



California Regional Water Quality Control Board

Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams
Agency Secretary

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Arnold Schwarzenegger
Governor

June 15, 2009

Mr. John Babbitt
California Sulfur Company
P.O. Box 176
Wilmington, CA 90748

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008 0150 0003 7881 0060

Dear Mr. Babbitt:

TRANSMITTAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES) (ORDER NO. R4-2009-0066) FOR CALIFORNIA SULPHUR COMPANY, WILMINGTON. NPDES NO. CA0059064, CI NO. 6546

Our letter dated May 13, 2009, transmitted the tentative Order for renewal of your permit to discharge wastes under the National Pollutant Discharge Elimination System (NPDES) Program.

Pursuant to Division 7 of the California Water Code, this Regional Board at a public hearing held on June 4, 2009, reviewed the tentative requirements, considered all factors in the case, and adopted the proposed NPDES permit.

The adopted Order (Order R4-2009-0066) serves as an NPDES permit, and expires on May 10, 2014. Section 13376 of the California Water Code requires that an application/Report of Waste Discharge for a new permit must be filed at least 180 days before the expiration date.

The "Monitoring and Reporting Program" requires you to implement the monitoring program on the effective date of this Order (July 6, 2009). Your first monitoring report for the period of July 2009 through September 2009 is due by November 1, 2009. Monitoring reports should be sent to the Regional Board, ATTN: Information Technology Unit.

When submitting monitoring or technical reports to the Regional Board per these requirements, please include a reference to Compliance File CI-6546 and NPDES No. CA0059064, which will assure that the reports, are directed to the appropriate file and staff. Please do not combine your discharge monitoring reports with other reports, such as progress reports. Submit each type of report as a separate document.

We are sending the paper copy of the permit to the Discharger only. For those on the mailing list or other interested parties who would like access to a copy of the order, please go to the Regional Board's website at

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Mr. John Babbitt
California Sulphur Company

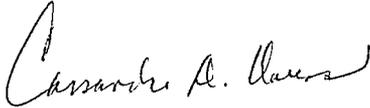
- 2 -

June 15, 2009

http://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/by_permits_tools.shtml.

If you have any questions please contact Ms. Rosario Aston at (213) 576-6653.

Sincerely,

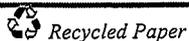


Cassandra D. Owens, Chief
Industrial Permitting Unit

Enclosures: Waste Discharge Requirements
Fact Sheet
Monitoring and Reporting Program

cc: Environmental Protection Agency, Region 9, Permits Branch (WTR-5)
Mr. Roger Vann, Environmental Protection Agency, Region 9
U.S. Army Corps of Engineers
NOAA, National Marine Fisheries Service
Department of Interior, U.S. Fish and Wildlife Service
Mr. Michael Levy, State Water Resources Control Board, Office of Chief Counsel
Mr. Philip Isorena, State Water Resources Control Board, Division of Water Quality
Ms. Stephanie Trotter, State Water Resources Control Board
Mr. Renan Jauregui, State Water Resources Control Board
Mr. William Paznokas, Department of Fish and Game, Region 5
Mr. Gary Yamamoto, California Department of Public Health
California Coastal Commission, South Coast District
Los Angeles County, Department of Public Works, Environmental Programs Division
Los Angeles County, Department of Health Services
City of Wilmington
Water Replenishment District of Southern California
Dr. Mark Gold, Heal the Bay
Mr. David Beckman, NRDC
Mr. Tom Ford, Santa Monica Baykeeper
Mr. Daniel Cooper, Lawyers for Clean Water
Mr. Jae Kim, TetraTech

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

LOS ANGELES REGION

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576 - 6600 • Fax (213) 576 - 6640
<http://www.waterboards.ca.gov>

ORDER NO. R4-2009-0066
NPDES NO. CA0059064

WASTE DISCHARGE REQUIREMENTS FOR CALIFORNIA SULPHUR COMPANY

The following Discharger is subject to waste discharge requirements as set forth in this Order:

Table 1. Discharger Information

Discharger	California Sulphur Company
Name of Facility	California Sulphur Company
Facility Address	2250 East Pacific Coast Highway
	Wilmington CA, 90744
	Los Angeles County
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified this discharge as a minor discharge.	

The discharge by the Operator from the discharge points identified below is subject to waste discharge requirements as set forth in this Order:

Table 2. Discharge Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Treated Wastewater and Storm Water	33 ° 46' 38"	118 ° 14' 01"	Dominguez Channel Estuary

Table 3. Administrative Information

This Order was adopted by the Regional Water Quality Control Board on:	June 4, 2009
This Order shall become effective on:	July 6, 2009
This Order shall expire on:	May 10, 2014
The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than:	180 days prior to the Order expiration date

IT IS HEREBY ORDERED, that Order No. R4-2004-0053 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 pursuant thereto, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted pursuant thereto, the Discharger shall comply with the requirements in this Order.

I, Tracy J. Egoscue, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on June 4, 2009.

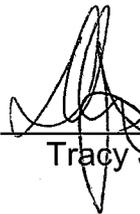

Chief Deputy E.O.
Tracy J. Egoscue, Executive Officer
TJE

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I. FACILITY INFORMATION

The following Discharger is subject to waste discharge requirements as set forth in this Order:

Table 4. Facility Information

Discharger	California Sulphur Company
Name of Facility	California Sulphur Company
Facility Address	2250 East Pacific Coast Highway
	Wilmington, CA, 90744
	Los Angeles County
Facility Contact, Title, and Phone	John F. Babbitt, President, (562) 437- 0768
Mailing Address	P.O. Box 176, Wilmington, CA 90748
Type of Facility	Industrial with SIC code 2819
Facility Design Flow	0.2304 million gallons per day (MGD)

II. FINDINGS

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

A. Background. California Sulphur Company (hereinafter Discharger) is currently discharging pursuant to Order No. R4-2004-0053 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0059064. The Discharger submitted a Report of Waste Discharge (ROWD), dated October 31, 2008, and applied for an NPDES permit renewal to discharge of up to 0.2304 million gallons per day (MGD) of treated wastewater from the California Sulphur Company facility. The treated wastewater consists of up to 0.0864 MGD of process water, incidental bath water, and drainage from the sulphur stockpile, and up to 0.144 MGD of storm water runoff.

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.

B. Facility Description. The Discharger owns and operates a pelletizing and exporting plant (hereinafter Facility). Operations at the plant consist of liquid sulphur storage, pelletizing, sulphur pellet dewatering, transfer, storage and shipping. The Discharger hauls molten sulphur (liquid sulphur) to the Facility from nearby oil refineries with a fleet of nine insulated tanker trucks. Molten sulphur is converted into pellets by freezing the hot liquid sulphur in a closed-loop continuous water bath. This process is called pelletizing. The pellets (formed materials) are mechanically dewatered and conveyed to the uncovered bulk storage areas (Storage Area Nos. 1 and 2), transferred to shipping containers, and exported overseas.

The Facility maintains a treatment system on-site designed to collect, treat, and impound all process water resulting from leaks and spills associated with the closed-loop continuous water bath and dewatering of the pellets. Storm water runoff is also treated in the treatment system. The treatment system consists of a three-chambered rectangular clarifier (large clarifier), solids filter, oil and grease filter, and two lined concrete retention ponds (Pond Nos. 1 and 2).

The wastewater from Storage Area No. 1 is collected in the yard drains then it flows to the three small clarifiers that are located on the South side of the Facility and it subsequently flows by gravity to the 60 gallon per minute (gpm) pump where it is pumped to the treatment system. After the wastewater is treated, it is pumped in Pond No.1 for storage and reuse in the plant. The treated water is reused in the Facility's processes including dust control in the storage areas during truck loading of the pellets. The washdown water from dust control is captured in the yard drains then it flows to the small clarifiers and it subsequently flows to the treatment system. Each year, the water in Pond No.1 is used completely prior to the onset of the storm season.

The wastewater from Storage Area No. 2 is collected in the yard drains then it flows to the two small clarifiers that are located on the North side of the Facility and it is

subsequently pumped to Pond No. 2. The wastewater from Pond No. 2 is pumped to the treatment system mentioned above. After the wastewater is treated, the water is pumped to Pond No. 1 for storage and reuse in the plant.

During storm events, when the flow to the treatment system exceeds the 60 gpm, the water bypasses the treatment system and is pumped directly to Pond No.1. After the storm event, the water from Pond No. 1 is pumped to Pond No. 2 where it is returned to the treatment system. After the water is treated, it is pumped to Pond No. 1 for storage and reuse. Pond No. 1 is designed to contain a capacity of 0.826 million gallons, equal to a 100-year, 24-hour rain event. Pond No. 1 is equipped with an emergency overflow that if Pond No. 1 fills to its capacity during storm events, water is discharged through Discharge Point 001 (see table on cover page) to the Dominguez Channel Estuary, a water of the United States, within the Dominguez Channel Watershed. The overflow contains a measuring flume equipped with flow recorder that records the date, time, and volume discharged. There has been no discharge from the Facility since 1994.

During dry weather, both Pond Nos. 1 and 2, which are empty, are swept and accumulated debris are removed, and they are inspected for cracks or splits prior to onset of the storm season.

Attachment B provides a map of the area around the Facility. Attachment C provides a flow schematic of the Facility.

- C. Legal Authorities.** This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as an NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).
- D. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through E and G through I are also incorporated into this Order.
- E. California Environmental Quality Act (CEQA).** Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100-21177.
- F. Technology-based Effluent Limitations.** Section 301(b) of the CWA and implementing USEPA permit regulations at part 122.44, title 40 of the Code of Federal

Regulations¹, 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 part 125.3. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).

G. Water Quality-Based Effluent Limitations. Section 301(b) of the CWA and part 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

40 CFR part 122.44(d)(1)(i) mandates 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, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA 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 part 122.44(d)(1)(vi).

Certain receiving waters in the Los Angeles and Ventura County watersheds do not fully support beneficial uses and therefore have been classified as impaired on the 2006 303(d) list and have been scheduled for TMDL development. The USEPA approved the State's 2006 303(d) list of impaired water bodies on June 28, 2007. The Facility discharges to the Dominguez Channel Estuary. The 2006 State Water Board's California 303(d) List classifies the Dominguez Channel Estuary (unlined portion below Vermont Avenue) as impaired. The pollutants of concern in the Dominguez Channel Estuary include ammonia, benthic community effects, benzo(a)pyrene (PAHs), benzo(a)anthracene, chlordane (tissue), chrysene (C1-C4), coliform bacteria, DDT (tissue and sediment), dieldrin (tissue), lead (tissue), polychlorinated biphenyls (PCBs), phenanthrene, pyrene, and zinc (sediment). To date no TMDLs have been developed; therefore, no conditions in this Order are based on TMDLs.

The effluent limitations in the Order for constituents with reasonable potential are established to protect the beneficial uses of the Dominguez Channel and to ensure the discharge does not degrade its water quality. This permit requires receiving water monitoring for priority pollutants, when there is a discharge from the Facility. This information will be used to complete a reasonable potential analysis (RPA) of all priority pollutants. The Order also includes a Reopener Provision which allows revision of effluent limitations for toxic pollutants based on the results of the RPA.

¹ All further statutory references are to title 40 of the Code of Federal Regulations (CFR) unless otherwise indicated.

H. Water Quality Control Plans. The Regional Water Board adopted a Water Quality Control Plan for the Los Angeles Region (hereinafter Basin Plan) on June 13, 1994 that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Beneficial uses applicable to the Dominguez Channel Estuary are as follows:

Table 5. Basin Plan Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Dominguez Channel, within the Estuary	<p><u>Existing:</u> Water Contact Recreation (REC-1) (access prohibited by the Los Angeles County Department of Public Works); Non-Contact Water Recreation (REC-2); Commercial and Sport Fishing (COMM); Estuarine Habitat (EST); Marine Habitat (MAR); Wildlife Habitat (WILD); Preservation of Rare, Threatened or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); and Spawning, Reproduction, and/or Early Development (SPWN).</p> <p><u>Potential:</u> Navigation (NAV).</p>

Requirements of this Order implement the Basin Plan.

The Water Quality Control Policy for the Enclosed Bays and Estuaries of California (Enclosed Bay and Estuaries Policy), adopted by the State Water Resources Control Board (State Board) as Resolution No. 95-84 on November 16, 1995, states that:

"It is the policy of the State Board that the discharge of municipal wastewaters and industrial process waters (exclusive of cooling water discharges) to enclosed bays and estuaries, other than the San Francisco Bay-Delta system, shall be phased out at the earliest practicable date. Exceptions to this provision may be granted by a Regional Water Board only when the Regional Water Board finds that the wastewater in question would consistently be treated and discharged in such a manner that it would enhance the quality of receiving waters above that which would occur in the absence of the discharge."

While the Facility discharges into the Dominguez Channel, within the Estuary, the wastewater is comprised largely of storm water, incidental bath water, and drainage water from the stockpile. Further, the Facility has not discharged since 1994. Nonetheless, this Order contains provisions necessary to protect all beneficial uses of the receiving water.

The State Water Board adopted the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of*

California (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland and coastal surface waters. Requirements of this Order implement the Thermal Plan.

- I. National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA 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, USEPA 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. These rules contain water quality criteria for priority pollutants.
- J. 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 USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the USEPA 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. Requirements of this Order implement the SIP.
- K. Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes. (40 C.F.R. § 131.21; 65 Fed. Reg. 24641 (April 27, 2000).) Under the revised regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.
- L. 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 biochemical oxygen demand (BOD), flow, oil and grease, phenols, settleable solids, sulfide (total), total suspended solids (TSS), and turbidity. Restrictions on BOD, flow, oil and grease, pH, phenols, settleable solids, sulfide (total), temperature, TSS, turbidity and acute toxicity are discussed in IV.B.2 in the Fact Sheet. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements. These limitations are not more stringent than required by the CWA.

Water quality-based effluent limitations have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. Water quality-based effluent limitations contained in this Order (e.g., temperature, pH, and acute toxicity) are based on the

Basin Plan. All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to section 131.21(c)(1). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

- M. Antidegradation Policy.** 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 No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. As discussed in detail in the Fact Sheet the permitted discharge is consistent with the antidegradation provision of section 131.12 and State Water Board Resolution No. 68-16.
- N. Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations 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 as the effluent limitations in the previous Order.
- O. Endangered Species Act.** 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 sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water 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.
- P. Monitoring and Reporting.** 40 CFR § 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorizes the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.
- Q. Standard and Special Provisions.** Standard Provisions, which apply to all NPDES permits in accordance with part 122.41, and additional conditions applicable to specified categories of permits in accordance with part 122.42, are provided in Attachment D. The discharger must comply with all standard provisions and with those additional conditions that are applicable under part 122.42. The Regional Water Board has also

included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet.

- R. Provisions and Requirements Implementing State Law.** The provisions/requirements in subsections VI.C.2 and VI.C.3 of this Order are included to implement state law only. These provisions/requirements are not required or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations.
- S. Notification of Interested Parties.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet of this Order.
- T. Consideration of Public Comment.** The Regional 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 of this Order.

THEREFORE, IT IS HEREBY ORDERED, that this Order supersedes Order No. R4-2004-0053 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 thereto, and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereto, the Discharger shall comply with the requirements in this Order.

III. DISCHARGE PROHIBITIONS

- A.** Wastes discharged shall be limited to a maximum of 0.2304 MGD of treated process and storm water as described in the findings. The discharge of wastes from accidental spills or other sources is prohibited.
- B.** 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, Dominguez Channel, or other waters of the State, are prohibited.
- C.** Neither the treatment nor the discharge of pollutants shall create pollution, contamination, or a nuisance as defined by section 13050 of the Water Code.
- D.** Wastes discharged shall not contain any substances in concentrations toxic to human, animal, plant, or aquatic life.
- E.** The discharge shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Water Board or the State Water Resources Control Board as required by the Federal CWA and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the Federal CWA, and amendments thereto, the Board will revise and modify this Order in accordance with such more stringent standards.

- F.** The discharge of any radiological, chemical, or biological warfare agent or high level radiological waste is prohibited.
- G.** Any discharge of wastes at any point(s) other than specifically described in this Order is prohibited, and constitutes a violation of the Order.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**A. Effluent Limitations – Discharge Point 001****1. Final Effluent Limitations – Discharge Point 001**

- a. The Discharger shall maintain compliance with the following effluent limitations at Discharge Point 001, with compliance measured at Monitoring Location EFF-001 as described in the attached MRP (Attachment E):

Table 6. Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Biochemical Oxygen Demand (BOD) (5 day @ 20 Deg. C)	mg/L	20	---	30	---	---
Oil and Grease	mg/L	10	---	15	---	---
pH	pH units	---	---	---	6.5	8.5
Total Suspended Solids (TSS)	mg/L	50	---	75	---	---
Phenols	mg/L	---	---	1.0	---	---
Settleable Solids	ml/L	---	---	0.3	---	---
Sulfides	mg/L	---	---	0.1	---	---
Temperature	°F	---	---	---	---	86
Turbidity	NTU	50	---	75	---	---

- b. **Toxicity:** There shall be no acute toxicity in the discharge. The acute toxicity of the effluent shall be such that:

- i. the average survival in the undiluted effluent for any three (3) consecutive 96-hour static or continuous flow bioassay test shall be at least 90%, and
- ii. no single test producing less than 70% survival.

Compliance with the toxicity objectives will be determined by the method described in Section V of the MRP (Attachment E).

2. Interim Effluent Limitations – Not Applicable**B. Land Discharge Specifications – Not Applicable****C. Reclamation Specifications – Not Applicable****V. RECEIVING WATER LIMITATIONS****A. Surface Water Limitation**

Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. The discharge shall not cause the following in Dominguez Channel.

1. The normal ambient pH to fall below 6.5 nor exceed 8.5 units nor vary from normal ambient pH levels by more than 0.5 units.
2. Surface 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.
3. Water Contact Standards

a. State/Regional Water Board Water Contact Standards:

In marine water designated for water contact recreation (REC-1), the waste discharged shall not cause the following bacterial standards to be exceeded in the receiving water:

Geometric Mean Limits

- i. Total coliform density shall not exceed 1,000/100 ml.
- ii. Fecal coliform density shall not exceed 200/100 ml.
- iii. Enterococcus density shall not exceed 35/100 ml.

Single Sample Maximum (SSM) Limits

- i. Total coliform density shall not exceed 10,000/100 ml.
 - ii. Fecal coliform density shall not exceed 400/100 ml.
 - iii. Enterococcus density shall not exceed 104/100 ml.
 - iv. Total coliform density shall not exceed 1,000/100 ml, when the fecal coliform/total coliform ratio exceeds 0.1.
4. Depress the concentration of dissolved oxygen to fall below 5.0 mg/L anytime, and the median dissolved oxygen concentration for any three consecutive months shall not be less than 80 percent of the dissolved oxygen content at saturation.
 5. Exceed total ammonia (as N) concentrations specified in the Regional Water Board Resolution No. 2004-022. Resolution No. 2004-022 revised the ammonia water

quality objectives for inland surface waters not characteristic of freshwater in the 1994 Basin Plan, to be consistent with USEPA's "Ambient Water Quality Criteria for Ammonia (Saltwater) – 1989." Adopted on March 4, 2004, Resolution No. 2004-022 was approved by State Water Board, Office of Administrative Law (OAL) and USEPA on July 22, 2004, September 14, 2004, and May 19, 2005, respectively and is now in effect.

6. The presence of visible, floating, suspended or deposited macroscopic particulate matter or foam.
7. Oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the receiving water or on objects in the water.
8. Suspended or settleable materials, chemical substances or pesticides in amounts that cause nuisance or adversely affect any designated beneficial use.
9. Toxic 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.
10. Accumulation of bottom deposits or aquatic growths.
11. Biostimulatory substances at concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.
12. The presence of substances that result in increases of BOD that adversely affect beneficial uses.
13. Taste or odor-producing substances in concentrations that alter the natural taste, odor, and/or color of fish, shellfish, or other edible aquatic resources; cause nuisance; or adversely affect beneficial uses.
14. Alteration of turbidity, or apparent color beyond present natural background levels.
15. Damage, discolor, nor cause formation of sludge deposits on flood control structures or facilities nor overload the design capacity.
16. Degrade surface water communities and populations including vertebrate, invertebrate, and plant species.
17. Problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.
18. Create a nuisance, or adversely effect beneficial uses of the receiving water.
19. Violation of any applicable water quality standards for receiving waters adopted by the Regional Water Board or State Water Board. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the CWA,

or amendments thereto, the Regional Water Board will revise or modify this Order in accordance with such standards.

B. Groundwater Limitations – Not Applicable

VI. PROVISIONS

A. Standard Provisions

1. Federal Standard Provisions. The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.
2. Regional Water Board Standard Provisions. The Discharger shall comply with the following provisions:
 - a. This Order may be modified, revoked, reissued, or terminated in accordance with the provisions of parts 122.44, 122.62, 122.63, 122.64, 125.62 and 125.64. Causes for taking such actions include, but are not limited to: failure to comply with any condition of this Order; endangerment to human health or the environment resulting from the permitted activity; or acquisition of newly-obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the Discharger for an Order modification, revocation, and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
 - b. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management program developed to comply with NPDES permits issued by the Regional Water Board to local agencies.
 - c. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
 - d. 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.
 - e. 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.

- f. Oil or oily material, chemicals, refuse, or other pollutionable materials 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.
- g. A copy of these waste discharge specifications shall be maintained at the discharge facility so as to be available at all times to operating personnel.
- h. After notice and opportunity for a hearing, this Order may be terminated or modified 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 failure to disclose all relevant facts;
 - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- i. If there is any storage of hazardous or toxic materials or hydrocarbons at this facility and if the facility is not manned at all times, a 24-hour emergency response telephone number shall be prominently posted where it can easily be read from the outside.
- j. The Discharger shall notify the Regional Water Board not later than 120 days in advance of implementation of any plans to alter production capacity of the product line of the manufacturing, producing or processing facility by more than ten percent. Such notification shall include estimates of proposed production rate, the type of process, and projected effects on effluent quality. Notification shall include submittal of a new report of waste discharge appropriate filing fee.
- k. The Discharger shall file with the Regional Water Board a report of waste discharge at least 120 days before making any material change or proposed change in the character, location or volume of the discharge.
- l. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Regional Water Board as soon as they know or have reason to believe that they have begun or expect to begin to use or manufacture intermediate or final product or byproduct of any toxic pollutant that was not reported on their application.
- m. In the event of any change in name, ownership, or control of these waste disposal facilities, the discharger shall notify this Regional Water Board of such change and shall notify the succeeding owner or operator of the existence of this Order by letter, copy of which shall be forwarded to the Regional Water Board.
- n. The Water Code provides that any person who violates a waste discharge requirement or a provision of the Water Code is subject to civil penalties of up to

\$5,000 per day, \$10,000 per day, or \$25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon per day or \$25 per gallon per day of violation; or some combination thereof, depending on the violation, or upon the combination of violations.

Violation of any of the provisions of the NPDES program or of any of the provisions of this Order may subject the violator to any of the penalties described herein, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation.

- o. The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which may ultimately be released to waters of the United States, is prohibited unless specifically authorized elsewhere in this permit or another NPDES permit. This requirement is not applicable to products used for lawn and agricultural purposes.
- p. 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.
- q. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to the 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. USEPA registration number, if applicable.
- r. 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.
- s. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, average monthly, maximum daily effluent limitation, or receiving water limitation of this Order, the Discharger shall notify the Regional Water Board by telephone (213) 576 - 6600 within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within five

days, unless the Regional 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. Other noncompliance requires written notification as above at the time of the normal monitoring report.

- t. Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater that results in a decrease of flow in any portion of a watercourse, the Discharger must file a petition with the State Water Board, Division of Water Rights, and receive approval for such a change. (Wat. Code § 1211.)

B. Monitoring and Reporting Program (MRP) Requirements

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

C. Special Provisions

1. Reopener Provisions

- a. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal CWA, and amendments thereto, the Regional Water Board will revise and modify this Order in accordance with such more stringent standards.
- b. This Order may be reopened to include effluent limitations for toxic constituents determined to be present in significant amounts in the discharge through a more comprehensive monitoring program included as part of this Order and based on the results of the RPA.
- c. This Order may be reopened and modified, to incorporate in accordance with the provisions set forth in Parts 122 and 124, to include requirements for the implementation of the watershed management approach or to include new MLs.
- d. This Order may be reopened and modified to revise effluent limitations as a result of future Basin Plan Amendments, such as an update of an objective or the adoption of a TMDL for the Dominguez Channel Estuary.
- e. This Order may be reopened upon submission by the Discharger of adequate information, as determined by the Regional Water Board, to provide for dilution credits or a mixing zone, as may be appropriate.
- 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, monitoring requirements

on 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.

2. Special Studies, Technical Reports and Additional Monitoring Requirements

- a. **Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan.** The Discharger shall submit to the Regional Water Board an Initial Investigation Toxicity Reduction Evaluation (TRE) workplan (1-2 pages) **within 90 days** of the effective date of this permit. This plan shall describe the steps the permittee intends to follow in the event that toxicity is detected, and should include at a minimum:
- i. A description of the investigation and evaluation techniques that will be used to identify potential causes/sources of toxicity, effluent variability, and treatment system efficiency;
 - ii. A description of the Facility's method of maximizing in-house treatment efficiency and good housekeeping practices, and a list of all chemicals used in operation of the facility;
 - iii. If a toxicity identification evaluation (TIE) is necessary, an indication of the person who would conduct the TIEs (i.e., an in-house expert or an outside contractor) (Section V of the MRP, Attachment E) provides references for the guidance manuals that should be used for performing TIEs).

3. Best Management Practices and Pollution Prevention

- a. The Discharger shall submit **within 90 days** of the effective date of this Order:
- i. An updated Storm Water Pollution Prevention Plan (SWPPP) that describes site-specific management practices for minimizing contamination of storm water runoff and for preventing contaminated storm water runoff from being discharged directly to waters of the State. The SWPPP shall be developed in accordance with the requirements in Attachment G.
 - ii. An updated Best Management Practices Plan (BMPP) that entail site-specific plans and procedures implemented and/or to be implemented to prevent hazardous waste/material from being discharged to waters of the State. The BMPs shall be consistent with the general guidance contained in the USEPA *Guidance Manual for Developing Best Management Practices (BMPs)* (EPA 833-B-93-004). In particular, a risk assessment of each area identified by the Discharger shall be performed to determine the potential for hazardous or toxic waste/material discharge to surface waters.
 - iii. A Spill Contingency Plan (SCP) that shall be site specific and shall cover all areas of the Facility including the chemical storage areas. A Spill Control and

Countermeasure Plan (SPCC), developed in accordance with 40 CFR Part 112, may be substituted for the SCP.

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 contamination of storm water runoff and the discharge of hazardous waste/material; and address the feasibility of containment and/or treatment of storm water. The plans shall be reviewed annually and at the same time. Updated information shall be submitted within 30 days of revision.

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.

5. Special Provisions for Municipal Facilities – Not Applicable

6. Other Special Provisions – Not Applicable

7. Compliance Schedules – Not Applicable

VII. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in section IV of this Order will be determined as specified below:

A. Single Constituent Effluent Limitation.

If the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (see Reporting Requirement I.G. and H. of the MRP), then the Discharger is out of compliance.

B. Multiple Sample Data.

When determining compliance with an AMEL or 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:

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.
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.

F. Average Monthly Effluent Limitation (AMEL).

If the average (or when applicable, the median determined by subsection E above for multiple sample data) of daily discharges over a calendar month exceeds the AMEL for a given parameter, this will represent a single violation, though the Discharger will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Discharger will be considered out of compliance for that calendar month. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.

In determining compliance with the AMEL, the following provisions shall also apply to all constituents:

1. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the AMEL for that constituent, the Discharger has demonstrated compliance with the AMEL for that month;
2. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the AMEL for any constituent, the Discharger shall collect four additional samples at approximately equal intervals during the month. 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.

When all sample results are greater than or equal to the reported Minimum Level (see Reporting Requirement I.G. of the MRP), the numerical average of the analytical results of these five samples will be used for compliance determination.

When one or more sample results are reported as "Not-Detected (ND)" or "Detected, but Not Quantified (DNQ)" (see Reporting Requirement I.G. of the MRP), the median value of these four samples shall be used for compliance determination. If one or both of the middle values is ND or DNQ, the median shall be the lower of the two middle values.

3. In the event of noncompliance with an AMEL, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the AMEL has been demonstrated.
4. If only one sample was obtained for the month or more than a monthly period and the result exceeds the AMEL, then the Discharger is in violation of the AMEL.

G. Maximum Daily Effluent Limitations (MDEL).

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

H. 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 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).

I. 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 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).

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 = $\mu = \Sigma x / n$ where: Σx is the sum of the measured ambient water concentrations, and n is the number of samples.

Average Monthly Effluent Limitation (AMEL)

The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Effluent Limitation (AWEL)

The highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

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.

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 waste load allocation (WLA) as used in USEPA 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 measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in title 40 of the Code of Federal Regulations, Part 136, Attachment B, revised as of July 3, 1999.

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.

Ocean Waters

The territorial marine waters of the State as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. Discharges to ocean waters are regulated in accordance with the State Water Board's California Ocean Plan.

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 Regional 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 or Regional Water Board.

Reporting Level (RL)

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. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional 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.

Satellite Collection System

The portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility that a sanitary sewer system is tributary to.

Source of Drinking Water

Any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.

Standard Deviation (σ)

Standard Deviation is a measure of variability that is calculated as follows:

$$\sigma = (\sum[(x - \mu)^2]/(n - 1))^{0.5}$$

where:

x is the observed value;

μ is the arithmetic mean of the observed values; and

n is the number of samples.

Toxicity Reduction Evaluation (TRE)

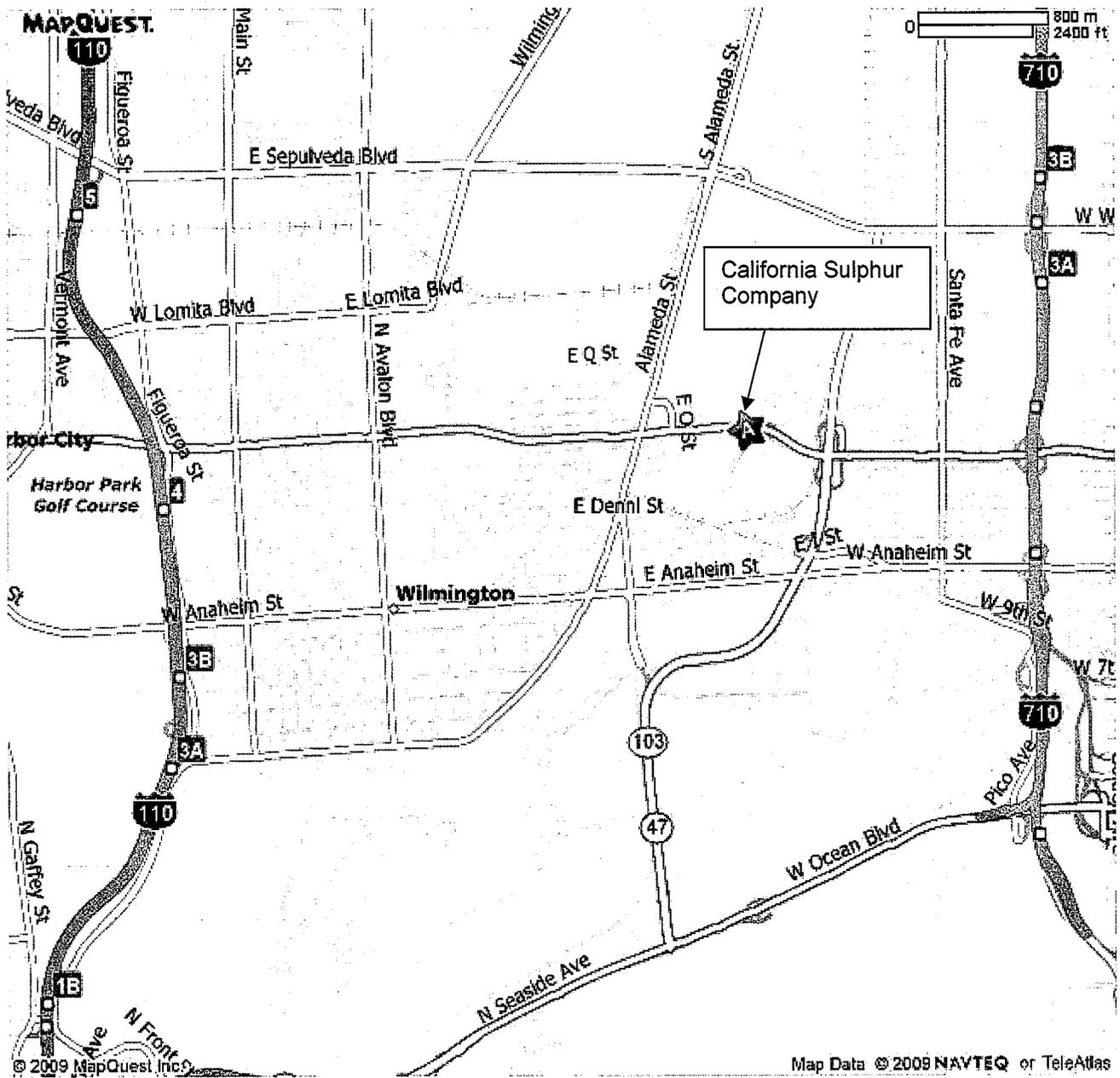
TRE is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection 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.)

ACRONYMS AND ABBREVIATIONS

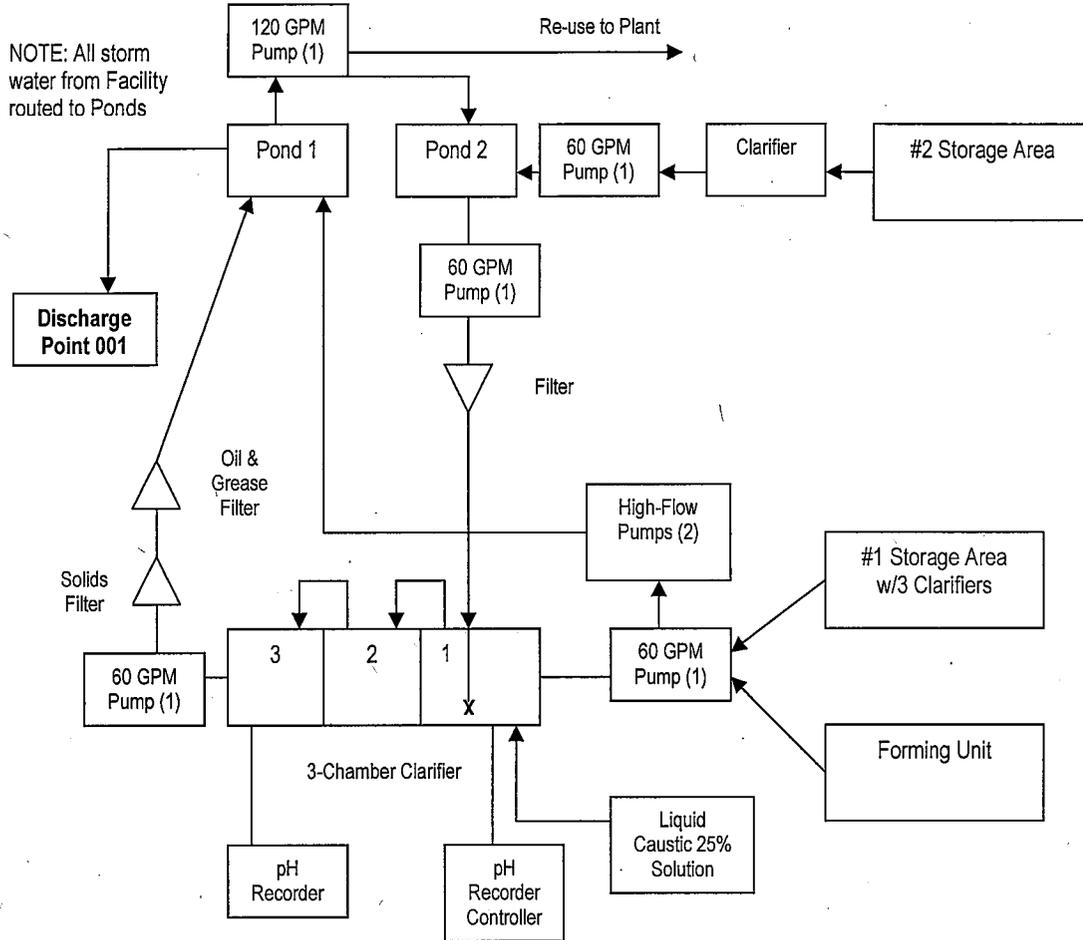
AMEL	Average Monthly Effluent Limitation
B	Background Concentration
BAT	Best Available Technology Economically Achievable
Basin Plan	<i>Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties</i>
BCT	Best Conventional Pollutant Control Technology
BMP	Best Management Practices
BMPPP	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
CTR	California Toxics Rule
CV	Coefficient of Variation
CWA	Clean Water Act
CWC	California Water Code
Discharger	California Sulphur Company
DMR	Discharge Monitoring Report
DNQ	Detected But Not Quantified
ELAP	California Department of Public Health Environmental Laboratory Accreditation Program
ELG	Effluent Limitations, Guidelines and Standards
Facility	Sulphur Pelletizing and Exporting Plant
gpd	gallons per day
IC	Inhibition Coefficient
IC ₁₅	Concentration at which the organism is 15% inhibited
IC ₂₅	Concentration at which the organism is 25% inhibited
IC ₄₀	Concentration at which the organism is 40% inhibited
IC ₅₀	Concentration at which the organism is 50% inhibited
LA	Load Allocations
LOEC	Lowest Observed Effect Concentration
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

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
PMEL	Proposed Maximum Daily Effluent Limitation
PMP	Pollutant Minimization Plan
POTW	Publicly Owned Treatment Works
QA	Quality Assurance
QA/QC	Quality Assurance/Quality Control
Ocean Plan	<i>Water Quality Control Plan for Ocean Waters of California</i>
Regional Water Board	California Regional Water Quality Control Board, Los Angeles Region
RPA	Reasonable Potential Analysis
SCP	Spill Contingency Plan
SIP	State Implementation Policy (<i>Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California</i>)
SMR	Self Monitoring Reports
State Water Board	California State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
TAC	Test Acceptability Criteria
Thermal Plan	<i>Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California</i>
TIE	Toxicity Identification Evaluation
TMDL	Total Maximum Daily Load
TOC	Total Organic Carbon
TRE	Toxicity Reduction Evaluation
TSD	Technical Support Document
TSS	Total Suspended Solid
TU _c	Chronic Toxicity Unit
USEPA	United States Environmental Protection Agency
WDR	Waste Discharge Requirements
WET	Whole Effluent Toxicity
WLA	Waste Load Allocations
WQBELs	Water Quality-Based Effluent Limitations
WQS	Water Quality Standards
%	Percent

ATTACHMENT B – MAP



ATTACHMENT C – FLOW SCHEMATIC



ATTACHMENT D – STANDARD PROVISIONS**I. STANDARD PROVISIONS – PERMIT COMPLIANCE****A. Duty to Comply**

1. The Discharger must comply with all of the 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, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application [part 122.41(a)].
2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA 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 [part 122.41(a)(1)].

B. 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 [part 122.41(c)].

C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment [part 122.41(d)].

D. 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 [part 122.41(e)].

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges [part 122.41(g)].
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 [part 122.5(c)].

F. Inspection and Entry

The Discharger shall allow the Regional Water Board, State Water Board, United States Environmental Protection Agency (USEPA), 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 [part 122.41(i)] [Water Code section 13383]:

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 [part 122.41(i)(1)];
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order [part 122.41(i)(2)];
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order [part 122.41(i)(3)]; and
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 [part 122.41(i)(4)].

G. Bypass

1. Definitions

- i. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility [part 122.41(m)(1)(i)].
 - ii. "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 [part 122.41(m)(1)(ii)].
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 I.G.3, I.G.4, and I.G.5 below [part 122.41(m)(2)].
 3. Prohibition of bypass. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless [part 122.41(m)(4)(i)]:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage [part 122.41(m)(4)(i)(A)];

- b. The permitted facility was, at the time, being properly operated [part 122.41(n)(3)(ii)];
 - c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) [part 122.41(n)(3)(iii)]; and
 - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above [part 122.41(n)(3)(iv)].
3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof [part 122.41(n)(4)].

II. STANDARD PROVISIONS – PERMIT ACTION

A. 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 [part 122.41(f)].

B. 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 [part 122.41(b)].

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional 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 [parts 122.41(l)(3) and 122.61].

III. STANDARD PROVISIONS – MONITORING

- A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [part 122.41(j)(1)].
- B. Monitoring results must be conducted according to test procedures under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Section 503 unless other test procedures have been specified in this Order [parts 122.41(j)(4) and 122.44(i)(1)(iv)].

IV. STANDARD PROVISIONS – RECORDS

- A. Except for records of monitoring information required by this Order related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a

period of at least five years (or longer as required by Section 503), 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 Regional Water Board Executive Officer at any time [part 122.41(j)(2)].

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements [part 122.41(j)(3)(i)];
2. The individual(s) who performed the sampling or measurements [part 122.41(j)(3)(ii)];
3. The date(s) analyses were performed [part 122.41(j)(3)(iii)];
4. The individual(s) who performed the analyses [part 122.41(j)(3)(iv)];
5. The analytical techniques or methods used [part 122.41(j)(3)(v)]; and
6. The results of such analyses [part 122.41(j)(3)(vi)].

C. Claims of confidentiality for the following information will be denied [part 122.7(b)]:

1. The name and address of any permit applicant or Discharger [part 122.7(b)(1)]; and
2. Permit applications and attachments, permits and effluent data [part 122.7(b)(2)].

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, State Water Board, or USEPA within a reasonable time, any information which the Regional Water Board, State Water Board, or USEPA 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 Regional Water Board, State Water Board, or USEPA copies of records required to be kept by this Order [part 122.41(h)] [Water Code section 13267].

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below [part 122.41(k)].

2. All permit applications shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. [part 122.22(a)(1)].

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order [part 122.22(l)(4)].
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices [part 122.41(l)(4)(i)].
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Section 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board [part 122.41(l)(4)(ii)].
4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order [part 122.41(l)(4)(iii)].

D. 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 [part 122.41(l)(5)].

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that 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 written submission shall

also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission 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 [part 122.41(I)(6)(i)].

2. The following shall be included as information that must be reported within 24 hours under this paragraph [part 122.41(I)(6)(ii)]:
 - a. Any unanticipated bypass that exceeds any effluent limitation in this Order [part 122.41(I)(6)(ii)(A)].
 - b. Any upset that exceeds any effluent limitation in this Order [part 122.41(I)(6)(ii)(B)].
3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours [part 122.41(I)(6)(iii)].

F. Planned Changes

The Discharger shall give notice to the Regional 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 [part 122.41(I)(1)]:

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 part 122.29(b) [part 122.41(I)(1)(i)]; or
2. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan [part 122.41(I)(1)(iii)].

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements [part 122.41(I)(2)].

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above [part 122.41(I)(7)].

I. 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 Regional Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information [part 122.41(l)(8)].

VI. STANDARD PROVISIONS – ENFORCEMENT

- A. The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13385, 13386, and 13387.
- B. The CWA provides that any person who violates sections 301, 302, 306, 307, 308, 318 or 405 of the Act, 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 Act, 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 Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one (1) 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 (2) years, or both. Any person who knowingly violates such sections, or 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 (3) 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 six (6) years, or both. Any person who knowingly violates sections 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, 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 [part 122.41(a)(2)] [*Water Code sections 13385 and 13387*].
- C. Any person may be assessed an administrative penalty by the Regional Water Board for violating sections 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. 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 [part 122.41(a)(3)].

- D. 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 2 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 4 years, or both [part 122.41(j)(5)].
- E. 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 Order, including monitoring reports or reports of compliance or noncompliance 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 [part 122.41(k)(2)].

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the Regional Water Board as soon as they know or have reason to believe [part 122.42(a)]:

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" [part 122.42(a)(1)]:
 - a. 100 micrograms per liter ($\mu\text{g/L}$) [part 122.42(a)(1)(i)];
 - b. 200 $\mu\text{g/L}$ for acrolein and acrylonitrile; 500 $\mu\text{g/L}$ for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony [part 122.42(a)(1)(ii)];
 - c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [part 122.42(a)(1)(iii)]; or
 - d. The level established by the Regional Water Board in accordance with part 122.44(f) [part 122.42(a)(1)(iv)].

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" [part 122.42(a)(2)]:
- a. 500 micrograms per liter ($\mu\text{g/L}$) [part 122.42(a)(2)(i)];
 - b. 1 milligram per liter (mg/L) for antimony [part 122.42(a)(2)(ii)];
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge [part 122.42(a)(2)(iii)]; or
 - d. The level established by the Regional Water Board in accordance with part 122.44(f) [part 122.42(a)(2)(iv)].

ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP NO. 6546)

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ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP) NO. 6546

The Code of Federal Regulations part 122.48 requires that all NPDES permits specify monitoring and reporting requirements. Water Code Sections 13267 and 13383 also authorize the Regional Water Quality Control Board (Regional Water Board) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements, which implement the federal and California regulations.

I. GENERAL MONITORING PROVISIONS

- A.** An effluent sampling station shall be established for the point of discharge (Discharge Point 001 [Latitude 33°46'38", Longitude 118°14'01"]) and shall be located where representative samples of that effluent can be obtained.
- B.** Effluent samples shall be taken downstream of any addition to treatment works and prior to mixing with the receiving waters.
- C.** The Regional Water Board shall be notified in writing of any change in the sampling stations once established or in the methods for determining the quantities of pollutants in the individual waste streams.
- D.** Pollutants shall be analyzed using the analytical methods described in 40 CFR parts 136.3, 136.4, and 136.5 (revised March 12, 2007); or, the methods specified in 40 CFR part 136. Where no methods are specified for a given pollutant, the methods approved by this Regional Water Board or the State Water Board will be used. Laboratories analyzing effluent samples and receiving water samples shall be certified by the California Department of Public Health Environmental Laboratory Accreditation Program (ELAP) or approved by the Executive Officer and must include quality assurance/quality control (QA/QC) data in their reports. A copy of the laboratory certification shall be provided each time a new certification and/or renewal of the certification is obtained from ELAP.
- E.** For any analyses performed for which no procedure is specified in the USEPA guidelines or in the MRP, the constituent or parameter analyzed and the method or procedure used must be specified in the monitoring report.
- F.** Each monitoring report must affirm in writing that "all analyses were conducted at a laboratory certified for such analyses by the Department of Public Health or approved by the Executive Officer and in accordance with current USEPA guideline procedures or as specified in this MRP".
- G.** 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, performance goals, and receiving water limitations, analytical data shall be reported by one of the following methods, as appropriate:

1. An actual numerical value for sample results greater than or equal to the ML; or
2. "Detected, but Not Quantified (DNQ)" if results are greater than or equal to the laboratory's MDL but less than the ML; or,
3. "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 (Attachment H) 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, March 2, 2000.

- H. Where possible, the MLs employed for effluent analyses shall be lower than the permit limitations established for a given parameter. 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.

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

1. When the pollutant under consideration is not included in Attachment H;
2. When the Discharger and Regional Water Board agree to include in the permit a test method that is more sensitive than that specified in 40 CFR Part 136 (revised March 12, 2007);
3. When the Discharger agrees to use an ML that is lower than that listed in Attachment H;
4. When the Discharger demonstrates that the calibration standard matrix is sufficiently different from that used to establish the ML in Attachment H, and proposes an appropriate ML for their matrix; or,
5. When the Discharger uses a method whose quantification practices are not consistent with the definition of an ML. Examples of such methods are the USEPA-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 Regional 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.

- I. Water/wastewater samples must be analyzed within allowable holding time limits as specified in part 136.3. All QA/QC items must be run on the same dates the samples were actually analyzed, and the results shall be reported in the Regional 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.
- J. All analyses shall be accompanied by the chain of custody, including but not limited to data 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.
- K. The Discharger shall calibrate and perform maintenance procedures on all monitoring instruments and to insure accuracy of measurements, or shall insure that both equipment activities will be conducted.
- L. The Discharger shall have, and implement, an acceptable written quality assurance (QA) plan for laboratory analyses. The annual monitoring report required in Section X.D shall also summarize the QA activities for the previous year. Duplicate chemical analyses must be conducted on a minimum of ten percent (10%) of the samples, or at least one sample per sampling period, whichever is greater. A similar frequency shall be maintained for analyzing spiked samples.
- M. When requested by the Regional Water Board or USEPA, the Discharger will participate in the NPDES discharge monitoring report QA performance study. The Discharger must have a success rate equal to or greater than 80%.
- N. 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.
- O. In the event wastes are transported to a different disposal site during the report period, the following shall be reported in the monitoring report:
 - 1. Types of wastes and quantity of each type;

2. Name and address for each hauler of wastes (or method of transport if other than by hauling); and
3. Location of the final point(s) of disposal for each type of waste.

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

- P. Each monitoring report shall state whether or not there was any change in the discharge as described in the Order during the reporting period.
- Q. Laboratories analyzing monitoring samples shall be certified by the Department of Public Health, in accordance with the provision of Water Code section 13176, and must include quality assurance/quality control data with their reports.

II. 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:

Table E-1. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description (include Latitude and Longitude when available)
001	EFF-001	Effluent shall be collected at the exit point of the discharge pipe from Pond No.1. prior to the effluent flowing into the receiving water (Dominguez Channel Estuary).
--	RSW-001U	The monitoring stations shall be located within 50 feet upstream of the discharge point into Dominguez Channel Estuary.

III. INFLUENT MONITORING REQUIREMENTS – NOT APPLICABLE

IV. EFFLUENT MONITORING REQUIREMENTS

A. Monitoring Location EFF- 001

1. The Discharger shall monitor overflow from Pond No. 1 (i.e., treated process water and storm water) through Discharge Point 001 at Monitoring Location EFF-001. If more than one analytical test method is listed for a given parameter, the Discharger must select from the listed methods and corresponding Minimum Level:

Table E-2. Effluent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency ¹	Required Analytical Test Method and (Minimum Level, units), respectively ²
Flow	mgd	Recorder	1/Day ³	²
Biochemical Oxygen Demand (BOD)(5 day @ 20 Deg. C)	mg/L	Grab	1/discharge event	²
Oil and Grease	mg/L	Grab	1/discharge event	²
pH	pH Units	Grab	1/discharge event	²
Total Suspended Solids (TSS)	mg/L	Grab	1/discharge event	²
Ammonia (as N)	mg/L	Grab	1/discharge event	²
Dissolved Oxygen (DO)	mg/L	Grab	1/ discharge event	²
Electrical Conductivity @25 Deg.C	µmho/cm	Grab	1/discharge event	²
Methyl-Tertiary-Butyl-Ether (MTBE)	µg/L	Grab	1/discharge event	²
Phenols	mg/L	Grab	1/discharge event	²
Settleable Solids (SS)	ml/L	Grab	1/discharge event	²
Sulfate	mg/L	Grab	1/discharge event	²
Sulfide (Total)	mg/L	Grab	1/discharge event	²
Sulfite	mg/L	Grab	1/discharge event	²
Temperature	⁰ F or ⁰ C	Grab	1/discharge event	²
Tertiary Butyl Alcohol (TBA)	µg/L	Grab	1/discharge event	²
Total Organic Carbon (TOC)	mg/L	Grab	1/discharge event	²
Total Petroleum Hydrocarbons (TPH)(both gasoline and diesel fractions) ⁴	µg/L	Grab	1/discharge event	²
Turbidity	TU	Grab	1/discharge event	²
Total Coliform	MPN/100 mL	Grab	1/discharge event ⁵	²
Fecal Coliform	MPN/100 mL	Grab	1/discharge event ⁵	²
Enterococcus	MPN/100 mL	Grab	1/discharge event ⁵	²
Acute Toxicity ⁶	% Survival	Grab	1/year (1 st discharge of the wet season)	²
Priority Pollutants (see Attachment I) ⁷	µg/L	Grab	1/year (1 st discharge of the wet season)	²

¹ During periods of extended rainfall, no more than one sample per week need be taken. Sampling shall be during the first flush (initial period of runoff) of storm water runoff. If, for safety reasons, a sample cannot be obtained during the first flush of storm water runoff, a sample shall be obtained at the first safe opportunity, and the reason for the delay shall be included in the report.

² Pollutants shall be analyzed using the analytical methods described in Part 136; for priority pollutants the methods must meet the lowest minimum levels (MLs) specified in Attachment 4 of the SIP, provided as Attachment H. Where no methods are specified for a given pollutant, the methods must be approved by this Regional Water Board or the State Water Board.

- 3 Flow shall be recorded daily during each period of discharge. Periods of no flow shall also be reported.
- 4 Analyses using USEPA Method 8015 (Modified).
- 5 The Discharger shall collect five samples equally spaced over a 30-day period, if possible.
- 6 Refer to Item V., Whole Effluent Toxicity Testing Requirements.
- 7 Priority Pollutants as defined by the CTR defined in Finding II.I of the Limitations and Discharge Requirements of this Order, and included as Attachment I. Annual samples shall be collected during the first hour of discharge from the first storm event of the wet season (October 1 – May 30).

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

A. Definition of Toxicity

1. Acute Toxicity.

Acute toxicity is a measure of primarily lethal effects that occur over a 96-hour period. Acute toxicity shall be measured in percent survival measured in undiluted (100%) effluent.

- a. The average survival in the undiluted effluent for any three (3) consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, and
- b. No single test shall produce less than 70% survival.

2. Accelerated Monitoring

If either of the above requirements is not met, the Discharger shall conduct six additional tests over a 6-week period, if possible. The Discharger shall ensure that they receive results of a failing toxicity test within 24 hours of the close of the test and the additional tests shall begin within 3 business days of the receipt of the result. If the additional tests indicate compliance with the toxicity limitation, the Discharger may resume regular testing. However, if the results of any two of the six accelerated tests are less than the stipulated requirements, then the Discharger shall begin a Toxicity Identification Evaluation (TIE). The TIE shall include all reasonable steps to identify the sources of toxicity. Once the sources are identified, the Discharger shall take all reasonable steps to reduce toxicity to meet the objective.

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

B. Acute Toxicity Effluent Monitoring Program

1. The Discharger shall conduct acute toxicity tests on effluent samples by methods specified in Part 136 which cites USEPA's *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, Fifth Edition, October 2002, USEPA, Office of Water, Washington D.C. (EPA/821-R-02-012) or a more recent edition to ensure compliance in 100 % effluent.

2. The fathead minnow, *Pimephales promelas*, shall be used as the test species for fresh water discharges and the topsmelt, *Atherinops affinis*, shall be used as the test species for brackish effluent. The method for topsmelt is found in USEPA's *Short-term Method for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms*, Third Edition, October 2002 (EPA/821-R-02-014), or a more recent edition.
3. In lieu of conducting the standard acute toxicity testing with the fathead minnow, the Discharger may elect to report the results or endpoint from the first 48 hours of the chronic toxicity test as the results of the acute toxicity test.
4. Effluent samples shall be collected after all treatment processes and before discharge to the receiving water.

C. Quality Assurance

1. Concurrent testing with a reference toxicant shall be conducted. Reference toxicant tests shall be conducted using the same test conditions as the effluent toxicity tests (e.g., same test duration, etc).
2. If either the reference toxicant test or effluent test does not meet all test acceptability criteria (TAC) as specified in the test methods manuals (EPA/600/4-91/002 and EPA/821-R-02-014), then the Discharger must re-sample and re-test at the earliest time possible.
3. Control and dilution water should be receiving water or laboratory water, as appropriate, as described in the manual. If the dilution water used is different from the culture water, a second control using culture water shall be used.

D. Accelerated Monitoring and Initial Investigation TRE Trigger

1. If toxicity exceeds the limitations (as defined in section V.A.1, above), then the Discharger shall immediately implement accelerated testing, as specified in section V.A.2, above. The Discharger shall ensure that they receive results of a failing toxicity test within 24 hours of the completion of the test and the additional tests shall begin within 3 business days of receipt of the results or at the first opportunity of discharge. If the accelerated testing shows consistent toxicity, the Discharger shall immediately implement the Initial Investigation of the TRE Workplan.
2. If implementation of the Initial Investigation TRE Workplan indicates the source of toxicity (e.g., temporary plant upset, etc.), then the Discharger may discontinue the TIE.
3. The first step in the Initial Investigation TRE Workplan for downstream receiving water toxicity can be a toxicity test protocol designed to determine if the effluent from Discharge Point 001 causes or contributes to the measured downstream acute toxicity. If this first step TRE testing shows that the Discharge Point 001 effluent

does not cause or contribute to downstream acute toxicity, using USEPA's *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, Fourth Edition, October 2002 (EPA/821/R-02-014), then a report on this testing shall be submitted to the Regional Water Board and the Initial Investigation TRE will be considered to be completed. Routine testing in accordance with the MRP shall be continued thereafter.

E. Toxicity Reduction Evaluation (TRE)/Toxicity Identification Evaluation (TIE) Trigger

1. If the accelerated testing shows consistent toxicity as defined below:
 - a. Acute Toxicity:
 - i. If the results of any two of the six accelerated tests are less than 90% survival, or
 - ii. If the initial test and any of the additional six acute toxicity bioassay tests result in less than 70% survival.

then, the Discharger shall immediately implement the TRE as described below.

F. Steps in TRE and TIE Procedures

1. Following a TRE trigger, the Discharger shall initiate a TRE in accordance with the facility's Initial Investigation TRE workplan. At a minimum, the Discharger shall use USEPA manuals EPA/600/2-88/070 (industrial) or EPA/833B-99/002 (municipal) as guidance. The Discharger shall expeditiously develop a more detailed TRE workplan for submittal to the Executive Officer within 30 days of the trigger, which will include, but not be limited to:
 - a. Further actions to investigate and identify the cause of toxicity;
 - b. Actions the Discharger will take to mitigate the impact of the discharge and prevent the recurrence of toxicity;
 - c. Standards the Discharger will apply to consider the TRE complete and to return to normal sampling frequency; and,
 - d. A schedule for these actions.
2. The following is a stepwise approach in conducting the TRE:
 - a. Step 1 - Basic data collection. Data collected for the accelerated monitoring requirements may be used to conduct the TRE;
 - b. Step 2 - Evaluates optimization of the treatment system operation, facility housekeeping, and the selection and use of in-plant process chemicals;

- c. Step 3 – If Steps 1 and 2 are unsuccessful, Step 3 implements a Toxicity Identification Evaluation (TIE) by employing all reasonable efforts and using currently available TIE methodologies. The Discharger shall use the USEPA acute and chronic manuals, EPA/600/6-91/005F (Phase I)/EPA/600/R-96-054 (for marine), EPA/600/R-92/080 (Phase II), and EPA-600/R-92/081 (Phase III) as guidance. The objective of the TIE is to identify the substance or combination of substances causing the observed toxicity;
- d. Step 4 – Assuming successful identification or characterization of the toxicant(s), Step 4 evaluates final effluent treatment options;
- e. Step 5 evaluates in-plant treatment options; and,
- f. Step 6 consists of confirmation once a toxicity control method has been implemented.

Many recommended TRE elements parallel source control, pollution prevention, and storm water control program best management practices (BMPs). To prevent duplication of efforts, evidence of implementation of these control measures may be sufficient to comply with TRE requirements. By requiring the first steps of a TRE to be accelerated testing and review of the facility's TRE workplan, a TRE may be ended in its early stages. All reasonable steps shall be taken to reduce toxicity to the required level. The TRE may be ended at any stage if monitoring indicates there is no longer toxicity (or six consecutive acute toxicity test results are greater than 90% survival).

3. The Discharger may initiate a TIE as part of the TRE process to identify the cause(s) of toxicity. The Discharger shall use the EPA acute and chronic manuals, EPA/600/6-91/005F (Phase I)/EPA/600/R-96-054 (for marine), EPA/600/R-92/080 (Phase II), and EPA-600/R-92/081 (Phase III) as guidance.
4. If a TRE/TIE is initiated prior to completion of the accelerated testing schedule required by this permit, then the accelerated testing schedule may be terminated, or used as necessary in performing the TRE/TIE, as determined by the Executive Officer.
5. Toxicity tests conducted as part of a TRE/TIE may also be used for compliance determination, if appropriate.
6. The Regional Water Board recognizes that toxicity may be episodic and identification of causes of and reduction of sources of toxicity may not be successful in all cases. Consideration of enforcement action by the Regional Water Board will be based in part on the Discharger's actions and efforts to identify and control or reduce sources of consistent toxicity.

G. Reporting

1. The Discharger shall submit a full report of the toxicity test results, including any accelerated testing conducted during the month as required by this permit. Test results shall be reported as % survival for acute toxicity test results with the self monitoring reports (SMR) for the month in which the test is conducted.
2. If an initial investigation indicates the source of toxicity and accelerated testing is unnecessary, then those results also shall be submitted with the SMR for the period in which the investigation occurred.
 - a. The full report shall be submitted on or before the end of the month in which the SMR is submitted.
 - b. The full report shall consist of (1) the results; (2) the dates of sample collection and initiation of each toxicity test; (3) the acute toxicity average limit; and (4) printout of the ToxCalc or CETIS program results.
3. Test results for toxicity tests also shall be reported according to the appropriate manual chapter on Report Preparation and shall be attached to the SMR. Routine reporting shall include, at a minimum, as applicable, for each test:
 - a. Sample date(s);
 - b. Test initiation date;
 - c. Test species;
 - d. End point values for each dilution (e.g., number of young, growth rate, percent survival);
 - e. NOEC value(s) in percent effluent;
 - f. IC₁₅, IC₂₅, IC₄₀ and IC₅₀ values in percent effluent;
 - g. Mean percent mortality (+standard deviation) after 96 hours in 100% effluent (if applicable);
 - h. NOEC and LOEC values for reference toxicant test(s);
 - i. IC₂₅ value for reference toxicant test(s);
 - j. Any applicable charts; and
 - k. Available water quality measurements for each test (e.g., pH, D.O., temperature, conductivity, hardness, salinity, ammonia).
4. The Discharger shall provide a compliance summary, which includes a summary table of toxicity data from all samples collected during that year.

The Discharger shall notify by telephone or electronically, this Regional Water Board of any toxicity exceedance of the limit or trigger within 24 hours of receipt of the results followed by a written report within 14 calendar days of receipt of the results. The verbal or electronic notification shall include the exceedance and the plan the Discharger has taken or will take to investigate and correct the cause(s) of toxicity. It may also include a status report on any actions required by the permit, with a schedule for actions not yet completed. If no actions have been taken, the reasons shall be given.

VI. LAND DISCHARGE MONITORING REQUIREMENTS – NOT APPLICABLE

VII. RECLAMATION MONITORING REQUIREMENTS – NOT APPLICABLE

VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER AND GROUNDWATER

A. Monitoring Location – RSW-001U (Upstream)

1. The Discharger shall monitor the Dominguez Channel at RSW-001U as follows:

Table E-3. Receiving Water Monitoring Requirements

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method and (Minimum Level, units), respectively
pH	pH Units	Grab	1/year during discharge event	1, 2
Temperature	°F	Grab	1/year during discharge event	1, 2
Hardness (as Ca CO ₃)	mg/L	Grab	1/year during discharge event	1, 2
Salinity	ppt	Grab	1/year during discharge event	1, 2
Priority Pollutants (see Attachment I) ³	µg/L	Grab	1/year during discharge event	2
Ammonia, Total (as N)	mg/L	Grab	1/year during discharge event	2

¹ Pollutants shall be analyzed using the analytical methods described in Part 136; for priority pollutants the methods must meet the lowest minimum levels (MLs) specified in Attachment 4 of the SIP, where no methods are specified for a given pollutant, the methods must be approved by this Regional Water Board or the State Water Board.

² Receiving water pH, hardness, and temperature must be analyzed at the same time the samples are collected for Priority Pollutants analysis.

³ Priority Pollutants as defined by the CTR defined in Finding II.I of the Limitations and Discharge Requirements of this Order, and included as Attachment I. Annual samples shall be collected during the first hour of discharge from the first storm event of the wet season (October 1 – May 30). If, for safety reasons, a sample cannot be obtained during the first hour of discharge, then a sample shall be obtained, at first safe opportunity within 12 hours of the beginning of storm water.

B. Visual Monitoring of Upstream and Downstream Receiving Water Sampling Points

1. A visual observation station shall be established in the vicinity of the discharge point of the storm drain to the receiving water (Dominguez Channel Estuary). The receiving water monitoring program shall consist of periodic surveys of receiving water and shall include studies of those physical-chemical characteristics of the receiving water that may be impacted by the discharge.

IX. OTHER MONITORING REQUIREMENTS**A. Storm Water Monitoring**

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. This information shall be included in the monitoring report for that quarter.
2. Visual Observation. The Discharger shall make visual observations of all storm water discharge locations on at least one storm event per month that produces a significant storm water discharge to observe the presence of floating and suspended materials, oil and grease, discoloration, turbidity, and odor. A "significant storm water discharge" is a continuous discharge of storm water for a minimum of one hour, or the intermittent discharge of storm water for a minimum of 3 hours in a 12-hour period.

B. SWPPP, BMPP, and Spill Contingency Plan Status and Effectiveness Report

1. As required under Special Provision VI.C.3 of this Order, the Discharger shall submit an updated SWPPP, BMPP, and Spill Contingency Plan to the Executive Officer of the Regional Water Board for approval within 90 days of the effective date of this permit.
2. Annually the Discharger shall report the status of the implementation and the effectiveness of the SWPPP, BMPP, and Spill Contingency Plan required under Special Provision VI.C.3 of this Order. The SWPPP, BMPP, and Spill Contingency Plan Status shall be reviewed at a minimum once per year and updated as needed to ensure all actual or potential sources of pollutants in wastewater and storm water discharged from the Facility are addressed. All changes or revisions to the SWPPP, BMPP, and Spill Contingency Plan will be summarized in the annual report required under Attachment E, Monitoring and Reporting, Section X.D.

X. REPORTING REQUIREMENTS**A. General Monitoring and Reporting Requirements**

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

2. If there is no discharge during any reporting period, the report shall so state.
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.
4. The Discharger shall inform the Regional Water Board well in advance of any proposed construction activity that could potentially affect compliance with applicable requirements.
5. The Discharger shall report the results of acute and chronic toxicity testing, TRE and TIE as required in the Attachment E, Monitoring and Reporting, Section V.F.

B. Self Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). Until such notification is given, the Discharger shall submit hard copy SMRs. The CIWQS Web site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.
2. The Discharger shall report in the SMR the results for all monitoring specified in this MRP under sections III through IX. The Discharger shall submit once per discharge with a maximum of four samples per month and annual SMRs including the results of all required monitoring using USEPA-approved test methods or other test methods specified in this Order. 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.
3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

Table E-4. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
1/Day	First discharge event after the effective date of this Order	(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling.	May 1 August 1 November 1 February 1
1 / Discharge Event	First discharge event after the effective date of this Order	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	May 1 August 1 November 1 February 1
1/Year	January 1 following permit effective date	January 1 through December 31	February 1

4. Reporting Protocols. The Discharger shall report with each sample result the applicable reported Minimum Level (ML) and the current Method Detection Limit (MDL), as determined by the procedure in Part 136.
5. 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 reported ML 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 as well as the words "Estimated Concentration" (may be shortened to "Est. Conc."). 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.
6. Compliance Determination. Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined above and Attachment A of this Order. For purposes of reporting and administrative enforcement by the Regional and State Water Boards, 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).
 7. Multiple Sample Data. When determining compliance with an AMEL and 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.
8. 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 WDRs; 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.
 - c. SMRs must be submitted to the Regional Water Board, signed and certified as required by the Standard Provisions (Attachment D), to the address listed below:

**California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013**

C. Discharge Monitoring Reports (DMRs) – Not Applicable

D. Other Reports

1. Within 90 days of the effective date of this permit, the Discharger is required to submit the following to the Regional Water Board:
 - a. Initial Investigation TRE Workplan
 - b. Updated SWPPP
 - c. Updated BMPP
 - d. Spill Contingency Plan

2. By March 1 of each year, the Discharger shall submit an annual report to the Regional Water Board. The report shall contain the following:
 - a. Both tabular and graphical summaries of the monitoring data obtained during the previous year,
 - b. A discussion on the compliance record and the corrective actions taken or planned to bring the discharge into full compliance with the waste discharge requirements,
 - c. A report discussing the following: 1) operation/maintenance problems; 2) changes to the facility operations and activities; 3) potential discharge of the pollutants associated with the changes and how these changes are addressed in the BMPP; 3) calibration of flow meters or other equipment/device used to demonstrate compliance with effluent limitations of this Order.
 - d. A report summarizing the quantities of all chemicals, listed by both trade and chemical names, which are used at the facility and which are discharged or have the potential to be discharged (See Section IX.B of the MRP, Attachment E).
 - e. A report on the status of the implementation and the effectiveness of the SWPPP, BMPP, and Spill Contingency Plan.
3. If the Discharger wishes to participate in a coordinated receiving water, biomonitoring, and sediment monitoring program with other dischargers to the Dominguez Channel, then, as discussed in Section VIII.F of the MRP, Attachment E, the Discharger shall submit a report seeking approval of the Regional Water Board.
4. This Regional Water Board requires the Discharger to file with the Regional Water Board, within 90 days after the effective date of this Order, a technical report on his preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. The technical report should:
 - a. Identify the possible sources of accidental loss, untreated waste bypass, and contaminated drainage. Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered.
 - b. Evaluate the effectiveness of present facilities and procedures and state when they become operational.
 - c. Describe facilities and procedures needed for effective preventive and contingency plans.
 - d. Predict the effectiveness of the proposed facilities and procedures and provide an implementation schedule contingent interim and final dates when they will be constructed, implemented, or operational.

This Regional Water Board, after review of the technical report, may establish conditions which it deems necessary to control accidental discharges and to minimize the effects of such events. Such conditions may be incorporated as part of this Order, upon notice to the Discharger.

ATTACHMENT F – FACT SHEET

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ATTACHMENT F – FACT SHEET

As described in section II 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.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

Table F-1. Facility Information

WDID	4B192143001
Discharger	California Sulphur Company
Name of Facility	California Sulphur Company
Facility Address	2250 East Pacific Coast Highway
	Wilmington, CA, 90744
	Los Angeles County
Facility Contact, Title and Phone	John F. Babbitt, President, (562) 437-0768
Authorized Person to Sign and Submit Reports	John F. Babbitt, President, (562) 437-0768
Mailing Address	P.O. Box 176, Wilmington, CA 90748
Billing Address	SAME
Type of Facility	Industrial - Sulphur Pelletizing and Exporting Plant
Major or Minor Facility	Minor
Threat to Water Quality	2
Complexity	B
Pretreatment Program	Not Applicable
Reclamation Requirements	Not Applicable
Facility Permitted Flow	0.2304 MGD
Facility Design Flow	0.2304 MGD
Watershed	Dominguez Channel Watershed
Receiving Water	Dominguez Channel Estuary
Receiving Water Type	Estuary

- A. California Sulphur Company (hereinafter Discharger) is the owner and operator of California Sulphur Company, a sulphur pelletizing and exporting plant (hereinafter Facility). The Port of Los Angeles owns the property at 2250 East Pacific Coast Highway on which the Facility is located.

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.

- B. The Facility discharges wastewater to Dominguez Channel Estuary, a water of the United States, and is currently regulated by Order No. R4-2004-0053 that was adopted on April 1, 2004. Order No. R4-2004-0053 expired on March 10, 2009. The terms and conditions of the current Order have been automatically continued and remain in effect until new Waste Discharge Requirements and NPDES permit are adopted pursuant to this Order.
- C. The Discharger filed a report of waste discharge and submitted an application for renewal of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit on October 31, 2008. Supplemental information was submitted by the Discharger on January 13, 2009. An NPDES Permit Compliance Evaluation Inspection (CEI) was conducted on October 21, 2008, to observe operations and collect additional data to develop permit limitations and conditions.

II. FACILITY DESCRIPTION

California Sulphur Company (hereinafter Discharger or CSC) is the owner and operator of a sulphur pelletizing and exporting plant located at 2250 East Pacific Coast Highway, Wilmington, California. Operations consist of liquid sulphur storage, pelletizing, and sulphur pellet dewatering, transfer, storage, and shipping.

The Facility was constructed and became operational in 1983. During the fourth quarter of 1993, a water conservation and recycle system was constructed and became operational in the first quarter of 1994. This system collects all waste process water and storm water for treatment and storage for reuse in the Facility's manufacturing process.

The Discharger hauls molten sulphur (liquid sulphur) to the Facility from nearby oil refineries with a fleet of nine insulated tanker trucks. Molten sulphur is processed into a solid state (called pellet) by freezing the hot liquid sulphur in a closed-loop continuous water bath. This process is called pelletizing. The pellets (formed materials) are mechanically dewatered and conveyed to the uncovered bulk storage areas (Storage Area Nos. 1 and 2) via conveyor belts, transferred to shipping containers, and exported overseas. All water used in the process, including the residual moisture from the pellets, and storm water runoff from the storage areas are directed to the treatment system.

All liquid chemicals stored on-site, including those utilized for truck maintenance and repairs are stored in a covered storage area equipped with secondary containment.

A. Description of Wastewater and Treatment

The wastewater on-site consists of: 1) up to 0.0864 million gallons per day (MGD) of process water from pelletizing, water drained from the pellets, and washdown water in Storage Area Nos. 1 and 2; and 2) and up to 0.144 MGD storm water runoff.

Process water is collected from Storage Area Nos. 1 and 2 as a result of transforming molten sulphur to solid (pellets), dewatering, and storage. At the completion of the dewatering process, the pellets contain water 3 - 3.5 percent moisture as they are conveyed to Storage Area Nos. 1 and 2. In the storage, the moisture on the pellets is drained for about 6 hours reducing the water contained on the pellets to 2.5 - 2.75 percent. The process water and water that is drained from the pellets are collected in the yard drains then it flows to the small clarifiers located in each storage area, and it subsequently flows to the treatment system. Storm water runoff from the Facility is also collected in the yard drains then it flows to the small clarifiers and it subsequently flows to the treatment system.

The Facility utilizes a wastewater treatment system designed to collect, treat, and impound all process water resulting from leaks and spills associated with the closed-loop continuous water bath, drainage water from pellets, and washdown water from the storage areas, as well as storm water runoff from the Facility. The treatment system consists of a three-chambered rectangular clarifier (large clarifier), solids filter, oil and grease filter, and two lined concrete retention ponds (i.e., Pond Nos. 1 and 2). The large clarifier is equipped with a pH adjustment tank to neutralize the wastewater via automated caustic injection.

The wastewater from Storage Area No. 1 is collected in the yard drains then it flows to the three small clarifiers that are located on the South side of the Facility and it subsequently flows by gravity to the 60 gallon per minute (gpm) pump where it is pumped to the treatment system. After the wastewater is treated, it is pumped in Pond No.1 for storage and reuse in the plant. The treated water is reused in the Facility's processes including dust control in the storage areas during truck loading of the pellets. The washdown water from dust control is captured in the yard drains then it flows to the small clarifiers and it subsequently flows to the treatment system. Each year, the water in Pond No.1 is used completely prior to the onset of the storm season.

The wastewater from Storage Area No. 2 is collected in the yard drains then it flows to the two small clarifiers that are located on the North side of the Facility and it is subsequently pumped to Pond No. 2. The wastewater from Pond No. 2 is pumped to the treatment system. After the wastewater is treated, the water is pumped to Pond No. 1 for storage and reuse in the plant.

During storm events, when the flow to the treatment system exceeds the 60 gpm, the water bypasses the treatment system and is pumped directly to Pond No.1. After the storm event, the water from Pond No. 1 is pumped to Pond No. 2 where it is returned to the treatment system. After the water is treated, it is pumped to Pond No. 1 for storage and reuse. Pond No. 1 is designed to contain a capacity of 0.826 million gallons, equal to a 100-year, 24-hour rain event. Pond No. 1 is equipped with an emergency overflow that if Pond No. 1 fills to its capacity during storm events, water is discharged through Discharge Point 001 (see table on cover page) to the Dominguez Channel Estuary, a water of the United States, within the Dominguez Channel Watershed. The overflow contains a measuring flume equipped with flow recorder that records the date, time, and volume discharged. There has been no discharge from the Facility since 1994.

During dry weather, both Pond Nos. 1 and 2, which are empty, are swept and accumulated debris are removed, and inspected for cracks or splits prior to onset of the storm season.

B. Discharge Points and Receiving Waters

During heavy rainfall, CSC discharges up to 0.2304 MGD of overflow from Pond 1 through Discharge Point 001, to Dominguez Channel Estuary, a water of the United States. The outfall to the Dominguez is encased in a concrete trough to prevent erosion. The point of discharge is located at Latitude 33°46'38" North, Longitude 118°14'01" West.

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

Effluent limitations contained in the existing Order for discharges from Discharge Point 001 (Monitoring Location EFF-001) are as follows:

Table F-2. Historic Effluent Limitations and Monitoring Data

Parameter	Units	Effluent Limitations		
		Average Monthly	Average Weekly	Maximum Daily
BOD ₅	mg/L	20	---	30
Oil and Grease	mg/L	10	---	15
pH	pH units	---	---	6.5 – 8.5
Total Suspended Solids (TSS)	mg/L	50	---	75
Phenols	mg/L	---	---	1.0
Settleable Solids (SS)	ml/L	---	---	0.3
Sulfide, Total	mg/L	---	---	0.10
Temperature	°F	---	---	86
Turbidity	NTU	50	---	75

The Facility has not discharged to surface waters since 1994; therefore, there are no historical monitoring data to present.

D. Compliance Summary

A settlement offer to participate in Expedited Payment Program for violation of the requirement contained in Order No. R4-2002-0053 (one late reporting violation) subject to mandatory minimum penalty was mailed to California Sulphur Company on December 10, 2008, by the State Water Board. California Sulphur accepted the State Water Board Offer SWB-2008-4-0020 for a \$3000.00 settlement fee.

E. Planned Changes

Not Applicable

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

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

A. Legal Authorities

This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).

B. California Environmental Quality Act (CEQA)

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100 through 21177.

C. State and Federal Regulations, Policies, and Plans

1. Water Quality Control Plans. The Regional Water Quality Control Board (Regional Water Board) adopted a Water Quality Control Plan for the Los Angeles Region (hereinafter Basin Plan) on June 13, 1994 that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Beneficial uses applicable to Dominguez Channel are as follows:

Table F-3. Basin Plan Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Dominguez Channel, within the Estuary	<p><u>Existing:</u> Water Contact Recreation (REC-1) (access prohibited by the Los Angeles County Department of Public Works); Non-Contact Water Recreation (REC-2); Commercial and Sports Fishing (COMM); Estuarine Habitat (EST); Marine Habitat (MAR); Wildlife Habitat (WILD); Preservation of Rare, Threatened or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); and Spawning, Reproduction, and/or Early Development (SPWN).</p> <p><u>Potential:</u> Navigation (NAV).</p>

Requirements of this Order implement the Basin Plan.

The Water Quality Control Policy for the Enclosed Bays and Estuaries of California (Enclosed Bay and Estuaries Policy), adopted by the State Water Resources Control Board (State Board) as Resolution No. 95-84 on November 16, 1995, states that:

"It is the policy of the State Board that the discharge of municipal wastewaters and industrial process waters (exclusive of cooling water discharges) to enclosed bays and estuaries, other than the San Francisco Bay-Delta system, shall be phased out at the earliest practicable date. Exceptions to this provision may be granted by a Regional Water Board only when the Regional Water Board finds that the wastewater in question would consistently be treated and discharged in such a manner that it would enhance the quality of receiving waters above that which would occur in the absence of the discharge."

While the discharge from the California Sulphur Company facility discharges into the Dominguez Channel, within the Estuary, the wastewater is comprised largely of storm water, incidental bath water, and drainage water from the stockpile. Further, the Facility has not discharged since 1994. Nonetheless, this Order contains provisions necessary to protect all beneficial uses of the receiving water.

- 2. Thermal Plan.** The State Water Board adopted a Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for surface waters. Requirements of this Order implement the Thermal Plan and a white paper developed by Regional Water Board staff entitled *Temperature and Dissolved Oxygen Impacts on Biota in Tidal Estuaries and Enclosed Bays in the Los Angeles Region*. The white paper evaluated the optimum temperatures for steelhead, topsmelt, ghost shrimp, brown rock crab, jackknife clam, and blue mussel. A maximum effluent temperature limitation of 86°F is included in this Order.
- 3. National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA 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, USEPA 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. These rules contain water quality criteria for priority pollutants.
- 4. 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 USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The

SIP became effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the USEPA 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. Requirements of this Order implement the SIP.

5. **Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes [40 C.F.R. § 131.21, 65 Fed. Reg. 24641 (April 27, 2000)]. Under the revised regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.
6. **Antidegradation Policy.** 40 CFR §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 No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings.

The discharge is not a new discharge. The discharge is temporally limited, lasting only during the storm event that necessitates the discharge. The Facility has not discharged since 1994.

This NPDES permit includes effluent limits to ensure that the discharge does not adversely impact the beneficial uses of Dominguez Channel or degrade water quality. The inclusion of the effluent limits and prohibitions in the NPDES permit, which ensure that any discharge would not result in the lowering of water quality, coupled with the fact that the discharge occurs infrequently and is temporally limited, support the conclusion that no degradation will arise as a result of reissuing this permit. The issuance of this permit, therefore, is consistent with the state's antidegradation policy.

7. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations¹ section 122.44(l) prohibit 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. Information is available which was not available at the time of permit issuance regarding the discharge from the facility. The discharge from the facility is intermittent and there had not been discharges that occurred from the Facility during the current permit term. This permit contains effluent limits that are the same as the

¹ All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

limits included in Order No. R4-2004-0053. The issuance of this permit, therefore, is consistent with the state's anti-backsliding requirements.

D. Impaired Water Bodies on CWA 303(d) List

Section 303(d) of the CWA requires states to identify specific water bodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources. For all 303(d)-listed water bodies and pollutants, the Regional Water Board plans to develop and adopt TMDLs that will specify WLAs for point sources and load allocations (LAs) for non-point sources, as appropriate.

The USEPA approved the State's 2006 303(d) list of impaired water bodies on June 28, 2007. Certain receiving waters in the Los Angeles and Ventura County watersheds do not fully support beneficial uses and therefore have been classified as impaired on the 2006 303(d) list and have been scheduled for TMDL development.

The CSC facility discharges into the Dominguez Channel Estuary. The 2006 State Water Board's California 303(d) List classifies the Dominguez Channel Estuary (unlined portion below Vermont Ave) as impaired. The pollutants of concern in the Estuary include ammonia, benthic community effects, benzo(a)pyrene (PAHs), benzo(a)anthracene, chlordane (tissue), chrysene (C1-C4), coliform bacteria, DDT (tissue & sediment), dieldrin (tissue), lead (tissue), PCBs (Polychlorinated biphenyls), phenanthrene, pyrene, and zinc (sediment). The inclusion of the Dominguez Channel Estuary on the 2006 303(d) list documents the waterbody's lack of assimilative capacity for the pollutants of concern. A total maximum daily load (TMDL) is developed for the pollutants of concern in a 303(d) listed waterbody to facilitate the waterbody's recovery of its ability to fully support its beneficial uses. To date, no TMDLs have been developed for the Dominguez Channel Estuary; therefore, no conditions in the Order are based on TMDLs.

The effluent limits in the permit for constituents with reasonable potential are established to protect the beneficial uses of Dominguez Channel Estuary and to ensure that the discharge does not degrade its water quality. Also, this permit requires receiving water monitoring for priority pollutants, when there is discharge from the Facility. This information will be used to complete a reasonable potential analysis (RPA) of all priority pollutants. The permit also includes a Reopener Provision which allows revision of effluent limitations for toxic pollutants based on the results of RPA.

E. Other Plans, Policies and Regulations – Not Applicable

IV. 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: part 122.44(a) requires that permits include applicable technology-based limitations and standards; and part 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.

Effluent limitations for Discharge Point 001 in the current permit were established for sulfide (total), oil and grease, and phenols. Sulfide (total) is a pollutant of concern because it could be present in runoff from the sulphur stockpiles and phenols and oil and grease are also constituents commonly present in storm water. Therefore, effluent limitations for oil and grease, phenols, and sulfide (total) have been carried over from the previous permit.

Based on the nature of operation, materials and/or wastes present at the site, the permit prescribes effluent limits for BOD, turbidity, TSS, settleable solids, and acute toxicity. Parameters may be present in the discharge of storm water which may contribute to solids, biochemical oxygen demand, and whole effluent toxicity; therefore, they are considered pollutants of concern.

Generally, mass-based effluent limitations ensure that proper treatment, and not dilution, is employed to comply with the final effluent concentration limitations. Section 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.

The Facility discharges to the Dominguez Channel Estuary during heavy rainfall when the storage capacity of Pond No. 1 is exceeded. Because the nature of the discharge is intermittent, and the flow is determined by the amount of rainfall, this Order does not contain mass-based effluent limitations.

Pursuant to 40 CFR §122.45(d), permit limitations for continuous discharges shall be expressed, unless impracticable, as both average monthly effluent limitations (AMELs) and maximum daily effluent limitations (MDELs).

A. Discharge Prohibitions

The discharge prohibitions are based on the requirements of the Basin Plan, State Water Board's plans and policies, the Water Code, and previous permit provisions, and are consistent with the requirements set for other discharges regulated by NPDES permit to the Dominguez Channel Estuary.

B. Technology-Based Effluent Limitations

1. Scope and Authority

Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of Federal Regulations, 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 part 125.3.

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, fecal coliform, pH, and oil and grease. The BCT standard is established after considering the "cost reasonableness" of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.
- 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 USEPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BAT, BCT, and NSPS. Section 402(a)(1) of the CWA and part 125.3 of the Code of Federal Regulations 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 permit writer must consider specific factors outlined in part 125.3.

2. Applicable Technology-Based Effluent Limitations

This Order includes technology-based effluent limitations based on BPJ in accordance with part 125.3. Effluent limitations for BOD, oil and grease, TSS, turbidity, settleable solids, phenols, and sulfides have been carried over from the previous Order No. R4-2004-0053.

In addition, the previous Order required the Discharger to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). This Order will require the Discharger to update and continue to implement, consistent with the existing Order

requirements, a SWPPP. The SWPPP will outline site-specific management processes for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged directly into the clarifiers. At a minimum, the management practices should ensure that raw materials do not come into contact with storm water that could be discharged to surface waters.

Due to the lack of national ELGs for storm water runoff from sulphur palletizing facilities and the absence of data to apply BPJ to develop numeric effluent limitations, and pursuant to part 122.44(k), the Regional Water Board will require the Discharger to update the Best Management Practices Plan (BMPP). A BMPP shall be consistent with the requirements of 40 CFR 125, Subpart K, and the general guidance contained in the *NPDES Best Management Guidance Document*, USEPA Report No. 600/9-79-045, December 1979 (revised June 1981). The purpose of the BMPP will be to establish site-specific procedures that will ensure proper operation and maintenance of equipment and storage areas, to ensure that unauthorized non-storm water discharges (i.e. spills) do not occur at the Facility.

The combination of the SWPPP and BMPs and existing Order limitations based on past performance and reflecting BPJ will serve as the equivalent of technology-based effluent limitations, in the absence of established ELGs, in order to carry out the purposes and intent of the CWA.

Table F-4. Summary of Technology-based Effluent Limitations

Parameter	Units	Effluent Limitations				
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Flow	MGD			0.2304		
Biochemical Oxygen Demand (BOD) (5 day @ 20 Deg. C)	mg/L	20	---	30	---	---
Oil and Grease	mg/L	10	---	15	---	---
Total Suspended Solids (TSS)	mg/L	50	---	75	---	---
Phenols	mg/L	---	---	1.0	---	---
Settleable Solids (SS)	ml/L	---	---	0.3	---	---
Sulfides	mg/L	---	---	0.10	---	---
Turbidity	NTU	50	---	75	---	---

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

Section 301(b) of the CWA and part 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

40 CFR part 122.44(d)(1)(i) mandates 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, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA 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 part 122.44(d)(1)(vi).

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.

The specific procedures for determining reasonable potential for discharges from the Facility, and if necessary for calculating WQBELs, are contained in the SIP

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

As noted in Section II of the Limitations and Discharge Requirements, the Regional Water Board adopted a Basin Plan that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan. The beneficial uses applicable to the Dominguez Channel Estuary are summarized in Section III.C.1 of this Fact Sheet. The Basin Plan includes both narrative and numeric water quality objectives applicable to the receiving water.

Priority pollutant water quality criteria in the CTR are applicable to the Dominguez Channel Estuary. The CTR contains both saltwater and freshwater criteria. Because a distinct separation generally does not exist between freshwater and saltwater aquatic communities, the following apply, in accordance with part 131.38(c)(3), freshwater criteria apply at salinities of 1 part per thousand (ppt) and below at locations where this occurs 95 percent or more of the time. The Regional Water Board determined that because the discharge is within the Estuary, the CTR criteria for saltwater or human health for consumption of organisms,

whichever is more stringent, are used to prescribe the effluent limitations in this Order.

There have been no discharges during the permit term. Subsequently, there are insufficient data to evaluate in the reasonable potential analysis (RPA) for this Order

3. Determining the Need for WQBELs – Not Applicable

In accordance with Section 1.3 of the SIP, the Regional Water Board conducts a reasonable potential analysis (RPA) for each priority pollutant with an applicable criterion or objective to determine if a WQBEL is required in the permit. The Regional 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 reasonable potential to cause or contribute to an excursion above a state water quality standard, numeric WQBELs are required. The RPA considers water quality criteria from the CTR and NTR, and when applicable, water quality objectives specified in the Basin Plan. To conduct the RPA, the Regional Water Board identifies the MEC and maximum background concentration in the receiving water for each constituent, based on data provided by the Discharger.

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 a RPA:

- 1) Trigger 1 – If the $MEC \geq C$, 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 data are not sufficient, the Discharger will be required to gather the appropriate data for the Regional Water Board to conduct the RPA. Upon review of the data, and if the Regional Water Board determines that WQBELs are needed to protect the beneficial uses, the permit will be reopened for appropriate modification.

As previously stated, the RPA was not performed for the priority pollutants regulated in the CTR as there were no discharges from the Facility during this permit term. In such circumstances, the Regional Water Board recommends that additional data are gathered prior to permit issuance, or that additional data are gathered during the term of the permit. This Order and MRP require monitoring the effluent and receiving

water for priority pollutants when discharges occur, in order to provide the data to determine the need for WQBELs.

4. WQBEL Calculations

WQBEL calculations are not included in this Fact Sheet since no new WQBELs were developed for the discharge from the Facility.

5. WQBELS based on Basin Plan Objectives

The Basin Plan states that the pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharge. Based on the requirements of the Basin Plan an instantaneous minimum limitation of 6.5 and an instantaneous maximum limitation of 8.5 for pH are included in the proposed permit. The Basin Plan lists temperature requirements for the receiving waters and references the Thermal Plan. Based on the requirements of the Thermal Plan and a white paper developed by Regional Water Board staff entitled *Temperature and Dissolved Oxygen Impacts on Biota in Tidal Estuaries and Enclosed Bays in the Los Angeles Region*, a maximum effluent temperature limitation of 86 °F was included in the existing permit and will be carried over.

6. Whole Effluent Toxicity (WET)

Whole effluent toxicity (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. The previous Order contains acute toxicity limitations and monitoring requirements in accordance with the Basin Plan, in which the acute toxicity objective for discharges dictates that the average survival in undiluted effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test having less than 70% survival. The Discharger reported that there were no discharges during the permit term. Therefore, no acute toxicity data were submitted by the Discharger. Consistent with Basin Plan requirements, the acute toxicity limitations and the monitoring requirements in this Order are the same as the requirements in the previous Order.

In addition to the Basin Plan requirements, Section 4 of the SIP states that a chronic toxicity effluent limitation is required in permits for all discharges that will cause, have the reasonable potential to cause, or contribute to chronic toxicity in receiving waters. The discharges from Discharge Point 001 are intermittent and they are temporally limited, only occurring when rainfall exceeds storage capacity. Since it is unlikely that the discharge will contribute to long-term toxic effects within the receiving water; no chronic toxicity limitations or monitoring requirements are included in this Order.

7. Final WQBELs

Table F-5. Summary of Water Quality-based Effluent Limitations

Parameter	Units	Effluent Limitations		
		Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
pH	S.U.	---	6.5	8.5
Temperature	°F	---	---	86
Toxicity, Acute	% Survival	1	---	---

¹ The acute toxicity of the effluent shall be such that: (i) the average survival in the undiluted effluent for any three (3) consecutive 96-hour static or continuous bioassay tests shall be at least 90%, and (ii) no single test producing less than 70% survival.

D. Final Effluent Limitations

Section 402(o) of the CWA and part 122.44(l) require that effluent limitations or conditions in reissued Orders be at least as stringent as those in the existing Orders based on the submitted sampling data. Effluent limitations for BOD, oil and grease, pH, phenols, settleable solids, sulfide (total), temperature, TSS, turbidity, and acute toxicity are based on BPJ. The Regional Water Board has determined that these effluent limitations continue to be applicable to the Facility. Removal of these numeric limitations would constitute backsliding under CWA section 402(o).

1. Satisfaction of Anti-Backsliding Requirements

All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order.

2. Satisfaction of Antidegradation Policy

40 CFR part 131.12 requires that the state water quality standards include an anti-degradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies.

The discharge is not a new discharge. Discharges from the Facility only occur during periods of heavy rain when the storage capacity of Pond No. 1 is exceeded. Pond No. 1 is designed to contain 100-year, 24 hour rain event. The treated wastewater is reused in the Facility's processes. There has been no discharge since 1994. Therefore, there is no data available to evaluate reasonable potential.

This NPDES permit includes effluent limits to ensure that the discharge does not adversely impact the beneficial uses of the Dominguez Channel Estuary or degrade water quality. The inclusion of the effluent limits and prohibitions in the NPDES permit, which ensure that any discharge would not result in the lowering of water quality, coupled with the fact that there have been no discharges from the Facility since 1994, support the conclusion that no degradation will arise as a result of reissuing this permit. The issuance of this permit, therefore, is consistent with the state's antidegradation policy.

3. 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, flow, oil and grease, phenols, settleable solids, sulfide (total), TSS, and turbidity. Restrictions on these pollutants are discussed in section IV.B.2 in 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 scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. Water quality-based effluent limitations contained in this Order (e.g., temperature, pH, and acute toxicity) are based on the Basin Plan. All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "applicable water quality standards for purposes of the CWA" pursuant to part 131.21(c)(1). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

Table F-6. Summary of Final Effluent Limitations

Parameter	Units	Effluent Limitations					Basis ¹
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum	
Flow	MGD	---	---	0.2304	---	---	ROWD
Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	mg/L	20	---	30	---	---	E, BPJ
Oil and Grease	mg/L	10	---	15	---	---	E, BPJ
pH	pH units	---	---		6.5	8.5	E, BP
Total Suspended Solids (TSS)	mg/L	50	---	75	---	---	E, BPJ
Phenols	mg/L	---	---	1.0	---	---	E, BPJ
Settleable Solids (SS)	ml/L	---	---	0.3	---	---	E, BPJ
Sulfides	mg/L	---	---	0.10	---	---	E, BPJ
Temperature	°F	---	---	---	---	86	E, BPJ
Turbidity	NTU	50	---	75	---	---	E, BPJ

¹ ROWD = Report of Waste Discharge; E = Existing Limitation; BP = Basin Plan;

BPJ = Best Professional Judgment is the method used by permit writers to develop technology-based NPDES permit conditions on a case-by-case basis using all reasonably available and relevant data. BPJ limitations are established in cases in which effluent limitation guidelines are not available for a particular pollutant of concern. Authorization for using BPJ limitations is found under section 401(a)(1) of the Clean Water Act and under 40 CFR part 125.3.

a. Toxicity:

There shall be no acute toxicity in ambient waters, including mixing zones. The acute toxicity of the effluent shall be such that:

- i. the average survival in the undiluted effluent for any three (3) consecutive 96-hour static or continuous flow bioassay test shall be at least 90%, and
- ii. no single test producing less than 70% survival.

4. Mass-based Effluent Limitations – Not Applicable

E. Interim Effluent Limitations – Not Applicable

F. Land Discharge Specifications – Not Applicable

G. Reclamation Specifications – Not Applicable

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

The receiving water limitations in the proposed Order are based upon the water quality objectives contained in the Basin Plan. As such, they are a required part of the proposed Order.

A. Surface Water

The Basin Plan contains numeric and narrative water quality objectives applicable to all surface waters within the Los Angeles Region. Water quality objectives include an objective to maintain the high quality waters pursuant to federal regulations (part 131.12) and State Water Board Resolution No. 68-16. Receiving water limitations in this Order are included to ensure protection of beneficial uses of the receiving water and are based on the water quality objectives contained in the Basin Plan.

B. Groundwater – Not Applicable

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

40 CFR part 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorizes the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (MRP), Attachment E of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this facility.

A. Influent Monitoring – Not Applicable

B. Effluent Monitoring

Monitoring for those pollutants expected to be present in the discharge measured at Monitoring Location EFF-001 for Discharge Point 001, will be required as shown on the proposed MRP. To determine compliance with effluent limitations, the monitoring requirements for the pollutants that have effluent limitations are once per discharge event. Monitoring frequencies for metals, volatile organic compounds (VOCs), ammonia, total organic carbon, conductivity, dissolved oxygen, phenols, sulfate, sulfite, methyl tertiary butyl ether (MTBE), tertiary butyl alcohol (TBA), and total petroleum hydrocarbons are also once per discharge event to characterize the discharge from the Facility. Monitoring for total coliform, fecal coliform, and enterococcus is required once per discharge event to determine reasonable potential.

According to the SIP, the Discharger is required to monitor the effluent for the CTR priority pollutants, to determine reasonable potential. Accordingly, the Regional Water Board is requiring that the Discharger conduct annual effluent monitoring of the CTR priority pollutants during the first discharge of the wet season.

C. Whole Effluent Toxicity Testing Requirements

Whole effluent toxicity (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. This Order includes limitations for acute toxicity only, and therefore, an annual monitoring requirement during the first discharge of the wet season is included in the MRP to determine compliance with the effluent limitations established in Limitations and Discharge Requirements, Effluent Limitations, Section IV.A.1.a.

D. Receiving Water Monitoring

1. Surface Water

The Regional Water Board is requiring that the Discharger conduct upstream receiving water monitoring of the CTR priority pollutants at Monitoring Location RSW-001, 50 feet upstream from the discharge point to the receiving water, the Dominguez Channel Estuary. The Discharger must analyze for temperature, pH, salinity, and hardness of the upstream receiving water at the same time the samples are collected for priority pollutants analysis. Ammonia monitoring is also required to determine reasonable potential.

2. Groundwater – Not Applicable

E. Other Monitoring Requirements

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions

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

40 CFR part 122.41(a)(1) and (b) through (n) 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. 40 CFR part 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with part 123.25, this Order omits federal conditions that address enforcement authority specified in parts 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).

B. Special Provisions

1. Reopener Provisions

These provisions are based on section 123 and the previous Order. The Regional 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 Regional Water Board, including revisions to the Basin Plan.

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.

3. Best Management Practices and Pollution Prevention

The objective of this Order is to protect the beneficial uses of the receiving waters. To meet this objective, this Order requires the Discharger to develop and implement an updated SWPPP and address storm water runoff to the storm drain that discharges to the Dominguez Channel Estuary. This provision is based on part 122.44(k) and includes the requirement to develop a SWPP and BMPP. This is consistent with the SWPPP requirements in the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity (State Water Board Order No. 97-03-DWQ, NPDES Permit No. CAS000001). A SWPPP outlines site-specific management processes for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged directly into surface waters. Storm water discharges occur at the Facility and best management practices are identified as one method to reduce contamination of storm water.

The Discharger uses, stores, and handles materials, chemicals, and wastes at the facility, and conducts operational and maintenance activities that are potential or existing sources of pollutants in wastewater discharged from the facility. Therefore, this Order requires the Discharger to develop and implement an updated BMPP that includes site-specific plans, procedures, and practices to minimize the amount of pollutants entering wastewater discharges from materials being stored and activities being conducted throughout the entire facility. To ensure the Discharger considers and implements appropriate and effective BMPs, the discharger is required to consider implementing BMPs contained in the USEPA Guidance Manual for Developing Best Management Practices (BMPs) (EPA 833-B-93-004) or equivalent alternatives when developing its BMPP.

4. Construction, Operation, and Maintenance Specifications

This provision is based on the requirements of section 122.41(e) and the previous Order.

5. Other Special Provisions – Not Applicable**6. Compliance Schedules – Not Applicable****VIII. PUBLIC PARTICIPATION**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for the California Sulphur Company. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

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

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person or by mail to the Executive Office at the Regional Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Regional Water Board, written comments must be received at the Regional Water Board offices by 5:00 p.m. on May 6, 2009

C. Public Hearing

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: June 4, 2009
Time: 10:00 A.M.
Location: Metropolitan Water District, Board Room
700 N. Alameda Street
Los Angeles, California

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our Web address is <http://www.waterboards.ca.gov/losangeles> where you can access the current agenda for changes in dates and locations.

D. Nature of Hearing

This will be a formal adjudicative hearing pursuant to section 648 et seq. of title 23 of the California Code of Regulations. Chapter 5 of the California Administrative Procedure Act (commencing with section 11500 of the Government Code) will not apply to this proceeding.

Ex Parte Communications Prohibited: As a quasi-adjudicative proceeding, no board member may discuss the subject of this hearing with any person, except during the public hearing itself. Any communications to the Regional Water Board must be directed to staff.

E. Parties to the Hearing

The following are the parties to this proceeding:

1. The applicant/permittee

Any other persons requesting party status must submit a written or electronic request to staff not later than 20 business days before the hearing. All parties will be notified if other persons are so designated.

F. Public Comments and Submittal of Evidence

Persons wishing to comment upon or object to the tentative waste discharge requirements, or submit evidence for the Board to consider, are invited to submit them in writing to the above address. To be evaluated and responded to by staff, included in the Board's agenda folder, and fully considered by the Board, written comments must be received no later than close of business May 6, 2009. Comments or evidence received after that date will only be included in administrative record with express approval of the Chair during the hearing, only upon a showing of good cause, and only if it will not prejudice any other party or regional board staff. Additionally, if the Board receives only supportive comments, the permit may be placed on the Board's consent calendar, and approved without an oral testimony.

G. Hearing Procedure

The meeting, in which the hearing will be a part of, will start at 10:00 a.m. Interested persons are invited to attend. Staff will present the matter under consideration, after which oral statements from parties or interested persons will be heard. For accuracy of the record, all important testimony should be in writing. The Board will include in the administrative record written transcriptions of oral testimony that is actually presented at the hearing. Oral testimony may be limited to 3 minutes maximum or less for each speaker, depending on the number of persons wishing to be heard. Parties or persons

with similar concerns or opinions are encouraged to choose one representative to speak. At the conclusion of testimony, the Board will deliberate in open or close session, and render a decision.

Parties or persons with special procedural requests should contact staff. Any procedure not specified in this hearing notice will be waived pursuant to section 648(d) of title 23 of the California Code of Regulations. Objections to any procedure to be used during this hearing must be submitted in writing not later than close of business 15 days prior to the date of the hearing. Procedural objections will not be entertained at the hearing.

If there should not be a quorum on the scheduled date of this meeting, all cases will be automatically continued to the next scheduled meeting on July 16, 2009. A continuance will not extend any time set forth herein.

H. Waste Discharge Requirements Petitions

Any person aggrieved by this action of the Regional 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., 30 days after the date of this Order, 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. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality
or will be provided upon request.

The State Water Board's mailing address is the following:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

I. Information and Copying

The Report of Waste Discharge (ROWD), related documents, tentative effluent limitations and special provisions, comments received, and other information 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 Regional Water Board by calling (213) 576 – 6600.

J. 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 Regional Water Board, reference this facility, and provide a name, address, and phone number.

K. Additional Information

Requests for additional information or questions regarding this order should be directed to Rosario Aston at (213) 576-6653.

ATTACHMENT G – STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

I. Implementation Schedule

A storm water pollution prevention plan (SWPPP) shall be developed and submitted to the Regional Water Board within 90 days following the adoption of this Order. The SWPPP shall be implemented for each facility covered by this Permit within 10 days of approval from the Regional Water Board, or 6-months from the date of the submittal of the SWPPP to the Regional Water Board (whichever comes first).

II. Objectives

The SWPPP has two major objectives: (a) to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-storm water 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 storm water discharges and authorized non-storm water 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, overhead 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 Regional Water Board inspectors.

III. Planning and Organization

A. Pollution Prevention Team

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

B. 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 General Permit. Facility operators should identify any existing facility plans that contain storm water 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.

IV. 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.

**TABLE A
 FIVE PHASES FOR DEVELOPING AND IMPLEMENTING INDUSTRIAL
 STORM WATER POLLUTION PREVENTION PLANS**

<p>PLANNING AND ORGANIZATION</p> <p style="margin-left: 40px;">Form Pollution Prevention Team Review other plans</p>
<p>ASSESSMENT PHASE</p> <p style="margin-left: 40px;">Develop a site map Identify potential pollutant sources Inventory of materials and chemicals List significant spills and leaks Identify non-storm water discharges Assess pollutant risks</p>
<p>BEST MANAGEMENT PRACTICES IDENTIFICATION PHASE</p> <p style="margin-left: 40px;">Non-structural BMPs Structural BMPs Select activity and site-specific BMPs</p>

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

The following information shall be included on the site map:

- A.** The facility boundaries; the outline of all storm water 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 storm water discharges and authorized non-storm water discharges may be received.
- B.** The location of the storm water collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect storm water discharges, authorized non-storm water discharges, and run-on. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.
- C.** An outline of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.
- D.** Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks identified in Section A.6.a.iv. below have occurred.
- E.** 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.

V. List of Significant Materials

The SWPPP shall include a list of significant materials 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.

VI. Description of Potential Pollutant Sources

A. The SWPPP shall include a narrative description of the facility's industrial activities, as identified in Section A.4.e above, associated potential pollutant sources, and potential pollutants that could be discharged in storm water discharges or authorized non-storm water discharges. At a minimum, the following items related to a facility's industrial activities shall be considered:

1. **Industrial Processes.** Describe each industrial process, the type, characteristics, and quantity of significant materials used in or resulting from the process, and a description of the manufacturing, cleaning, rinsing, recycling, disposal, or other activities related to the process. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.
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.
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.
4. **Significant Spills and Leaks.** Describe materials that have spilled or leaked in significant quantities in storm water discharges or non-storm water discharges since April 17, 1994. Include toxic chemicals (listed in 40 CFR, Part 302) that have been discharged to storm water as reported on U.S. Environmental Protection Agency (USEPA) Form R, and oil and hazardous substances in excess of reportable quantities (see 40 Code of Federal Regulations [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 storm water or non-storm water discharges, and the preventative measures taken to ensure spill or leaks do not reoccur. Such list shall be updated as appropriate during the term of this Permit.

- 5. Non-Storm Water Discharges.** Facility operators shall investigate the facility to identify all non-storm water 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-storm water discharges shall be described. This shall include the source, quantity, frequency, and characteristics of the non-storm water discharges and associated drainage area.

Non-storm water discharges (other boiler blowdown and boiler condensate permitted under the Order) that contain significant quantities of pollutants or that do not meet the conditions provided in Special Conditions D of the storm water general permit are prohibited by this Permit (Examples of prohibited non-storm water discharges are contact and non-contact cooling water, rinse water, wash water, etc.). Non-storm water discharges that meet the conditions provided in Special Condition D of the general storm water permit are authorized by this Permit. The SWPPP must include BMPs to prevent or reduce contact of non-storm water discharges with significant materials or equipment.

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

- B.** The SWPPP shall include a summary of all areas of industrial activities, potential pollutant sources, and potential pollutants. This information should be summarized similar to Table B. The last column of Table B, "Control Practices", should be completed in accordance with Section A.8. below.

VII. Assessment of Potential Pollutant Sources

- A.** The SWPPP shall include a narrative assessment of all industrial activities and potential pollutant sources as described in A.6. above to determine:
- 1.** Which areas of the facility are likely sources of pollutants in storm water discharges and authorized non-storm water discharges, and
 - 2.** Which pollutants are likely to be present in storm water discharges and authorized non-storm water discharges. Facility operators shall consider and evaluate various factors when performing this assessment such as current storm water BMPs; quantities of significant materials handled, produced, stored, or disposed of; likelihood of exposure to storm water or authorized non-storm water discharges; history of spill or leaks; and run-on from outside sources.
- B.** 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 storm water discharges and authorized non-storm water 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. The BMPs will be narratively described in Section 8 below.

VIII. Storm Water Best Management Practices

The SWPPP shall include a narrative description of the storm water BMPs to be implemented at the facility for each potential pollutant and its source identified in the site assessment phase (Sections A.6. and 7. above). The BMPs shall be developed and implemented to reduce or prevent pollutants in storm water discharges and authorized non-storm water 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	Spills 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 storm water 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 storm water discharges and authorized non-storm water discharges. The SWPPP shall provide a summary of all BMPs implemented for each pollutant source. This information should be summarized similar to Table B.

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

A. 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 storm water discharges and authorized non-storm water discharges. They are considered low technology, cost-effective measures. Facility operators should consider all possible non-structural BMPs options before considering additional

structural BMPs (see Section A.8.b. below). Below is a list of non-structural BMPs that should be considered:

1. **Good Housekeeping.** Good housekeeping generally consist of practical procedures to maintain a clean and orderly facility.
2. **Preventive Maintenance.** Preventive maintenance includes the regular inspection and maintenance of structural storm water controls (catch basins, oil/water separators, etc.) as well as other facility equipment and systems.
3. **Spill Response.** This includes spill clean-up procedures and necessary clean-up equipment based upon the quantities and locations of significant materials that may spill or leak.
4. **Material Handling and Storage.** This includes all procedures to minimize the potential for spills and leaks and to minimize exposure of significant materials to storm water and authorized non-storm water discharges.
5. **Employee Training.** This 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 storm water. 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.
6. **Waste Handling/Recycling.** This includes the procedures or processes to handle, store, or dispose of waste materials or recyclable materials.
7. **Recordkeeping and Internal Reporting.** This 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.
8. **Erosion Control and Site Stabilization.** This 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.
9. **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.
10. **Quality Assurance.** This includes the procedures to ensure that all elements of the SWPPP and Monitoring Program are adequately conducted.

B. Structural BMPs.

Where non-structural BMPs as identified in Section A.8.a. above are not effective, structural BMPs shall be considered. Structural BMPs generally consist of structural devices that reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Below is a list of structural BMPs that should be considered:

1. **Overhead Coverage.** This includes structures that provide horizontal coverage of materials, chemicals, and pollutant sources from contact with storm water and authorized non-storm water discharges.
2. **Retention Ponds.** This includes basins, ponds, surface impoundments, bermed areas, etc. that do not allow storm water to discharge from the facility.
3. **Control Devices.** This includes berms or other devices that channel or route run-on and runoff away from pollutant sources.
4. **Secondary Containment Structures.** This generally includes containment structures around storage tanks and other areas for the purpose of collecting any leaks or spills.
5. **Treatment.** This includes inlet controls, infiltration devices, oil/water separators, detention ponds, vegetative swales, etc. that reduce the pollutants in storm water discharges and authorized non-storm water discharges.

IX. Annual Comprehensive Site Compliance Evaluation

The facility operator shall conduct one comprehensive site compliance evaluation (evaluation) in each reporting period (July 1-June 30). Evaluations shall be conducted within 8-16 months of each other. The SWPPP shall be revised, as appropriate, and the revisions implemented within 90 days of the evaluation. Evaluations shall include the following:

- A. A review of all visual observation records, inspection records, and sampling and analysis results.
- B. A visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system.
- C. 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.
- D. 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 A.10.e, 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 General 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 V.D.5 of Attachment D.

X. SWPPP General Requirements

- A.** The SWPPP shall be retained on site and made available upon request of a representative of the Regional Water Board and/or local storm water management agency (local agency) which receives the storm water discharges.
- B.** The Regional 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 Regional 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 Regional 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 Regional Water Board and/or local agency that the revisions have been implemented.
- C.** 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 storm water discharge, (ii) cause a new area of industrial activity at the facility to be exposed to storm water, or (iii) begin an industrial activity which would introduce a new pollutant source at the facility.
- D.** 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 Permit.
- E.** When any part of the SWPPP is infeasible to implement due to proposed significant structural changes, the facility operator shall submit a report to the Regional 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 storm water discharges and authorized non-storm water discharges. Such reports are subject to Regional Water Board approval and/or modifications. Facility operators shall provide written notification to the Regional Water Board within 14 days after the SWPPP revisions are implemented.
- F.** The SWPPP shall be provided, upon request, to the Regional Water Board. The SWPPP is considered a report that shall be available to the public by the Regional Water Board under Section 308(b) of the Clean Water Act.

ATTACHMENT H – STATE WATER BOARD MINIMUM LEVELS

The Minimum Levels (MLs) in ppb ($\mu\text{g/L}$) this appendix are for use in reporting and compliance determination purposes in accordance with section 2.4 of the State Implementation Policy. These MLs were derived from data for priority pollutants provided by State certified analytical laboratories in 1997 and 1998. These MLs shall be used until new values are adopted by the State Water Board and become effective. The following tables (Tables 2a - 2d) present MLs for four major chemical groupings: volatile substances, semi-volatile substances, inorganics, and pesticides and PCBs.

Table 2a - VOLATILE SUBSTANCES*	GC	GCMS
1,1 Dichloroethane	0.5	1
1,1 Dichloroethylene	0.5	2
1,1,1 Trichloroethane	0.5	2
1,1,2 Trichloroethane	0.5	2
1,1,2,2 Tetrachloroethane	0.5	1
1,2 Dichlorobenzene (volatile)	0.5	2
1,2 Dichloroethane	0.5	2
1,2 Dichloropropane	0.5	1
1,3 Dichlorobenzene (volatile)	0.5	2
1,3 Dichloropropene (volatile)	0.5	2
1,4 Dichlorobenzene (volatile)	0.5	2
Acrolein	2.0	5
Acrylonitrile	2.0	2
Benzene	0.5	2
Bromoform	0.5	2
Methyl Bromide	1.0	2
Carbon Tetrachloride	0.5	2
Chlorobenzene	0.5	2
Chlorodibromo-methane	0.5	2
Chloroethane	0.5	2
Chloroform	0.5	2
Chloromethane	0.5	2
Dichlorobromo-methane	0.5	2
Dichloromethane	0.5	2
Ethylbenzene	0.5	2
Tetrachloroethylene	0.5	2
Toluene	0.5	2
Trans-1,2 Dichloroethylene	0.5	1
Trichloroethene	0.5	2
Vinyl Chloride	0.5	2

*The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.

Table 2b - SEMI-VOLATILE SUBSTANCES*	GC	GCMS	LC	COLOR
Benzo (a) Anthracene	10	5		
1,2 Dichlorobenzene (semivolatile)	2	2		
1,2 Diphenylhydrazine		1		
1,2,4 Trichlorobenzene	1	5		
1,3 Dichlorobenzene (semivolatile)	2	1		
1,4 Dichlorobenzene (semivolatile)	2	1		
2 Chlorophenol	2	5		
2,4 Dichlorophenol	1	5		
2,4 Dimethylphenol	1	2		
2,4 Dinitrophenol	5	5		
2,4 Dinitrotoluene	10	5		
2,4,6 Trichlorophenol	10	10		
2,6 Dinitrotoluene		5		
2- Nitrophenol		10		
2-Chloroethyl vinyl ether	1	1		
2-Chloronaphthalene		10		
3,3' Dichlorobenzidine		5		
Benzo (b) Fluoranthene		10	10	
3-Methyl-Chlorophenol	5	1		
4,6 Dinitro-2-methylphenol	10	5		
4- Nitrophenol	5	10		
4-Bromophenyl phenyl ether	10	5		
4-Chlorophenyl phenyl ether		5		
Acenaphthene	1	1	0.5	
Acenaphthylene		10	0.2	
Anthracene		10	2	
Benzidine		5		
Benzo(a) pyrene		10	2	
Benzo(g,h,i)perylene		5	0.1	
Benzo(k)fluoranthene		10	2	
bis 2-(1-Chloroethoxyl) methane		5		
bis(2-chloroethyl) ether	10	1		
bis(2-Chloroisopropyl) ether	10	2		
bis(2-Ethylhexyl) phthalate	10	5		
Butyl benzyl phthalate	10	10		
Chrysene		10	5	
di-n-Butyl phthalate		10		
di-n-Octyl phthalate		10		
Dibenzo(a,h)-anthracene		10	0.1	
Diethyl phthalate	10	2		
Dimethyl phthalate	10	2		
Fluoranthene	10	1	0.05	
Fluorene		10	0.1	
Hexachloro-cyclopentadiene	5	5		
Hexachlorobenzene	5	1		
Hexachlorobutadiene	5	1		
Hexachloroethane	5	1		
Indeno(1,2,3,cd)-pyrene		10	0.05	
Isophorone	10	1		
N-Nitroso diphenyl amine	10	1		
N-Nitroso-dimethyl amine	10	5		

Table 2b - SEMI-VOLATILE SUBSTANCES*	GC	GCMS	LC	COLOR
N-Nitroso -di n-propyl amine	10	5		
Naphthalene	10	1	0.2	
Nitrobenzene	10	1		
Pentachlorophenol	1	5		
Phenanthrene		5	0.05	
Phenol **	1	1		50
Pyrene		10	0.05	

* With the exception of phenol by colorimetric technique, the normal method-specific factor for these substances is 1,000; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance multiplied by 1,000.

** Phenol by colorimetric technique has a factor of 1.

Table 2c – INORGANICS*	FAA	GFAA	ICP	ICPMS	SPGFAA	HYDRIDE	CVAA	COLOR	DCP
Antimony	10	5	50	0.5	5	0.5			1,000
Arsenic		2	10	2	2	1		20	1,000
Beryllium	20	0.5	2	0.5	1				1,000
Cadmium	10	0.5	10	0.25	0.5				1,000
Chromium (total)	50	2	10	0.5	1				1,000
Chromium VI	5							10	
Copper	25	5	10	0.5	2				1,000
Cyanide								5	
Lead	20	5	5	0.5	2				10,000
Mercury				0.5			0.2		
Nickel	50	5	20	1	5				1,000
Selenium		5	10	2	5	1			1,000
Silver	10	1	10	0.25	2				1,000
Thallium	10	2	10	1	5				1,000
Zinc	20		20	1	10				1,000

* The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.

Table 2d – PESTICIDES – PCBs*	GC
4,4'-DDD	0.05
4,4'-DDE	0.05
4,4'-DDT	0.01
a-Endosulfan	0.02
Alpha-BHC	0.01
Aldrin	0.005
b-Endosulfan	0.01
Beta-BHC	0.005
Chlordane	0.1
Delta-BHC	0.005
Dieldrin	0.01
Endosulfan Sulfate	0.05
Endrin	0.01
Endrin Aldehyde	0.01

Table 2d – PESTICIDES – PCBs*	GC
Heptachlor	0.01
Heptachlor Epoxide	0.01
Gamma-BHC (Lindane)	0.02
PCB 1016	0.5
PCB 1221	0.5
PCB 1232	0.5
PCB 1242	0.5
PCB 1248	0.5
PCB 1254	0.5
PCB 1260	0.5
Toxaphene	0.5

* The normal method-specific factor for these substances is 100; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance multiplied by 100.

Techniques:

GC - Gas Chromatography

GCMS - Gas Chromatography/Mass Spectrometry

HRGCMS - High Resolution Gas Chromatography/Mass Spectrometry (i.e., EPA 1613, 1624, or 1625)

LC - High Pressure Liquid Chromatography

FAA - Flame Atomic Absorption

GFAA - Graphite Furnace Atomic Absorption

HYDRIDE - Gaseous Hydride Atomic Absorption

CVAA - Cold Vapor Atomic Absorption

ICP - Inductively Coupled Plasma

ICPMS - Inductively Coupled Plasma/Mass Spectrometry

SPGFAA - Stabilized Platform Graphite Furnace Atomic Absorption (i.e., EPA 200.9)

DCP - Direct Current Plasma

COLOR – Colorimetric

ATTACHMENT I – LIST OF PRIORITY POLLUTANTS

CTR Number	Parameter	CAS Number	Suggested Analytical Methods
1	Antimony	7440360	1
2	Arsenic	7440382	1
3	Beryllium	7440417	1
4	Cadmium	7440439	1
5a	Chromium (III)	16065831	1
5a	Chromium (VI)	18540299	1
6	Copper	7440508	1
7	Lead	7439921	1
8	Mercury	7439976	1
9	Nickel	7440020	1
10	Selenium	7782492	1
11	Silver	7440224	1
12	Thallium	7440280	1
13	Zinc	7440666	1
14	Cyanide	57125	1
15	Asbestos	1332214	1
16	2,3,7,8-TCDD	1746016	1
17	Acrolein	107028	1
18	Acrylonitrile	107131	1
19	Benzene	71432	1
20	Bromoform	75252	1
21	Carbon Tetrachloride	56235	1
22	Chlorobenzene	108907	1
23	Chlorodibromomethane	124481	1
24	Chloroethane	75003	1
25	2-Chloroethylvinyl Ether	110758	1
26	Chloroform	67663	1
27	Dichlorobromomethane	75274	1
28	1,1-Dichloroethane	75343	1
29	1,2-Dichloroethane	107062	1
30	1,1-Dichloroethylene	75354	1
31	1,2-Dichloropropane	78875	1
32	1,3-Dichloropropylene	542756	1
33	Ethylbenzene	100414	1
34	Methyl Bromide	74839	1
35	Methyl Chloride	74873	1
36	Methylene Chloride	75092	1
37	1,1,2,2-Tetrachloroethane	79345	1
38	Tetrachloroethylene	127184	1
39	Toluene	108883	1
40	1,2-Trans-Dichloroethylene	156605	1
41	1,1,1-Trichloroethane	71556	1
42	1,1,2-Trichloroethane	79005	1
43	Trichloroethylene	79016	1
44	Vinyl Chloride	75014	1
45	2-Chlorophenol	95578	1
46	2,4-Dichlorophenol	120832	1

CTR Number	Parameter	CAS Number	Suggested Analytical Methods
47	2,4-Dimethylphenol	105679	
48	2-Methyl-4,6-Dinitrophenol	534521	
49	2,4-Dinitrophenol	51285	
50	2-Nitrophenol	88755	
51	4-Nitrophenol	100027	
52	3-Methyl-4-Chlorophenol	59507	
53	Pentachlorophenol	87865	
54	Phenol	108952	
55	2,4,6-Trichlorophenol	88062	
56	Acenaphthene	83329	
57	Acenaphthylene	208968	
58	Anthracene	120127	
59	Benzidine	92875	
60	Benzo(a)Anthracene	56553	
61	Benzo(a)Pyrene	50328	
62	Benzo(b)Fluoranthene	205992	
63	Benzo(ghi)Perylene	191242	
64	Benzo(k)Fluoranthene	207089	
65	Bis(2-Chloroethoxy)Methane	111911	
66	Bis(2-Chloroethyl)Ether	111444	
67	Bis(2-Chloroisopropyl)Ether	108601	
68	Bis(2-Ethylhexyl)Phthalate	117817	
69	4-Bromophenyl Phenyl Ether	101553	
70	Butylbenzyl Phthalate	85687	
71	2-Chloronaphthalene	91587	
72	4-Chlorophenyl Phenyl Ether	7005723	
73	Chrysene	218019	
74	Dibenzo(a,h)Anthracene	53703	
75	1,2-Dichlorobenzene	95501	
76	1,3-Dichlorobenzene	541731	
77	1,4-Dichlorobenzene	106467	
78	3,3'-Dichlorobenzidine	91941	
79	Diethyl Phthalate	84662	
80	Dimethyl Phthalate	131113	
81	Di-n-Butyl Phthalate	84742	
82	2,4-Dinitrotoluene	121142	
83	2,6-Dinitrotoluene	606202	
84	Di-n-Octyl Phthalate	117840	
85	1,2-Diphenylhydrazine	122667	
86	Fluoranthene	206440	
87	Fluorene	86737	
88	Hexachlorobenzene	118741	
89	Hexachlorobutadiene	87863	
90	Hexachlorocyclopentadiene	77474	
91	Hexachloroethane	67721	
92	Indeno(1,2,3-cd)Pyrene	193395	
93	Isophorone	78591	
94	Naphthalene	91203	
95	Nitrobenzene	98953	
96	N-Nitrosodimethylamine	62759	
97	N-Nitrosodi-n-Propylamine	621647	
98	N-Nitrosodiphenylamine	86306	

CTR Number	Parameter	CAS Number	Suggested Analytical Methods
99	Phenanthrene	85018	1
100	Pyrene	129000	1
101	1,2,4-Trichlorobenzene	120821	1
102	Aldrin	309002	1
103	alpha-BHC	319846	1
104	beta-BHC	319857	1
105	gamma-BHC	58899	1
106	delta-BHC	319868	1
107	Chlordane	57749	1
108	4,4'-DDT	50293	1
109	4,4'-DDE	72559	1
110	4,4'-DDD	72548	1
111	Dieldrin	60571	1
112	alpha-Endosulfan	959988	1
113	beta-Endosulfan	33213659	1
114	Endosulfan Sulfate	1031078	1
115	Endrin	72208	1
116	Endrin Aldehyde	7421934	1
117	Heptachlor	76448	1
118	Heptachlor Epoxide	1024573	1
119	PCB-1016	12674112	1
120	PCB-1221	11104282	1
121	PCB-1232	11141165	1
122	PCB-1242	53469219	1
123	PCB-1248	12672296	1
124	PCB-1254	11097691	1
125	PCB-1260	11096825	1
126	Toxaphene	8001352	1

¹ Pollutants shall be analyzed using the methods described in 40 CFR Part 136.