

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

ORDER NO. R4-2005-0029
NPDES PERMIT NO. CA0063908

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
RESOLUTION SPECIALTY MATERIALS, LLC
(Formerly McWhorter Technologies, Inc.)
LYNWOOD FACILITY

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

Background

1. Resolution Specialty Materials, LLC (hereinafter RSM or Discharger) discharges untreated storm water under Waste Discharge Requirements (WDRs) contained in Order No. 99-053 (NPDES No. CA0063908), adopted by the Regional Board on June 30, 1999, CI-7655. Order No. 99-053 expired on May 10, 2004.
2. Eastman Chemical Company filed a Report of Waste Discharge and applied on April 29, 2004, for renewal of its WDRs and a National Pollutant Discharge Elimination System (NPDES) permit for discharge of wastes to surface waters. On May 24, 2004, the Discharger indicated that the facility name has been changed from McWhorter Technologies, Inc. to Eastman Chemical Company. The renewal application also states that Eastman Chemical Company purchased McWhorter. On June 30, 2004, Eastman Chemical Company notified the Regional Board that the new owner and operator of the facility is RSM, LLC, effective on or about July 30, 2004. The tentative Order is the reissuance of the WDRs and NPDES permit for discharges from RSM.

Purpose of Order

3. The purpose of this Order is to renew the WDRs for the RSM facility. This NPDES permit regulates the discharge of storm water runoff from undiked areas of the facility through Discharge Serial Nos. 001 and 002, via a storm drain to Compton Creek, tributary to Los Angeles River, a water of the United States, above the Estuary. The point of discharge is located at Latitude 33°55'34", Longitude 118°13'13".

Facility Description

4. RSM operates a polyester and alkyd (i.e., oil-modified polyester) resins manufacturing facility for paint production located at 2801 Lynwood Road, Lynwood, California and discharges up to 340,000 gallons per day (gpd) of storm water runoff from undiked areas. Figure 1 provides a facility location map. The facility consists of both diked zones and undiked zones. Storm water discharge from the diked areas is treated and discharged to the sanitary sewer under an industrial wastewater sewer permit. This proposed NPDES permit prohibits the discharge of storm water from diked areas through Discharge Serial

Nos. 001 or 002.

5. Alkyd (i.e., oil-modified polyester), saturated polyester, and unsaturated resins are manufactured in batches at the plant using reactor vessels and mix tanks. The majority of feedstocks are liquid raw materials that are pumped from aboveground storage tanks to kettles and mixers by means of a closed piping system. Additional feedstocks are added manually as solids (i.e., powders) from bags and sacks via manways on top of the kettles. The resin is then chemically reacted in the kettles. Next, the resin is pumped from the kettles to the mix tanks for the addition of solvents to thin the resin. The primary by-product of the reaction is water vapor containing soluble organics that are condensed and flow to an isolation tank. The vapors are directed towards the onsite thermal oxidizer. The finished resin is then pumped through one of three different types of filtration systems into the finished goods aboveground storage tanks, 55-gallon drums, 350-gallon IBC totes, or directly into tanker trucks.
6. Raw materials used on-site include monomers (styrene, alpha methyl styrene), hydrocarbons and natural oils (dicyclopentadiene, tall oil, linseed oil, refined soy oils), acid and anhydride phthalates (terephthalic acid, malic and phthalic anhydride), glycols (propylene glycol, diethylene glycol), solvents, (toluene, xylene, mineral spirits), cyanates (toluene diisocyanate), and various small quantities of additives or modifiers (antioxidants, alcohols, fumed silica).

Discharge Description

7. The 17 diked zones provide secondary containment for raw material storage, loading and handling of bulk liquids, and finished goods storage. Storm water within the diked areas is pumped out via a series of air diaphragm pumps to the facility's pretreatment system, which consists of a series of bag filters, settling tank, and a series of carbon vessels. Water is released through a permitted discharge point to the Los Angeles County Sanitary District sewer system.
8. Undiked areas include roads, buildings, and services areas. Several tanks located under a roof as well as paint and tank wagons, are also stored in the undiked area. The storm water from these areas is diverted by pitched pavement, and through pavement depressions, to the front of the facility, adjacent to Lynwood Road. The majority of storm water is diverted to the southeast corner of the property to a collection box. Because of grading constraints, not all of the storm water can be captured by the collection box, and some of the water leaves the site via two driveways exiting the property. The majority of the storm water exits through the driveway at the East Gate, which will be designated as Discharge Serial No. 001. Smaller amounts of sheet flow exit through the driveway at the West Gate, designated as Discharge Serial No. 002. Under low flow conditions, storm water in the collection box is sent to the pretreatment system and discharged to the sanitary sewer. Under high flow conditions, the facility can manually unlock the valves to the collection box and pump the collected, untreated storm water onto the street. It should be noted that the permit application renewal transmittal states that the storm water is visually inspected prior to discharge onto the street. From the street the storm water enters a storm drain, which directs storm water to Compton Creek. Two small sumps located at the East Gate and West Gate have served as sampling points for the storm

water.

9. RSM transfers process wastewater to an offsite, licensed Treatment Storage Disposal Facility for treatment.
10. Storm water in the undiked areas flows by gravity to a storm drain located at Lynwood Road and Alameda Street. RSM discharges untreated storm water to Compton Creek, through Discharge Serial Nos. 001 and 002. Compton Creek is tributary to Los Angeles River, a water of the United States, and is part of the Los Angeles River Watershed.

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 RSM 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]. 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 the storm drain. At a minimum, the management practices should ensure that raw materials and chemicals do not come into contact with storm water in the undiked areas, and that all storm water within the diked areas is contained within the diked zones at all times, treated by the pretreatment system, and discharged to the sanitary sewer system.
12. The SWPPP shall also specify Best Management Practices (BMPs) that will be implemented to reduce the discharge of pollutants in storm water. Further, the Discharger shall assure that the 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, and that the unauthorized discharges (i.e., process water, spills, diked storm water), to the receiving water have been effectively prohibited.

Applicable Plans, Policies, Laws, 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 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.
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 immediate receiving body for the permitted discharge covered by this Order is Compton Creek. The Basin Plan contains beneficial uses and water quality objectives for Compton Creek. The beneficial uses listed in the Basin Plan for Compton Creek, above the Estuary are:

Compton Creek – Hydro Unit No. 405.15

Existing: Groundwater recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, wildlife habitat, and wetland habitat.

Potential: Municipal and domestic water 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 U.S. Environmental Protection Agency (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 section 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 issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with effluent limitations derived from the CTR criteria.
19. Under 40 CFR section 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.

20. 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), have not been promulgated by the U.S. EPA for 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 water quality-based effluent limitations (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.
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) 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.
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 Compton Creek.

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. Compton Creek is located in Los Angeles County, in the Los Angeles River Watershed. The 2002 State Board's California 303(d) List classifies Compton Creek as impaired. The pollutants of concern include copper and high coliform counts. Copper and high coliform counts in Compton Creek are considered to be of high priority, however, no TMDLs have been completed to date. Therefore, no conditions in this proposed Order are based on TMDLs.

Data Availability and Reasonable Potential Monitoring

25. 40 CFR section 122.44(d)(1)(ii) requires that each toxic pollutant be analyzed with respect to its reasonable potential when determining 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. In performing the RPA, the permitting authority uses procedures that account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, and the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity). Because of effluent variability, there is always some degree of uncertainty in determining an effluent's impact on the receiving water. The U.S. EPA's *Technical Support Document for Water Quality-Based Toxics Control (TSD) of 1991* (USEPA/505/2-90-001), addresses this issue by suggesting the use of a statistical approach.
26. Regional Board staff has determined that pollutants that have effluent limitations in the current Order will be included in this Order. The effluent limitations have been modified based on the revised water quality criteria contained in the CTR and the requirements contained in the TSD. Further, effluent limitations have been established for priority pollutants that show reasonable potential to exceed state water quality standards. This Order also includes requirements for additional monitoring to provide the data needed to complete an RPA for all of the priority pollutants.
27. Two RPAs were completed using the data collected at the site for the period January 1999 through December 2003 to determine if any of the pollutants sampled previously at the site showed reasonable potential. Based on the RPA for Discharge Serial No. 001, the following pollutants demonstrated reasonable potential to exceed water quality standards: hexavalent chromium, copper, lead, nickel, zinc, 1,2-dichloroethane, benzene, bis(2-ethylhexyl)phthalate, tetrachloroethylene, and toluene. Based on the RPA for Discharge Serial No. 002, the following pollutants demonstrated reasonable potential to exceed water quality standards: hexavalent chromium, copper, lead, nickel, zinc, bis(2-ethylhexyl)phthalate, ethylbenzene, tetrachloroethylene, and toluene.

Compliance Schedules and Interim Limitations

28. The RSM facility may not be able to achieve immediate compliance with the WQBELs for hexavalent chromium, copper, lead, nickel, zinc, 1,2-dichloroethane, benzene, bis(2-ethylhexyl)phthalate, ethylbenzene, toluene, and tetrachloroethylene in Section I.B.4. of this Order. Data submitted in self-monitoring reports indicate that these pollutants have been detected at concentrations greater than the new limitation proposed in this Order. The Discharger may not be able to achieve immediate compliance with an effluent limitation

based on CTR criterion for these pollutants.

29. 40 CFR section 131.38(e) provides conditions under which interim effluent limitations and compliance schedules may be issued. The CTR allows inclusion of an interim limitation with a specific compliance schedule included in a NPDES permit for priority pollutants if the limitation for the priority pollutant is CTR-based. Interim limitations have been included in this Order for hexavalent chromium, copper, lead, zinc, 1,2-dichloroethane, bis(2-ethylhexyl)phthalate, ethylbenzene, and toluene.
30. The Regional Board may establish 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 final effluent limitations. These interim limitations, except for zinc, shall be effective until December 31, 2007, after which, the Discharger shall demonstrate compliance with the final effluent limitations. The Discharger shall demonstrate compliance with the final effluent limitation for zinc by December 31, 2006.

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 is effective 30 days (May 9, 2005) from the date of adoption, in accordance with federal law, provided the Regional Administrator, U.S. EPA, 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 Resolution Specialty Materials, 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 storm water from undiked areas, through Discharge Serial Nos. 001 and 002.
2. Discharges of storm water from diked areas, through Discharge Serial Nos. 001 and 002, are prohibited.
3. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to a storm drain system, Compton Creek, or waters of the State, are prohibited.

B. Effluent Limitations

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

1. 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. 7655.
4. Final effluent limitations: In addition to the Requirements I.B.1 through I.B.3, the discharge of untreated storm water from undiked areas, through Discharge Serial Nos. 001 and 002 (Latitude 33°55'34", Longitude 118°13'13"), containing pollutants in excess of the following limitations, is prohibited:
- a. Discharge Serial No. 001:

Pollutants	Units	Maximum Daily Discharge Limitations
		Concentration
Total suspended solids	mg/L	75
Oil and grease	mg/L	15
BOD ₅ @20°C	mg/L	30
Phenols ¹	mg/L	1.0
Hexavalent chromium ²	µg/L	16 ³
Copper ²	µg/L	14 ³
Lead ²	µg/L	5 ³
Nickel ²	µg/L	86
Zinc ²	µg/L	120 ⁴
1,2-Dichloroethane	µg/L	1 ³
Benzene	µg/L	2
Bis(2-Ethylhexyl)Phthalate	µg/L	12 ³
Tetrachloroethylene	µg/L	10
Toluene	µg/L	30

- 1. Total phenols measured by EPA Method 420.1 or 420.2 (using the 4AAP method).
 - 2. Measured as total recoverable.
 - 3. The limit becomes effective January 1, 2008.
 - 4. The limit becomes effective January 1, 2007.
- b. Discharge Serial No. 002:

Pollutants	Units	Maximum Daily Discharge Limitations
		Concentration
Total suspended solids	mg/L	75
Oil and grease	mg/L	15
BOD ₅ @20°C	mg/L	30

Pollutants	Units	Maximum Daily Discharge Limitations
		Concentration
Phenols ¹	mg/L	1.0
Hexavalent chromium ²	µg/L	16 ³
Copper ²	µg/L	14 ³
Lead ²	µg/L	5 ³
Nickel ²	µg/L	86
Zinc ²	µg/L	120 ⁴
Bis(2-Ethylhexyl)Phthalate	µg/L	12 ³
Ethylbenzene	µg/L	1404
Tetrachloroethylene	µg/L	10 ³
Toluene	µg/L	30 ³

1. Total phenols measured by EPA Method 420.1 or 420.2 (using the 4AAP method).
2. Measured as total recoverable.
3. The limit becomes effective January 1, 2008.
4. The limit becomes effective January 1, 2007.
5. Interim effluent limitations:
 - a. Discharge Serial No. 001:

Pollutants	Discharge Limitations (Maximum Daily)
Hexavalent chromium ¹ (µg/L)	32 ²
Copper ¹ (µg/L)	120 ²
Lead ¹ (µg/L)	66 ²
Zinc ¹ (mg/L)	5 ³
1,2-Dichloroethane (µg/L)	1.8 ²
Bis(2-Ethylhexyl)Phthalate (µg/L)	66 ²

1. Discharge limitations for these metals are expressed as total recoverable.
2. From the effective date of this Order until December 31, 2007, the discharge of an effluent, in excess of the limitation, is prohibited. Discharges after December 31, 2007, must comply with the limitation for this pollutant stipulated in the Table in Section I.B.4.
3. From the effective date of this Order until December 31, 2006, the discharge of an effluent in excess of the following limitation is prohibited. Discharges after December 31, 2006, must comply with the limitation for this pollutant stipulated in the Table in Section I.B.4.

b. Discharge Serial No. 002:

Pollutants	Discharge Limitations (Maximum Daily)
Hexavalent chromium ¹ (µg/L)	24
Copper ¹ (µg/L)	100
Lead ¹ (µg/L)	61
Zinc ¹ (mg/L)	5
Bis(2-Ethylhexyl)Phthalate (µg/L)	48
Toluene (µg/L)	580

1. Discharge limitations for these metals are expressed as total recoverable.
2. From the effective date of this Order until December 31, 2007, the discharge of an effluent, in excess of the limitation, is prohibited. Discharges after December 31, 2007, must comply with the limitation for this pollutant stipulated in the Table in Section I.B.4.
3. From the effective date of this Order until December 31, 2006, the discharge of an effluent in excess of the following limitation is prohibited. Discharges after December 31, 2006, must comply with the limitation for this pollutant 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 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 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:

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 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 plan shall be reviewed annually. 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 hexavalent chromium, copper, lead, nickel, zinc, 1,2-dichloroethane, benzene, bis(2-ethylhexyl)phthalate, ethylbenzene, tetrachloroethylene, and toluene in their discharge. This plan must evaluate options to achieve compliance with the Order 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 hexavalent chromium, copper, lead, nickel, zinc, 1,2-dichloroethane, benzene, bis(2-ethylhexyl)phthalate, ethylbenzene, tetrachloroethylene, and toluene, and to achieve compliance

with the limitations 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 *MRP*.

3. The interim limitations stipulated in Section I.B.5 shall be in effect for a period not to extend beyond December 31, 2007. Thereafter, the Discharger shall comply with the limitations specified in Section I.B.4 of this proposed Order.
- 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. The Discharger must update and continue to implement their Spill Prevention Control and Countermeasures Plan.
- D. Pursuant to the requirements of 40 CFR section 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 section 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 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:
 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.

- J. 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 *MRP*. If there is any conflict between provisions stated in the *MRP* 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. This Order R4-2005-0029 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 M).
- 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. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to their storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by the Regional Board to local agencies.
- I. Compliance Determination
1. Compliance with single pollutant 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 III.A. of *MRP*), 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 pollutants:
 - a. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the monthly average limitation for that pollutant, the Discharger has demonstrated compliance with the monthly average limitation for that month.
 - b. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the monthly average limitation for any pollutant, the Discharger shall collect up to four additional samples at approximately equal intervals during that month. All 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 one or more sample results are reported as “Not-Detected ND” or “Detected, but not Quantified (DNQ)” (see Reporting Requirement III.D. of *MRP*), the median value of these 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 pollutant shall be increased to weekly and shall continue at this level until compliance with the monthly average effluent limitation has been demonstrated.
 - b. If only one sample was obtained for the month of more than a monthly period and the result exceed the monthly average, then the Discharger is in violation of the monthly average limitation.

3. Compliance with effluent limitations expressed as a sum of several pollutants – 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 pollutants 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.

IV. REOPENERS

- A. This Order may be reopened and modified to incorporate new limitations 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.
- E. 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, 2010.

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. 99-053, adopted by this Regional Board on June 30, 1999, is hereby rescinded except for enforcement purposes.

I, Jonathan S. Bishop, 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 5, 2005.

Jonathan S. Bishop
Executive Officer