

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
LOS ANGELES REGION

ORDER NO. 96 - 020

WASTE DISCHARGE REQUIREMENTS
FOR
HUGO NEU-PROLER COMPANY

(FILE NO. 90-47)

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

1. Hugo Neu-Proler Company (HNPC) has filed an application for Waste Discharge Requirements for soil remediation. The remedial activities will consist of excavation, stockpiling soil, processing metal bearing soil to recover scrap metal, screening and fixating such soil, discharging fixated soil into excavations, backfilling excavations with clean fill, gravel, or treated soil, loading soil for off-site disposal and on-site treatment of hydrocarbon contaminated soil. The estimated maximum quantity of soil to be excavated is 100,000 tons. In addition, a permanent engineered cap will be placed on all unexcavated soil meeting soil cleanup criteria as a part of the on-site remediation.
2. HNPC leases approximately 26.7 acres of waterfront and backland property, also identified as Berths 210 and 211, from the Port of Los Angeles (POLA). The site is located at 901 New Dock Street, Terminal Island, California. HNPC is a scrap metal recycling facility. Scrap metal from various locations is transported to the yard, sorted, shredded, or sheared. It is then stockpiled and loaded onto ships for transport overseas.
3. The HNPC site has undergone numerous physical changes in the past century. Originally, the area consisted of tideland and coastal islands. The area was built up through a succession of dredging and filling operations which began in the early 1900s. The site appears to have been mostly in its natural state prior to World War II, with the berths along the East Basin used as yacht anchorages. During World War II, California Ship building Corporation had dry docks at Berths 209 through 214 where naval vessels were constructed for use in the war. In 1946, the dry docks at Berths 210 and 211 were dismantled and the area was filled with dredged sediments from the Cerritos Channel. The sediments were placed directly over debris that included tires, wood, rubber, and glass, apparently from the scrap operations and possible open dumping in this rather isolated area. After the war, National Metals and Steel Corporation (NMSC) began dismantling ships and processing scrap metals on backlands of adjoining Berths 207 through 213 until 1962 just prior to the beginning of HNPC's operation. Prior to HNPC's lease of this facility, POLA leveled the site with substantial quantities of imported fill material. Also, after HNPC leased the property (during 1963, 1964, and 1965), dredged sediment from the adjacent Harbor was used to fill an area between the present sea wall and the metal shredder located at the northwest corner of the site. In 1966, a concrete

wharf was constructed at Berth 210 along the channel and a large portion of the backland area was paved with asphalt.

4. Several investigations of subsurface soil and groundwater were conducted from 1990 to 1994. Vadose zone soils are mainly impacted by petroleum hydrocarbons and metals. Diesel fuel and motor oil were found in the soil with highest concentrations of 5,000 ppm and 19,000 ppm, respectively. Metals were found in soil with highest concentrations of 97 ppm for cadmium, 2,700 ppm for chromium, 26 ppm for chromium (VI), 61,500 ppm for copper, 9,600 ppm for lead, 24.6 ppm for mercury, 4,020 ppm for nickel and 21,000 ppm for zinc. PCBs and PAHs are also found, mostly in the upper 2 feet with highest concentrations of 18.9 ppm and 39 ppm, respectively.
5. A baseline risk assessment report (BRAR) was completed in January 1995 for existing conditions at the site and has been reviewed and approved by Office of Environmental and Health Hazard Assessment. As a result, it was determined that non-carcinogenic risks to current on-site workers and off-site nearby marina residents are acceptable and are not expected to pose an adverse health impact. Carcinogenic risks are within the U.S.EPA's acceptable target risk range of one additional incident of cancer in every ten thousand to one million. The baseline health risk assessment was used to develop the soil cleanup levels for HNPC as an industrial site since residential development of Terminal Island is precluded under the 1911 Tidelands Act and the Charter of the City of Los Angeles. After remediation, the whole site will be covered by a engineered cap which is considered adequate for the long term to properly manage stormwater runoff and protect ground water from the HNPC's scrap recycling activities. Based on the modeling results, it was concluded that no significant impacts on marine life would be expected from long-term chemical emissions from the HNPC facility via deposition of airborne soils and via the groundwater migration pathway. On the basis of this data, staff has determined that the proposed remedial actions will be protective to the human and the environment.
6. A draft environmental impact report (EIR) was completed by POLA, in May 1995, for Hugo Neu-Proler's lease renewal. Environmental and ecological impacts were discussed in the report. Impacts to marine biota during construction may include increased exposure to contaminants and turbidity. Activities for soil remediation may result in release of soil or other contaminants into the harbor waters if not properly managed. Compliance with these Waste Discharge Requirements will properly manage and prevent any such release. HNPC has prepared a Storm Water Pollution Prevention Plan (SWPPP) which includes several pollution prevention measures which will help to reduce impacts of contaminated storm water runoff from the site. Implementation of the SWPPP will ensure that impacts to biota and habitats from soil remediation are not significant. The Regional Board concurs with the findings in this EIR regarding the environmental and ecological issues.
7. Underground storage tank (UST) spill assessments and remediations are being conducted separately from this soil remediation. Confirmation sampling has determined that no significant groundwater contamination is present in any area from operations at the site outside of the UST spill area.

8. Groundwater cleanup of the UST spill is not part of this proposed remedial action and will not be covered by these Waste Discharge Requirements.
9. The Regional Board adopted a revised Water Quality Control Plan for Los Angeles River Basin on June 18, 1994. The Plan contains water quality objectives for ground water in the West Coast Basin, Coastal Plain Subunit and surface water in the Los Angeles-Long Beach Harbor.
10. Ground water in the Coastal Plain is beneficially used for municipal and domestic supply, agricultural supply, and industrial service and process supply, although, in the project location, the uppermost zone of groundwater currently has no beneficial uses due to high TDS. The beneficial uses of the surface water in the inner area of Los Angeles-Long Beach Harbor include non-contact water recreation, contact water recreation, industrial service supply, navigation, commercial and sport fishing, rare, threatened, or endangered species, marine habitat, and shellfish harvesting.

The Board has notified the discharger and interested agencies and persons of its intent to prescribe waste discharge requirements with respect to the proposed remedy for this described past discharge and has provided them with an opportunity to submit their written views and recommendations.

The Board in a public meeting heard and considered all comments pertaining to the proposed remedy for this described past discharge and to the tentative requirements.

IT IS HEREBY ORDERED, that Hugo Neu-Proler Company shall comply with the following:

A. Requirements

1. All unpaved areas shall be remediated first in accordance with the schedule detailed below in Items A.3 and A.4, by ensuring that soil is excavated, stockpiled, and classified as to being clean or contaminated. Clean soil shall be stockpiled separately and may be reused for any purpose. Contaminated soil shall be stockpiled separately and covered if not removed or remediated within 30 days. The resulting subgrade soil shall be sampled to confirm that unexcavated soil is at or below the concentrations detailed below in Item A.2. It is anticipated that metals and petroleum hydrocarbon contamination exceeding these cleanup level may be found in deeper soils at some areas of this site. In these areas, select excavation will be required to remediate such localized areas, which shall be identified, inspected and approved by Board staff for excavation and removal before backfilling.
2. Soils shall meet the following cleanup levels in order to remain on site beneath the engineered cap:
 - (a) All soils remaining on site after remedial excavation shall have total concentrations of metals and organics which are less than the cleanup levels listed below:

<u>Constituents</u>	<u>Cleanup Levels (mg/kg)</u>
Benzene	0.3
Toluene	10
Ethylbenzene	68
Xylenes	175
TPH, C ₄ to C ₁₂	1,000
TPH, C ₁₃ to C ₂₂	10,000
TPH, C ₂₃₊	10,000

<u>Constituents</u>	<u>Cleanup Levels (mg/kg)^a</u>	
	<u>Carcinogen</u>	<u>Non-carcinogen</u>
Arsenic	62	500 ^b
Antimony	---	500 ^b
Cadmium	100 ^b	100 ^b
Chromium (VI)	30	500 ^b
Total chromium	---	2,500 ^b
Copper	---	2,500 ^b
Lead	---	1,000 ^b
Mercury	---	20 ^b
Molybdenum	---	3,500 ^b
Nickel	2,000 ^b	2,000 ^b
Zinc	---	5,000 ^b
Bis(2-ethylhexyl)phthalate	394	1,970
Butylbenzyl phthalate	---	19,600
Carbazole	275	---
Di-n-octyl phthalate	---	1,960
Total PAHs	6 ^c	37,500
Total PCBs	20	50 ^b

^a For chemicals with both non-carcinogenic and carcinogenic effects, the lower level (i.e., carcinogen) shall be used as a screening level. If a chemical fails the screening value, additional analyses shall be performed to speciate the chemical into its carcinogenic and non-carcinogenic forms. If the chemical can not be speciated, carcinogen level will apply.

^b The BRAR completed for this site identified a higher value for this constituent which exceeds TTL values listed in Title 22 of California Code of Regulations (CCR). The higher values detailed below in this footnote may be applied to this site if an exemption is granted in statutes, regulations or in writing by the appropriate regulatory agencies: Arsenic 600 ppm; Antimony 770 ppm; Cadmium (carcinogen) 1,020 ppm; Cadmium (non-carcinogen) 15,700 ppm; Chromium (VI) 45,000 ppm; Total Chromium 100,000 ppm; Copper 52,000 ppm; Lead 3,654 ppm; Mercury 1,870 ppm; Molybdenum 9,600 ppm; Nickel (carcinogen) 17,000 ppm; Nickel (non-carcinogen) 18,000 ppm; Zinc 100,000 ppm; and PCBs (non-carcinogen) 560 ppm.

^c Carcinogenic PAHs are calculated as the equivalent amount of Benzo[a]pyrene per the Cal/EPA Cancer Potency Factor Update Memo dated November 1, 1994.

- (b) For soils with multiple chemicals that coexist in the same area, the cumulative action level method in Table 1 for non-carcinogens and Table 2 for carcinogens shall be used for total concentration to ensure that the cumulative hazard index and risk in each area will not exceed a hazard index of 1 and a risk level of 1×10^{-5} , respectively. For non-carcinogens, the total hazard quotient is equal to the sum of the hazard quotients for all chemicals as shown in Table 1. For carcinogens, the total risk is equal to the sum of the risks from all chemicals within each area as shown in Table 2. For chemicals with both non-carcinogenic and carcinogenic effects, the lower level obtained from the cumulative action level method, i.e., Tables 1 and 2, shall be used as the cleanup level. Since the action level for lead is based on blood lead levels, lead shall be evaluated independently from the other chemicals.
- (c) All soils remaining on site after remedial excavation shall have leachable metal and organic concentrations which are protective of groundwater and have acceptable ecological risks. To that end, metals and organics concentrations in EPA Method 1312 leachate, shall be less than the concentrations listed below:

<u>Constituents</u>	<u>Allowable Leachable Concentrations (µg/L)</u>
Arsenic	2,250
Cadmium	581
Chromium (VI)	3,125
Copper	181
Lead	350
Mercury	1.56
Nickel	519
Zinc	5,375
Benzene	131
Toluene	1,875,000
Ethylbenzene	4,250
Xylenes	10,938
Ethylene dibromide	0.125
Total carcinogenic PAHs	0.194
Total carcinogenic PCBs	0.000438
Total non-carcinogenic PCBs	0.188

- (d) Confirmation analysis of all samples to be evaluated for compliance with the applicable cleanup levels shall be conducted in accordance with SW-846 protocols and requirements, unless approved by the Executive Officer of this Regional Board, following submittal of an amended sampling and analysis plan.
- (e) Any soil concentrations that exceed TTLC or STLC shall be managed as hazardous waste in accordance with Title 22 of CCR except where exempted in

statutes, regulations or in writing by the appropriate regulatory agencies.

3. A phased excavation and remediation of all remaining unpaved areas is acceptable provided that:
 - (a) All soil located under the footprint of the rail spur proposed as part of the Hugo Neu-Proler Facility Transportation Improvement Project shall be remediated before commencing with rail spur construction activities; and
 - (b) The remaining unpaved areas shall be remediated no later than December 31, 1999, or may be extended beyond that date with written approval of the Executive Officer of this Regional Board.

4. A phased remediation of impacted soil under existing paved areas is acceptable provided that:
 - (a) Such soil is analyzed and remediated according to the requirements contained in Items 1 & 2 above when conducting routine pavement replacement activities. All such activities shall be completed on or before December 31, 2000.
 - (b) WB-1, the area of highest soil contamination, shall be remediated no later than March 1, 1997.

5. Treated soil after soil fixation may only be placed below cap areas or in an off-site landfill, both of which are considered acceptable options. Written approval of the land owner (POLA) submitted to this Regional Board will be required prior to implementing the on-site disposal option. Treated soil reused on site shall meet the allowable leachable concentrations criteria detailed in Item 2(c) above.

6. The proposed engineered cap, which will overlay all remediated areas, shall consist of a minimum of 6 inches of concrete pavement over a minimum of 8 inches of base rock or other base material. The engineered cap shall be maintained routinely in good condition at all times, except as provided in Item A.14.

7. Prior to beginning any remediation activities, an initial plan for the first year of remediation activities, including sampling frequency and analysis, shall be submitted no later than 60 days of the issuance of Waste Discharge Requirements (WDRs) to the Executive Officer for review and approval. Plans shall be updated annually thereafter until completion of all phases of work in both unpaved and paved areas. Prior to beginning any unanticipated remediation activities, plans shall be submitted to the Regional Board for review and approval.

8. In accordance with Section 2520(c), Chapter 15, Title 23, California Code of Regulations (CCR), the discharger shall be responsible for accurate characterization of wastes, and whether or not wastes are required to be managed as hazardous wastes under applicable

sections of Title 22, CCR.

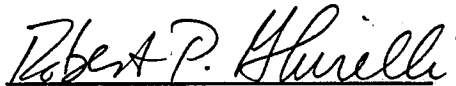
9. In accordance with Section 2550(a), Chapter 15, Title 23, CCR, the discharger shall monitor groundwater. As per Section 2551 (a-3), if such monitoring and reporting program establishes that any water quality protection standards have been exceeded at or downgradient of any point of compliance, the discharger shall institute a corrective action program. This applies to exceedances directly attributed to past operations at the site and as a direct result of the remediation. The point of compliance and details of the monitoring and reporting program shall be determined, following submittal of a proposal within 60 days of the issuance of WDRs and approval by the Executive Officer. The compliance period shall extend into post-closure maintenance period until the discharger demonstrate that water quality at these compliance points has not been further impacted by the chemicals of concern associated with past site activity for a period of five consecutive years.
10. Water quality protection standards may be modified by the Regional Board based on more recent or complete groundwater monitoring data, changes in background water quality, or for any other valid reason.
11. Closure and post-closure maintenance shall conform to the General Closure Requirements of the Chapter 15. The discharger shall submit a work plan consisting of the design drawings and construction specifications for the proposed capping system complying with the requirements in Item A.6 and a post-closure maintenance plan within 60 days of the issuance of WDRs for review and approval. No leachate collection or removal system is required. The work plan shall include appropriate provisions of Article 5 (monitoring and reporting).
12. A copy of a SWPPP shall be submitted to this Board for review and approval. SWPPP shall be implemented before and during soil remediation. During soil remediation, excavated soil shall be stockpiled on 20 millimeter, high density polyethylene (HDPE) liner material in areas where pavement exists and on 60 millimeter, HDPE liner material where no pavement exists. Stockpiled soil shall be bermed and covered to prevent surface water runoff or runoff from occurring. Any water collected within the bermed area shall be sampled and managed according to regulatory requirements.
13. Quarterly progress reports detailing all activities implemented and results obtained during the previous quarter shall be submitted to this Regional Board by the 30th day after the end of each quarter.
14. At the termination of operations at the site, if the cap is removed, the facility, under a work plan approved by the Executive Officer, shall be cleaned up to the existing standards in effect at that time.

B. Provisions

1. The Regional Board and other authorized representative shall be allowed:
 - (a) Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;
 - (b) Access to copy any records that are kept under the conditions of this Order;
 - (c) To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order, and;
 - (d) To photograph, sample, and monitor for the purpose of assuring compliance with this Order, or as otherwise authorized by applicable laws or regulations.
2. This Order does not exempt the discharger from compliance with any other laws, regulations, or ordinances which may be applicable; it does not legalize these waste disposal facilities and it leaves unaffected any further restraints on those facilities which may be contained in other statutes or required by other agencies.
3. This Order is not intended to stop or redirect any investigation or mitigation activities not required by this Order but ordered by this Regional Board or other agency.
4. When work is being performed on site, a copy of this Order shall be maintained at the site, and will be available at all times to operating personnel.
5. In accordance with Section 13260 of the Water Code, the discharger shall file a report of any material change or proposed change in the character, location or volume of the discharge. Pursuant to Section 13269 of the Water Code, the provisions in Section 13260 may be waived with respect to the proposed remedy, based on this Boards determination that such a waiver is not against the public interest.
6. In the event of any change in name, ownership, or control of this facility, the discharger shall notify this Board of such change and shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Board.
7. The discharger shall notify this Board immediately by telephone of any adverse condition resulting from this discharge or from operations producing this waste discharge, such notifications to be affirmed in writing with in one week from the date of such occurrence.
8. In accordance with Section 13267 of the Water Code, the discharger shall furnish, under penalty of perjury, technical monitoring program reports; such reports shall be submitted in accordance with specifications prepared by the Executive Officer, which specifications are subject to periodic revisions as may be warranted.

9. In accordance with Section 13263 of the Water Code, these waste discharge requirements are subject to periodic review and revision by this Regional Board.
10. An appropriate Health and Safety Plan for all assessment and mitigation activities at the site shall be filed with this Board prior to commencing any activities.

I, Robert P. Ghirelli, 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 April 1, 1996.



ROBERT P. GHIRELLI, D.Env.

Executive Officer

/RC

Table 1 Cumulative Action Levels for Non-carcinogenic Chemicals in Soils

Chemicals	Concentration mg/kg	÷	Action Level mg/kg	=	Hazard Index
Arsenic		÷	600	=	
Antimony		÷	770	=	
Cadmium		÷	15,700	=	
Chromium (VI)		÷	45,000	=	
Total chromium		÷	100,000	=	
Copper		÷	52,000	=	
Mercury		÷	1,870	=	
Molybdenum		÷	9,600	=	
Nickel		÷	18,000	=	
Zinc		÷	100,000	=	
Bis(2-ethylhexyl) phthalate		÷	1,970	=	
Butylbenzyl phthalate		÷	19,600	=	
Di-n-octyl phthalate		÷	1,960	=	
Total PAHs		÷	37,500	=	
Total PCBs		÷	560	=	
Total Hazard Index =					

Table 2 Cumulative Action Levels for Carcinogenic Chemicals in Soils

Chemicals	Concentration mg/kg	÷	Action Level mg/kg	=	Risk (x 1E-5)
Arsenic		÷	62	=	
Cadmium		÷	1,020	=	
Chromium (VI)		÷	30	=	
Nickel		÷	17,000	=	
Bis(2-ethylhexyl) phthalate		÷	394	=	
Carbazole		÷	275	=	
Total PAHs		÷	6	=	
Total Risk =					

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

MONITORING AND REPORTING PROGRAM NO. 7656
FOR
HUGO NEU-PROLER COMPANY

(FILE NO. 90-47)

The discharger shall implement this Monitoring and Reporting Program on the date of issuance of the Waste Discharge Requirements. The reports detailed in Order No. 96-020 shall be submitted as required.

The first monitoring report under this program shall be submitted by July 31, 1996. Thereafter, monitoring reports shall be submitted by the date shown in the following schedule:

<u>Reporting Period</u>	<u>Report Due</u>
January - June	July 31
July - December	January 31

I. GROUND WATER MONITORING

The ground water monitoring program for on-site wells shall include the following:

<u>Parameter</u>	<u>Units</u>	<u>Frequency</u>
Water elevation from datum	(0.01 foot)	Quarterly
Metals	mg/l	Semi-annually
Total dissolved solids	mg/l	Semi-annually
Sulfate	mg/l	Semi-annually
Chloride	mg/l	Semi-annually
Boron	mg/l	Semi-annually
Turbidity	NTU	Semi-annually
pH	pH units	Semi-annually
Volatile organic compounds (EPA Method 624)	µg/l	Semi-annually
PCBs	µg/l	Semi-annually
PAHs	µg/l	Semi-annually
Petroleum hydrocarbon	µg/l	Semi-annually

II. PROJECT PROGRESS REPORTING

1. On a quarterly basis, the discharger shall report the status of the soil remediation including, but not limited to, the area of remediation, the quantity and quality of excavated soil and treated soil, the soil concentration in the excavation bottom, and the excavated soil treatment and disposal.
2. In the event wastes are transported to a different disposal site, the name and address of the hauler of the wastes shall be reported, along with types and quantities hauled during the reporting period, and the location of the final point of disposal. If no wastes are hauled during the reporting period, a statement to that effect shall be submitted.

III. GENERAL PROVISIONS FOR SAMPLING AND ANALYSIS

1. All sampling, sample preservation, and analysis shall be performed in accordance with the latest edition of "Guidelines Establishing Test Procedure for Analysis of Pollutants," promulgated by the United States Environmental Protection Agency.
2. All chemical analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services, or approved by the Executive Officer. No changes shall be made in sampling points without prior approval of the Executive Officer.
3. This Regional Board's laboratory report forms shall be used in order to maintain an adequate quality assurance and quality control for all laboratory analytical work performed for this project.
4. The discharger shall maintain all sampling and analytical results, including date, exact location, and time of sampling, date analysis were performed, name of analyst, analytical techniques used, and results of all analyses. Such results shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board.

IV. SPECIFIC REPORTING REQUIREMENTS

1. All technical reports prepared for submittal to the Regional Board shall be signed by either a California registered civil engineer, a registered geologist, or certified engineering geologist.
2. For every item where the requirements are not met the dischargers shall submit a statement of the actions undertaken or proposed, together with a timetable, to bring the discharge back into full compliance with the requirements at the earliest time.

3. In reporting the monitoring data, the discharger shall arrange the data in tabular form so that the data, the constituents, and the concentrations are readily discernible. The data shall be summarized to determine compliance with waste discharge requirements and, where applicable, shall include receiving ground water observations.
4. Monitoring reports submitted to the Regional Board shall be signed by:
 - (a). In the case of a corporation, principal executive officer at least the level of Vice President or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;
 - (b). In case of a partnership, a general partner;
 - (c). In case of a sole proprietorship, the proprietor;
 - (d). In the case of a municipal, state or public facility, either a principal executive officer, ranking elected official, or other duly authorized employee.

Each report shall contain the following completed declaration:

" I declare under penalty of perjury that the foregoing is true and correct.

Executed on the day of _____ at _____

_____ (Signature)

_____ (Title)"

Ordered by

Robert P. Ghirelli

ROBERT P. GHIRELLI, D.Env.
Executive Officer

Date: April 1, 1996

**STANDARD PROVISIONS
APPLICABLE TO WASTE DISCHARGE REQUIREMENTS**

1. DUTY TO COMPLY

The discharger must comply with all conditions of these waste discharge requirements. A responsible party has been designated in the Order for this project, and is legally bound to maintain the monitoring program and permit. Violations may result in enforcement actions, including Regional Board orders or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Board. [CWC Section 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350]

2. GENERAL PROHIBITION

Neither the treatment nor the discharge of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code (CWC). [H&SC Section 5411, CWC Section 13263]

3. AVAILABILITY

A copy of these waste discharge requirements shall be maintained at the discharge facility and be available at all times to operating personnel. [CWC Section 13263]

4. CHANGE IN OWNERSHIP

The discharger must notify the Executive Officer, in writing at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage to a new discharger. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on. [CWC Sections 13267 and 13263]

5. CHANGE IN DISCHARGE

In the event of a material change in the character, location, or volume of a discharge, the discharger shall file with this Regional Board a new Report of Waste Discharge. [CWC Section 13260(c)]. A material change includes, but is not limited to, the following:

- (a) Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the Waste.

**Standard Provisions Applicable to
Waste Discharge Requirements**

- (b) Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
- (c) Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.
- (d) Increase in flow beyond that specified in the waste discharge requirements.
- (e) Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

6. REVISION

These waste discharge requirements are subject to review and revision by the Regional Board. [CCR Section 13263]

7. TERMINATION

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information. [CWC Sections 13260 and 13267]

8. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the discharger from his liability under Federal, State or local laws, nor do they create a vested right for the discharger to continue the waste discharge. [CWC Section 13263(g)]

9. SEVERABILITY

Provisions of these waste discharge requirements are severable. If any provision of these requirements are found invalid, the remainder of these requirements shall not be affected. [CWC Section 921]

**Standard Provisions Applicable to
Waste Discharge Requirements**

10. OPERATION AND MAINTENANCE

The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order. [CWC Section 13263(f)]

11. HAZARDOUS RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of Section 13271 of the Water Code unless the discharger is in violation of a prohibition in the applicable Water Quality Control plan. [CWC Section 13271(a)]

12. PETROLEUM RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with Section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This provision does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan. [CWC Section 13272]

Standard Provisions Applicable to
Waste Discharge Requirements

13. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the California Water Code, any substances or parameters at any location. [CWC Section 13267]

14. MONITORING PROGRAM AND DEVICES

The discharger shall furnish, under penalty of perjury, technical monitoring program reports; such reports shall be submitted in accordance with specifications prepared by the Executive Officer, which specifications are subject to periodic revisions as may be warranted. [CWC Section 13267]

All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year, or more frequently, to ensure continued accuracy of the devices. Annually, the discharger shall submit to the Executive Officer a written statement, signed by a registered professional engineer, certifying that all flow measurement devices have been calibrated and will reliably achieve the accuracy required.

Unless otherwise permitted by the Regional Board Executive officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. The Regional Board Executive Officer may allow use of an uncertified laboratory under exceptional circumstances, such as when the closest laboratory to the monitoring location is outside the State boundaries and therefore not subject to certification. All analyses shall be required to be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" [40 CFR Part 136] promulgated by the U.S. Environmental Protection Agency. [CCR Title 23, Section 2230]

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15. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or to reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies, for example, when the primary source of power of the treatment facility fails, is reduced, or is lost. [CWC Section 13263(f)]

16. DISCHARGES TO NAVIGABLE WATERS

Any person discharging or proposing to discharge to navigable waters from a point source (except for discharge of dredged or fill material subject to Section 404 of the Clean Water Act and discharge subject to a general NPDES permit) must file an NPDES permit application with the Regional Board. [CCR Title 2 Section 22357]

17. ENDANGERMENT TO HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Officer within 24 hours:

- (a) Any bypass from any portion of the treatment facility.
- (b) Any discharge of treated or untreated wastewater resulting from sewer line breaks, obstruction, surcharge or any other circumstances.
- (c) Any treatment plant upset which causes the effluent limitation of this Order to be exceeded. [CWC Sections 13263 and 13267]

18. MAINTENANCE OF RECORDS

The discharger shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used

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Waste Discharge Requirements**

to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurements;
- (b) The individual(s) who performed the sampling or measurements;
- (c) The date(s) analyses were performed;
- (d) The individual(s) who performed the analyses;
- (e) The analytical techniques or method used; and
- (f) The results of such analyses.

19. (a) All application reports or information to be submitted to the Executive Officer shall be signed and certified as follows:

- (1) For a corporation -- by a principal executive officer or at least the level of vice president.
- (2) For a partnership or sole proprietorship -- by a general partner or the proprietor, respectively.
- (3) For a municipality, state, federal, or other public agency -- by either a principal executive officer or ranking elected official.

(b) A duly authorized representative of a person designated in paragraph (a) of this provision may sign documents if:

- (1) The authorization is made in writing by a person described in paragraph (a) of this provision.
- (2) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity; and
- (3) The written authorization is submitted to the Executive Officer.

Any person signing a document under this Section shall make the following certification:

**Standard Provisions Applicable to
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"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. [CWC Sections 13263, 13267, and 13268]"

20. OPERATOR CERTIFICATION

Supervisors and operators of municipal wastewater treatment plants and privately owned facilities regulated by the PUC, used in the treatment or reclamation of sewage and industrial waste shall possess a certificate of appropriate grade in accordance with Title 23, California Code of Regulations Section 3680. State Boards may accept experience in lieu of qualification training. In lieu of a properly certified wastewater treatment plant operator, the State Board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services where reclamation is involved.

Each plant shall be operated and maintained in accordance with the operation and maintenance manual prepared by the municipality through the Clean Water Grant Program. [CWC Title 23, Section 2233(d)]

**ADDITIONAL PROVISIONS APPLICABLE TO
PUBLICLY OWNED TREATMENT WORKS' ADEQUATE CAPACITY**

21. Whenever a publicly owned wastewater treatment plant will reach capacity within four years the discharger shall notify the Regional Board. A copy of such notification shall be sent to appropriate local elected officials, local permitting agencies and the press. The discharger must demonstrate that adequate steps are being taken to address the capacity problem. The discharger shall submit a technical report to the Regional Board showing flow volumes will be prevented from exceeding capacity, or how capacity will be increased, within 120 days after providing notification to the Regional Board, or within 120 days after receipt of notification from the Regional Board, of a finding that the treatment plant will reach capacity within four years. The time for filing the required technical report may be extended by the Regional Board. An extension of 30 days may be granted by the Executive Officer, and longer extensions may be granted by the Regional Board itself. [CCR Title 23, Section 2232]