

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

**ORDER NO. R4-2004-0071
NPDES PERMIT NO. CA0060003**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
HARBOR COGENERATION COMPANY**

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

Background

1. Harbor Cogeneration Company (hereinafter HCC or Discharger) discharges treated regenerant waste waters under waste discharge requirements (WDRs) contained in Order No. 97-053 (NPDES No. CA0060003), adopted by the Regional Board on May 12, 1997. Order No. 97-053 expired on April 10, 2002.
2. HCC has filed a report of waste discharge and has applied for renewal of its WDRs and NPDES permit on February 4, 2002, for discharge of wastes to surface waters. The tentative Order is the reissuance of the WDRs and NPDES permit for discharges from HCC.

Purpose of Order

3. The purpose of this Order is to renew the WDRs for the HCC. This NPDES permit regulates the discharge of water demineralizer regenerant waste and water softener regenerant wastewater, through Discharge Serial No. 001, to Cerritos Channel, Long Beach Inner Harbor, a water of the United States. The point of discharge is located at Latitude 33°46'15", Longitude 118°13'25".

Facility Description

4. HCC is the operator of a 100-megawatt, combined cycle facility that produces and sells electricity at 505 Pier B Street, Wilmington, California, which is the Wilmington District of the Port of Los Angeles, California. HCC discharges up to 274,000 gallons per day of water demineralizer regenerant waste and water softener regenerant wastewater.
5. The facility is a merchant electrical generation plant which only operates intermittently, as dictated by market conditions. The previous Order (97-053) regulates the discharge of water demineralizer regenerant waste and water softener regenerant wastes. HCC does not discharge wastewater to the sanitary sewer system because of limited capacity in the sewer system and the nature of the discharge. However, HCC is in the process of

exploring sewer hookup.

Discharge Description

6. Source water for the facility is city-supplied. Water is directed through a demineralizer process, and is then either sent to a neutralization tank or to a turbine. Sulfuric acid and caustic soda are used during demineralizer regeneration treatment. Demineralizer regenerant is then directed to a storage tank and discharged through Discharge Serial No. 001.
7. HCC wastewater effluent does not contain sanitary wastewater and is not exposed to potential sources of pathogens (e.g., birds).
8. HCC proposes to discharge up to 274,000 gpd of regenerant waste water to Cerritos Channel through Discharge Serial No. 001 (Latitude 33°46'15", Longitude 118°13'25"). Cerritos Channel is tributary to Long Beach Inner Harbor, a water of the United States, and is part of the Dominguez Channel and Los Angeles/Long Beach Harbors Watershed Management Area.

Storm Water Management

9. The objective of this Order is to protect the beneficial uses of receiving waters. To meet this objective, this Order requires HCC to update and continue to implement a Storm Water Pollution Prevention Plan (SWPPP) consistent with the SWPPP requirements in the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity [State Water Resources Control Board (State Board) Order No. 97-03-DWQ, NPDES Permit No. CAS000001]. Order 97-053 established the requirement for HCC to develop a SWPPP. The SWPPP will outline site-specific management practices for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged into surface waters.

Applicable Plans, Policies, and Regulations

10. On June 13, 1994, the Regional Board adopted a revised *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) as amended on January 27, 1997 by Regional Board Resolution No. 97-02. The Basin Plan (i) designates beneficial uses for surface and groundwaters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state antidegradation policy (*Statement of Policy with Respect to Maintaining High Quality Waters in California*, State Board Resolution No. 68-16, October 28, 1968), and (iii) describes implementation programs to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The Regional Board prepared the 1994 update of the Basin Plan to be consistent with all previously adopted State and Regional Board plans and policies. This Order implements the plans, policies and provisions of the Regional Board's Basin Plan.
11. 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).

12. The immediate receiving body for the permitted discharge covered by this permit is Cerritos Channel, Long Beach Inner Harbor. The Basin Plan contains beneficial uses and water quality objectives for Long Beach Inner Harbor. The beneficial uses listed in the Basin Plan for Long Beach Inner Harbor are:

Long Beach Inner Harbor – Hydro Unit No. 405.12

Existing: Industrial service supply, navigation, noncontact recreation, commercial and recreational fishing, marine habitat, and preservation or rare, threatened or endangered species.

Potential: Contact recreation and shellfish harvesting.

13. **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, these 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 the 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.
14. The State Board adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for inland surface waters.
15. On May 18, 2000, the USEPA promulgated numeric criteria for priority pollutants for the State of California [known as the *California Toxics Rule* (CTR) and codified as Title 40, Code of Federal Regulations (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 provides 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 the CTR criteria.
16. On March 2, 2000, the State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP was effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the 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 Long Beach Inner Harbor.

17. 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.
18. Effluent limitation guidelines requiring the application of best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT), were promulgated by the USEPA for some pollutants in this discharge. Effluent limitations for pollutants not subject to the USEPA effluent limitation guidelines are based on one of the following: best professional judgment (BPJ) of BPT, BCT or BAT; current plant performance; or WQBELs. The WQBELs are based on the Basin Plan, other State plans and policies, or USEPA water quality criteria which are taken from the CTR. These requirements, as they are met, will protect and maintain existing beneficial uses of the receiving water. The attached Fact Sheet for this Order includes specific bases for the effluent limitations.
19. 40 CFR section 122.45(f)(1) requires that except under certain conditions, all permit limits, standards, or prohibitions be expressed in terms of mass units. 40 CFR section 122.45(f)(2) allows the permit writer, at his its discretion, to express limits in additional units (e.g., concentration units). The regulations mandate that, where limits are expressed in more than one unit, the permittee must comply with both.

Generally, mass-based limits ensure that proper treatment, and not dilution is employed to comply with the final effluent concentration limits. Concentration-based effluent limits, on the other hand, discourage the reduction in treatment efficiency during low-flow periods and require proper operation of the treatment units at all times. In the absence of concentration-based effluent limits, a permittee would be able to increase its effluent concentration (i.e., reduce its level of treatment) during low-flow periods and still meet its mass-based limits. To account for this, this permit includes mass and concentration limits for some constituents.

20. 40 CFR Part 423 establishes effluent limitations and guidelines for the Steam Electric

Power Generating point source category. The regulation applies to discharges resulting from the operation of a generating unit by an establishment primarily engaged in the generation of electricity for distribution and sale which results primarily from a process utilizing fossil-type fuel (coal, oil, or gas) or nuclear fuel in conjunction with a thermal cycle employing the steam water system as the thermodynamic medium. Low volume waste sources are defined in 40 CFR § 423.11 to include wastewater from all sources except those for which specific limitations are otherwise established in Part 423. Low volume waste sources include, but are not limited to: wastewaters from wet scrubber air pollution control systems, ion exchange water treatment system, water treatment evaporator blowdown, laboratory and sampling streams, boiler blowdown, floor drains, cooling tower basin cleaning wastes, and recirculating house service water systems. The discharges covered under this permit are considered low volume waste sources.

21. 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) of the Clean Water Act (CWA) and in 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.
22. 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 Long Beach Inner Harbor.

Watershed Management Approach and Total Maximum Daily Loads (TMDLs)

23. The Regional Board has implemented the Watershed Management Approach to address water quality issues in the region. Watershed management may include diverse issues as defined by stakeholders to identify comprehensive solutions to protect, maintain, enhance, and restore water quality and beneficial uses. To achieve this goal, the Watershed Management Approach integrates the Regional Board's many diverse programs, particularly Total Maximum Daily Loads (TMDLs), to better assess cumulative impacts of pollutants from all point and non-point sources. A TMDL is a tool for implementing water quality standards and is based on the relationship between pollution sources and in-stream water quality conditions. The TMDL establishes the allowable loadings or other quantifiable parameters for a waterbody and thereby provides the basis to establish water quality-based controls. These controls should provide the pollution reduction necessary for a waterbody to meet water quality standards. This process facilitates the development of watershed-specific solutions that balance the environmental and economic impacts within the watershed. The TMDLs will establish waste load allocation (WLAs) and load allocations (LAs) for point and non-point sources, and will result in achieving water quality standards for the waterbody.
24. Long Beach Inner Harbor and its major tributaries are located in Los Angeles County in the Dominguez Channel and Los Angeles/Long Beach Harbors Watershed Management Area. The 2002 State Board's California 303(d) List classifies Long Beach Harbor's Main Channel, SE, West Basin, Pier J, and Breakwater as impaired. The pollutants of concern detected in the water column, in the sediment, and in the fish tissue, include DDT and PCBs (detected in fish tissue), PAHs (detected in sediment), sediment toxicity, and benthic

community effects.

Data Availability and Reasonable Potential Monitoring

25. 40 CFR 122.44(d)(1)(i) and (ii) require that each toxic pollutant be analyzed with respect to its reasonable potential to (1) cause; (2) have the reasonable potential to cause; or (3) contribute to the exceedance of a receiving water quality objective. This is done by performing a reasonable potential analysis (RPA) for each pollutant.
26. 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.
27. 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 complete an RPA on all of the priority pollutants.
28. An RPA was completed using the data collected at the site for the period August 1999 through January 2003 to determine if any of the constituents sampled previously at the site had a positive RPA. Based on the RPA, there was reasonable potential to exceed water quality standards for beta-endosulfan, copper, cyanide, nickel, 2,3,7,8 TCDD, thallium, and zinc. The RPA indicated that seven constituents; beta-endosulfan, copper, cyanide, nickel, 2,3,7,8 TCDD, thallium, and zinc have the potential to exceed the WQBELs.

Compliance Schedules and Interim Limitations

29. The HCC facility may not be able to achieve immediate compliance with the WQBELs for beta-endosulfan, copper, cyanide, nickel, 2,3,7,8 TCDD, thallium, and zinc in Section I.B.4. of this Order. Data submitted in self-monitoring reports indicate that these constituents have been detected at concentrations greater than the new limit proposed in this Order. The Discharger may not be able to achieve immediate compliance with an effluent limitation based on CTR criterion for these constituents.
30. 40 CFR 131.38(e) and the CTR provide conditions under which interim effluent limits and compliance schedules may be issued. The CTR and SIP allow inclusion of an interim limit with a specific compliance schedule included in a NPDES permit for priority pollutants if the limit for the priority pollutant is CTR-based. Interim limits have been included in this Order for beta-endosulfan, copper, cyanide, nickel, 2,3,7,8 TCDD, thallium, and zinc.
31. The SIP requires that the Regional Board establish other interim requirements, such as requiring the discharger to develop a Pollutant Minimization Plan (PMP) and/or source control measures, and participate in the activities necessary to achieve final effluent limitations. These interim limitations shall be effective for one year from the date of

adoption of this Order. After which, the Discharger shall demonstrate compliance with the final effluent limitations.

According to the SIP, pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. 2,3,7,8 TCDD has strong bioaccumulative properties and can cause adverse health impacts, and because the RPA determined that it could exceed the WQBELs, the permit requires that the Discharger develop and implement a pollution minimization plan for 2,3,7,8 TCDD.

CEQA and Notifications

32. The Regional Board has notified the Discharger and interested agencies and persons of its intent to issue waste discharge requirements for this discharge, and has provided them with an opportunity to submit their written views and recommendations.
33. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
34. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal CWA or amendments thereto, and shall take effect in accordance with federal law, provided the Regional Administrator, USEPA, has no objections.
35. Pursuant to California Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, Office of Chief Counsel, ATTN: Elizabeth Miller Jennings, Senior Staff Counsel, 1001 I Street, 22nd Floor, Sacramento, California, 95814, within 30 days of adoption of this Order.
36. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) in accordance with the California Water Code, section 13389.

IT IS HEREBY ORDERED that Harbor Cogeneration Company (HCC), 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 274,000 gallons per day (gpd) of regenerant wastewater.
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, Cerritos Channel, Long Beach Inner Harbor, or waters of the State, are prohibited.

B. Effluent Limitations

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

1. A pH value less than 6.5 or greater than 8.5.
2. A temperature greater than 86° F.
3. Toxicity limitations:
 - a) Acute Toxicity Limitation and Requirements
 - (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 flow bioassay tests shall be at least 90%, and (ii) no single test producing less than 70% survival.
 - (2) If either of the above requirements (I.B.3.a)(1)) is not met, the Discharger shall conduct six additional tests over a six-week period. 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.
 - (3) 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.
 - (4) The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 6797.
4. Final effluent limitations: In addition to the Requirements I.B.1 through I.B.3, the discharge of regenerant wastewater from Discharge Serial No. 001 containing constituents in excess of the following limitations is prohibited:

Constituents	Units	Average Monthly Discharge Limitations		Maximum Daily Discharge Limitations	
		Concentration	Mass ¹ (lbs/day)	Concentration	Mass ¹ (lbs/day)
pH		6.5-8.5	--	6.5-8.5	--
Settleable Solids	ml/L	0.1	0.2	0.3	0.7
Total Suspended Solids	mg/L	30	69	100	229
Oil and Grease	mg/L	10	23	15	34
BOD ₅	mg/L	20	46	60	137
Beta Endosulfan ³	ì g/L	0.01	0.02	0.01	0.03
Copper ^{2,3}	ì g/L	2.9	6.6	5.8	13
Cyanide ³	ì g/L	0.5	1.1	1.0	2.3
Nickel ^{2,3}	ì g/L	6.8	16	14	31
Thallium ^{2,3}	ì g/L	6.3	14	13	29
2,3,7,8 TCDD ³	ì g/L	1.4 x 10 ⁻⁸	3.2 x 10 ⁻⁸	2.8 x 10 ⁻⁸	6.4 x 10 ⁻⁷
Zinc ^{2,3}	ì g/L	47	109	95	217
PCBs	ì g/L	- ⁴	- ⁴	- ⁴	- ⁴
Toxicity-acute	%	- ⁵	- ⁵	- ⁵	- ⁵

¹ The mass-based effluent limitations for pollutants are based on a maximum discharge flow rate of 274,000 gpd.

The equation used to calculate the mass is:

$$m = 8.34 * C * Q \text{ where:}$$

m = mass limit for a pollutant in lbs/day
 C = concentration limit for a pollutant, mg/L
 Q = maximum discharge flow rate, mgd

² Discharge limitations for these metals are expressed as total recoverable.

³ The interim limits in Section I.B.5 below are applicable from the date of adoption of the Order through April 1, 2005.

⁴ The discharge of polychlorinated biphenyls is prohibited.

⁵ Average survival in effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test producing less than 70% survival.

5. Interim Effluent Limitations. From the effective date of this Order until April 1, 2005, the discharge of an effluent in excess of the following limitations is prohibited:

Constituents	Discharge Limitations (Maximum Daily)	
	Concentration (ì g/L)	Mass ¹ (lbs/day)
Beta-endosulfan	0.011	0.025
Copper ²	15	34
Cyanide	18	41
Nickel ²	16	37
2,3,7,8 TCDD	8.6 x 10 ⁻⁸	1.95 x 10 ⁻⁷
Thallium ²	20	46
Zinc ²	420	960

¹ The mass-based effluent limitations are based on a flow rate of 274,000 gpd.

² Discharge limitations for these metals are expressed as total recoverable.

Discharges after April 1, 2005 must comply with the limits for these constituents stipulated in the table in section I.B.4.

C. Receiving Water Limitations

1. The discharge shall not cause the following conditions to exist in the receiving waters:
 - a) Floating, suspended or deposited macroscopic particulate matter or foam;
 - b) Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
 - c) Visible, floating, suspended or deposited oil or other products of petroleum origin;
 - d) Bottom deposits or aquatic growths; or,
 - e) Toxic or other deleterious substances to be present in concentrations or quantities which cause deleterious effects on aquatic biota, wildlife, or waterfowl or render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
2. The discharge shall not cause nuisance, or adversely effect beneficial uses of the receiving water.
3. No discharge shall cause a surface water temperature rise greater than 5°F above the natural temperature of the receiving waters at any time or place.
4. The discharge shall not cause the following limitations to be exceeded in the receiving waters at any place within the waterbody of the receiving waters:
 - a) The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH levels by more than 0.5 units;
 - b) Dissolved oxygen shall not be less than 5.0 mg/L anytime, and the median dissolved oxygen concentration for any three consecutive months shall not be less than 80 percent of the dissolved oxygen content at saturation;
 - c) Dissolved sulfide shall not be greater than 0.1 mg/L;
 - d) Total ammonia (as N) shall not exceed concentrations specified in the Basin Plan Amendment (April 25, 2002).

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

II. REQUIREMENTS

- A. The Discharger shall develop and implement, within 90 days of the effective date of this Order:

1. A *Storm Water Pollution Prevention Plan* (SWPPP) that describes site-specific management practices for minimizing contamination of storm water runoff and for preventing contaminated storm water runoff from being discharged directly to waters of the State. The SWPPP shall be developed in accordance with the requirements in Attachment M.

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

- B. Compliance Plan

1. The Discharger shall develop and implement a compliance plan that will identify the measures that will be taken to reduce the concentrations of beta-endosulfan, copper, cyanide, nickel, thallium, and zinc in their discharge. This plan must evaluate options to achieve compliance with the permit limitations specified in provision I.B.4.
2. The Discharger shall submit quarterly progress reports to describe the progress of studies and or actions undertaken to reduce beta-endosulfan, copper, cyanide, nickel, thallium, and zinc in the effluent, and to achieve compliance with the limits in this Order by the deadline specified in provision I.B.5. The Regional Board shall receive the first annual progress report at the same time the annual summary report is due, as required in Section I.B of Monitoring and Reporting Program No. 6797.
3. The Discharger shall develop a PMP to maintain effluent concentrations of 2,3,7,8 TCDD at or below the effluent limitations specified in provision I.B.4. The PMP shall include the following:
 - a) Annual review and semi-annual monitoring of the potential sources of 2,3,7,8

TCDD;

- b) Quarterly monitoring of the influent to the wastewater treatment system;
- c) Submittal of a control strategy designed to proceed toward the goal of maintaining effluent concentrations at or below the effluent limitation;
- d) Implementation of appropriate cost-effective control measures consistent with the control strategy;
- e) An annual status report that shall be sent to the Regional Board at the same time the annual summary report is submitted in accordance with Section I.B. of Monitoring and Reporting Program No. 6797, and include:
 - All PMP monitoring results for the previous year
 - A list of potential sources of 2,3,7,8 TCDD
 - A summary of all actions undertaken pursuant to the control strategy
 - A description of actions to be taken in the following year.

4. The interim limits stipulated in section I.B.5 shall be in effect for a period not to extend beyond April 1, 2005. Thereafter, the Discharger shall comply with the limitations specified in Section I.B.4 of this Order.
- C. Pursuant to the requirements of 40 CFR 122.42(a), the Discharger must notify the Board as soon as it knows, or has reason to believe (1) that it has begun or expected to begin, to use or manufacture a toxic pollutant not reported in the permit application, or (2) a discharge of toxic pollutant not limited by this Order has occurred, or will occur, in concentrations that exceed the specified limitations in 40 CFR 122.42(a).
- D. The Discharger shall implement or require the implementation of the most effective combination of best management practices (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.
- E. 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*), 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), 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 II.C. 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.
3. Compliance with effluent limitations expressed as a sum of several constituents – If the sum of the individual pollutant concentrations is greater than the effluent limitation, then the Discharger is out of compliance. In calculating the sum of the concentrations of a group of pollutants, consider constituents reported as ND or DNQ to have concentrations equal to zero, provided that the applicable ML is used.
 4. Compliance with effluent limitations expressed as a median – in determining compliance with a median limitation, the analytical results in a set of data will be arranged in order of magnitude (either increasing or decreasing order); and
 - a. If the number of measurements (n) is odd, then the median will be calculated as $= X_{(n+1)/2}$, or
 - b. If the number of measurements (n) is even, then the median will be calculated as $= [X_{n/2} + X_{(n/2)+1}]$, i.e. the midpoint between the $n/2$ and $n/2+1$ data points.
- F. 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 II.E.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.
- G. The Discharger shall at all times properly operate and maintain all facilities and systems

installed or used to achieve compliance with this Order.

- H. The Discharger shall comply with the waste load allocations that will be developed from the TMDL process for the 303 (d) listed pollutants.
- I. 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.
- J. 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.
- K. There shall be no discharge of PCB compounds such as those once commonly used for transformer fluid.
- L. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
 - a. Name and general composition of the chemical,
 - b. Frequency of use,
 - c. Quantities to be used,
 - d. Proposed discharge concentrations, and
 - e. USEPA registration number, if applicable.

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

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

III. PROVISIONS

- A. This Order includes the attached *Standard Provisions and General Monitoring and Reporting Requirements* (Standard Provisions, Attachment N). If there is any conflict between provisions stated herein and the attached Standard Provisions, those provisions stated herein shall prevail.
- B. This Order includes the attached Monitoring and Reporting Program No. 6797. 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. The Discharger shall comply with the requirements of SWPPP updates associated with

industrial activity (State Board Order No. 97-03-DWQ adopted on April 17, 1997) and SWPPP updates and monitoring and reporting requirements of State Board general permit for discharges of storm water and Construction Activity (State Board Order No. 99-08-DWQ adopted on August 19, 1999). This Order R4-2004-0071 shall take precedence where conflicts or differences arise between it and aforementioned Orders.

- D. This Order includes the attached *Storm Water Pollution Prevention Plan Requirements* (Attachment M).
- E. This Order may be modified, revoked, reissued, or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 122.64, 125.62 and 125.64. Causes for taking such actions include, but are not limited to: failure to comply with any condition of this Order; endangerment to human health or the environment resulting from the permitted activity; or acquisition of newly-obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the Discharger for an Order modification, revocation, and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
- E. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management program developed to comply with NPDES permits issued by the Regional Board to local agencies.
- F. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
- G. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic effluent standards, and all federal regulations established pursuant to Sections 301, 302, 303(d), 304, 306, 307, 316, and 423 of the Federal Clean Water Act and amendments thereto.

IV. REOPENERS

- A. This Order may be reopened and modified, in accordance with SIP Section 2.2.2.A, to incorporate new limits based on future RPA to be conducted, upon completion of the collection of additional data by the Discharger.
- B. This Order may be reopened and modified, to incorporate in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach.
- C. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new minimum levels (MLs) for each pollutant.
- D. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, or the adoption of a TMDL for the Dominguez Channel

and Los Angeles/Long Beach Harbor Watershed Management Area.

- E. This Order may be reopened upon the submission by the Discharger, of adequate information, as determined by the Regional Board, to provide for dilution credits or a mixing zone, as may be appropriate.
- F. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this order and permit, endangerment to human health or the environment resulting from the permitted activity.

V. EXPIRATION DATE

This Order expires on 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. 97-053, adopted by this Regional Board on May 12, 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