeles River Reach 2. These rules contain federal water quality criteria for priority pollutants. This Order implements the NTR and CTR.

3.3.8. **State Implementation Policy.** On March 2, 2000, the State Water 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 became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the U.S. EPA through the NTR and to the priority pollutant objectives established by the Los Angeles Water Board in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the U.S. EPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005, that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and

provisions for chronic toxicity control. Therefore, the requirements of this Order implement the SIP.

3.3.9. **Title 22 of the California Code of Regulations.** Primary and secondary maximum contaminant levels (MCLs) for inorganic, organic, and radioactive contaminants in drinking water are codified in Title 22, California Code of Regulations (Title 22). To protect the beneficial uses of MUN for groundwater, the Basin Plan includes the "Chemical Constituents and Radioactivity" water quality objectives, which incorporates Title 22 primary MCLs by reference as water quality objectives (see Basin Plan, pp. 3-47 to 3-48 & Tables 3-8, 3-9, 3-12a, and 3-12b). The Los Angeles River Reach 2 (Rio Hondo Reach 1 to Figueroa Street) is also designated as Groundwater Recharge (GWR). Surface water from the Los Angeles River percolates into the Coastal Plain of Los Angeles, Central Groundwater Basin with MUN beneficial use specified in the Basin Plan. Since groundwater from this Basin is used to provide drinking water to the community, the groundwater aquifers must also be protected. Therefore, Title 22-based limits are used to protect that drinking water supply. The MCLs were considered during the development of effluent limits included in this Order.

3.3.10. **Toxicity Provisions.** Beginning in May 2013, the Los Angeles Water Board began implementing numeric water quality objectives for both acute and chronic toxicity, using the Test of Significant Toxicity (TST), and a program of implementation to control toxicity in NPDES permits for Publicly Owned Treatment Works (POTWs) and industrial facilities. As explained later in the Fact Sheet, the TST approach provides greater confidence in results classifying in-stream waste concentrations as toxic or non-toxic and it is supported by U.S. EPA. This methodology was used in the last iteration of this Order and is carried over into this Order.

On December 1, 2020, the State Water Board adopted statewide numeric water quality objectives for both acute and chronic toxicity, standardized aquatic toxicity test methods using the Test of Significant Toxicity (TST) statistical approach, and a program of implementation to control toxicity, which are collectively known as the Toxicity Provisions. The Toxicity Provisions establish a uniform regulatory approach to provide consistent protection of aquatic life beneficial uses and protect aquatic habitats and life from the effects of known and unknown toxicants. The Toxicity Provisions were approved by OAL on April 25, 2022 and were approved by the U.S. EPA and became effective on May 1, 2023.

On December 14, 2023, the State Water Board applied for U.S. EPA Region IX review and approval of a limited-use alternative test procedure (ATP), for the use of one-effluent concentration when conducting whole effluent toxicity (WET) testing, pursuant to 40 CFR Section 136.5 (Aug. 28, 2017). The application is specific to acute or chronic WET tests in Table 1 of the application when using the TST statistical approach (U.S. EPA, 2010) for analyzing the data. The application is being sought for all dischargers or facilities in the State of California and their associated laboratories. The ATP application is still pending with U.S. EPA.

The use of the TST has been the subject of litigation. In December 2024, the Second District Court of Appeal upheld the use of the TST in an NPDES permit in the case *Camarillo Sanitary District v. California Regional Water Quality Control Board - Los Angeles Region*.

A separate legal challenge to the State Water Board's adoption of the Toxicity Provisions originated in Fresno County Superior Court on July 18, 2022, through a petition for writ of mandate filed by Camarillo Sanitary District, City of Simi Valley, City of Thousand Oaks, Central Valley Clean Water Association, and Clean Water SoCal (formerly known as Southern California Alliance of Publicly Owned Treatment Works) (Petitioners) . One of the claims was that the Toxicity Provisions was inconsistent with the CWA. On October 9, 2023, the superior court denied the petition in its entirety.

On December 19, 2023, three of the Petitioners filed a notice of appeal of the Fresno Superior Court's decision upholding the Toxicity Provisions. On August 5, 2025, the Fifth District Court of Appeal issued a published opinion holding that the TST statistical approach, which is an integral component of the Toxicity Provisions, cannot be utilized in NPDES permitting to evaluate WET data because the TST is not an approved method under 40 CFR Part 136. The Court of Appeal did not, however, disturb the Toxicity Provisions' use of the TST as a part of its water quality objectives. The State Water Board prevailed on all other claims in the litigation. The Court of Appeal's decision became final on September 4, 2025.

Pending the California Supreme Court's review, the opinion of the Fifth Circuit Court of Appeal is not binding on the Water Boards. However, the opinion may be cited, not only for its persuasive value, but also for the limited purpose of establishing the existence of a conflict in authority.

In accordance with Water Code Sections 13146 and 13247, the Los Angeles Water Board must fully implement the water quality objectives and their implementation procedures in the Toxicity Provisions. The numeric water quality objectives for chronic and acute toxicity established by the Toxicity Provisions, which are based on the TST, were approved by U.S. EPA and remain in effect. As such, the numeric water quality objectives continue to serve as the applicable federal water quality standards in California.

The Water Boards must also continue to comply with federal CWA NPDES regulations for determining reasonable potential and establishing applicable water quality-based effluent limitations (WQBELs). NPDES regulations (40 CFR § 122.44(d)(1)(vii)(A)) require that all WQBELs be derived from and comply with all applicable water quality standards. Moreover, although the Toxicity Provisions left in place narrative water quality objectives for aquatic toxicity in regional water boards water quality control plans (Basin Plans), the Toxicity Provisions did supersede Basin Plan provisions and portions of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) for implementing narrative water quality objectives. As such, there are currently no basin plan or SIP procedures in effect for implementing narrative water quality objectives to determine reasonable

potential as required by 40 CFR § 122.44(d)(1)(ii). As a result, the Los Angeles Water Board must fully implement all of the Toxicity Provisions.

The Toxicity Provisions do not supersede TMDLs related to aquatic toxicity established prior to the effective date of the Toxicity Provisions. For existing TMDLs, however, the Toxicity Provisions state that its implementation provisions apply *in addition to* any existing TMDL requirements, unless the regional board determines that its TMDL's requirements are more protective than the Toxicity Provisions. (Toxicity Provisions, II.D., p.4). The implementation provisions in Section III of the Toxicity Provisions include elements related to the required test methods, implementation of the instream waste concentration (IWC), species sensitivity screening, reasonable potential, monitoring, effluent limitations expressed as Pass/Fail, use of the Test of Significant Toxicity (TST), Toxicity Reduction Evaluations (TREs), which are incorporated into the Order.

The Los Angeles River Reach 2 has existing WARM and WILD beneficial uses. This Order establishes toxicity limits to protect those beneficial uses consistent with the Toxicity Provisions. Therefore, the toxicity requirements in this Order are consistent with the Toxicity Provisions.

3.3.11. **Trash Amendments.** The State Water Board adopted the "Amendment to the Ocean Plan and Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California" (hereinafter Trash Amendments) through Resolution No. 2015-0019, which was approved by the Office of Administrative Law (OAL) on December 2, 2015 and became effective upon U.S. EPA approval on January 12, 2016. The Trash Amendments established a narrative water quality objective and a prohibition on the discharge of trash, to be implemented through permits issued pursuant to CWA section 402(p), waste discharge requirements, or waivers of waste discharge requirements.

The Trash Amendments apply to all surface waters of the State, with the exception of those waters within the jurisdiction of the Los Angeles Water Board where trash or debris Total Maximum Daily Loads (TMDLs) are in effect prior to the effective date of the Trash Provisions. The Los Angeles Water Board adopted the Trash TMDLs for the Los Angeles River, including Reach 2, in 2001. Nevertheless, this Order requires the Discharger to develop and implement a Stormwater Pollution Prevention Plan (SWPPP), which shall include specific BMPs used as stormwater control measures that the Discharger will undertake to prevent the discharge of trash from the Facility into the Los Angeles River as described in section 3.4.4 below.

3.4. Impaired Water Bodies on the CWA section 303(d) List

The State Water Board adopted the 2024 California Integrated Report based on a compilation of the Los Angeles Water Boards' Integrated Reports. These Integrated Reports contain both the CWA section 305(b) water quality assessment and section 303(d) list of impaired waters. In developing the Integrated Reports, the Water Boards solicit data, information, and comments from the public and other interested persons. On March 26, 2024, the State Water Board approved the CWA Section 303(d) List portion of the State's 2024 Integrated Report (State Water Board Resolution Number

2024-0007). On December 12, 2024, U.S. EPA partially approved California's 2024 Integrated Report. The CWA section 303(d) List can be found at the following link:

https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html

Discharges from the Facility enter the Los Angeles River Reach 2 within the Los Angeles River Watershed. Certain receiving waters in the Los Angeles River Watershed do not fully support beneficial uses and therefore have been classified as impaired on the 2024 303(d) list. The *2024 State Water Resources Control Board (State Water Board) California 303(d) List* includes the classification of the Los Angeles River Reach 2. The pollutants/stressors of concern include ammonia, copper, indicator bacteria, lead, nutrients (algae), oil, oil and grease trash, and zinc. Impaired water bodies are required to be scheduled for TMDL development. Following are summaries of TMDLs applicable to the Los Angeles River Reach 2:

3.4.1. **Los Angeles River Bacteria TMDL.** The Los Angeles River Watershed Bacteria TMDL (Los Angeles River Bacteria TMDL) is in Chapter 7-39 of the Basin Plan and assigns WLAs for single sample and geometric mean numeric targets for *E. coli*.

The Facility discharges stormwater runoff from Discharge Points 001 and 002 into the storm drain system that discharges into the Los Angeles River Reach 2. This Order only includes a daily maximum effluent limitation of 235/100 mL because the Facility discharges stormwater irregularly. The TMDL also includes an allowable number of exceedance days for wet and dry weather for some dischargers. The allowable exceedance days for individual NPDES permits is zero days.

3.4.2. **Los Angeles River Metals TMDL.** The Los Angeles River and Tributaries Metals TMDL (Los Angeles River Metals TMDL) is in Chapter 7-13 of the Basin Plan. The Los Angeles River Metals TMDL establishes WLAs in Los Angeles River Reach 2 for cadmium, copper, lead, and zinc in dry weather events (defined where the maximum daily flow at station F319-R is less than or equal to 500 cubic feet per second) and wet weather events (defined where the maximum daily flow at station F319-R is greater than 500 cubic feet per second). The WLA for copper incorporates a site-specific water effects ratio (WER) of 3.97. This Order includes effluent limitations based on the Los Angeles River Metals TMDL WLAs and the applicable site-specific WER as discussed in sections 4.3.4. and 4.4.1. of this Fact Sheet.

3.4.3. **Los Angeles River Nutrient TMDL.** The Los Angeles River Nitrogen Compounds and Related Effects TMDL (Los Angeles River Nutrient TMDL) is in Chapter 7-8 of the Basin Plan. The Los Angeles River Nutrient TMDL established WLAs for nitrogen compounds and related effects. The Facility, situated in the Los Angeles River Reach 2 and classified as a minor point source located below the Los Angeles Glendale Water Reclamation Plant, is assigned a one-hour average WLA for ammonia of 8.7 mg/L and a 30-day average WLA for ammonia of 2.4 mg/L consistent with the Los Angeles River Nutrient TMDL. The TMDL also assigns 30-day average numeric targets to all reaches and tributaries of the Los Angeles River for nitrate-nitrogen, nitrite-nitrogen, and

nitrate-nitrogen plus nitrite-nitrogen. This Order implements the one-hour average WLA because of the irregular stormwater discharges from the Facility.

3.4.4. **Los Angeles River Trash TMDL.** On September 19, 2001 the Los Angeles Water Board adopted the Los Angeles River Trash TMDL. This TMDL is implemented through Municipal Separate Storm Sewer System (MS4) NPDES permits. This Order requires a Storm Water Pollution Prevention Plan (SWPPP), which is expected to minimize/prevent the discharge of trash from the Facility into the Los Angeles River Watershed MS4 system.

3.5. Other Plans, Polices and Regulations

3.5.1. **Climate Change Adaptation and Mitigation**. On March 07, 2017, the State Water Board adopted a resolution in recognition of the challenges posed by climate change that requires a proactive approach to climate change in all State Water Board actions, including drinking water regulation, water quality protection, and financial assistance (Resolution No. 2017-0012). The resolution lays the foundation for a response to climate change that is integrated into all State Water Board actions, by giving direction to the State Water Board divisions and encouraging coordination with the Los Angeles Water Board. The Los Angeles Water Board also adopted "A Resolution to Prioritize Actions to Adapt and Mitigate the Impacts of Climate Change on the Los Angeles Region's Water Resources and Associated Beneficial Uses" (Resolution No. R18-004) on May 10, 2018. The resolution summarizes the steps taken so far to address the impacts of climate change within the Los Angeles Water Board's programs and lists a series of steps to move forward. These include the identification of potential regulatory adaptation and mitigation measures that could be implemented on a short-term and long-term basis by each of the Los Angeles Water Board's programs to take into account, and assist in mitigating where possible, the effects of climate change on water resources and associated beneficial uses. This Order contains provisions to require planning and actions to address climate change impacts in accordance with both the State and Los Angeles Water Boards' resolutions.

3.5.2. **Environmental Justice and Advancing Racial Equity**. When issuing or reissuing individual waste discharge requirements or waivers of waste discharge requirements that regulate activity or a facility that may impact a disadvantaged or tribal community, and that includes a time schedule in accordance with subdivision (c) of Section 13263 for achieving an applicable water quality objective, an alternative compliance path that allows time to come into compliance with water quality objectives, or a water quality variance, the Los Angeles Water Board shall make a finding on potential environmental justice, tribal impact, and racial equity considerations. (Water Code § 13149.2) Water Code section 189.7 requires the Los Angeles Water Board to conduct outreach in affected disadvantaged and/or tribal communities. The Los Angeles Water Board is also committed to developing and implementing policies and programs to advance racial equity and environmental justice so that race can no longer be used to predict life outcomes, and outcomes for all groups are improved.

This Order does not include a time schedule, alternative compliance path, or variance. Therefore, Water Code section 13149.2 does not apply to this permit reissuance. The area in the vicinity of the Facility does not meet the criteria of a disadvantaged community as defined in Water Code section 189.7(d)(1).

The area around the Facility has an average pollution burden score of 98, a cleanup site score of 99, a groundwater threat score of 81, on California's Office of Environmental Health Hazard Assessment (OEHHA's) CalEnviroScreen 4.0 tool, which indicates that the surrounding communities are disproportionally burdened by pollution for these indicators, in comparison to the rest of the State. Additionally, the discharge may impact tribal communities. The Los Angeles Water Board anticipates that the issuance of this Order will not result in water quality impacts to disadvantaged or tribal communities or raise environmental justice concerns.

4. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations in the Code of Federal Regulations: 40 CFR section 122.44(a) requires that permits include applicable technology-based limitations and standards; and 40 CFR section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water.

The pollutants of concern for the discharges covered under this Order were identified based on constituents regulated in the previous Order No. R4-2016-0122 and based on the Facility's past monitoring history, impairments of the receiving water as identified by the State's 2024303(d) list, waste load allocations as established in applicable TMDLs for the receiving water, detected pollutants in the Facility's effluent, and a Reasonable Potential Analysis. These pollutants of concern include biochemical oxygen demand (BOD), oil and grease, pH, total suspended solids, ammonia (as nitrogen(N)), nitrate (as N), nitrite (as N), nitrate plus nitrite, chloride, chronic toxicity *E. coli*, fluoride, phenols, settleable solids, sulfate, sulfides, temperature, total dissolved solids, turbidity, antimony, arsenic, bis(2-ethylhexyl)phthalate, cadmium, chromium (VI), copper, cyanide, lead, nickel, PCBs, pentachlorophenol, selenium, TCDD equivalents, thallium, and zinc for discharges through Discharge Points 001 and 002. These pollutants have the potential to adversely affect the water quality and the aquatic life of the receiving water. This Order carries over the effluent limits from Order No. R4-2016-0122 and introduces additional limits determined through a Reasonable Potential Analysis

Generally, mass-based effluent limitations ensure that proper treatment, and not dilution, is employed to comply with the final effluent concentration limitations. 40 CFR part 122.45(f)(1) requires that all permit limitations, standards or prohibitions be expressed in terms of mass units except under the following conditions: (1) for pH, temperature, radiation or other pollutants that cannot appropriately be expressed by mass limitations; (2) when applicable standards or limitations are expressed in terms of other units of measure; or (3) if in establishing technology-based permit limitation on a case-by-case basis limitation based on

mass are infeasible because the mass or pollutant cannot be related to a measure of production. The limitations, however, must ensure that dilution will not be used as a substitute for treatment. Therefore, this permit includes mass-based effluent limitations.

4.1. Discharge Prohibitions

Discharge Prohibitions in this Order are based on the federal CWA, the CFR, the Basin Plan, the Water Code, State Water Board's plans and policies, U.S. EPA guidance and regulations, and previous permit provisions. The discharge prohibitions included in this Order are consistent with the requirements set for other dischargers within the Los Angeles Region that are regulated by NPDES permits.

4.2. Technology-based Effluent Limitations

4.2.1. **Scope and Authority.** Section 301(b) of the CWA and implementing U.S. EPA permit regulations at 40 CFR section 122.44 require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order must meet minimum federal technology-based requirements based on Best Professional Judgment (BPJ) in accordance with 40 CFR section 125.3(c), (d).

The CWA requires that technology-based effluent limitations be established based on several levels of controls:

a. Best practicable treatment control technology (BPT) represents the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.

b. Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.

c. Best conventional pollutant control technology (BCT) represents the control from existing industrial point sources of conventional pollutants including BOD, TSS, coliform, pH, and oil and grease. The BCT standard is established after considering a two-part reasonableness test. The first test compares the relationship between the costs of attaining a reduction in effluent discharge and the resulting benefits. The second test examines the cost and level of reduction of pollutants from the discharge from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources. Effluent limitations must be reasonable under both tests.

d. New source performance standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires U.S. EPA to develop ELGs representing application of BPT, BAT, BCT, and NSPS. Section 402(a)(1) of the CWA and 40 CFR section 125.3

authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the Los Angeles Water Board must consider specific factors outlined in 40 C.F.R. section 125.3.

4.2.2. **Applicable Technology-Based Effluent Limitations**

40 CFR part 426 – Subpart H – Glass Container Manufacturing Subcategory establishes effluent limitation guidelines (ELGs) applicable to the Facility. The ELGs are only applicable to discharges resulting from the process by which raw materials are melted in a furnace and mechanically processed into glass containers (i.e. furnace draining activities).

The Facility has diverted all waste streams except for stormwater to the sanitary sewer. Therefore, the ELGs are not applicable to the current discharge of stormwater. However, the BPJ-based technology-based effluent limitations from Order No. R4-2016-0122 have been carried over.

A summary of the technology-based effluent limitations is shown in Table F-6.

Table F-6. Summary of Technology-based Effluent Limitations – Discharge Points 001 and 002

Parameter	Units	Maximum Daily
BOD_5 @ 20°C	mg/L	30
Oil and Grease	mg/L	15
Total Suspended Solids (TSS)	mg/L	75
Settleable Solids	mL/L	0.3
Turbidity	NTU	75
Phenols	mg/L	1.0
Sulfides	mg/L	0.1
Fluoride	mg/L	1.0

4.3. Water Quality-Based Effluent Limitations (WQBELs)

4.3.1. **Scope and Authority.** CWA Section 301(b) and 40 CFR section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

Section 122.44(d)(1)(i) of 40 CFR requires that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, WQBELs must be established using: (1) U.S. EPA criteria guidance under CWA section 304(a), supplemented where necessary by

other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in 40 CFR section 122.44(d)(1)(vi). WQBELs must also be consistent with the assumptions and requirements of TMDL WLAs.

The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria contained in the CTR and NTR.

4.3.2. **Applicable Beneficial Uses and Water Quality Criteria and Objectives**

The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for water bodies in the Los Angeles region. The beneficial uses applicable to the Los Angeles River are summarized in section 3.3.1 of this Fact Sheet. The Basin Plan includes both narrative and numeric water quality objectives applicable to discharges to the receiving water as described below:

a. **Ammonia.** This Order implements effluent limitations based on the Los Angeles River Nutrients TMDL.

b. **Bacteria.** This Order implements effluent limitations for *E. coli*. to protect the existing contact water recreation beneficial use of the receiving water based on the Los Angeles River Bacteria TMDL.

c. **Dissolved Oxygen.** This Order establishes a dissolved oxygen effluent limitation at EFF-002 based on the Basin Plan water quality objective.

d. **pH.** This Order includes effluent limitations for pH to ensure compliance with the Basin Plan's water quality objectives. "*The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges. Ambient pH levels shall not be changed more than 0.5 units from natural conditions as a result of waste discharge*."

e. **TDS, Sulfate and Chloride.** Table 3-10 of the Basin Plan lists water quality objectives for TDS, sulfate, and chloride for the Los Angeles River and are included in this Order.

f. **Temperature.** The Basin Plan establishes a Water Quality Objective for temperature that is applicable to inland surface waters with WARM beneficial use designation. The applicable WQO states: *"For waters designated WARM, water temperature shall not be altered by more than 5 ºF above the natural temperature. At no time shall these WARM-designated waters be raised above 80 ºF as a result of waste discharges."* This Order establishes the effluent limitation at 80°F for temperature consistent with the water quality objectives in the Basin Plan.

g. **Total Residual Chlorine.** This Order establishes a numeric effluent limitation for total residual chlorine at EFF-002 based on the Basin Plan

Water Quality Objective stating, "*Chlorine residual shall not be present in surface water discharges at concentrations that exceed 0.1 mg/L and shall not persist in receiving waters at any concentration that causes impairment of beneficial uses*."

Priority pollutant water quality criteria in the CTR are applicable to the Los Angeles River Reach 2. According to section 131.38(c)(3), freshwater criteria apply "for waters in which the salinity is equal to or less than 1 part per thousand 95% or more of the time." Groundwater recharge (GWR) of the underlying Coastal Plain of Los Angeles, Central Groundwater Basin is also a beneficial use for the receiving water body. The GWR beneficial use is protected using the Basin Plan Maximum Contaminant Levels (MCLs). Effluent limitations are based on the more stringent criteria between "freshwater" or " or MCLs to protect the beneficial uses of the Los Angeles River.

Some water quality criteria are hardness dependent. There was no available hardness data during the term Order No. R4-2016-0122 because there were no receiving water monitoring requirements except for flow. In the absence of the Discharger-specific hardness data, a hardness value of 268 mg/L as $CaCO_3$, based on the 50th percentile hardness value reported for Reach 2, used in the Los Angeles River Metals TMDL was used to evaluate reasonable potential and calculate the WQBELs that are hardness dependent.

The table below summarizes the applicable water quality criteria/objective for priority pollutants reported in detectable concentrations in the effluent for Discharge Point 001 and 002 or from the receiving water based on data submitted to the Los Angeles Water Board. These criteria were used to develop effluent limitations included in this Order.

Table F-7. Applicable Water Quality Criteria – Discharge Points 001 and 002

CTR No	Constituent	Selected Criteria (µg/L)	Freshwater Acute (µg/L)	Freshwater Chronic (µg/L)	Human Health Consumption Organisms Only (µg/L)	MCL (µg/L)	Notes
1	Antimony, TR	6	---	---	4,300	6	---
2	Arsenic, TR	10	340	150	---	10	---
4	Cadmium, TR	3.1	2.35	1.56	Narrative	5	a
5b	Chromium (VI)	11.43	16.29	11.43	Narrative	---	---
6	Copper, TR	68	35.44	21.66	---	---	a
7	Lead, TR	94	286.38	11.16	Narrative	---	a
9	Nickel, TR	100	180	120.11	4,600	100	---
10	Selenium, TR	3.1	20	3.1	Narrative	50	---
12	Thallium	2	---	---	6.3	2	---
13	Zinc, TR	276.23	276.23	276.23	---	---	a
14	Cyanide, Total (as CN)	5.2	22	5.2	220,000	150	---
16	TCDD Equivalent	1.4×10^{-8}	---	---	1.4×10^{-8}	3×10^{-5}	---
53	Pentachlorophenol	1	14	11	8.2	1	----

CTR No	Constituent	Selected Criteria (µg/L)	Freshwater Acute (µg/L)	Freshwater Chronic (µg/L)	Human Health Consumption Organisms Only (µg/L)	MCL (µg/L)	Notes
68	Bis(2-Ethylhexyl) Phthalate	4	---	---	5.9	4	---
119-125	Poly chlorinated biphenyls (PCBs)	0.00017	---	0.014	0.00017	0.5	b

Footnotes to Table F-7

a. Based on the Los Angeles River Metals TMDL.
b. CTR human health criteria for PCBs applies to total PCBs. Total PCBs (polychlorinated biphenyls) means the sum of chlorinated biphenyls whose analytical characteristics resembles those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260.

End of Footnotes to Table F-7

4.3.3. Determining the Need for WQBELs

a. Reasonable Potential Analysis (RPA) Methodology

In accordance with section 1.3 of the SIP, the Los Angeles Water Board conducts a RPA for each priority pollutant with an applicable criterion or objective to determine if a WQBEL is required in the permit. If there is an applicable TMDL-based WLA, then WQBELs are developed consistent with any assigned WLA pursuant to 40 CFR section 122.44(d)(1)(vii)(B). Otherwise, the Los Angeles Water Board analyzes effluent and receiving water data and identifies the maximum observed effluent concentration (MEC) and maximum background concentration (B) in the receiving water for each constituent. To determine reasonable potential, the MEC and the B are then compared with the applicable water quality objectives (C) outlined in the CTR, NTR, as well as the Basin Plan. For all pollutants that have a reasonable potential to cause or contribute to an excursion above a state water quality standard, numeric WQBELs are required.

Section 1.3 of the SIP provides the procedures for determining reasonable potential to exceed applicable water quality criteria and objectives. The SIP specifies three triggers to complete an RPA:

1) Trigger 1 - If the MEC≥C a limit is needed.
2) Trigger 2 - If the background concentration (B) > C and the pollutant is detected in the effluent, a limit is needed.
3) Trigger 3 - If other related information such as CWA 303(d) listing for a pollutant, discharge type, compliance history, etc. indicates that a WQBEL is required.

Sufficient effluent and receiving water data are needed to conduct a complete RPA. If the data are not sufficient, the Discharger will be required to gather the appropriate data for the Los Angeles Water Board to conduct

the RPA. Upon review of the data, and if the Los Angeles Water Board determines that WQBELs are needed to protect the beneficial uses, the permit will be reopened for appropriate modification.

The RPA was performed for the priority pollutants regulated in the CTR for which data was available. The CTR specifies numeric objectives for toxic substances and the SIP includes the procedures used to conduct the RPA and to determine the need for effluent limitations for priority pollutants. The USEPA *Technical Support Document For Water Quality-based Toxics Control* (TSD) and the USEPA NPDES Permit Writer's Manual also specify procedures to conduct reasonable potential analyses for pollutants that are not priority pollutants. The TSD RPA may also be used for pollutants that have non-CTR based water quality objectives. The TSD RPA procedure uses non-CTR WQOs, the coefficient of variation, the number of data points collected, and a formula to project an estimated concentration. If the projected concentration exceeds the WQO, then the pollutant has RP to exceed the WQO based on the TSD RPA calculated procedure. Based on the monitoring data collected at Monitoring Locations EFF-001 and EFF-002, from December 16, 2016, to February 5, 2024, dissolved oxygen and total residual chlorine at EFF-002 showed reasonable potential to exceed water quality objectives.

Based on the RPA, pollutants that demonstrate reasonable potential at their respective discharge points are summarized in the tables below.

b. **Priority Pollutants with a Total Maximum Daily Load (TMDL)**

The Los Angeles Water Board developed WQBELs for wet weather for cadmium, copper, lead, and zinc and dry weather for copper and lead WLAs under the LA River Metals TMDL. The Los Angeles Water Board developed water quality-based effluent limitations for these pollutants pursuant to 40 C.F.R. section 122.44(d)(1)(vii), which does not require or contemplate a separate reasonable potential analysis during the permitting stage when there is an available WLA for the discharge in a TMDL. Similarly, the SIP at Section 1.3 recognizes that reasonable potential analysis at the permit development stage is not conducted if a TMDL has been developed.

Table F-8. Summary of Reasonable Potential Analysis – Discharge Points 001

CTR No	Constituent	Applicable Water Quality Criteria (µg/L) (C)	Max Effluent Conc. (µg/L) (MEC)	Maximum Detected Receiving Water Conc. (µg/L) (B)	RPA Result - Need Limit?	Reason
1	Antimony, TR	6	7.8	---	Yes	MEC > C
2	Arsenic, TR	10	11	---	Yes	MEC > C
4	Cadmium, TR (Wet Weather)	3.10	11	---	Yes	MEC > C, TMDL
5b	Chromium (VI)	11.43	3.5	---	No	Limit based on previous permit

CTR No	Constituent	Applicable Water Quality Criteria (µg/L) (C)	Max Effluent Conc. (µg/L) (MEC)	Maximum Detected Receiving Water Conc. (µg/L) (B)	RPA Result - Need Limit?	Reason
6	Copper, TR (Dry Weather)	87.34	57	---	Yes	TMDL
6	Copper, TR (Wet Weather)	67.49	48	---	Yes	TMDL
7	Lead, TR (Dry Weather)	94	18	---	Yes	TMDL
7	Lead, TR (Wet Weather)	94	49	---	Yes	TMDL
9	Nickel, TR	100	35	---	No	Limit based on previous permit
10	Selenium, TR	3.1	260	---	Yes	MEC > C
12	Thallium	1.7	0.45	---	No	MEC < C
13	Zinc, TR (Wet Weather)	159	1,300	---	Yes	MEC > C, TMDL
14	Cyanide, Total (as CN)	5.20	1.5	---	No	MEC < C
16	TCDD Equivalents	2.8×10^{-8}	3.9×10^{-6}	---	Yes	MEC > C
53	Pentachlorophenol	0.28	3.5	---	Yes	MEC > C
68	Bis(2-Ethylhexyl) Phthalate	4	22	---	Yes	MEC > C
119-125	Poly chlorinated biphenyls (PCBs)	0.00017	---	---	No	Limit based on previous permit

Table F-9. Summary of Reasonable Potential Analysis – Discharge Points 002

CTR No	Constituent	Applicable Water Quality Criteria (µg/L) (C)	Max Effluent Conc. (µg/L) (MEC)	Maximum Detected Receiving Water Conc. (µg/L) (B)	RPA Result - Need Limit?	Reason
2	Arsenic, TR	10	10	---	Yes	MEC ≥ C
4	Cadmium, TR (Wet Weather)	3.10	3.1	---	Yes	MEC ≥ C, TMDL
5b	Chromium (VI)	11.43	2.7	---	No	MEC < C
6	Copper, TR (Dry Weather)	87.34	---	---	Yes	TMDL
6	Copper, TR (Wet Weather)	67.49	72	---	Yes	MEC > C, TMDL
7	Lead, TR (Dry Weather)	94	---	---	Yes	TMDL
7	Lead, TR (Wet Weather)	94	80	---	Yes	TMDL
9	Nickel, TR	100	21	---	No	MEC < C

CTR No	Constituent	Applicable Water Quality Criteria (µg/L) (C)	Max Effluent Conc. (µg/L) (MEC)	Maximum Detected Receiving Water Conc. (µg/L) (B)	RPA Result - Need Limit?	Reason
10	Selenium, TR	3.1	260	---	Yes	MEC > C
12	Thallium	1.7	0.45	---	No	MEC < C
13	Zinc, TR (Wet Weather)	159	1,000	---	Yes	MEC > C, TMDL
14	Cyanide, Total (as CN)	5.20	9.9	---	Yes	MEC > C
16	TCDD Equivalents	2.8×10^{-8}	3.2×10^{-7}	---	Yes	MEC > C
53	Pentachlorophenol	0.28	1.1	---	Yes	MEC > C
68	Bis(2-Ethylhexyl) Phthalate	4	37	---	Yes	MEC > C
119-125	Poly chlorinated biphenyls (PCBs)	0.00034	---	---	No	Limit based on previous permit

4.3.4. **WQBEL Calculations**

a. If a reasonable potential exists to exceed applicable water quality criteria or objectives, then a WQBEL must be established in accordance with one or more of the three procedures contained in section 1.4 of the SIP. These procedures include:

   i. If applicable and available, use the WLA established as part of a TMDL.

   ii. Use of a steady-state model to derive maximum daily effluent limitations (MDELs) and average monthly effluent limitations (AMELs).

   iii. Where sufficient effluent and receiving water data exist, use of a dynamic model, which has been approved by the Los Angeles Water Board.

b. The Los Angeles River Metals TMDL establishes WLAs for dry weather for copper and lead and wet weather for cadmium, copper, lead, and zinc; WQBELs for these constituents are calculated following the procedures in section 1.4 of the SIP.

c. **WQBELs Calculation Example**

   Using copper (dry and wet weather) and data from Discharge Point 001 as an example, the following demonstrates how WQBELs were established for this Order. The development and calculation of all WQBELs for this Order use the process described below. The development and calculation of all WQBELs for this Order uses the process described below. The process for developing these limits is in accordance with the Metals TMDL and section 1.4 of the SIP.

   Calculation of aquatic life AMEL and MDEL:

   Step 1: For each constituent requiring an effluent limit, identify the applicable water quality criteria or objective. For each criterion, determine the effluent concentration allowance (ECA) using the following steady state equation:

ECA = C + D(C-B) when C>B, and
ECA = C when C≤B,

Where C = The priority pollutant criterion/objective, adjusted if necessary for hardness, pH and translators. This Oder uses a hardness value of 268 mg/L (as $CaCO_3$) for the development of hardness dependent criteria, and a pH of 7.5 for pH dependent criteria for Discharge Points 001 and 002.

D = The dilution credit

B = The ambient background concentration. There is no background data available for this discharge.

As discussed above, this Order does not allow dilution; therefore

ECA = C

When a WLA has been established through a TMDL for a parameter, the WLA is set equal to the ECA.

For total recoverable copper, the applicable water quality criteria are (see Table F-8):

ECA_{acute} = 67.49 µg/L (TMDL wet weather WLA)

$ECA_{chronic}$ = 87.34 µg/L (TMDL dry weather WLA)

Step 2: For each ECA based or aquatic life criterion/objective, determine the long-term average discharge condition (LTA) by multiplying the ECA by a factor (multiplier). The multiplier is a statistically based factor that adjusts the ECA to account for effluent variability. The value of the multiplier varies depending on the coefficient of variation (CV) of the data set and whether it is an acute or chronic criterion/objective. Table 1 of the SIP provides pre-calculated values for the multipliers based on the value of the CV. Equations to develop the multipliers in place of using values in the tables are provided in section 1.4, Step 3 of the SIP and will not be repeated here.

$LTA_{acute} = ECA_{acute} \times Multiplier_{acute99}$

$LTA_{chronic} = ECA_{chronic} \times Multiplier_{chronic99}$

The CV for the data set must be determined before the multipliers can be selected and will vary depending on the number of samples and the standard deviation of a data set. If the data set is less than 10 samples, or at least 80% of the samples in the data set are reported as non-detect, the CV shall be set equal to 0.6. If the data set is greater than 10 samples, and at least 20% of the samples in the data set are reported as detected, the CV shall be equal to the standard deviation of the data set divided by the average of the data set.

For total recoverable copper, the following data were used to develop the acute and chronic LTAs using equations provided in Section 1.4, Step 3 of the SIP (Table 1 of the SIP also provides this data up to three decimals):

No. of Samples	CV	ECA Multiplier$_{acute}$	ECA Multiplier$_{chronic}$
28	0.49	0.378	0.586

LTA_{acute} = 67.49 µg/L x 0.378 = 25.51 µg/L (wet weather)

$LTA_{chronic}$ = 87.34 µg/L x 0.586 = 51.18 µg/L (dry weather)

Step 3: Select the most limiting (lowest) of the LTA.

LTA = most limiting of the LTA_{acute} or $LTA_{chronic}$

For total recoverable copper, the most limiting LTA is LTA_{acute}

LTA = LTA_{acute} = 25.51 µg/L

Step 4: Calculate the WQBELs by multiplying the LTA by a factor (multiplier). WQBELs are expressed as AMEL and MDEL. The multiplier is a statistically based factor that adjusts the LTA for the averaging periods and exceedance frequencies of the criteria/objectives and the effluent limitations. The value of the multiplier varies depending on the probability basis, the CV of the data set, the number of samples (for AMEL) and whether it is a monthly or daily limit. Table 2 of the SIP provides pre-calculated values for the multipliers based on the value of the CV and the number of samples. Equations to develop the multipliers in place of using values in the tables are provided in section 1.4, Step 5 of the SIP and will not be repeated here.

$AMEL_{aquatic\ life}$ = LTA x $AMEL_{multiplier95}$

$MDEL_{aquatic\ life}$ = LTA x $MDEL_{multiplier99}$

AMEL multipliers are based on a 95th percentile occurrence probability, and the MDEL multipliers are based on the 99th percentile occurrence probability. If the number of samples is less than four (4), the default number of samples to be used is four (4).

For total recoverable copper, the following data were used to develop the AMEL and MDEL for aquatic life using equations provided in Section 1.4, Step 5 of the SIP (Table 2 of the SIP also provides this data up to two decimals):

No. of Samples Per Month	CV	Multiplier$_{MDEL99}$	Multiplier$_{AMEL95}$
4	0.49	2.65	1.45

$AMEL_{aquatic\ life}$ = 25.51 µg/L x 1.45 = 37.0 µg/L (wet weather)

$MDEL_{aquatic\ life}$ = 25.51 µg/L x 2.65 = 67.6 µg/L (wet weather)

$AMEL_{aquatic\ life}$ = 51.18 µg/L x 1.45 = 74.21 µg/L (dry weather)

$MDEL_{aquatic\ life}$ = 51.18 µg/L x 2.65 = 135.6 µg/L (dry weather)

Calculation of human health AMEL and MDEL.

Step 5: For the ECA based on human health, set the AMEL equal to the $ECA_{human\ health}$.

$$AMEL_{human\ health} = ECA_{human\ health} = 1{,}300\ \mu g/L$$

Step 6: Calculate the MDEL for human health by multiplying the AMEL by the ratio of $Multipler_{MDEL}$ to the $Multiplier_{AMEL}$. Table 2 of the SIP provides pre-calculated ratios to be used in this calculation based on the CV and the number of samples.

$MDEL_{human\ health} = AMEL_{human\ health}$ x ($Multiplier_{MDEL}$/ $Multiplier_{AMEL}$)

For total recoverable copper the following data were used to develop the $MDEL_{human\ health}$:

No. of Samples Per Month	CV	$Multiplier_{MDEL\ 99}$	$Multiplier_{AMEL\ 95}$	Ratio
4	0.49	2.64	1.44	1.83

$$MDEL_{human\ health} = 1{,}300\ \mu g/L \times 1.83 = 2{,}379\ \mu g/L$$

Step 7: Select the lower of the AMEL and MDEL based on aquatic life and human health criteria as the WQBELs for the Order.

The lowest (most restrictive) effluent limits are based on aquatic health and are incorporated into this Order. Therefore, the final WQBEL for total recoverable copper at Discharge Point 001 are:

Therefore, the WQBELs for copper are:

$$MDEL_{aquatic\ life} = 25.51\ \mu g/L \times 2.65 = 67.6\ \mu g/L \text{ (wet weather)}$$

$$MDEL_{aquatic\ life} = 51.18\ \mu g/L \times 2.65 = 135.6\ \mu g/L \text{ (dry weather)}$$

In the case of total recoverable copper the is a dry and wet weather MDEL based on the LA River Metals TMDL WLAs. This Order implements the final WQBELs as MDELs because the discharge is comprised of stormwater and discharged irregularly.

4.3.5. Whole Effluent Toxicity (WET)

WET protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. WET tests measure the degree of response of exposed aquatic test organisms to an effluent. The WET approach allows for protection of the narrative “no toxics in toxic amounts” criterion while implementing numeric criteria for toxicity. There are two types of WET tests: acute and chronic. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a longer period of time and may measure mortality, reproduction, and growth.

The Basin Plan specifies a narrative objective for toxicity, requiring that all waters be maintained free of toxic substances in concentrations that are lethal to or produce other detrimental responses by aquatic organisms. Detrimental response includes, but is not limited to, decreased growth rate, decreased reproductive success of resident or indicator species, and/or significant alterations in population, community ecology, or receiving water biota.

Order No. R4-2016-0122 contained chronic toxicity effluent limitations. The Discharger is subject to determination of "Pass" or "Fail" and "Percent Effect" from a single-effluent concentration chronic toxicity test at the discharge IWC using the Test of Significant Toxicity (TST) statistical approach described in National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document (EPA 833-R-10-003, 2010), Appendix A, Figure A-1, and Table A-1, and rejecting the null hypothesis in accordance with the TST statistical approach described in Section III.B.3. of the Toxicity Provisions.

The null hypothesis (H_o) for the TST approach is:

H_o: Mean response (IWC in % effluent) ≤ 0.75 mean response (Control).

A test result that rejects the null hypothesis is reported as "Pass." A test result that does not reject this null hypothesis is reported as "Fail."

This Order establishes a MDEL of "Pass or Fail and % Effect<50" as a chronic toxicity effluent limitation because the discharge has a reasonable potential to discharge pollutants that could result in an instance of toxicity.

4.4. Final Effluent Limitation Considerations

4.4.1. Anti-Backsliding Requirements

Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 CFR section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent (and in some cases, more stringent) as the effluent limitations in Order No. R4-2016-0122 except for effluent limitations for copper at Discharge Points 001 and 002 as described below.

Relaxation of Effluent Limitations for Copper

Section 303(d)(4)(A) allows revision of a WQBEL based on a TMDL if the cumulative effect of all such revised effluent limitations will assure attainment of the water quality standard. The Los Angeles River is a nonattainment water and a TMDL has been developed for copper. Order No. R4-2016-0122 contained dry and wet weather effluent limitations for copper based on the WLAs assigned in the Los Angeles River and Tributaries Metals TMDL (Basin Plan Chapter 7-13), which became effective on November 3, 2011. In 2015, the TMDL was revised to include a site-specific water effect ratio (WER) for specific reaches of the receiving water and specific pollutants. The revised TMDL became effective on December 12, 2016 and assigned a WER of 3.97 for copper in Reach 2. The previous Order No. R4-2016-0122 was adopted before the effective date of the

2016 revised TMDL and calculated the WQBEL for copper with the default WER of 1. This Order recalculates the effluent limitations based on the site-specific WER of 3.97 consistent with the assumptions and requirements of the revised TMDL and as required by 40 C.F.R. 122.44(d)(1)(vii)(B). The new MDELs for copper are less stringent than those included in Order R4-2016-0122; however, they are a direct implementation of the revised TMDL's WLAs due to the change of the WER and its WLAs, and the cumulative effect of the new MDELs will assure attainment of water quality standards for copper. Thus, this revision is exempted to the prohibition on backsliding pursuant to 303(d)(4)(A).

Removal of Effluent Limitations and establishment of a benchmark for Mercury

Section 303(d)(4)(B) allows revision of a WQBEL in waters meeting the applicable water quality standard provided the change is consistent with the antidegradation policy. The Los Angeles River is an attainment water for mercury. As discussed in section 3.3.7 of this Fact Sheet, this Order removes the existing effluent limitations and establishes a benchmark for mercury based on the Mercury Provisions. The Mercury Provisions includes a numeric action level of 300 ng/l for total mercury for stormwater discharges associated with industrial activities for general permit. Although the Facility has an individual industrial permit, the Facility discharges stormwater only from the industrial activities, provides on-site storages to treat suspended solids, and implements BMPs to reduce discharges from the Facility, the establishment of a benchmark for mercury based on the numeric action level is the appropriate approach to determine if any further action is necessary. In addition, all monitoring data for mercury reported during the previous permit term showed non-detect with the detection limit of 124 ng/L. Thus, this Order removes the existing mercury effluent limits but establishes a benchmark level of 300 ng/l (0.3 µg/L) using the numeric action level that is included in the Mercury Provisions for stormwater discharges associated with industrial activities.

This approach is consistent with the antidegradation policy because the effluent limitation in the prior permit was based on outdated criteria for mercury in the CTR, which have since been replaced by the Mercury provisions. Nothing in this permit authorizes additional discharges of mercury and, since the Discharger is an irregular discharger that maintains management practices, the cumulative effect of the removal of the effluent limit and establishment of the benchmark will continue to assure attainment of water quality standards for mercury. Thus, this revision is exempt from the prohibition on backsliding pursuant to 303(d)(4)(B).

4.4.2. **Antidegradation Policies**

40 CFR section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. On October 28, 1968, the State Water Board established California's antidegradation policy when it adopted Resolution Number 68-16, Statement of Policy with Respect to Maintaining the Quality of the Waters of the State (Resolution 68-16). Resolution 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings.

The revised effluent limits for copper at Discharge Points 001 and 002 in this Order will not result in degradation to the existing water quality because the application of the site-specific WER does not result in a reduction in water quality, it merely recalculates the water quality standard to account for site-specific conditions. Nevertheless, an antidegradation analysis was completed when the site-specific WER was adopted and is incorporated by reference herein (See Staff Report for the Revision of the TMDL for Metals for the Los Angeles River and its Tributaries –Second Revision dated January 30, 2014, pp. 14-16). The new limits are consistent with the assumptions and requirements of the WLAs as updated in the revised TMDL, which means that water quality objectives will be achieved within a reasonable time period set forth in the TMDL implementation schedules. The antidegradation policies do not require immediate compliance with water quality objectives. The new MDELs for copper at Discharge Points 001 and 002 will not result in degradation to receiving waters. The extensive monitoring and reporting requirements will further ensure no degradation occurs. Likewise, the removal of the effluent limitations for mercury will not allow degradation. The prior effluent limitation for mercury was based on outdated science and has since been replaced by the Mercury Provisions. The discharger did not exceed the effluent limitation for mercury under the prior permit and will implement a benchmark for mercury that is consistent best practices and implementation methods included in the Mercury Provisions for similar discharges.

Additionally, this Order does not authorize changes to the Facility's operations that could alter the volume or nature of the discharge in a way that may degrade water quality. The permitted discharge is not new, and this Order does not increase the permitted design flow or reduce the treatment level. Therefore, the permitted discharge is consistent with 40 CFR section 131.12, the antidegradation provision, and Resolution 68-16.

4.4.3. **Mass-Based Effluent Limitations**

Generally, mass-based effluent limitations ensure that proper treatment, and not dilution, is employed to comply with the final effluent concentration limitations. 40 CFR 122.45(f)(1) requires that all permit limitations, standards or prohibitions be expressed in terms of mass units except under the following conditions: (1) for pH, temperature, radiation or other pollutants that cannot appropriately be expressed by mass limitations; (2) when applicable standards or limitations are expressed in terms of other units of measure; or (3) if in establishing technology-based permit limitation on a case-by-case basis limitation based on mass are infeasible because the mass or pollutant cannot be related to a measure of production. The limitations, however, must ensure that dilution will not be used as a substitute for treatment. This Order includes mass-based effluent limitations, where appropriate, to comply with Section 122.45(f)(1).

Mass-based effluent limitations are established using the following formula:

Mass (lbs/day) = flow rate (MGD) x 8.34 x effluent limitation (mg/L)

Where:

Mass = mass limitation for a pollutant (lbs/day)

Effluent limitation = concentration limit for a pollutant (mg/L)

Flow rate = discharge flow rate (MGD)

Mass-based effluent limitations applicable to Discharge Point 001 for stormwater discharges are based on a maximum flow of 0.168 MGD and 0.680 MGD for stormwater discharges to Discharge Point 002 for the Facility.

4.4.4. **Stringency of Requirements for Individual Pollutants**

This Order contains both technology-based and water quality-based effluent limitations for individual pollutants. The technology-based effluent limitations consist of restrictions on BOD, oil and grease, TSS, settleable solids, turbidity, phenols, sulfides, and fluoride. Restrictions on these pollutants are discussed in section 4.2.2 of the Fact Sheet. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements.

Water quality-based effluent limitations have been 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 CTR, the CTR is the applicable standard pursuant to 40 CFR section 131.38. The procedures for calculating the individual water quality-based effluent limitations for priority pollutants are based on the CTR implemented by the SIP, which was approved by U.S. EPA on May 18, 2000. On December 10, 2024, the EPA signed a final rule to revise the current federal CWA and the CTR freshwater selenium water quality criterion applicable to certain waters of California. This new criterion became effective on January 16, 2025.

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 CWA" pursuant to 40 CFR section 131.21(c)(1). The remaining water quality objectives and beneficial uses implemented by this Order were approved by U.S. EPA and are applicable water quality standards pursuant to section 131.21(c)(2). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

Table F-10. Summary of Final Effluent Limitations for Discharge Point 001

Parameter	Units	Maximum Daily	Basis for Limit	Notes
Biochemical Oxygen Demand 5-day @ 20ºC (BOD)	milligram per liter (mg/L)	30	E, BPJ	--
BOD	pounds per day (lbs/day)	41	E, BPJ	a

Parameter	Units	Maximum Daily	Basis for Limit	Notes
Oil and Grease	mg/L	15	E, BPJ	--
Oil and Grease	lbs/day	20	E, BPJ	a
pH	standard units	6.5-8.5	E, BP	b
Total Suspended Solids (TSS)	mg/L	75	E, BPJ	---
TSS	lbs/day	102	E, BPJ	a
Ammonia as Nitrogen	mg/L	8.7	E, TMDL	---
Ammonia as Nitrogen	lbs/day	12	E, TMDL	a
Chloride	mg/L	150	E, BP	---
Chloride	lbs/day	204	E, BP	a
Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect <50	E, BP	c
E. coli	CFU/100 ml or MPN/100 ml	235	E, TMDL	d
Fluoride	mg/L	1.0	E, BPJ	---
Fluoride	lbs/day	1.4	E, BPJ	a
Phenols	mg/L	1.0	E, BPJ	--
Phenols	lbs/day	1.4	E, BPJ	a
Settleable Solids	mL/L	0.3	E, BPJ	---
Sulfate	mg/L	350	E, BP	---
Sulfate	lbs/day	476	E, BP	a
Sulfides	mg/L	0.1	E, BPJ	---
Sulfides	lbs/day	0.14	E, BPJ	a
Temperature	degrees Fahrenheit (°F)	80	BP	e
Total Dissolved Solids	mg/L	1,500	E, BP	---
Total Dissolved Solids	lbs/day	2,039	E, BP	a
Turbidity	NTU	75	E, BP	---
Antimony, Total Recoverable (TR)	µg/L	6	E, BP	---
Antimony, TR	lbs/day	0.0084	E, BP	a
Arsenic, TR	µg/L	10	E, BP	---
Arsenic, TR	lbs/day	0.014	E, BP	a
Bis (2-Ethylhexyl) Phthalate	µg/L	4	CTR	---
Bis (2-Ethylhexyl) Phthalate	lbs/day	0.005	CTR	a
Cadmium, TR (Wet Weather)	mg/L	3.1	E, TMDL	f
Cadmium, TR (Wet Weather)	lbs/day	0.004	E, TMDL	a
Chromium (VI)	mg/L	16	E, CTR	---

Parameter	Units	Maximum Daily	Basis for Limit	Notes
Chromium (VI)	lbs/day	0.022	E, CTR	a
Copper, TR (Dry Weather)	µg/L	134	TMDL	g
Copper, TR (Dry Weather)	lbs/day	0.18	TMDL	a
Copper, TR (Wet Weather)	µg/L	68	TMDL	f
Copper, TR (Wet Weather)	lbs/day	0.09	TMDL	a
Cyanide, Total (as CN)	µg/L	8.5	E, CTR	---
Cyanide, Total (as CN)	lbs/day	0.012	E, CTR	a
Lead, TR (Dry Weather)	µg/L	18	E, TMDL	g
Lead, TR (Dry Weather)	lbs/day	0.025	E, TMDL	a
Lead, TR (Wet Weather)	µg/L	62	E, TMDL	f
Lead, TR (Wet Weather)	lbs/day	0.09	E, TMDL	a
Mercury, TR	µg/L	0.30	MP	h
Nickel, TR	µg/L	100	E, BP	---
Nickel, TR	lbs/day	0.14	E, BP	a
Total PCBs	µg/L	0.00034	E, CTR	i
Total PCBs	lbs/day	4.6×10^{-7}	E, CTR	a
Pentachlorophenol	µg/L	1	E, BP	---
Pentachlorophenol	lbs/day	0.0014	E, BP	a
Selenium, TR	µg/L	5.68	CTR	---
Selenium, TR	lbs/day	0.008	CTR	a
TCDD Equivalents	µg/L	2.8×10^{-8}	E, CTR	---
TCDD Equivalents	lbs/day	4.9×10^{-11}	E, CTR	a
Thallium	µg/L	2	E, BP	---
Thallium	lbs/day	0.003	E, BP	a
Zinc, TR (Wet Weather)	µg/L	159	E, TMDL	f
Zinc, TR (Wet Weather)	lbs/day	0.22	E, TMDL	a

Footnotes for Table F-10

BAC = Bacteria Provision; BP = Basin Plan; BPJ = Best Practical Judgment; CTR = California Toxic Rule; E = Existing Requirement; TMDL = Total Maximum Daily Load; TP = Thermal Plan

a. The mass (lbs/day) limitations are based on a maximum flow of 0.163 MGD from Discharge Point 001 and are calculated as follows: Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day.

b. The effluent limitations for pH are 6.5 as an Instantaneous Minimum and 8.5 as an Instantaneous Maximum.

c. The maximum daily effluent limitation (MDEL) for chronic toxicity shall be reported as “Pass” or “Fail” and “% Effect”.

d. The effluent limitation is based on the Los Angeles River Bacteria TMDL Waste Load Allocations (WLAs). The LA River Bacteria TMDL contains WLAs of zero days of allowable exceedances of the single sample target of 235/100mL E. coli for both dry and wet weather (defined as days with 0.1 inch of rain or greater and the three days following the rain event) and no exceedances of the geometric mean TMDL numeric target of 126/100 mL E. coli for general and individual NPDES permits. The rolling 30-day geometric mean values should be calculated based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period). If any of the single sample limits are exceeded, the Los Angeles

Water Board may require repeat sampling on a daily basis until the sample falls below the single sample limit in order to determine persistence of exceedance. Results collected during accelerated monitoring can be used to calculate the geometric mean.

e. The effluent limitation for temperature is 80ºF as an Instantaneous Maximum.

f. The wet weather limits apply when the maximum daily flow in the Los Angeles River at Wardlow gauge station (F319-R) is greater than or equal to 500 cubic feet per second (cfs).

g. The dry weather limits are applicable when flow in the Los Angeles River at the Wardlow stream gauge station (F319-R) is less than 500 cfs.

h. The value is a benchmark. A “benchmark” is a technology-based level that is used to evaluate the performance of best management practices (BMPs) with regard to the removal of pollutants present in the discharge. A benchmark for mercury is established based on the numeric action level for total mercury established in the Mercury Provisions for stormwater discharges from industrial activities. A benchmark is not enforceable water quality objectives or effluent limits. Exceedance of a benchmark triggers additional monitoring of mercury in the effluent. If the benchmark exceedance persists more than three times, the Discharger shall evaluate the BMPs and submit a plan to control the mercury exceedance.

i. Total PCBs (polychlorinated biphenyls) means the sum of chlorinated biphenyls whose analytical characteristics resembles those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260.

End of Footnotes for Table F-10

Table F-11. Summary of Final Effluent Limitations for Discharge Point 002

Parameter	Units	Maximum Daily	Basis for Limit	Notes
Biochemical Oxygen Demand 5-day @ 20ºC (BOD)	milligram per liter (mg/L)	30	E, BPJ	--
BOD	pounds per day (lbs/day)	170	E, BPJ	a
Dissolved Oxygen (DO)	mg/L	---	5	b
Oil and Grease	mg/L	15	E, BPJ	--
Oil and Grease	lbs/day	85	E, BPJ	a
pH	standard units	6.5-8.5	E, BP	c
Total Suspended Solids (TSS)	mg/L	75	E, BPJ	---
TSS	lbs/day	425	E, BPJ	a
Ammonia as Nitrogen	mg/L	8.7	E, TMDL	---
Ammonia as Nitrogen	lbs/day	49	E, TMDL	a
Chloride	mg/L	150	E, BP	---
Chloride	lbs/day	851	E, BP	a
Chlorine, Total Residual	mg/L	0.1	---	---
Chlorine, Total Residual	lbs/day	0.23	---	a
Chronic Toxicity	Pass or Fail, and % Effect (TST)	Pass or % Effect <50	E, BP	d
E. coli	CFU/100 ml or MPN/100 ml	235	E, TMDL	e

Parameter	Units	Maximum Daily	Basis for Limit	Notes
Fluoride	mg/L	1.0	E, BPJ	---
Fluoride	lbs/day	6	E, BPJ	a
Phenols	mg/L	1.0	E, BPJ	--
Phenols	lbs/day	6	E, BPJ	a
Settleable Solids	mL/L	0.3	E, BPJ	---
Sulfate	mg/L	350	E, BPJ	---
Sulfate	lbs/day	1,985	E, BPJ	a
Sulfides	mg/L	0.1	E, BP	---
Sulfides	lbs/day	0.6	E, BP	a
Temperature	degrees Fahrenheit (°F)	80	BP	f
Total Dissolved Solids	mg/L	1,500	E, BP	---
Total Dissolved Solids	lbs/day	8,507	E, BP	a
Turbidity	NTU	75	E, BPJ	---
Arsenic, Total Recoverable (TR)	µg/L	10	E, BP	---
Arsenic, TR	lbs/day	0.06	E, BP	a
Bis (2-Ethylhexyl) Phthalate	µg/L	4	CTR	---
Bis (2-Ethylhexyl) Phthalate	lbs/day	0.02	CTR	a
Cadmium, TR (Wet Weather)	mg/L	3.1	E, TMDL	g
Cadmium, TR (Wet Weather)	lbs/day	0.02	E, TMDL	a
Chromium (VI)	mg/L	16	E, CTR	---
Chromium (VI)	lbs/day	0.09	E, CTR	a
Copper, TR (Dry Weather)	µg/L	134	TMDL	h
Copper, TR (Dry Weather)	lbs/day	0.18	TMDL	a
Copper, TR (Wet Weather)	µg/L	68	TMDL	g
Copper, TR (Wet Weather)	lbs/day	0.09	TMDL	a
Cyanide, Total (as CN)	µg/L	8.5	E, CTR	---
Cyanide, Total (as CN)	lbs/day	0.05	E, CTR	a
Lead, TR (Dry Weather)	µg/L	18	E, TMDL	h
Lead, TR (Dry Weather)	lbs/day	0.1	E, TMDL	a
Lead, TR (Wet Weather)	µg/L	62	E, TMDL	g
Lead, TR (Wet Weather)	lbs/day	0.35	E, TMDL	a
Mercury, TR	µg/L	0.30	MP	i
Nickel, TR	µg/L	100	E, BP	---
Nickel, TR	lbs/day	0.57	E, BP	a
Total PCBs	µg/L	0.00034	E, CTR	j
Total PCBs	lbs/day	1.9×10^{-6}	E, CTR	a
Pentachlorophenol	µg/L	1	E, BP	---
Pentachlorophenol	lbs/day	0.006	E, MCL	a
Selenium, TR	µg/L	5.15	CTR	---
Selenium, TR	lbs/day	0.03	CTR	a
TCDD Equivalents	µg/L	2.8×10^{-8}	E, CTR	---
TCDD Equivalents	lbs/day	1.6×10^{-10}	E, CTR	a
Thallium	µg/L	2	E	---

Parameter	Units	Maximum Daily	Basis for Limit	Notes
Thallium	lbs/day	0.01	E	a
Zinc, TR (Wet Weather)	µg/L	159	E, TMDL	g
Zinc, TR (Wet Weather)	lbs/day	0.9	E, TMDL	a

Footnotes for Table F-11

BAC = Bacteria Provision; BP = Basin Plan; BPJ = Best Practical Judgment; CTR = California Toxic Rule; E = Existing Requirement; MP = Mercury Provisions; TMDL = Total Maximum Daily Load; TP = Thermal Plan

a. The mass (lbs/day) limitations are based on a maximum flow of 0.680 MGD from Discharge Point 001 and are calculated as follows: Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day.

b. The effluent dissolved oxygen concentration shall be maintained above 5 mg/L at all times.

c. The effluent limitations for pH are 6.5 as an Instantaneous Minimum and 8.5 as an Instantaneous Maximum.

d. The maximum daily effluent limitation (MDEL) for chronic toxicity shall be reported as “Pass” or “Fail” and “% Effect”.

e. The effluent limitation is based on the Los Angeles River Bacteria TMDL Waste Load Allocations (WLAs). The LA River Bacteria TMDL contains WLAs of zero days of allowable exceedances of the single sample target of 235/100mL E. coli for both dry and wet weather (defined as days with 0.1 inch of rain or greater and the three days following the rain event) and no exceedances of the geometric mean TMDL numeric target of 126/100 mL E. coli for general and individual NPDES permits. The rolling 30-day geometric mean values should be calculated based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period). If any of the single sample limits are exceeded, the Los Angeles Water Board may require repeat sampling on a daily basis until the sample falls below the single sample limit in order to determine persistence of exceedance. Results collected during accelerated monitoring can be used to calculate the geometric mean.

f. The effluent limitation for temperature is 80ºF as an Instantaneous Maximum.

g. The wet weather limits apply when the maximum daily flow in the Los Angeles River at Wardlow gauge station (F319-R) is greater than or equal to 500 cubic feet per second (cfs).

h. The dry weather limits are applicable when flow in the Los Angeles River at the Wardlow stream gauge station (F319-R) is less than 500 cfs.

i. The value is a benchmark. A “benchmark” is a technology-based level that is used to evaluate the performance of best management practices (BMPs) with regard to the removal of pollutants present in the discharge. A benchmark for mercury is established based on the numeric action level for total mercury established in the Mercury Provisions for stormwater discharges from industrial activities. A benchmark is not enforceable water quality objectives or effluent limits. Exceedance of a benchmark triggers additional monitoring of mercury in the effluent. If the benchmark exceedance persists more than three times, the Discharger shall evaluate the BMPs and submit a plan to control the mercury exceedance.

j. Total PCBs (polychlorinated biphenyls) means the sum of chlorinated biphenyls whose analytical characteristics resembles those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260.

End of Footnotes for Table F-11

4.5. Interim Effluent Limitations – Not Applicable

4.6. Land Discharge Specifications – Not Applicable

4.7. Recycling Specifications – Not Applicable

5. RATIONALE FOR RECEIVING WATER LIMITATIONS

5.1. Surface Water

As discussed in Attachment E Section 8.1, the previous Order No. R4-2010-0087-R, removed the annual receiving water sampling at station RSW-001 because the Facility's discharge is infrequent and approximately 4.5 miles away from the receiving water and the storm drain system passes through approximately 10 laterals prior to reaching the Los Angeles River.

This Order removes generalized receiving water limitations contained in the Discharger's prior WDR/NPDES permit that served as backstops for unanticipated circumstances or changes to effluent quality that could affect water quality. The receiving water limitations made the Discharger responsible for the quality of the water in the body of water into which the Discharger discharges pollutants, without specifying specific requirements (e.g., effluent limitations) or other actions the Discharger must take that apply at or before the discharge point. The Los Angeles Water Board removed the receiving water limitations to be consistent with the U.S. Supreme Court's decision in *City and County of San Francisco, California v. Environmental Protection Agency* (2025) 145 S.Ct. 704, holding that NPDES permits issued by the U.S. EPA may not include end-result requirements, which are provisions that do not spell out what a permittee must do or refrain from doing; rather, they make a permittee responsible for the quality of the water in the body of water into which the permittee discharges pollutants. [2]

The Los Angeles Water Board reviewed the remaining permit requirements and concluded that additional requirements were necessary to ensure the discharge satisfies the requirements of Clean Water Act section 301(b)(1)(C) (33 U.S.C. § 1311(b)(1)(C)) that the permit include any more stringent limitation, including those necessary to meet water quality standards. Specifically, the board added the following requirements: effluent limitations for dissolved oxygen and total residual chlorine at Discharge Point 002, a more stringent effluent limitation for temperature at Discharge Points 001 and 002, and more stringent effluent limitations for selenium at Discharge Points 001 and 002, and monitoring requirements for phosphorus and nitrogen compounds at Discharge Points 001 and 002.

Where the Los Angeles Water Board determined that the Discharger's additional requirements were necessary, this Order addresses such factors through alternative requirements that continue to protect the beneficial uses of the receiving water and ensure that the removal of receiving water limitations contained in the Discharger's prior

[2] While the Los Angeles Water Board removed generalized receiving water limitations in furtherance of the U.S. Supreme Court's decision interpreting the Clean Water Act's NPDES requirements, the board may decide in the future to include similar requirements as a matter of state authority.

waste discharge requirements does not authorize either backsliding or further degradation of water quality. The removal of generalized receiving water limitations is consistent with the U.S. Supreme Court's holding in *City and County of San Francisco, California v. Environmental Protection Agency* (2025) 145 S.Ct. 704 and does not authorize the additional discharge of pollutants or a violation of water quality standards. This Order does not, therefore, authorize either backsliding or further degradation of water quality. The following sections provide rationale for removing receiving water limitations and narrative prohibitions included in the previous order, Order No. R4-2016-0122, and where necessary to ensure the discharge complies with CWA section 301(b)(1)(C), the rationale for any additional requirements incorporated into the Order to replace the receiving water limitation.

5.1.1. Ammonia

Order No. R4-2016-0122 included a narrative receiving water limitation to not exceed total ammonia (as N) based on the Basin Plan. The Los Angeles River Nutrient TMDL established numeric targets and WLAs for nitrogen compounds (ammonia, nitrate, and nitrate) and related effects for reaches of the Los Angeles River and its tributaries that are set at the levels necessary to maintain the applicable water quality objectives for ammonia in the Basin Plan. The ammonia WLA assigned to minor point sources discharging to the Los Angeles River below the Los Angeles Glendale Water Reclamation Plant, including discharges from this Facility, is 8.7 mg/L. Based on the effluent monitoring data alone, collected from December 2016 to February 2024, the discharge from the Facility would not demonstrate a reasonable potential to exceed the WLA for ammonia. The discharge from EFF-001 and EFF-002 had a maximum of 0.4 mg/L and 0.3 mg/L of ammonia, respectively. While this did not exceed the WLA for ammonia, this Order retains the TMDL based effluent limitations for ammonia because 40 CFR section 122.44(d)(1)(vii)(B) requires NPDES permits to include effluent limitations that are consistent with the assumptions and requirements of any WLA assigned to the discharge as part of an approved TMDL. Any pollutant for which a WLA has been assigned to a permitted facility through a TMDL is a pollutant of concern and an effluent limitation is necessary to ensure that the requirements of the Order are protective of water quality standards as required by Clean Water Act section 301(b)(1)(C). This Order also carries over effluent monitoring requirements for ammonia (as N) to ensure protection of water quality in the discharges to the receiving water. The retention of effluent limitations and monitoring are sufficient to protect water quality and beneficial uses of the receiving water. In addition, the Discharger added three stormwater retention tanks, resulting in an additional 63,000 gallons of storage, to further minimize the potential for discharge from the Facility. The effluent limitations, monitoring, and Facility improvements will ensure the protection of the receiving water and its beneficial uses when discharges from the Facility occur. Thus, removal of the receiving water limitation for ammonia is not anticipated to cause any further degradation and no additional requirements are needed.

5.1.2. Bacteria

Order No. R4-2016-0122 included receiving water limitations for *E.coli* requiring that the discharge shall not cause the receiving water to exceed bacterial water

quality objectives of a rolling 30-day geometric mean density of 126/100ml and a single sample maximum of 235/100ml. The Facility's effluent data showed a reasonable potential to exceed this objective. Additionally, as discussed in Section 3.4.1. of the Fact Sheet, the Los Angeles River Bacteria TMDL assigns a WLA to discharges to the Los Angeles River. Therefore, this Order maintains the effluent limitations and monitoring requirements for *E.coli*. The Discharger has addressed the bacteria exceedances through structural improvements to the Facility that began in 2015 and were fully operational as of September 2023. The improvements include connecting to the LACSD sanitary sewer and diverting all wastewater and most of the stormwater to the sanitary sewer. Stormwater is also diverted to onsite storage tanks and excess stormwater is hauled off site. Discharges to the storm drain only occur when all other options are exhausted. Structural improvements also included resurfacing the drainage areas and replacing catch basins. The BMPs include cleaning catch basins ahead of storm events and the installation of filter media. The Discharger has not exceeded the water quality objective since December 2021. The effluent limitations, monitoring, and Facility improvements will ensure the protection of the receiving water and its beneficial uses when discharges from the Facility occur. Thus, removal of the receiving water limitation is not expected to cause any further degradation, and no additional requirements are needed.

5.1.3. Biochemical Oxygen Demand (BOD)

Order No. R4-2016-0122 included a receiving water limitation for BOD stating the discharge shall not cause *"[t]he presence of substances that result in increases in BOD that adversely affect beneficial uses*." The discharge from this Facility is comprised of industrial stormwater runoff, which can be a source of BOD, the effluent monitoring data indicated that there is a reasonable potential to exceed this narrative objective at EFF-001 but not at EFF-002. The discharge from EFF-001 exceeded the effluent limitation of 30 mg/L on one occasion with a value of 31 mg/L. As discussed above, the Discharger took measures to address the exceedances during the previous permit term with improvements at the Facility. There has not been an exceedance in BOD since March 2021. Further, the technology-based effluent limitations and monitoring requirements for BOD are sufficient to prevent an excursion above this narrative water quality objective in the receiving water. Thus, removal of the receiving water limitation is not expected to cause any further degradation, and no additional requirements are needed.

5.1.4. Biostimulatory Substances

Order No. R4-2016-0122 included a receiving water limitation for biostimulatory substances stating the discharge shall not cause *"[b]iostimulatory substances at concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses*." The previous Order also included a receiving water limitation stating that the discharge shall not cause *"[a]ccumulation of bottom deposits or aquatic growths.*" Excessive levels of nutrients such as nitrogen and phosphorus can stimulate algal blooms and other aquatic growths, which in turn can cause eutrophication, DO depletion, habitat degradation, and other impacts to aquatic life and recreational uses in the receiving water.

The receiving water, the Los Angeles River, is impaired for nutrients. As discussed above, a nutrient TMDL that assigns a WLA to the discharge has been established to address the impairments, thus, there is reasonable potential to exceed this narrative water quality objective. Therefore, this Order carries over the effluent limitations and monitoring requirements for discharges from the Facility based on the WLAs identified in the Los Angeles River Nutrient TMDL, including total ammonia (as N) and nitrogen compounds, such as nitrate (as N), nitrite (as N), and nitrate plus nitrite (as N). Additionally, monitoring for total nitrogen, Total Kjeldahl Nitrogen (TKN), and phosphorus has also been added in this Order for discharges, recognizing that nitrogen and its compounds and total phosphorus are primary drivers of aquatic growth. These requirements ensure that nutrient discharges remain at levels protective of beneficial uses and prevent excessive algal or aquatic plant growth.

In addition to the numeric effluent limitation, the Discharger is required to implement a SWPPP that includes spill prevention measures, good housekeeping practices, proper material storage, and operational controls to prevent oil and grease from entering the storm drain system or discharge points from the Facility. Thus, removal of the receiving water limits is not expected to cause any further degradation, and no additional requirements are needed.

5.1.5. Chlorine, Total Residual

The Tentative Order, that was circulated for public comment on January 24, 2025, included a total residual chlorine receiving water limit (Section 5.1.6) stating, "*[c]hlorine residual shall not be present in surface water discharges at concentrations that exceed 0.1 mg/L and shall not persist in receiving waters at any concentration that causes impairment of beneficial uses*."

Effluent data for EFF-001 does not show reasonable potential, while monitoring data at EFF-002 had a maximum value of 0.62 mg/L on March 13, 2020, indicating that there is a reasonable potential to exceed this water quality objective. Therefore, an effluent limitation of 0.1 mg/L for total residual chlorine is established for EFF-002 in this Order. The Discharger has made multiple improvements to the Facility, and no more exceedances have been reported since March 13, 2020. Additionally, this Order maintains the monitoring requirements of total residual chlorine at both EFF-001 and EFF-002 in effluent, which will support future evaluations and reassessment of reasonable potential for water quality impacts. The effluent limitation, monitoring requirements, and Facility upgrades are sufficient to protect beneficial uses. Thus, replacement of the proposed receiving water limits with a numeric effluent limitation for total residual chlorine is not expected to cause any degradation, and no additional requirements are needed.

5.1.6. Color

Order No. R4-2016-0122 included a receiving water limitation for color, that discharges shall not cause "*… nuisance or adversely affects beneficial uses*", nor alter the apparent color "beyond present natural background levels."

The Facility manufactures clear, brown, and green glass containers from raw and recycled materials. Although the coloration of these materials does not occur at the

Facility, colored materials are stored outside. Degradation of these materials may cause water color changes in stormwater discharges from the Facility. Therefore, there is a reasonable potential to exceed this narrative objective, specifically for TSS. Color in receiving waters can also result from a variety of sources, including turbidity, settleable solids, oil and grease, metals, and organic materials. Many of which are already addressed in this Order through existing numeric effluent limitations and monitoring requirements. Additionally, implementation of the SWPPP, through BMP and pollution prevention measures implemented at the Facility, is expected to reduce or eliminate potential pollutants entering to storm drains including any pollutants that may result in discoloration. Therefore, removing the receiving water limitation for color is not expected to lead to further degradation, and the existing requirements for suspended solids, turbidity, oil and grease, and metals under this Order are sufficient to maintain water quality and protect beneficial uses of the receiving water.

5.1.7. Degradation

Order No. R4-2016-0122 included a receiving water limitation for degradation stating the discharge shall not "*[d]egrade surface water communities and populations including vertebrate, invertebrate, and plant species*." This Order addresses degradation as required in the State Water Board's Antidegradation Policy in Resolution No. 68-16 by establishing effluent limitations based on whether the discharge has reasonable potential to cause or contribute to an exceedance of water quality objective in the Basin Plan, the CTR, and other State plans and policies as identified in Section 4 of this Fact Sheet. The effluent limitations in this Order ensure protection of the beneficial uses related to aquatic life since they are based on the effects of pollutants in an aquatic environment. This Order also ensures the discharge will not cause further degradation of the receiving water body because it implements any wasteload allocations assigned to the Discharger from the TMDLs applicable to the receiving waters. The Discharger has also completed substantial Facility upgrades to reduce discharges of stormwater to the receiving water. These effluent limitations, monitoring and Facility upgrades are sufficient to protect beneficial uses and water quality objectives in the receiving water. Thus, removal of the receiving water limitation is not anticipated to cause any further degradation, and no additional requirements are needed.

5.1.8. Floating Material

Order No. R4-2016-0122 included a receiving water limitation for floating materials stating *the discharge shall not cause "the presence of visible, floating, suspended or deposited macroscopic particulate matter or foam.*" Floating materials may result from discharges that may contain oil and grease, suspended solids, trash, debris, or organic matter that can accumulate and degrade water quality, impair aesthetics, and interfere with aquatic life habitat in the receiving water.

Effluent limitations for oil and grease, settleable solids, TSS, and turbidity, directly control the types of pollutants most commonly associated with floating materials. A reasonable potential exists for settleable solids, TSS and turbidity based on effluent monitoring data collected during the permit term of the previous Order. As

discussed previously, the Discharger has made improvements to the Facility to address exceedances. There have not been exceedances of the pollutants previously listed since the improvements were completed. A new discharge prohibition on trash provides additional protection by preventing floating matter from entering the storm drain and the receiving water. Furthermore, the Discharger is required to revise, maintain, and implement the SWPPP and BMPs that include source control measures, operational controls, spill prevention, and regular housekeeping activities to minimize the potential for floating solids, foams, and scum in the discharge. Visual monitoring as required by the SWPPP ensures that any floating materials are promptly detected and addressed before they can enter the receiving water. These existing effluent limitations coupled with the Facility improvements, discharge prohibitions, and pollution prevention measures are sufficient to provide a source-specific means to control floating materials in discharges from the Facility and to protect beneficial uses and water quality objectives in the receiving water. Thus, removal of the receiving water limitations is not anticipated to cause any further degradation, and no additional requirements are needed.

5.1.9. Oil and Grease

Order No. R4-2016-0122 included receiving water limitations for oil and grease, stating that the discharge shall not cause "*[o]ils, 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."* Excess oil and grease in surface waters can reduce light penetration, smother aquatic habitats, impair dissolved oxygen exchange, and cause aesthetic impacts such as sheen or scum, directly affecting aquatic life and recreational beneficial uses in the receiving water. Based on the effluent monitoring data, there is no reasonable potential for the discharge from the Facility to cause excursion of this narrative receiving water objective. However, this Order retains the numeric effluent limitation for oil and grease to further prevent any excursion and protect the beneficial uses in the receiving water.

In addition to the numeric effluent limitation, the Order carries over a discharge prohibition prohibiting the discharge of oil or any residuary product of petroleum to receiving waters. The Discharger is also required to implement a SWPPP that includes spill prevention measures, good housekeeping practices, proper material storage, and operational controls to prevent oil and grease from entering the storm drain system or discharge points from the Facility. Visual inspections during stormwater monitoring are also required to identify the presence of oil sheens, films, or floating materials, ensuring that any potential discharges from the Facility of oil and grease are identified and addressed promptly. The existing effluent limitation, discharge prohibition, and pollution prevention measures coupled with the Facility improvements are sufficient to protect beneficial uses and water quality objectives for oil and grease in the receiving water. Thus, the removal of receiving water limitation for oil and grease is not expected to cause any further degradation and no additional requirements are needed.

5.1.10. **Oxygen, Dissolved**

Order No. R4-2016-0122 included a receiving water limitation for dissolved oxygen (DO), prohibiting discharges from "*[d]epress[ing] the concentration of dissolved oxygen below 5.0 mg/L at anytime"* and requiring that *"the median dissolved oxygen concentration for any three consecutive months shall not be less than 80 percent of the dissolved oxygen content at saturation*".

Based on effluent data, there is reasonable potential for DO to exceed this water quality objective at EFF-002. Thus, this Order establishes an effluent limitation for DO for EFF-002 and retains the monitoring requirements for DO at both EFF-001 and EFF-002. In addition, the effluent limitations and monitoring for BOD and other oxygen-demanding parameters, total ammonia, are also retained in this Order. These pollutants can indirectly influence DO levels through microbial decomposition and nitrification, and their continued regulation helps ensure protection of aquatic life. The Facility is also required to maintain and implement its SWPPP and BMPs to control solids, nutrients, and other pollutants that may contribute to oxygen depletion in discharges from the Facility to the receiving water. The new effluent limitations for DO in addition to the existing effluent limitations for oxygen demanding pollutants, monitoring and implementation of a SWPPP, and the Facility upgrades, are sufficient to protect beneficial uses and water quality objectives in the receiving water. Thus, removal of the receiving water limitations is not anticipated to cause any further degradation, and no additional requirements are needed.

5.1.11. **pH**

Order No. R4-2016-0122 included a receiving water limitation for pH, prohibiting discharges from causing the receiving water to be depressed below 6.5 or raised above 8.5 pH units, or altering the pH of the receiving water by more than 0.5 units from normal ambient pH levels. Effluent monitoring data in discharges from the Facility conducted under Order R4-2016-0122, had elevated pH values at EFF-001 and EFF-002, showing reasonable potential. However, ambient conditions and pH values in the receiving water near the Facility's discharge location is not available. Therefore, compliance with variation of 0.5 units cannot be fully evaluated at this time. Therefore, the numeric effluent limitation for pH of 6.5 to 8.5 has been retained as a protective baseline for water quality and continues to require monitoring of the effluent. Additionally, the Discharger has taken steps to address exceedances by making improvements to the Facility and implementing BMPs. The existing effluent limitation for pH, continued implementation of the BMPs, and monitoring requirements are sufficient to protect beneficial uses and the water quality objective of the receiving water. Thus, removal of the receiving water limitations is not anticipated to cause any further degradation, and no additional requirements are needed.

5.1.12. **Solid, Suspended, or Settleable Materials**

Order No. R4-2016-0122 included receiving water limitations for suspended and settleable materials stating that discharges shall not contain *"[s]uspended or settleable materials, chemical substances or pesticides in amounts that cause nuisance or adversely affect any designated beneficial use."* This Order retains the

numeric effluent limitations for both TSS and settleable solids as the monitoring data collected during the previous permit term showed a reasonable potential.

The Discharger has taken measures to address the exceedances by making improvements to the Facility such as resurfacing of the drainage areas, installing filter media on catch basins, and diverting a majority of the stormwater to the sanitary sewer and stormwater storage tanks. Additionally, these potential impacts are mitigated through source control measures and implementation of the SWPPP, which requires visual inspections during storm events to identify visible solids, scum, or discoloration. This Order also retains the requirement for proper operation and maintenance of treatment systems, implementation of good housekeeping practices, and adherence to spill prevention procedures to minimize solids loading in the discharge from the Facility through the implementation of the SWPPP and BMPP. Given that solids-related impacts are already effectively addressed through effluent limitations, monitoring requirements, and BMPs, removal of this narrative receiving water limitations is not expected to cause any further degradation, and no additional requirements are needed.

With respect to impacts associated with chemical substances and pesticides, the Discharger is required to monitor the effluent for CTR priority pollutants, including chemical substances and pesticides. This Order includes effluent limitations for CTR pollutants that demonstrated reasonable potential and continues to include monitoring requirements for priority pollutants in the discharge from the Facility. This Order also carries over an effluent limitation for chronic toxicity which protects the receiving water quality from aggregate toxic effects of pollutants, including pesticides. Given the expected infrequent nature of the discharge resulting from the Facility upgrades, removal of the narrative receiving water limitation is not expected to cause any further degradation related to chemical substances or pesticides, and no additional requirements are needed.

5.1.13. Taste and Odor Nuisance

Order No. R4-2016-0122 included receiving water limitations for substances that produce undesirable taste, and odor, which are considered aesthetic nuisances, that the discharge shall not cause *"[t]aste 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."* These narrative objectives are addressed through more measurable and enforceable effluent-based requirements in this Order.

Pollutants commonly associated with taste, and odor, such as oil and grease, settleable solids or TSS, are regulated through numeric effluent limitations that ensure pollutant concentrations remain below levels that could impart undesirable tastes or odors. Effluent monitoring data for oil and grease did not show a reasonable potential, but TSS and settleable solids data demonstrated a reasonable potential. Therefore, this Order includes effluent limitations for TSS and settleable solids. The Discharger has taken measures to address these exceedances and there has not been an exceedance since March 2021. Additional measures, such as source control practices, proper operation and maintenance, and implementation of the SWPPP, further minimize the risk of substances

entering the discharge that could contribute undesirable tastes odor, and color. Visual stormwater observations conducted under the SWPPP also provide early identification of potential impacts that may be addressed at the time of occurrence. The existing effluent limitations and monitoring and other requirements are sufficient to protect beneficial uses and water quality objective in the receiving water. Thus, removal of the receiving water limitations is not anticipated to cause any further degradation, and no additional requirements are needed.

5.1.14. **Temperature**

Order No. R4-2016-0122 included an effluent limitation of 86°F and a receiving water limitation for temperature stating the discharge shall not cause, "*[s]urface water temperature to rise greater than 5°F above the natural temperature of the receiving waters at any time or place. At no time the temperature be raised above 80°F as a result of waste discharged*." This Order establishes a more stringent effluent limitation of 80°F, based on the Basin Plan water quality objective for waters designated WARM.

This revised effluent limit is more protective than the previous permit and ensures that discharges from the Facility will not exceed the maximum allowable temperature threshold in the receiving water. Additionally, discharges from the Facility are comprised solely of stormwater and discharges occur during cooler months. The maximum discharge temperature reported during the previous permit term for R4-2016-0122 was 72.9°F. No receiving water data is available to determine a 5°F difference above the natural temperature. However, even without site-specific receiving water data, it is not likely, given the maximum temperature of the effluent, that future discharges would cause a change of more than 5°F in the receiving water. This Order also carries over the effluent monitoring requirements for temperature in discharges from the Facility, thereby continuing to protect water quality and the designated beneficial uses in the receiving water. The revised effluent limitation, which is more stringent than the existing limitation, and monitoring requirements are sufficient to protect beneficial uses and water quality objective in the receiving water. Thus, removal of the receiving water limitations is not anticipated to cause any further degradation, and no additional requirements are needed.

5.1.15. **Toxicity and toxic pollutants**

Order No. R4-2016-0122 included receiving water limitations for aquatic toxicity and toxic pollutants stating the discharge shall not cause "*[t]oxic or other deleterious substances 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."* In this Order, aquatic toxicity and toxic pollutants continue to be addressed through multiple permit provisions based on reasonable potential.

This Order retains the effluent limitation and effluent monitoring requirements for chronic toxicity in discharges from the Facility because a reasonable potential was triggered based on the monitoring data collected during the permit term of Order No. R4-2016-0122. In addition, this Order retains the requirement to conduct a

Toxicity Reduction Evaluation (TRE) and/or Toxicity Identification Evaluation (TIE) if chronic toxicity is detected in a discharge from the Facility. The TRE/TIE investigations ensure that the Discharger identifies the source(s) of toxicity and implements corrective actions to eliminate the cause, thereby directly reducing potential impacts to beneficial uses.

Toxic pollutants are further controlled through technology-based effluent limitations and water quality-based effluent limitations established for pollutants with reasonable potential to exceed water quality objectives, consistent with the CTR and Basin Plan requirements. Pollutant-specific effluent limitations and discharge monitoring are also established based on applicable TMDLs, such as the Los Angeles River Metals TMDL, which ensures continued evaluation of pollutants with bioaccumulative or toxic properties in discharges from the Facility. The Discharger also made structural improvements to the Facility to address exceedances during the previous permit term as discussed above. The existing effluent limitations for toxicity and toxic pollutants, monitoring requirements, and the improvements made to the Facility are sufficient to protect the beneficial uses and water quality objectives of receiving water. Thus, removal of the receiving water limits is not anticipated to cause any further degradation, and no additional requirements are needed.

5.1.16. **Turbidity**

Order No. R4-2016-0122 included a receiving water limitation for turbidity stating that the discharge shall not cause an "*[a]lteration of turbidity or apparent color beyond present natural background levels*." Effluent monitoring data conducted under the previous Order, R4-2016-012, shows that the discharge has reasonable potential to exceed turbidity effluent limits at EFF-002. Therefore, this Order retains the current effluent limitation for turbidity to provide a protective and enforceable framework.

Turbidity is also closely related to other regulated pollutants such as TSS and settleable solids, which are also subject to numeric effluent limitations that are retained in this Order. Elevated turbidity often results from the same sources as suspended and settleable solids, and therefore, the combination of effluent limitations for these parameters provides multiple, overlapping layers of protection for aquatic life, aesthetics, and other beneficial uses in the receiving water. Further, improvements made to the Facility, implementation of BMPs, source control requirements, stormwater visual monitoring, and proper operation and maintenance provisions under the Facility's SWPPP help minimize solids and other potential turbidity-causing conditions before they enter the discharge. Thus, removal of the receiving water limitation for turbidity is not anticipated to cause any further degradation, and no additional requirements are needed.

5.1.17. **Other conditions**

Order No. R4-2016-0122 included receiving water limitations addressing conditions of the discharge, such that the discharge shall not cause *"[d]amage, discolor, nor formation of sludge deposits on flood control structures or facilities nor overload the design capacity"*, *"[p]roblems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests"*, and *"[n]uisance, or adverse*

effects on beneficial uses of the receiving water". The flood control infrastructure was designed and is managed by the Los Angeles County Flood Control District and was determined by watershed geography and rainfall patterns at the time. The health of surface water communities and populations in the receiving water may vary seasonally and be influenced by multiple upstream and downstream dischargers and therefore cannot be attributed solely to the Facility's discharge. As stated in Section 2.1 of this Fact Sheet, the Discharger maintains multiple storage areas across the Facility that retains stormwater runoff for to be discharged to the sanitary sewer or hauled off site. Discharges from the Facility only occur as a last option.

Nuisance conditions, such as mosquito breeding and other pest-related impacts, are addressed through proper effluent management and source control. This Order requires the Facility to implement BMPs, pollution prevention measures, and a SWPPP, which include visual monitoring provisions designed to identify potential nuisance conditions such as floating materials, standing water, and algae growth. These requirements, combined with numeric effluent limitations for parameters such as BOD, oil and grease, and nutrients, provide direct controls to reduce conditions that could otherwise promote pest breeding or other nuisance impacts and are sufficient to prevent any excursion of this water quality objective as a result of waste discharge from the Facility. Thus, removal of this narrative receiving water limitation is not anticipated to cause any further degradation, and no additional requirements are needed.

5.2. Groundwater – Not Applicable

6. RATIONALE FOR PROVISIONS

6.1. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR section 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR section 122.42, are provided in Attachment D. The Discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42.

Sections 122.41(a)(1) and (b) through (n) of 40 CFR establish conditions that apply to all state-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. Section 123.25(a)(12) of 40 CFR allows the state to omit or modify conditions to impose more stringent requirements. In accordance with 40 CFR section 123.25, this Order omits federal conditions that address enforcement authority specified in 40 CFR sections 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

6.2. Special Provisions

6.2.1. Reopener Provisions

These provisions are based on 40 CFR part 123. The Los Angeles Water Board may reopen the permit to modify permit conditions and requirements. Causes for modifications include the promulgation of new federal regulations, modification in

toxicity requirements, or adoption of new regulations by the State Water Board or Los Angeles Water Board, including revisions to the Basin Plan or revisions to a TMDL. This Order also adds a reopener provision to allow this permit to be modified as needed to revise the aquatic toxicity water quality standards if the California Supreme Court determines that the TST cannot be used in NPDES permits.

6.2.2. **Special Studies and Additional Monitoring Requirements**

a. **Initial Investigation Toxicity Reduction Evaluation Workplan.** This provision is based on section 4 of the SIP, Toxicity Control Provisions, which establishes minimum toxicity control requirements for implementing the narrative toxicity objective for aquatic life protection established in the basin plans of the State of California.

6.2.3. **Best Management Practices and Pollution Prevention**

a. **Stormwater Pollution Prevention Plan (SWPPP).** Order No. R4-2016-0122 required the Discharger to develop and implement a SWPPP. This Order requires the Discharger to update the SWPPP and continue to implement a SWPPP approved by the Executive Officer of the Los Angeles Water Board. The SWPPP shall outline site-specific management processes for minimizing stormwater runoff pollution and for preventing contaminated stormwater runoff from being discharged directly into the Los Angeles River. At a minimum, the management practices shall ensure that raw materials and chemicals do not come into contact with stormwater. SWPPP requirements are included as Attachment G, based on 40 CFR section 122.44(k).

b. **Best Management Practices Plan (BMPP).** Order No. R4-2016-0122 required the Discharger to develop and implement BMPs in order to reduce the number of pollutants entering the discharge. This Order requires the Discharger to update and continue to implement the BMPP. The purpose of the BMPP is to establish site-specific procedures that ensure proper operation and maintenance of equipment and to ensure that unauthorized non-stormwater discharges (i.e., spills) do not occur at the Facility. The BMPP shall incorporate the requirements contained in Attachment G. Attachment G requires a discussion on the effectiveness of each BMP to reduce or prevent pollutants in stormwater discharges.

c. **Spill Contingency Plan (SCP).** This Order requires the Discharger to update and continue to implement a SCP to control the discharge of pollutants. The SCP shall include a technical report on the preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events at the site. This provision is included in this Order to minimize and control the amount of pollutants discharged in case of a spill. The SCP shall be site specific and shall cover all areas of the Facility.

The BMPP and the SCP (or SPCC) may be included as a component of the SWPPP and be submitted as one document.

6.2.4. **Construction, Operation, and Maintenance Specifications**

This provision included in Section 6.3.4 of the Waste Discharge Requirements of this Order is based on the requirements of 40 CFR section 122.41(e).

6.2.5. **Climate Change Effects Vulnerability Assessment and Mitigation Plan**

The Permittee is required to address potential climate change impacts through the development and implementation of a Climate Change Effects Vulnerability Assessment and Mitigation Plan (Climate Change Plan), which is due 12 months after the effective date of this Order. This requirement is based on the need to adapt to and mitigate the effects of climate change on permitted facilities as described in State Water Board's Resolution No. 2017-0012 and the Los Angeles Water Board's Resolution No. R18-004.

6.2.6. **Other Special Provisions – Not Applicable**

6.2.7. **Compliance Schedules – Not Applicable**

7. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

CWA section 308 and 40 CFR sections 122.41(h), (j)-(l), 122.44(i), and 122.48 require that all NPDES permits specify monitoring and reporting requirements. Water Code section 13383 also authorizes the Los Angeles Water Board to establish monitoring, reporting, and recordkeeping requirements. The Monitoring and Reporting Program (MRP), Attachment E of this Order establishes monitoring, reporting, and recordkeeping requirements that implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this facility.

7.1. Influent Monitoring – Not Applicable

7.2. Effluent Monitoring

Monitoring for pollutants expected to be present in the discharge is required as established in the MRP (Attachment E) and as required in the SIP. To demonstrate compliance with effluent limitations, the Order retains and updates the monitoring requirements from Order No. R4-2016-0122 to determine compliance with the effluent limitations in section IV of the Order.

The SIP states that the Los Angeles Water Board will require periodic monitoring for pollutants for which criteria or objectives apply and for which no effluent limitations have been established. This Order requires the Discharger to conduct annual monitoring for the remaining CTR priority pollutants. The Los Angeles Water Board will use the additional data to conduct an RPA and determine if additional WQBELs are required. The Los Angeles Water Board may reopen the permit to incorporate additional effluent limitations and requirements, if necessary.

7.3. Whole Effluent Toxicity Testing Requirements

WET protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a longer period of time and may measure mortality, reproduction, and growth. A chemical at a low concentration can have chronic effects but no acute effects. For this permit, chronic toxicity monitoring

in the discharge is required. The chronic toxicity testing requirements are based on U.S. EPA's 2010 TST statistical approach.

7.4. Receiving Water Monitoring

7.4.1. Surface Water

A previous order, Order R4-2010-0087-R, removed annual receiving water monitoring in the Los Angeles River (formerly RSW-001) because the Facility is located 4.5 miles away from the receiving water and passes through approximately 10 laterals prior to reaching the Los Angeles River. Therefore, the Discharger is only required to monitor flow at the nearest gage station, Public Works' Willow Street Gage Station at Wardlow, Wardlow gauging station F319-R, during each discharge event. Compliance with receiving water standards will be assessed utilizing effluent data.

7.4.2. Groundwater – Not Applicable

7.5. Other Monitoring Requirements

7.5.1. **Stormwater Monitoring Requirements.** Because the discharge is comprised of stormwater, the Discharger is required to measure and record the rainfall each day of the month. The Discharger is also required to conduct visual observations of all stormwater discharges in the vicinity of the discharge location (EFF-001 or EFF-002) to observe the presence of floating and suspended materials, oil and grease, discoloration, turbidity, and odor.

8. PUBLIC PARTICIPATION

The Los Angeles Water Board is considering the issuance of WDRs that will serve as a NPDES permit for the Facility. As a step in the WDR adoption process, the Los Angeles Water Board staff has developed tentative WDRs. The Los Angeles Water Board encourages public participation in the WDR adoption process.

8.1. Notification of Interested Parties

The Los Angeles Water Board notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and provided an opportunity to submit written comments and recommendations. Notification was provided through email and public notice.

The public was provided access to the agenda and any changes in dates and locations through the Los Angeles Water Board's website at: http://www.waterboards.ca.gov/losangeles

8.2. Written Comments

Interested persons were invited to submit written comments concerning tentative WDRs as provided through the notification process electronically at: losangeles@waterboards.ca.gov with a copy to adriana.vallejo@waterboards.ca.gov.

To be fully responded to by staff and considered by the Los Angeles Water Board, the written comments were due at the Los Angeles Water Board office by **5:00 p.m. on March 2, 2026**.

8.3. Public Hearing

The Los Angeles Water Board held a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: **March 26, 2026**
Time: **9:00 AM**
Location: **Junipero Serra Building (Carmel Room)**
320 West 4th Street
Los Angeles, CA 90013

Interested people were invited to attend. At the public hearing, the Los Angeles Water Board heard testimony pertinent to the discharge, WDRs, and permit. For accuracy of the record, important testimony was requested in writing.

8.4. Reconsideration of Waste Discharge Requirements

Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., within 30 calendar days of the date of adoption of this Order at the following address, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100
Or by email at waterqualitypetitions@waterboards.ca.gov

For instructions on how to file a water quality petition for review, see:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml

8.5. Information and Copying

The Report of Waste Discharge, other supporting documents, and comments received are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Los Angeles Water Board by calling 213-576-6600.

The tentative WDRs, comments received and response to comments are also available on the Los Angeles Water Board's website at:

http://www.waterboards.ca.gov/losangeles/board_decisions/tentative_orders/index.shtml

8.6. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Los Angeles Water Board**,** reference this facility, and provide a name, address, and phone number.

8.7. Additional Information

Requests for additional information or questions regarding this order should be directed to Adriana Vallejo at adriana.vallejo@waterboards.ca.gov.

ATTACHMENT G – STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS

1. IMPLEMENTATION SCHEDULE

A stormwater pollution prevention plan (SWPPP) shall be developed and submitted to the Los Angeles Water Board within 90 days following the effective date of this Order. The SWPPP shall be implemented for each facility covered by this Permit within 10 days of approval from the Los Angeles Water Board, or no later than 90 days from the date of the submittal of the SWPPP to the Los Angeles Water Board (whichever comes first).

2. OBJECTIVES

The SWPPP is a written document that shall contain a compliance activity schedule, a description of industrial activities and pollutant sources, descriptions of BMPs, drawings, maps, and relevant copies or references of parts of other plans. The SWPPP has two major objectives: (a) to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of stormwater discharges and authorized non-stormwater discharges from the facility; and (b) to identify and implement site-specific best management practices (BMPs) to reduce or prevent pollutants associated with industrial activities in stormwater discharges and authorized non-stormwater discharges. BMPs may include a variety of pollution prevention measures or other low-cost and pollution control measures. They are generally categorized as non-structural BMPs (activity schedules, prohibitions of practices, maintenance procedures, and other low-cost measures) and as structural BMPs (treatment measures, run-off controls, over-head coverage). To achieve these objectives, facility operators should consider the five-phase process for SWPPP development and implementation as shown in Table A.

The SWPPP requirements are designed to be sufficiently flexible to meet the needs of various facilities. SWPPP requirements that are not applicable to a facility should not be included in the SWPPP.

A facility's SWPPP is a written document that shall contain a compliance activity schedule, a description of industrial activities and pollutant sources, descriptions of BMPs, drawings, maps, and relevant copies or references of parts of other plans. The SWPPP shall be revised whenever appropriate and shall be readily available for review by facility employees or Los Angeles Water Board inspectors.

3. PLANNING AND ORGANIZATION

3.1. Pollution Prevention Team.

The SWPPP shall identify a specific individual or individuals and their positions within the facility organization as members of a stormwater pollution prevention team responsible for developing the SWPPP, assisting the facility manager in SWPPP implementation and revision, and conducting all monitoring program activities. The SWPPP shall clearly identify the permit related responsibilities, duties, and activities of each team member. For small facilities, stormwater pollution prevention teams may consist of one individual where appropriate.

3.2 Review Other Requirements and Existing Facility Plans

The SWPPP may incorporate or reference the appropriate elements of other regulatory requirements. Facility operators should review all local, state, and federal requirements that impact, complement, or are consistent with the requirements of this permit. Facility operators should identify any existing facility plans that contain stormwater pollutant control measures or relate to the requirements of this Permit. As examples, facility operators whose facilities are subject to federal Spill Prevention Control and Countermeasures' requirements should already have instituted a plan to control spills of certain hazardous materials. Similarly, facility operators whose facilities are subject to air quality related permits and regulations may already have evaluated industrial activities that generate dust or particulates.

TABLE A
FIVE PHASES FOR DEVELOPING AND IMPLEMENTING INDUSTRIAL STORMWATER POLLUTION PREVENTION PLANS

Phase	Tasks
Planning and Organization	Form Pollution Prevention Team Review other plans
Assessment Phase	Develop a site map Identify potential pollutant sources Inventory of materials and chemicals List significant spills and leaks Identify non-stormwater discharges Assess pollutant risks
Best management Practices Identification Phase	Non-structural BMPs Structural BMPs Select activity and site-specific BMPs
Implementation Phase	Train employees Implement BMPs Conduct recordkeeping and reporting
Evaluation/Monitoring	Conduct annual site evaluation Review monitoring information Evaluate BMPs Review and revise SWPPP

4. SITE MAP

The SWPPP shall include a site map. The site map shall be provided on an 8-½ x 11 inch or larger sheet and include notes, legends, and other data as appropriate to ensure that the site map is clear and understandable. If necessary, facility operators may provide the required information on multiple site maps.

The following information shall be included on the site map:

4.1. The facility boundaries; the outline of all stormwater drainage areas within the facility boundaries; portions of the drainage area impacted by run-on from surrounding

areas; and direction of flow of each drainage area, on-site surface water bodies, and areas of soil erosion. The map shall also identify nearby water bodies (such as rivers, lakes, and ponds) and municipal storm drain inlets where the facility's stormwater discharges and authorized non-stormwater discharges may be received.

4.2. The location of the stormwater collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect stormwater discharges, authorized non-stormwater discharges, and run-on. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, skim ponds, diversion barriers, etc.

4.3. An outline of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.

4.4. Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks identified in section 6.1.4. below have occurred.

4.5. Areas of industrial activity. This shall include the locations of all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and rinsing areas, and other areas of industrial activity which are potential pollutant sources.

5. LIST OF SIGNIFICANT MATERIALS

The SWPPP shall include a list of significant materials[1] handled and stored at the site. For each material on the list, describe the locations where the material is being stored, received, shipped, and handled, as well as the typical quantities and frequency. Materials shall include raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials.

6. DESCRIPTION OF POTENTIAL POLLUTANT SOURCES

The SWPPP shall include a narrative description of the facility's industrial activities, as identified in section 4.5. above, associated potential pollutant sources and potential pollutants that could be discharged in stormwater discharges or authorized non-stormwater discharges. At a minimum, the following items related to the facility's industrial activities shall be considered:

6.1. **Industrial Processes.** Describe each industrial process, the type, characteristics, and quantity of significant materials used in or resulting from the process, and a

[1] "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges.

description of the manufacturing, cleaning, rinsing, recycling, disposal, or other activities related to the process.

6.2. **Material Handling and Storage Areas.** Describe each handling and storage area, type, characteristics, and quantity of significant materials handled or stored, description of the shipping, receiving, and loading procedures, and the spill or leak prevention and response procedures. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

6.3. **Dust and Particulate Generating Activities.** Describe all industrial activities that generate dust or particulates that may be deposited within the facility's boundaries and identify their discharge locations; the characteristics of dust and particulate pollutants; the approximate quantity of dust and particulate pollutants that may be deposited within the facility boundaries; and a description of the primary areas of the facility where dust and particulate pollutants would settle.

6.4. **Significant Spills and Leaks.** Describe materials that have spilled or leaked in significant quantities in stormwater discharges or authorized non-stormwater discharges since April 17, 1994. Include toxic chemicals (listed in 40 Code of Federal Regulations (CFR), part 302) that have been discharged to stormwater as reported on U.S. Environmental Protection Agency (U.S. EPA) Form R, and oil and hazardous substances in excess of reportable quantities (see 40 CFR, parts 110, 117, and 302).

The description shall include the type, characteristics, and approximate quantity of the material spilled or leaked, the cleanup or remedial actions that have occurred or are planned, the approximate remaining quantity of materials that may be exposed to stormwater or non-stormwater discharges, and the preventative measures taken to ensure spills or leaks do not reoccur. The list shall be updated as appropriate during the term of this Order.

6.5. **Non-Stormwater Discharges.** Facility operators shall investigate the facility to identify all non-stormwater discharges and their sources. As part of this investigation, all drains (inlets and outlets) shall be evaluated to identify whether they connect to the storm drain system.

All non-stormwater discharges shall be described. This shall include the source, quantity, frequency, and characteristics of the non-stormwater discharges and associated drainage area.

Non-stormwater discharges that are not authorized by this Permit, other waste discharge requirements, or other NPDES permits are prohibited. The SWPPP must include BMPs to prevent or reduce contact of authorized non-stormwater discharges with significant materials (as defined in Footnote 1 of section 5 above) or equipment,

6.6. **Soil Erosion.** Describe the facility locations where soil erosion may occur as a result of industrial activity, stormwater discharges associated with industrial activity, or authorized non-stormwater discharges.

6.7. **Trash**. Describe the facility locations where trash may be generated as a result of facility operations and on-site activities.

The SWPPP shall include a summary of all areas of industrial activities, potential pollutant sources, and potential pollutants. This information should be summarized similarly to

Table B. The last column of Table B, "Control Practices", should be completed in accordance with section 8 below.

7. ASSESSMENT OF POTENTIAL POLLUTANT SOURCES

The SWPPP shall include a narrative assessment of all industrial activities and potential pollutant sources as described in section 6 above to determine:

7.1 Which areas of the facility are likely sources of pollutants in stormwater discharges and authorized non-stormwater discharges, and

7.2 Which pollutants are likely to be present in stormwater discharges and authorized non-stormwater discharges. Facility operators shall consider and evaluate various factors when performing this assessment such as current stormwater BMPs; quantities of significant materials handled, produced, stored, or disposed of; likelihood of exposure to stormwater or authorized non-stormwater discharges; history of spill or leaks; and run-on from outside sources.

Facility operators shall summarize the areas of the facility that are likely sources of pollutants and the corresponding pollutants that are likely to be present in stormwater discharges and authorized non-stormwater discharges.

Facility operators are required to develop and implement additional BMPs as appropriate and necessary to prevent or reduce pollutants associated with each pollutant source.

8. STORMWATER BEST MANAGEMENT PRACTICES

8.1. The SWPPP shall include a narrative description of the stormwater BMPs to be implemented at the facility for each potential pollutant and its source identified in the site assessment phase (Sections 5 and 6 above). The BMPs shall be developed and implemented to reduce or prevent pollutants in stormwater discharges and authorized non-stormwater discharges. Each pollutant and its source may require one or more BMPs. Some BMPs may be implemented for multiple pollutants and their sources, while other BMPs will be implemented for a very specific pollutant and its source.

TABLE B
EXAMPLE

ASSESSMENT OF POTENTIAL POLLUTION SOURCES AND CORRESPONDING BEST MANAGEMENT PRACTICES SUMMARY

Area	Activity	Pollutant Source	Pollutant	Best Management Practices
Vehicle & Equipment Fueling	Fueling	Spill and leaks during delivery. Spills caused by topping off fuel tanks. Hosing or washing down fuel oil fuel area. Leaking storage tanks. Rainfall running off fuel oil, and rainfall running onto and off fueling area.	Fuel oil	Use spill and overflow protection. Minimize run-on of stormwater into the fueling area. Cover fueling area. Use dry cleanup methods rather than hosing down area. Implement proper spill prevention control program. Implement adequate preventative maintenance program to preventive tank and line leaks. Inspect fueling areas regularly to detect problems before they occur. Train employees on proper fueling, cleanup, and spill response techniques.

The description of the BMPs shall identify the BMPs as (1) existing BMPs, (2) existing BMPs to be revised and implemented, or (3) new BMPs to be implemented. The description shall also include a discussion on the effectiveness of each BMP to reduce or prevent pollutants in stormwater discharges and authorized non-stormwater discharges. The SWPPP shall provide a summary of all BMPs implemented for each pollutant source similar to Table B.

8.2. Facility operators shall consider the following BMPs for implementation at the facility:

8.2.1. Non-Structural BMPs

Non-structural BMPs generally consist of processes, prohibitions, procedures, schedule of activities, etc., that prevent pollutants associated with industrial activity from contacting with stormwater discharges and authorized non-stormwater discharges. They are considered low technology, cost-effective measures. Facility operators should consider all possible non-structural BMPs before considering additional structural BMPs. Below is a list of non-structural BMPs that should be considered:

- **Good Housekeeping.** Consists of practical procedures to maintain a clean and orderly facility.

- **Preventive Maintenance.** Includes the regular inspection and maintenance of structural stormwater controls (catch basins, oil/water separators, etc.) as well as other facility equipment and systems.
- **Spill Response.** Includes spill clean-up procedures and necessary clean-up equipment based upon the quantities and locations of significant materials that may spill or leak.
- **Material Handling and Storage.** Includes all procedures to minimize the potential for spills and leaks and to minimize exposure of significant materials to stormwater and authorized non-stormwater discharges.
- **Employee Training.** Includes training of personnel who are responsible for (1) implementing activities identified in the SWPPP, (2) conducting inspections, sampling, and visual observations, and (3) managing stormwater. Training should address topics such as spill response, good housekeeping, and material handling procedures, and actions necessary to implement all BMPs identified in the SWPPP. The SWPPP shall identify periodic dates for such training. Records shall be maintained of all training sessions held.
- **Waste Handling/Recycling.** This includes the procedures or processes to handle, store, or dispose of waste materials or recyclable materials.
- **Recordkeeping and Internal Reporting.** Includes the procedures to ensure that all records of inspections, spills, maintenance activities, corrective actions, visual observations, etc., are developed, retained, and provided, as necessary, to the appropriate facility personnel.
- **Erosion Control and Site Stabilization.** Includes a description of all sediment and erosion control activities. This may include the planting and maintenance of vegetation, diversion of run-on and runoff, placement of sandbags, silt screens, or other sediment control devices, etc.
- **Inspections.** This includes, in addition to the preventative maintenance inspections identified above, an inspection schedule of all potential pollutant sources. Tracking and follow-up procedures shall be described to ensure adequate corrective actions are taken and SWPPPs are made.
- **Quality Assurance.** Includes the procedures to ensure that all elements of the SWPPP and Monitoring Program are adequately conducted.

8.2.2. Structural BMPs

When non-structural BMPs as identified above are ineffective, structural BMPs shall be considered. Structural BMPs generally consist of structural devices that reduce or prevent pollutants in stormwater discharges and authorized non-stormwater discharges. Below is a list of potential structural BMPs:

- **Overhead Coverage.** Includes structures that provide horizontal coverage of materials, chemicals, and pollutant sources from contact with stormwater and authorized non-stormwater discharges.

- **Retention Ponds.** Includes basins, ponds, surface impoundments, bermed areas, etc. that do not allow stormwater to discharge from the facility.
- **Control Devices.** This includes berms or other devices that channel or route run-on and runoff away from pollutant sources.
- **Secondary Containment Structures.** Includes containment structures around storage tanks and other areas for the purpose of collecting any leaks or spills.
- **Treatment.** Includes inlet controls, infiltration devices, oil/water separators, detention ponds, vegetative swales, etc. that reduce the pollutants in stormwater discharges and authorized non-stormwater discharges.

9. ANNUAL COMPREHENSIVE SITE COMPLIANCE EVALUATION

The facility operator shall conduct one comprehensive site compliance evaluation each year. The SWPPP shall be revised, as appropriate, and submitted to the Los Angeles Water Board along with the annual monitoring report. The revisions shall be implemented no later than 90 days after submission. The evaluation is subject to review by the Los Angeles Water Board Executive Officer and modifications may be required. Evaluations shall include the following:

9.1. A review of all visual observation records, inspection records, and sampling and analysis results.

9.2 A visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system.

9.3 A review and evaluation of all BMPs (both structural and non-structural) to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be included.

9.4 An evaluation report that includes, (i) identification of personnel performing the evaluation, (ii) the date(s) of the evaluation, (iii) necessary SWPPP revisions, (iv) schedule, as required in section 10.3. below for implementing SWPPP revisions, (v) any incidents of non-compliance and the corrective actions taken, and (vi) a certification that the facility operator is in compliance with this Permit. If the above certification cannot be provided, explain in the evaluation report why the facility operator is not in compliance with this Permit. The evaluation report shall be submitted as part of the annual report, retained for at least five years, and signed and certified in accordance with Standard Provisions 5.4.5 of Attachment D.

10. SWPPP GENERAL REQUIREMENTS

10.1. The SWPPP shall be retained onsite and made available upon request of a representative of the Los Angeles Water Board and/or local stormwater management agency (local agency) which receives the stormwater discharges.

10.2. The Los Angeles Water Board and/or local agency may notify the facility operator when the SWPPP does not meet one or more of the minimum requirements of

this Section. As requested by the Los Angeles Water Board and/or local agency, the facility operator shall submit an SWPPP revision and implementation schedule that meets the minimum requirements of this section to the Los Angeles Water Board and/or local agency that requested the SWPPP revisions. Within 14 days after implementing the required SWPPP revisions, the facility operator shall provide written certification to the Los Angeles Water Board and/or local agency that the revisions have been implemented.

10.3. The SWPPP shall be revised, as appropriate, and implemented prior to changes in industrial activities which (i) may significantly increase the quantities of pollutants in stormwater discharge, (ii) cause a new area of industrial activity at the facility to be exposed to stormwater, or (iii) begin an industrial activity which would introduce a new pollutant source at the facility.

10.4. The SWPPP shall be revised and implemented in a timely manner, but in no case more than 90 days after a facility operator determines that the SWPPP is in violation of any requirement(s) of this Order.

10.5. When any part of the SWPPP is infeasible to implement by the deadlines specified in this Order due to proposed significant structural changes, the facility operator shall submit a report to the Los Angeles Water Board prior to the applicable deadline that (i) describes the portion of the SWPPP that is infeasible to implement by the deadline, (ii) provides justification for a time extension, (iii) provides a schedule for completing and implementing that portion of the SWPPP, and (iv) describes the BMPs that will be implemented in the interim period to reduce or prevent pollutants in stormwater discharges and authorized non-stormwater discharges. Such reports are subject to Los Angeles Water Board approval and/or modifications. Facility operators shall provide written notification to the Los Angeles Water Board within 14 days after the SWPPP revisions are implemented.

10.6. The SWPPP shall be provided, upon request, to the Los Angeles Water Board. The SWPPP is considered a report that shall be available to the public by the Los Angeles Water Board under Section 308(b) of the Clean Water Act.