

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

ORDER NO. R4-2004-0116  
NPDES PERMIT NO. CA0000442

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
AND  
WASTE DISCHARGE REQUIREMENTS  
FOR  
BP WEST COAST PRODUCTS LLC  
LONG BEACH MARINE TERMINAL 2  
(Formerly ARCO Terminal Services Corporation)

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

**Background**

1. Long Beach Marine Terminal 2 (Terminal or Facility), owned and operated by BP West Coast Products LLC, (hereinafter BP or Discharger) discharges ship ballast water, tank draw down water, groundwater, hydrotest water, and storm water to Long Beach Inner Harbor, a water of the United States. Wastes discharged from Marine Terminal 2 are regulated by Waste Discharge Requirements (WDRs) and a National Pollutant Discharge Elimination System (NPDES) permit contained in Board Order No. 97-006 (NPDES Permit No. CA0000442, CI-6802) adopted by the Regional Board on January 27, 1997. Order No. 97-006 expired on December 10, 2001.
2. BP filed a report of waste discharge and applied for renewal of its WDRs and NPDES permit on December 10, 2001. Due to changes in the overall operation of the Facility, BP submitted a revised report of waste discharge on October 6, 2003. The tentative Order is the reissuance of the WDRs and a NPDES permit for discharges from the Terminal.
3. BP acquired the stock of Atlantic Richfield Company (ARCO) through merger in April 2000. As part of the transfer, effective January 2002, ARCO transferred all of its retail and refining assets to a new affiliate, BP West Coast Products LLC. Among the assets transferred included the Terminal and its associated permits. By a letter dated February 15, 2002, BP informed the Regional Board of the transfer of ownership.

**Purpose of Order**

4. The purpose of this Order is to renew the WDRs for the Facility. This NPDES permit regulates the discharge of hydrotest water and storm water through Discharge Serial Nos. 001, 002, 003, and 004 to the Long Beach Inner Harbor, a water of the United States. The points of discharge are located at Latitude 33°46'17", Longitude 118°12'12".

**Facility Description**

- BP operates the Terminal located at 1300 Pier B Street, Long Beach, California. The Terminal is operated for temporary storage and transfer of crude oil, intermediates, and finished petroleum products. Products are transferred to and from oil tankers, storage tanks, the BP West Coast Products LLC – Carson Refinery, and other companies. The Terminal is comprised of three tank farms (Nos. 1, 2, and 3) containing 34 storage tanks; docks at Berths 76, 77 and 78; and storage, transfer, and ancillary operations. The Terminal’s total product storage capacity is approximately 2.1 million barrels (88 million gallons). Figure 1 provides a Facility Location Map.

**Discharge Description**

- Only storm water and hydrotest water are discharged from the Terminal through the following four outfalls (001, 002, 003, and 004):

<b>Outfall No.</b>	<b>Location</b>	<b>Wastewater Discharge (Tank Farm)</b>	<b>Quantity – Gallons/Day</b>
001	Berth 77	Storm water / Hydrotest Water – (Tank Farm 2)	500,000 / 820,000
002	Berth 78	Storm water / Hydrotest Water – (Tank Farm 3)	500,000 / 820,000
003	Berth 77	Storm water (Tank Farms 1 and 2)	500,000
004	Berth 76	Hydrotest Water (Tank Farm 1)	820,000

The maximum permitted discharge under this NPDES permit is 3.96 million gallons per day (mgd). Figure 2 is the tank farm and drainage system map of the Terminal.

- The Terminal no longer draws tank water nor receives ship ballast and cleaning water. Order No. 97-006 allowed discharge of treated groundwater. Free product and groundwater are now transported to an offsite Treatment Storage Disposal Facility (TSDf). Process water is sent to BP Carson Refinery for treatment, and the treated water is subsequently discharged to a Public Owned Treatment Works (POTW). Therefore, groundwater, tank draw down water and ship ballast water will no longer be discharged under this NPDES permit.

**Storm water Management**

- The objective of this Order is to protect the beneficial uses of receiving waters. To meet this objective, this Order requires BP to implement a Storm Water Pollution Prevention Plan (SWPPP) consistent with the SWPPP requirements in the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity [State Water Resources Control Board (State Board) Order No. 97-03-DWQ, NPDES Permit No. CAS000001].

The SWPPP will outline site-specific management practices for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged into surface waters.

### **Applicable Plans, Policies, and Regulations**

9. 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.
10. **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 U.S. Environmental Protection Agency (U.S. EPA) on April 30, 2003, June 5, 2003, and June 19, 2003, respectively. Although the revised ammonia water quality objectives may be less stringent than those contained in the 1994 Basin Plan, they are still protective of aquatic life and are consistent with U.S. EPA's 1999 ammonia criteria update.
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 water body for the permitted discharges covered by this permit is the Long Beach Inner Harbor. The beneficial uses listed in the Basin Plan for All Other Inner Areas (including Long Beach Inner Harbor) are:

Long Beach Inner Harbor – Hydro Unit No. 403.12

Existing uses: Industrial service supply, navigation, non-contact water recreation, commercial and sport fishing, marine habitat, shellfish harvesting, and

rare, threatened, or endangered species

Potential uses: Water contact recreation

13. 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.
14. On May 18, 2000, the U.S. EPA promulgated numeric criteria for priority pollutants for the State of California [known as the *California Toxics Rule* (CTR) and codified as 40 CFR §131.38]. In the CTR, U.S. EPA promulgated criteria that protect the general population at an incremental cancer risk level of one in a million ( $10^{-6}$ ), for all priority toxic pollutants regulated as carcinogens. The CTR also allows for a schedule of compliance not to exceed five years from the date of permit renewal for an existing discharger if the Discharger demonstrates that it is infeasible to promptly comply with effluent limits derived from the CTR criteria.
15. 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 U.S. EPA 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 U.S. EPA 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 U.S. EPA 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 the Los Angeles Inner Harbor.
16. Under 40 CFR 122.44(d), Water Quality Standards and State Requirements, "Limitations must control all pollutants or pollutant parameters (either conventional, non-conventional, or toxic pollutants), which the Director [permitting authority] determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality." Where numeric effluent limitations for a pollutant or pollutant parameter have not been established in the applicable state water quality control plan, 40 CFR section 122.44(d)(1)(vi) specifies that WQBELs may be set based on U.S. EPA criteria, and may be supplemented where necessary by other relevant information to attain and maintain narrative water quality criteria, and to fully protect designated beneficial uses.

17. Effluent limitation guidelines requiring the application of best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT), were promulgated by the U.S. EPA for some pollutants in this discharge. Effluent limitations for pollutants not subject to the U.S. EPA effluent limitation guidelines are based on one of the following: best professional judgment (BPJ) of BPT, BCT or BAT; current plant performance; or WQBELs. The WQBELs are based on the Basin Plan, other State plans and policies, or U.S. EPA water quality criteria which are taken from the CTR. These requirements, as they are met, will protect and maintain existing beneficial uses of the receiving water. The attached Fact Sheet for this Order includes specific bases for the effluent limitations.
18. State and Federal antibacksliding and antidegradation policies require that Regional Board actions protect the water quality of a water body and ensure that the waterbody will not be further degraded. The antibacksliding provisions are specified in section 402(o) and 303(d)(4) of the CWA and in the Title 40, Code of Federal Regulations (40 CFR), section 122.44(l). Those provisions require a reissued permit to be as stringent as the previous permit with some exceptions where effluent limitations may be relaxed.
19. Effluent limitations are established in accordance with sections 301, 304, 306, and 307 of the federal CWA, and amendments thereto. These requirements, as they are met, will maintain and protect the beneficial uses of the Long Beach Inner Harbor.
20. Existing waste discharge requirements contained in Board Order No. 97-006, were adopted by the Regional Board on January 27, 1997. In some cases, permit conditions (effluent limits and other special conditions) established in the existing waste discharge requirements have been carried over to this permit.

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

21. 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.

22. The Long Beach Harbor receives discharges from highly industrial areas. The 2002 State Board's California 303(d) List classifies the Long Beach Harbor as impaired. The pollutants of concern detected in fish tissue include DDT and PCBs. The pollutants of concern in the sediment include PAHs. In addition, the water body is impaired for benthic community effects and sediment toxicity.

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

23. 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.
24. Regional Board staff has determined that pollutants which 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. There are insufficient monitoring data available to perform the RPA for the priority pollutants. The SIP requires the dischargers to submit sufficient data to conduct a Reasonable Potential Analysis (RPA) and to calculate the effluent limitations. This permit also includes requirements for additional monitoring to provide the data needed to perform an RPA on all of the priority pollutants.

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

25. The BP Facility may not be able to achieve immediate compliance with the WQBELs for copper, established in Section I.B.4. of this Order for discharges of hydrotest water through Discharge Serial Nos. 001 through 004. Data submitted in self-monitoring reports indicate that this constituent has been detected at concentrations greater than the new limit proposed in this Order.
26. 40 CFR 131.38(e) provides conditions under which interim effluent limits and compliance schedules may be issued. The CTR allows for 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. An interim limit has been included in this Order for copper.
27. This Order establishes other interim requirements such as requiring the Discharger to develop a pollutant minimization plan and/or source control measures and participate in the activities necessary to achieve the final effluent limitations. These interim limitations shall be effective until August 31, 2006, after which, the Discharger shall demonstrate compliance with the final effluent limitations.

#### **CEQA and Notifications**

28. The Regional Board has notified the Discharger and interested agencies and persons of its intent to issue WDRs for this discharge, and has provided them with an opportunity to submit their written views and recommendations.

29. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
30. This Order shall serve as a NPDES permit pursuant to Section 402 of the Federal Clean Water Act or amendments thereto, and shall take effect in accordance with federal law, provided the Regional Administrator, U.S. EPA, has no objections.
31. Pursuant to California Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, Office of Chief Counsel, ATTN: Elizabeth Miller Jennings, Senior Staff Counsel, 1001 I Street, 22nd Floor, Sacramento, California, 95814, within 30 days of adoption of this Order.
32. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) in accordance with the California Water Code, section 13389.

**IT IS HEREBY ORDERED** that BP West Coast Products LLC – Marine Terminal 2 Facility, 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 3.96 million gallons per day of hydrotest water and storm water from Discharge Outfalls 001, 002, 003, and 004. The discharge of wastes from 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 the 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
    - i. The acute toxicity of the effluent shall be such that: (i) the average survival in the undiluted effluent for any three (3) consecutive 96-hour (or shorter test duration period with Executive Officer approval) static or continuous flow bioassay tests shall be at least 90%, and (ii) no single test shall produce less than 70% survival.
    - ii. If either of the above requirements [Section I.B.3.a.(i)] is not met, the Discharger shall conduct six additional tests over a 6-week period, if possible. The Discharger shall ensure that they receive results of a failing acute toxicity test within 24 hours of the completion of the test, and the additional tests shall begin within 3 business days of the receipt of the result. If the additional tests indicate compliance with acute toxicity limitation, the Discharger may resume regular testing. However if the results of any two of the six accelerated tests are less than 90% survival, then the Discharger shall begin a Toxicity Identification Evaluation (TIE). The TIE shall include all reasonable steps to identify the source(s) of toxicity. Once the source(s) of toxicity is identified, the Discharger shall take all reasonable steps to reduce the toxicity to meet the objective.
    - iii. If the initial test and any of the additional six acute toxicity bioassay tests result in less than 70% survival, including the initial test, the Discharger shall immediately begin a TIE.
    - iv. The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 6802.
4. Final effluent limitations: In addition to the Requirements I.B.1 through I.B.3, the discharge of wastewater through Discharge Outfall Nos. 001, 002, 003, and 004 ("Latitude 33°46'17", Longitude 118°12'12") containing constituents in excess of the following limitations are prohibited:

Constituent (units)	Maximum Daily Discharge Limitations	Average Monthly Discharge Limitations
	Concentration	Concentration
Total suspended solids (mg/L)	75	50
Oil and grease (mg/L)	15	10
BOD <sub>5</sub> @ 20°C (mg/L)	30	20
Total Phenols (mg/L)	1.0	0.5
Sulfides (mg/L)	0.1	0.05
Benzene (µg/L)	1.0	0.5
Toluene (µg/L)	10	5
Xylene (µg/L)	10	5
Ethylbenzene (µg/L)	10	5
Arsenic (µg/L) <sup>1</sup>	50	25
Cadmium (µg/L) <sup>1</sup>	10	5
Chromium VI (µg/L) <sup>1</sup>	50	25
Copper (µg/L) <sup>1,2</sup>	6	3
Lead (µg/L) <sup>1</sup>	50	25
Mercury (µg/L) <sup>1</sup>	2	1
Selenium (µg/L) <sup>1</sup>	10	5
Silver (µg/L) <sup>1</sup>	50	25
Total petroleum hydrocarbons (µg/L)	100	--

<sup>1</sup> Discharge limitations for these metals are expressed as total recoverable.

<sup>2</sup> The interim limit in Section I.B.5 below is applicable from the date of adoption of the Order through August 31, 2006, after which this final effluent limits is in effect.

5. Interim effluent limitation: From the effective date of this Order until August 31, 2006, the discharge of an effluent in excess of the following limitation is prohibited:

<b>Constituent (units)</b>	<b>Daily Maximum Concentration</b>
Copper ( $\mu\text{g/L}$ )	49

From September 1, 2006, the Discharger must comply with the final limit for this constituent 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. 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 limitations to be exceeded in the receiving waters at any place within the waterbody of the receiving waters:
  - a. The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH levels by more than 0.5 units;

- b. Dissolved oxygen shall not be less than 5.0 mg/L anytime, and the median dissolved oxygen concentration for any three consecutive months shall not be less than 80 percent of the dissolved oxygen content at saturation;
  - c. Dissolved sulfide shall not be greater than 0.1 mg/L;
  - d. The ammonia in the 1994 Basin Plan were revised by Regional Board Resolution No. 2002-011, adopted on April 28, 2002, to be consistent with the 1999 U.S. EPA update on ammonia criteria. Regional Board Resolution No. 2002-011 was approved by State Board, OAL and U.S. EPA on April 30, 2003, June 5, 2003, and June 19, 2003, respectively and is now in effect. Total ammonia (as N) shall not exceed concentrations specified in the Regional Board Resolution 2002-011.
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 BOD<sub>5</sub>20°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 populations 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 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 to waters of the State. The SWPPP shall be developed in accordance with the requirements in Attachment A.

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 plan shall be reviewed annually and updated information shall be submitted within 30 days of revision.

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 U.S. 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.

- B. Compliance Plan

1. The Discharger shall develop and implement a compliance plan within six months after adoption of the permit that will identify the measures that will be

- taken to reduce the concentrations of copper in their discharge. This plan must evaluate options to achieve compliance with the Order final limitations specified in Provision 1.B.4.
2. The Discharger shall submit quarterly progress reports to describe the progress of studies and or actions undertaken to reduce copper in the effluent, and to achieve compliance with the final limits in this Order by the deadline specified in Provision I.B.5. The Regional Board shall receive the first annual progress report at the same time the annual summary report is due, as required in Section I.B of *M&RP*.
  3. The interim limits stipulated in section I.B.5 shall be in effect for a period not to extend beyond August 31, 2006. Thereafter, the Discharger shall comply with the final limitations specified in Section I.B.4 of this Order.
- C. Pursuant to the requirements of 40 CFR 122.42(a), the Discharger must notify the Board as soon as it knows, or has reason to believe (1) that it has begun or expected to begin, to use or manufacture a toxic pollutant not reported in the permit application, or (2) a discharge of toxic pollutant not limited by this Order has occurred, or will occur, in concentrations that exceed the specified limitations in 40 CFR 122.42(a).
- D. The Discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.
- E. The Discharger shall comply with the waste load allocations that will be developed from the TMDL process for the 303 (d)-listed pollutants.
- F. The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which may ultimately be released to waters of the United States, is prohibited unless specifically authorized elsewhere in this permit or another NPDES permit. This requirement is not applicable to products used for lawn and agricultural purposes.
- G. The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream that ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this permit.
- H. The Discharger shall notify the Executive Officer in writing no later than six months prior to planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
1. Name and general composition of the chemical,
  2. Frequency of use,
  3. Quantities to be used,
  4. Proposed discharge concentrations, and

5. U.S. EPA registration number, if applicable.

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

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

### III. PROVISIONS

- A. This Order includes the attached *Standard Provisions and General Monitoring and Reporting Requirements* (Standard Provisions, Attachment N). If there is any conflict between provisions stated herein and the attached Standard Provisions, those provisions stated herein shall prevail.
- B. This Order includes the attached Monitoring and Reporting Program No. 1558. 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 R4-2004-0116 shall take precedence where conflicts or differences arise between it and the aforementioned Orders. This Order includes the attached *Storm Water Pollution Prevention Plan Requirements* (Attachment A).
- D. This Order may be modified, revoked, reissued, or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 122.64, 125.62 and 125.64. Causes for taking such actions include, but are not limited to: failure to comply with any condition of this Order; endangerment to human health or the environment resulting from the permitted activity; or acquisition of newly-obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the Discharger for an Order modification, revocation, and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
- E. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management program developed to comply with NPDES permits issued by the Regional Board to local agencies.

- F. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
- G. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic effluent standards, and all federal regulations established pursuant to Sections 301, 302, 303(d), 304, 306, 307, 316, and 423 of the Federal Clean Water Act and amendments thereto.
- H. Compliance Determination
  - 1. Compliance with single constituent effluent limitation – If the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (see Reporting Requirement II.C. of *M&RP* No. CI-6802), 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 may collect up to 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.

When all sample results are greater than or equal to the reported Minimum Level (see Reporting Requirement II.C. of *M&RP* No. CI-6802), 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* No. CI-6802), 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. results for the additional samples were received, whichever is later.

- 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.
- J. 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.1.3., 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 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 Long Beach Inner Harbor.
- 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 July 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. 97-006, adopted by this Regional Board on January 27, 1997, is hereby rescinded except for enforcement purposes.

I, Jonathan Bishop, Interim Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on August 5, 2004.

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Jonathan Bishop  
Interim Executive Officer