

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

ORDER NO. R4-2004-0069
NPDES PERMIT NO. CA0059561

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
BP WEST COAST PRODUCTS, LLC
(EAST HYNES TANK FARM)

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

Background

1. BP West Coast Products, LLC, formerly ARCO Terminal Services Corporation discharges wastewater from its East Hynes Tank Farm Facility (Facility) under waste discharge requirements (WDRs) and the National Pollutant Discharge Elimination System (NPDES) permit contained in Order No. 97-019 (NPDES Permit No. CA0059561) adopted by the Regional Board on March 3, 1997. Order No. 97-019 expired on February 7, 2002.
2. Formerly, ARCO Terminal Services Corporation owned and operated the Facility. ARCO Terminal Services Corporation was acquired by BP West Coast Products, LLC, in January 2001. In January 2001, BP West Coast Products, LLC, assumed operations of the Facility and notified the Regional Board of the transfer of ownership. On February 19, 2002, BP West Coast Products, LLC (hereinafter Discharger or BP) applied for renewal of its WDRs and NPDES permit.

Purpose of Order

3. The purpose of this NPDES permit is to renew the WDRs for the Facility. This NPDES permit regulates the discharge of storm water runoff and hydrostatic test water through Discharge Serial No. 001 to a storm drain in Cherry Avenue, Long Beach. The wastes then flow into the Los Angeles River, a water of the United States at Artesia Boulevard, above the estuary.

Facility Description

4. The Discharger, operates the Facility located at 5905 Paramount Boulevard, Long Beach, California. Figure 1 shows the Facility location map. The Facility stores crude oil and refined products, transports and distributes hydrocarbons by pipeline, and operates a bulk loading/unloading truck rack.

Discharge Description

5. Storm water runoff is collected by the use of five stationary pumps, a mobile pump, and gravity from roads, parking areas, and unpaved and paved areas surrounding the holding tanks. Storm water is directed through to a series of four lined ponds for holding and evaporation.
6. The Discharger periodically conducts hydrostatic tests of distribution pipes and storage tanks to evaluate pipe/tank integrity. Source water for hydrostatic tests is municipal water supply. Hydrostatic test water ("hydrotest water") is pumped to the same series of four lined ponds prior to discharge. The Facility samples pond wastewater prior to discharge, to ensure compliance with effluent limits specified in Order No. 97-019. The wastewater is sampled again at the point of discharge of the pond system into the storm drain system.
7. The Discharger operates an on-site groundwater remediation program. The previous Order states that the treated groundwater is discharged to the sanitary sewer system. Treated groundwater from the groundwater remediation operation is transported off-site for treatment/disposal via trucks and is not permitted under this Order.
8. Process water from the Facility is collected, stored on-site, and periodically transported to another discharger owned facility for processing/recycling. The discharge of process water is not permitted under this Order.
9. As stated previously, storm water runoff and hydrotest water are collected and directed to a series of four lined ponds to discharge to the Los Angeles River through Discharge Serial No. 001 (Latitude 33°52'39", Longitude 118°12'36"), a water of the United States, above the estuary. The Discharger is permitted to discharge up to 756,000 gpd of effluent through Discharge Serial No. 001. Figure 2 provides a schematic of wastewater flow.
10. Discharger was denied by the permitting authority, to discharge storm water to sanitary sewer. Discharger prefers to discharge to sanitary sewer, if granted permission in the future.

Storm Water Management

11. The objective of this Order is to protect the beneficial uses of receiving waters. To meet this objective, this Order requires the Discharger to update and continue to implement a revised Storm Water Pollution Prevention Plan (SWPPP) consistent with the SWPPP requirements in the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity [State Water Resources Control Board (State Board) Order No. 97-03-DWQ, NPDES Permit No. CAS000001]. The SWPPP will outline site-specific management practices for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged directly into surface waters.

The SWPPP shall also specify Best Management Practices (BMPs) that will be implemented to reduce the discharge of pollutants in storm water related discharges to the

maximum extent practicable. Further, the Discharger shall assure that storm water discharges from the facility would neither cause, nor contribute to, the exceedance of water quality standards and objectives, nor create conditions of nuisance in the receiving water.

12. This Order requires the Discharger to develop and submit a Best Management Practices Plan (BMPP), consistent with the general guidance contained in the EPA Guidance Manual for Developing BMPs (EPA 833-B-93-004) that entails site-specific plans and procedures implemented and/or to be implemented to prevent hazardous waste/material from being discharged to waters of the State.

Applicable Plans, Policies, and Regulations

13. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) as amended on January 27, 1997, by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface and groundwaters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Board Resolution No. 68-16, October 28, 1968), and (iii) describes implementation programs to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The Regional Board prepared the 1994 update of the Basin Plan to be consistent with all previously adopted State and Regional Board plans and policies. This Order implements the plans, policies and provisions of the Regional Board's Basin Plan.
14. **Ammonia Basin Plan Amendment.** The 1994 Basin Plan provided water quality objectives for ammonia to protect aquatic life, in Tables 3-1 through Tables 3-4. However, those ammonia objectives were revised on April 25, 2002, by the Regional Board with the adoption of Resolution No. 2002-011, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Update the Ammonia Objectives for Inland Surface Waters (Including Enclosed Bays, Estuaries and Wetlands) with Beneficial Use Designations for Protection of Aquatic Life*. The ammonia Basin Plan amendment was approved by the State Board, the Office of Administrative Law, and United States Environmental Protection Agency (USEPA) on April 30, 2003, June 5, 2003, and June 19, 2003, respectively. Although the revised ammonia water quality objectives may be less stringent than those contained in the 1994 Basin Plan, they are still protective of aquatic life and are consistent with USEPA's 1999 ammonia criteria update.
15. The Basin Plan contains water quality objectives and beneficial uses for inland surface waters and for the Pacific Ocean. Inland surface waters consist of rivers, streams, lakes, reservoirs, and inland wetlands. Beneficial uses for a surface water can be designated, whether or not they have been attained on a waterbody, in order to implement either federal or state mandates and goals (such as fishable and swimmable for regional waters).

16. The receiving waters for the permitted discharge covered by this permit is the Los Angeles River. The beneficial uses listed in the Basin Plan for the Los Angeles River, Reach 2 (Hydrologic Unit No. 405.21) are:
 - Existing Uses: groundwater recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, wildlife habitat, and wetland habitat
 - Potential Uses: municipal and domestic supply and industrial service supply.
17. The State Water Resources Control Board (State Board) adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters.
18. On May 18, 2000, the USEPA promulgated numeric criteria for priority pollutants for the State of California [known as the *California Toxics Rule* (CTR) and codified as 40 CFR 131.38]. In the CTR, USEPA promulgated criteria that protect the general population at an incremental cancer risk level of one in a million (10^{-6}), for all priority toxic pollutants regulated as carcinogens. The CTR also allows for a schedule of compliance not to exceed 5 years from the date of permit issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with effluent limits derived from the CTR criteria.
19. On March 2, 2000, the State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP was effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the National Toxics Rule (NTR), and to the priority pollutant objectives established by the Regional Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the USEPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP was effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The SIP requires the dischargers' submittal of data sufficient to conduct the determination of priority pollutants requiring water quality-based effluent limits (WQBELs) and to calculate the effluent limitations. The CTR criteria for salt water or human health for consumption of organisms, whichever is more stringent, are used to develop the effluent limitations in this Order to protect the beneficial uses of Los Angeles River, above the estuary.
20. Under 40 CFR 122.44(d), Water Quality Standards and State Requirements, "Limitations must control all pollutants or pollutant parameters (either conventional, non-conventional, or toxic pollutants), which the Director [permitting authority] determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality." Where numeric effluent limitations for a pollutant or pollutant parameter have not been established in the applicable state water quality control plan, 40 CFR section

122.44(d)(1)(vi) specifies that WQBELs may be set based on USEPA criteria, and may be supplemented where necessary by other relevant information to attain and maintain narrative water quality criteria, and to fully protect designated beneficial uses.

21. Effluent limitation guidelines specifying best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT), have not been promulgated by the USEPA for this category of discharges. Effluent limitations for pollutants not subject to the USEPA effluent limitation guidelines are based on one of the following: technology-based limits based on best professional judgment (BPJ) of BPT, BCT or BAT; WQBELs; or current plant performance. WQBELs are based on the Basin Plan, other State plans and policies, or water quality criteria taken from the CTR. These requirements, as they are met, will protect and maintain existing beneficial uses of the receiving water. The attached fact sheet for this Order includes specific bases for the effluent limitations.
22. State and Federal antibacksliding and antidegradation policies require Regional Board actions to protect the water quality of a water body and to ensure that the waterbody will not be further degraded. The antibacksliding provisions are specified in section 402(o) and 303(d)(4) of the Clean Water Act (CWA) and in Title 40, Code of Federal Regulations (40 CFR), section 122.44(l). Those provisions require a reissued permit to be as stringent as the previous permit with some exceptions where effluent limitations may be relaxed.
23. Effluent limitations are established in accordance with sections 301, 304, 306, and 307 of the CWA, and amendments thereto. These requirements, as they are met, will maintain and protect the beneficial uses of the Los Angeles River.

Watershed Management Approach and Total Maximum Daily Loads (TMDLs)

24. The Regional Board has implemented the Watershed Management Approach to address water quality issues in the region. Watershed management may include diverse issues as defined by stakeholders to identify comprehensive solutions to protect, maintain, enhance, and restore water quality and beneficial uses. To achieve this goal, the Watershed Management Approach integrates the Regional Board's many diverse programs, particularly TMDLs, to better assess cumulative impacts of pollutants from all point and non-point sources. A TMDL is a tool for implementing water quality standards and is based on the relationship between pollution sources and in-stream water quality conditions. The TMDL establishes the allowable loadings or other quantifiable parameters for a waterbody and thereby provides the basis to establish water quality-based controls. These controls should provide the pollution reduction necessary for a waterbody to meet water quality standards. This process facilitates the development of watershed-specific solutions that balance the environmental and economic impacts within the watershed. The TMDLs will establish waste load allocation (WLAs) and load allocations (LAs) for point and non-point sources, and will result in achieving water quality standards for the waterbody.
25. The Los Angeles River receives discharges from highly industrial areas. The 2003 State Board's California 303(d) List categorizes the Los Angeles River into 6 sections, referred to as Reaches. The Discharger's Facility is located in Reach 2 of the Los Angeles River. The

2003 State Board's California 303(d) List classifies the Los Angeles River as impaired. The pollutants of concern, detected in the water column, in the sediment, and in the fish tissue, include ammonia, high coliform count, lead, nutrients (algae), odors, oil, and scum/foam-unnatural.

Data Availability and Reasonable Potential Monitoring

26. 40 CFR 122.44(d)(1)(ii) requires that each toxic pollutant be analyzed to determine whether a discharge (1) causes; (2) has the reasonable potential to cause; or (3) contributes to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant.
27. Section 1.3 of the SIP requires that a limit be imposed for a toxic pollutant if (1) the maximum effluent concentration (MEC) is greater than the most stringent CTR criteria, or (2) the background concentration is greater than the CTR criteria, or (3) other information is available. Sufficient effluent data are needed for this analysis.
28. Regional Board staff has determined there are insufficient monitoring data available to perform an RPA of the priority pollutants associated with stormwater runoff and hydrostatic testing water from the Facility. The SIP for Inland Surface Waters, Enclosed Bays, and Estuaries of California requires the dischargers to submit sufficient data to conduct the determination of priority pollutants requiring WQBELs and to calculate the effluent limitations. Thus, this permit includes an interim monitoring requirements to obtain the necessary data.
29. Regional Board staff has determined that pollutants that have effluent limits in the current permit will be included in this permit. Certain effluent limitations have been established based on the revised water quality criteria contained in the CTR and the requirements contained in Section 1.4 of the SIP. This permit also includes requirements for additional monitoring to provide the data needed to perform an RPA on all of the priority pollutants.
30. This permit will be reopened to include effluent limitations for toxic constituents determined to be present in significant amounts in the discharge based on the more comprehensive monitoring program included as part of this Order and based on the results of the RPA.

CEQA and Notifications

31. The Regional Board has notified the Discharger and interested agencies and persons of its intent to issue waste discharge requirements for this discharge, and has provided them with an opportunity to submit their written views and recommendations.
32. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
33. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Clean Water Act or amendments thereto, and shall take effect in accordance with federal law, provided the Regional Administrator, USEPA,

has no objections.

34. Pursuant to California Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, Office of Chief Counsel, ATTN: Elizabeth Miller Jennings, Senior Staff Counsel, 1001 I Street, 22nd Floor, Sacramento, California, 95814, within 30 days of adoption of this Order.
35. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) in accordance with the California Water Code, section 13389.

IT IS HEREBY ORDERED that BP West Coast Products, LLC, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted there under, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted there under, shall comply with the following:

I. DISCHARGE REQUIREMENTS

A. Discharge Prohibitions

1. Wastes discharged shall be limited to a maximum of 756,000 gpd of hydrostatic test water and storm water runoff from the tank farm area and facility roads. The discharge of process wastewater, treated or untreated groundwater, accidental spills, or other sources is prohibited.
2. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to a storm drain system, the Los Angeles River, or waters of the State, are prohibited.

B. Effluent Limitations

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

1. A pH value less than 6.5 or greater than 8.5 standard units.
2. Temperature:
 - a. A temperature greater than 86 °F; and
 - b. A maximum temperature exceeding the natural receiving water temperature by more than 20 °F.
3. Toxicity limitations:
 - a. Acute Toxicity Limitation and Requirements

- i. The acute toxicity of the effluent shall be such that: (i) the average survival in the undiluted effluent for any three (3) consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, and (ii) no single test shall produce less than 70% survival.
 - ii. If either of the above requirements [Section I.B.3.a.(i)] is not met, the Discharger shall conduct six additional tests over a 6-week period, if possible. The Discharger shall ensure that they receive results of a failing acute toxicity test within 24 hours of the completion of the test, and the additional tests shall begin within 3 business days of the receipt of the result. If the additional tests indicate compliance with acute toxicity limitation, the Discharger may resume regular testing. However if the results of any two of the six accelerated tests are less than 90% survival, then the Discharger shall begin a Toxicity Identification Evaluation (TIE). The TIE shall include all reasonable steps to identify the source(s) of toxicity. Once the source(s) of toxicity is identified, the Discharger shall take all reasonable steps to reduce the toxicity to meet the objective.
 - iii. If the initial test and any of the additional six acute toxicity bioassay tests result in less than 70% survival, including the initial test, the Discharger shall immediately begin a TIE.
 - iv. The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 6710.
4. Final effluent limitations: In addition to the Requirements I.B.1 through I.B.3, the discharge of hydrostatic test water and storm water runoff at Discharge Serial No. 001 containing constituents in excess of the following limits is prohibited:

Constituents	Units	Discharge Limitations ^{1/}	
		Monthly Average	Daily Maximum
Oil and Grease	mg/L	10	15
Settleable Solids	ml/L	0.1	0.3
BOD ₅ 20°C	mg/L	20	30
Total Dissolved Solids	mg/L	750	1,500
Total Suspended Solids	mg/L	50	75
Phenols	mg/L	0.7	1.0
Turbidity	NTU	50	75
Sulfides	mg/L	0.7	1.0
Sulfate	mg/L	150	350
Chloride	mg/L	75	150
Residual Chlorine	mg/L	0.25	0.5

Constituents	Units	Discharge Limitations ^{1/}	
		Monthly Average	Daily Maximum
Benzene	µg/L	0.5	1
Toluene	µg/L	5	10
Ethylbenzene	µg/L	340	680
Xylene	µg/L	340	680
Arsenic	ì g/L	25	50
Cadmium	ì g/L	5	10
Chromium VI	ì g/L	25	50
Lead	ì g/L	25	50
Mercury	ì g/L	1	2
Selenium	ì g/L	5	10
Silver	ì g/L	25	50

1/. The monthly average concentration shall be the arithmetic average of all the values of daily concentrations calculated using the results of analyses of all samples collected during the month. If only one sample is taken in that month or quarter, compliance shall be based on this sample result.

C. Receiving Water Limitations

1. The discharge shall not cause the following conditions to exist in the receiving waters:
 - a. Floating, suspended, or deposited macroscopic particulate matter or foam;
 - b. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
 - c. Visible, floating, suspended or deposited oil or other products of petroleum origin;
 - d. Bottom deposits or aquatic growths; or,
 - e. Toxic or other deleterious substances present in concentrations or quantities that cause deleterious effects on aquatic biota, wildlife, or waterfowl or render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
2. The discharge shall not cause nuisance or adversely affect beneficial uses of the receiving water.
3. The discharge shall not cause a surface water temperature rise greater than 5°F above the natural temperature of the receiving waters at any time or place.

4. The discharge shall not cause the following limits to be exceeded in the receiving waters at any place within the waterbody of the receiving waters:
 - a. The pH shall not be depressed below 6.5 nor raised above 8.5 units, nor caused to vary from normal ambient pH levels by more than 0.5 units;
 - b. Dissolved oxygen shall not be less than 5.0 mg/L anytime, and the median dissolved oxygen concentration for any three consecutive months shall not be less than 80 percent of the dissolved oxygen content at saturation;
 - c. Dissolved sulfide shall not be greater than 0.1 mg/L;
5. The discharge shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Board or State Board. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water Act, or amendments thereto, the Regional Board will revise or modify this Order in accordance with such standards.
6. The discharge shall not cause the following to be present in receiving waters:
 - a. Biostimulatory substances at concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses;
 - b. Chemical substances in amounts that adversely affect any designated beneficial use;
 - c. Oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the receiving water or on objects in the water;
 - d. Suspended or settleable materials in concentrations that cause nuisance or adversely affect beneficial uses;
 - e. Taste or odor-producing substances in concentrations that alter the natural taste, odor, and/or color of fish, shellfish, or other edible aquatic resources; cause nuisance; or adversely affect beneficial uses;
 - f. Substances that result in increases of BOD₅20°C that adversely affect beneficial uses;
7. The discharge shall not alter the color, create a visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters.

8. The discharge shall not degrade surface water communities and population including vertebrate, invertebrate, and plant species.
9. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures or facilities nor overload their design capacity.
10. The discharge shall not cause problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.

II. REQUIREMENTS

A. The Discharger shall submit within 90 days of the effective date of this Order:

1. 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 M.
2. Best Management Practices Plan (BMPP) that entails site-specific plans and procedures implemented and/or to be implemented to prevent hazardous waste/material from being discharged to waters of the State. The BMPP shall be consistent with the general guidance contained in the EPA *Guidance Manual for Developing Best Management Practices (BMPs)* (EPA 833-B-93-004). In particular, a risk assessment of each area identified by the Discharger shall be performed to determine the potential for hazardous or toxic waste/material discharge to surface waters.
3. An updated Spill Contingency Plan that shall be site specific and shall cover all areas of the facility must be prepared. The Contingency Plan shall be reviewed at the same time as the SWPPP and BMPP.

The Plans shall cover all areas of the facility and shall include an updated drainage map for the facility. The Discharger shall identify on a map of appropriate scale the areas that contribute runoff to the permitted discharge 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 the storm water. The plans shall be reviewed annually and at the same time. Updated information shall be submitted within 30 days of revision.

B. The Discharger shall implement or require the implementation of the most effective combination of BMPs for storm water pollution control. When implemented, BMPs are intended to result in the reduction of pollutants in storm water to the maximum extent practicable.

- C. Oil or oily materials, chemicals, refuse, or other materials that may cause pollution in storm water and/or urban runoff shall not be stored or deposited in areas where they may be picked up by rainfall/urban runoff and discharged to surface waters. Any spill of such materials shall be contained, removed, and cleaned immediately.
- D. Pursuant to the requirements of 40 CFR 122.42(a), the Discharger must notify the Board as soon as it knows, or has reason to believe (1) that it has begun or expected to begin, to use or manufacture a toxic pollutant not reported in the permit application, or (2) a discharge of toxic pollutant not limited by this Order has occurred, or will occur, in concentrations that exceed the specified limits in 40 CFR 122.42(a).
- E. The Discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.
- F. The Discharger shall comply with the waste load allocations that will be developed from the TMDL process for the 303(d)-listed pollutants.
- G. 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.
- H. The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream which ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this permit.
- I. The Discharger shall notify the Executive Officer in writing no later than six months prior to the planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
 - 1. Name and general composition of the chemical,
 - 2. Frequency of use,
 - 3. Quantities to be used,
 - 4. Proposed discharge concentrations, and
 - 5. USEPA registration number, if applicable.

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

- J. The Regional Board and USEPA shall be notified immediately, by telephone, of the presence of adverse conditions in the receiving waters as a result of wastes discharged; written confirmation shall follow as soon as possible but not later than five working days after occurrence.

III. PROVISIONS

- A. This Order includes the attached *Standard Provisions and General Monitoring and Reporting Requirements* (Standard Provisions, Attachment N). If there is any conflict between provisions stated herein and the attached Standard Provisions, those provisions stated herein shall prevail.
- B. This Order includes the attached Monitoring and Reporting Program No. 6710. If there is any conflict between provisions stated in the Monitoring and Reporting Program and the Standard Provisions, those provisions stated in the former shall prevail.
- C. This Order may be modified, revoked, reissued, or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 122.64, 125.62 and 125.64. Causes for taking such actions include, but are not limited to: failure to comply with any condition of this Order; endangerment to human health or the environment resulting from the permitted activity; or acquisition of newly-obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the Discharger for an Order modification, revocation, and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
- D. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management program developed to comply with NPDES permits issued by the Regional Board to local agencies.
- E. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
- F. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic effluent standards, and all federal regulations established pursuant to Sections 301, 302, 303(d), 304, 306, 307, 316, and 423 of the Federal Clean Water Act and amendments thereto.
- G. Compliance Determination
 - 1. Compliance with single constituent effluent limitation – If the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (see Reporting Requirement II.C. of *M&RP* No. CI-6710), then the Discharger is out of compliance.
 - 2. Compliance with monthly average limitations - In determining compliance with monthly average limitations, the following provisions shall apply to all

constituents:

- a. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the monthly average limit for that constituent, the Discharger has demonstrated compliance with the monthly average limit for that month.
- b. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the monthly average limit for any constituent, the Discharger shall collect 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 II.C. of M&RP No. CI-6710), 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 III. D. of *M&RP*), 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.

- c. In the event of noncompliance with a monthly average effluent limitation, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the monthly average effluent limitation has been demonstrated.
- d. If only one sample was obtained for the month or more than a monthly period and the result exceed the monthly average, then the Discharger is in violation of the monthly average limit.
 - i. Compliance with effluent limitations expressed as a sum of several constituents – If the sum of the individual pollutant concentrations is greater than the effluent limitation, then the Discharger is out of compliance. In calculating the sum of the concentrations of a group of pollutants, consider constituents reported as ND or DNQ to have concentrations equal to zero, provided that the applicable ML is used.
 - ii. Compliance with effluent limitations expressed as a median – in determining compliance with a median limitation, the analytical results in a set of data will be arranged in order of magnitude (either increasing or decreasing order); and

- e. If the number of measurements (n) is odd, then the median will be calculated as $= X_{(n+1)/2}$, or
 - f. If the number of measurements (n) is even, then the median will be calculated as $= [X_{n/2} + X_{(n/2)+1}]$, i.e. the midpoint between the $n/2$ and $n/2+1$ data points.
- H. In calculating mass emission rates from the monthly average concentrations, use one half of the method detection limit for “Not Detected” (ND) and the estimated concentration for “Detected, but Not Quantified” (DNQ) for the calculation of the monthly average concentration. To be consistent with section III.G.3., if all pollutants belonging to the same group are reported as ND or DNQ, the sum of the individual pollutant concentrations should be considered as zero for the calculation of the monthly average concentration.

IV. REOPENERS

- A. This Order may be reopened to include effluent limitations for toxic constituents determined to be present in significant amounts in the discharge through the monitoring program included as part of this Order and based on the results of the RPA.
- B. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach.
- C. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new 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 Los Angeles River.
- E. This Order may be reopened, upon submission by the Discharger of adequate information as determined by the Regional Board, to provide for dilution credits or a mixing zone as may be appropriate.
- F. This Order may be reopened and modified to revise the toxicity requirements once those requirements become standardized.
- G. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order and permit, and endangerment to human health or the environment resulting from the permitted activity.

V. EXPIRATION DATE

This Order expires on April 10, 2009.

The Discharger must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

VI. RESCISSION

Order No. 97-019, adopted by this Regional Board on March 3, 1997, is hereby rescinded except for enforcement purposes.

I, Dennis Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on May 6, 2004.

Dennis A. Dickerson
Executive Officer