

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

ORDER NO. R4-2005-0047
NPDES PERMIT NO. CA0063894

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
PNEUMO ABEX AEROSPACE, INCORPORATED

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

Background

1. Pneumo Abex Aerospace, Inc. (hereinafter Pneumo Abex or Discharger) discharges treated groundwater and storm water regulated by waste discharge requirements (WDRs) and a NPDES permit contained in Board Order No. 96-027 (NPDES Permit No. CA0063894) adopted by the Regional Board on May 6, 1996, CI-7669. Order No. 96-027 expired on May 1, 2001.
2. Pneumo Abex filed a Report of Waste Discharge and applied for renewal of its WDRs and a NPDES permit on December 6, 2004 for discharge of wastes to surface waters. The cover letter stated that the application had been originally sent on February 14, 2001. The tentative Order is the reissuance of the WDRs and a NPDES permit for discharges from Pneumo Abex.

Purpose of Order

3. The purpose of this NPDES permit is to renew the WDRs for the Pneumo Abex facility. This NPDES permit regulates the discharge of treated groundwater and storm water into a storm drain, through Discharge Serial No. 001 (Latitude 34° 11' 23" North and Longitude 119° 15' 14" West). The treated groundwater and storm water flows through the West 5th Street Drain to the Edison Canal and subsequently to the Pacific Ocean at Mandalay State Beach, a water of the United States. Figure 1 provides a location map.

Facility Description

4. Pneumo Abex is the former owner of a site located at 3151 West Fifth Street, Oxnard, California. The facility was acquired by F&A Airport Commerce Center Ltd. in June 1997. The facility is a 15-acre site where, from 1960 through 1993, Pneumo Abex manufactured aerospace pumps, valves, and hydraulic systems. Processes conducted at the facility included machining, heat treatment, plating, and part assembly, testing and packaging related to aerospace components. Two underground storage tanks that contained gasoline, waste oil, and solvents were removed in 1986.

5. Previous investigations at the facility revealed the presence of volatile organic compounds (VOCs) in the soil and groundwater. Pursuant to Clean up and Abatement Order No. 95-021, issued by the Regional Board in 1995, an interim soil and groundwater treatment system was constructed to remove and/or contain the subsurface pollutants of concern.
6. The treatment system includes an onsite pump-and-treat system that utilizes primarily airstripping to reduce volatile organic compounds and petroleum hydrocarbons concentrations. The system previously employed ultraviolet/oxidation and granular activated carbon (GAC) components, which are still present onsite but not in use. The treatment system has been in continuous operation since February 23, 1999. However, during the compliance evaluation inspection (CEI) conducted October 28, 2004, the facility representative stated that the liquid phase of the GAC system was taken off-line permanently in 2002. No record of notification of this change was found in the file during the permit renewal process. Figure 2 provides a wastewater flow schematic.
7. In August 2004, the facility completed a hydrogen releasing compounds (HRC) injection study to determine the effectiveness of an HRC system in bioremediation of chlorinated VOCs in groundwater. During the CEI, the facility representative stated that the results of the study were positive and that a report would be submitted to the Regional Board.

Discharge Description

8. In addition to groundwater, any storm water that falls within the bermed area of the facility is also collected and routed through the treatment system. Therefore, treated storm water is also discharged with the treated groundwater.
9. The existing Order established a maximum flow rate of 600 gallons per minute (gpm). The Discharger reported monthly average flow rates. The maximum average flow reported (between January 1999 – April 2004) was 240 gallons per minute.
10. As noted during the CEI conducted on October 28, 2004, the Discharger evaluated reuse options for the treated groundwater including reinjection into an aquifer, and selling the effluent for agricultural or industrial use. These options were not pursued due to cost and implementation difficulties.

Applicable Plans, Policies, and Regulations

11. 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.

12. 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.
13. 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).
14. The receiving waters for the permitted discharge covered by this Order is the Edison Canal, the Edison Canal Estuary and finally the Pacific Ocean at Mandalay State Beach. The Basin Plan does not include beneficial uses for the Edison Canal. Beneficial uses and water quality objectives are listed for the Edison Canal Estuary and Mandalay Beach (Hydrologic Unit Code 403.11).

Edison Canal Estuary

Existing Uses: Industrial service supply, contact¹ and non-contact recreation, marine habitat², wildlife habitat, and preservation of rare, threatened or endangered species³.

¹ Beneficial uses apply to all tributaries of the indicated waterbody.

² Marine habitats of the Channel Islands serve as pinniped heard-out areas for one or more marine species.

³ One or more rare species utilize all ocean, bays, estuaries, and coastal wetlands for foraging and/or nesting.

Mandalay Beach

Existing Uses: Navigation, contact and non-contact recreation, commercial and sport fishing, marine habitat, wildlife habitat, shellfish harvesting, and preservation of rare, threatened or endangered species¹.

¹ One or more rare species utilize all ocean, bays, estuaries, and coastal wetlands for foraging and/or nesting.

15. 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.
16. 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 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 criteria for saltwater 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 Edison Canal Estuary, Mandalay Beach and tributaries thereto. 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 limitations derived from the CTR criteria. CTR's Compliance Schedule provisions sunset on May 17, 2005. Compliance schedules for CTR WQBELs after this sunset date, will be established using the SIP, not to exceed May 17, 2010.
17. 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 limitations (WQBELs) and to calculate the effluent limitations.
18. On March 30, 2000, U.S. EPA revised its regulation that specifies when new and revised State and Tribal water quality standards (WQS) become effective for Clean Water Act (CWA) purposes (40 CFR 131.21, 65 FR 24641, April 27, 2000). Under U.S. EPA's new regulation (also known as the Alaska rule), new and revised standards submitted to U.S. EPA after May 30, 2000, must be approved before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to U.S. EPA by May 30, 2000, may be used for CWA purposes, whether or not approved by EPA.
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), 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.
21. 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 sections 402(o) and 303(d)(4) of the CWA and in 40 CFR section 122.44(l). Those provisions require a reissued permit to be as stringent as the existing 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 federal CWA, and amendments thereto. These requirements, as they are met, will maintain and protect the beneficial uses of Edison Canal, Edison Canal Estuary, and Mandalay Beach.
23. Existing waste discharge requirements contained in Board Order No. 96-027 were adopted by the Regional Board on May 6, 1996. In some cases, permit conditions (effluent limitations 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)

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

25. The 2002 State Board's California 303(d) List does not list the Edison Canal, Edison Canal Estuary or Mandalay Beach as impaired.

Data Availability and Reasonable Potential Monitoring

26. 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.
27. Regional Board staff has determined that some 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 SIP. Further, effluent limitations have been revised 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 on all of the priority pollutants.
28. The RPA was performed for the priority pollutants for which effluent data were available. Data required by the existing *MRP* (No. 7669) for Discharge Serial No. 001 were provided by the facility between January 1999 and April 2004. Based on the RPA, there is reasonable potential to exceed water quality standards at Discharge Serial No. 001 for copper, mercury and nickel. Thus, revised effluent limitations and effluent monitoring requirements for copper, mercury and nickel have been established. WQBELs have been determined according to the procedures specified in the SIP, and are based on the criteria in the CTR.
29. Effluent limitations are being retained for chromium (VI), 1,1-dichloroethylene and trichloroethylene due to the fact that detections were reported, even though these pollutants did not show statistical reasonable potential to exceed water quality criteria. Best Professional Judgement (BPJ) was used to establish reasonable potential and effluent limits for these constituents are included in the tentative Order.
30. The effluent limitations for several metals and VOCs included in the existing Order have not been included in this permit. These effluent limitations are subject to the anti-backsliding and anti-degradation provisions in sections 402(o) and 303(d)(4) of the Clean Water Act. Section 402(o)(2) of the Clean Water Act provides exceptions to the anti-backsliding provisions for specific circumstances, including where "new information (other than revised regulations, guidance, or test methods) is available that was not available at the time of permit issuance which would have justified a less stringent effluent limitation." The Regional Board believes that the anti-backsliding exception for new information applies where new monitoring data indicate that the discharge of a pollutant does not have reasonable potential

to cause or contribute to a water quality standards violation. Monitoring data for the existing permit term indicated no detections of cadmium using appropriate method detection limits. Therefore, cadmium does not have the reasonable potential to cause or contribute to water quality standards violations; the limitation was not carried over into the proposed Order.

The Regional Board also believes that the anti-backsliding exception for new information applies when the receiving water was inappropriately designated. The Pneumo Abex facility is located at 3151 West 5th Street in Oxnard. As is shown on Figure 1 which is attached to the Fact Sheet, discharges to the storm drain in that area flow down the West 5th Street drain (which is a flood control channel) to the Edison Canal. Discharges to the Edison Canal flow through the Edison Canal Estuary to the Pacific Ocean at Mandalay Beach. The Edison Canal is an inland surface water and effluent limits for the water body would be developed using the SIP and CTR, not the Ocean Plan.

31. The statistical RPA did not demonstrate reasonable potential for several pollutants (VOCs) that are targeted for cleanup at the site. The contaminants have historically been present in the soil and in the groundwater tested during site investigations. The treatment system onsite is designed to remove those contaminants from the groundwater. Since, the contaminants are present in the groundwater, and the purpose of the treatment is to remove them, the fact that they are not present confirms the effectiveness of the treatment system. However, these VOCs continue to be chemicals of concern at the site. In instances where they were detected and there is CTR criteria, effluent limits for them have been retained in this permit based on BPJ. In instances where they have not been detected, there is no limit included. However, the monitoring frequency required is quarterly.

Compliance Schedules and Interim Limitations

32. The Pneumo Abex facility may not be able to achieve immediate compliance with the WQBELs for copper, mercury, and nickel contained in Section I.B.4. of this proposed Order. Data submitted in self-monitoring reports indicate that these pollutants have been detected at concentrations greater than the new limitations proposed in this Order.
33. The SIP requires that the Regional Board 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 the final effluent limitations. These interim limitations shall be effective until July 31, 2008, after which, the Discharger shall demonstrate compliance with the final effluent limitations.
34. The Discharger will also be required to develop and implement a compliance plan that will identify the measures that will be taken to reduce the concentrations of copper, mercury and nickel in their discharge. This plan should evaluate options to achieve compliance with the interim and final effluent limitations. These options can include, for example, evaluating and upgrading available treatment unit processes, and maintaining proper operation and maintenance of the treatment system.

CEQA and Notifications

35. 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.
36. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
37. This Order shall serve as a NPDES permit pursuant to section 402 of the Federal Clean Water Act or amendments thereto, and is effective 30 days (August 6, 2005) from the date of this adoption, in accordance with federal law, provided the Regional Administrator, U.S. EPA, has no objections.
38. 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.
39. 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 Pneumo Abex Aerospace, Incorporated, 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 600 gpm of treated ground water and storm water from Discharge Serial No. 001. 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 Edison Canal, Edison Canal Estuary and subsequently to Mandalay Beach, 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 static or continuous flow bioassay tests shall be at least 90%, and (ii) no single test producing 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. 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 *MRP* No. 7669.

b. Chronic Toxicity Limitation and Requirements

- i. This Order includes a chronic testing toxicity trigger defined as an exceedance of 1.0 TU_c in a critical life stage test for 100% effluent.
- ii. If the chronic toxicity of the effluent exceeds 1.0 TU_c , the Discharger shall immediately implement accelerated chronic toxicity testing according to *M&RP* No. 7669, Item IV.B.1. If the results of two of the six accelerated tests exceed 1.0 TU_c , the Discharger shall initiate a TIE and implement the Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan.
- iii. The Discharger shall conduct chronic toxicity monitoring as specified in *MRP* No. 7669.
- iv. The chronic toxicity of the effluent shall be expressed and reported in toxic units, where:

$$TU_c = \frac{100}{NOEC}$$

The No Observable Effect Concentration (NOEC) is expressed as

the maximum percent effluent concentration that causes no observable effect on test organisms, as determined by the results of a critical life stage toxicity test.

v. Preparation of an Initial Investigation TRE Workplan

- 1) The Discharger shall submit a copy of the Discharger's initial investigation TRE workplan (1-2 pages) to the Executive Officer of the Regional Board for approval within 90 days of the effective date of this permit. If the Regional Board Executive Officer does not disapprove the workplan within 60 days, the workplan shall become effective. The Discharger shall use U.S. EPA manuals EPA/600/2-88/070 (industrial) or EPA/833B-99/002 (municipal) as guidance. This workplan shall describe the steps the Discharger intends to follow if toxicity is detected, and should include, at a minimum, the elements described in 2 through 4 below.
 - 2) A description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency;
 - 3) A description of the facility's methods of maximizing in-house treatment efficiency and good housekeeping practices, and a list of all chemicals used in operation of the facility; and
 - 4) If a TIE is necessary, an indication of the person who would conduct the TIEs (i.e., an in-house expert or an outside contractor) (Section IV.E.3. of the *MRP* No. CI-7669 provides references for the guidance manuals that should be used for performing TIEs.)
4. Final effluent limitations: In addition to the Requirements I.B.1 through I.B.3, the discharge of treated groundwater and storm water through Discharge Serial No. 001 (Latitude 34° 11' 23" North and Longitude 119° 15' 14" West) containing pollutants in excess of the following limitations is prohibited:

Pollutant	Units	Maximum Daily Effluent Limitation	Average Monthly Effluent Limitation
Flow	gpm	600	--
Turbidity	NTU	75	50
Settleable solids	ml/L	0.2	0.1
Total petroleum hydrocarbons (gasoline)	µg/L	100	--
	lbs/day ¹	0.7	--
1,1-Dichloroethylene	µg/L	6.4	3.2
	lbs/day ¹	0.05	0.02
Trichloroethylene	µg/L	163	81
	lbs/day ¹	1.2	0.6
Chromium VI	µg/L	83	41
	lbs/day ¹	0.6	0.3
Copper ²	µg/L	5.78	2.9
	lbs/day ¹	0.04	0.02
Mercury	µg/L	0.102	0.051
	lbs/day ¹	0.0007	0.0004

Pollutant	Units	Maximum Daily Effluent Limitation	Average Monthly Effluent Limitation
Nickel ²	µg/L	13.6	6.8
	lbs/day ¹	0.1	0.05

¹ Mass-based effluent limitations for pollutants are based on a maximum discharge flow rate of 600 gallons per minute (864,000 gallons per day).

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

5. Interim Effluent Limitations. From the effective date of this Order until July 31, 2008, the discharge of an effluent in excess of the following limitations is prohibited:

Pollutant	Maximum Daily Effluent Limitation (units)	Average Monthly Effluent Limitation (units)
Copper ²	17.8 (µg/L)	14.5 (µg/L)
	0.128 (lbs/day) ¹	0.104 (lbs/day) ¹
Nickel ²	44.1 (µg/L)	33.6 (µg/L)
	0.318 (lbs/day) ¹	0.242 (lbs/day) ¹
Mercury	0.12 (µg/L)	--
	0.0007 (lbs/day) ¹	--

¹ The mass-based effluent limitations are based on a flow rate of 600 gpm (864,000 gpd).

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

From August 1, 2008, the discharges must comply with the final limitations for these pollutants 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. 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. 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 copper, mercury, and nickel. This plan must evaluate options to achieve compliance with the final permit limitations specified in Section I.B.4 of this Order.
2. The Discharger shall submit annual reports to describe the progress of studies and or actions undertaken to reduce copper, mercury and nickel in the effluent, and to achieve compliance with the final limitations in this Order by the deadline specified in Section I.B.5 of this Order. 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* No. 7669.
3. The interim limitations stipulated in Section I.B.5 of this Order shall be in effect for a period not to extend beyond July 31, 2008. Thereafter, the Discharger shall comply with the final limitations specified in Section I.B.4 of this Order.

B. 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).

C. The Discharger shall at all times properly operate and maintain all facilities and

systems installed or used to achieve compliance with this Order.

- D. The Discharger shall comply with the WLAs that will be developed from the TMDL process for the 303(d)-listed pollutants.
- E. 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.
- F. 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.
- G. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to the planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
 - a. Name and general composition of the chemical,
 - b. Frequency of use,
 - c. Quantities to be used,
 - d. Proposed discharge concentrations, and
 - e. U.S. EPA registration number, if applicable.

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

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

III. PROVISIONS

- A. This Order includes the attached *Standard Provisions and General Monitoring and Reporting Requirements* (Standard Provisions, Attachment N). If there is any conflict between provisions stated herein and the attached Standard Provisions, those provisions stated herein shall prevail.
- B. This Order includes the attached *MRP* No. 7669. If there is any conflict between provisions stated in the *MRP* and the Standard Provisions, those provisions stated in the former shall prevail.
- C. This Order may be modified, revoked, reissued, or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62, 122.63, 122.64, 125.62 and 125.64. Causes for taking such actions include, but are not limited to: failure to comply with any condition of this Order; endangerment to human health or the environment

- resulting from the permitted activity; or acquisition of newly-obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the Discharger for an Order modification, revocation, and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
- D. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management program developed to comply with NPDES permits issued by the Regional Board to local agencies.
- E. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
- F. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic effluent standards, and all federal regulations established pursuant to sections 301, 302, 303(d), 304, 306, 307, 316, and 423 of the Federal Clean Water Act and amendments thereto.
- G. Compliance Determination
1. Compliance with single 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 II.C. 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 the 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 all sample results are greater than or equal to the reported Minimum Level (see Reporting Requirement II.C. of *MRP*), the numerical average of the analytical results of these samples will be used for compliance determination.

When one or more sample results are reported as “Not-Detected (ND)” or “Detected, but Not Quantified (DNQ)” (see Reporting Requirement III. D. of

MRP), the median value of these four samples shall be used for compliance determination. If one or both of the middle values is ND or DNQ, the median shall be the lower of the two middle values.

- c. In the event of noncompliance with a monthly average effluent limitation, the sampling frequency for that pollutant 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 limitation.
3. 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.
- H. In calculating mass emission rates from the monthly average concentrations, use one half of the method detection limit for “Not Detected” (ND) and the estimated concentration for “Detected, but Not Quantified” (DNQ) for the calculation of the monthly average concentration.

IV. REOPENERS

- A. This Order may be reopened and modified, in accordance with SIP, Section 2.2.2.A, 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 sections 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 sections 122 and 124, to include new MLs.
- D. This Order may be reopened and modified to revise effluent limitations as a result of future Basin Plan Amendments, such as an update of an objective or the adoption of a TMDL for Mandalay Beach.
- E. This Order may be reopened upon submission by the Discharger of adequate information, as determined by the Regional Board, to provide for dilution credits or a mixing zone, as may be appropriate.

- F. This Order may be reopened and modified to revise the toxicity language once that language becomes standardized.
- G. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order and permit, and endangerment to human health or the environment resulting from the permitted activity.

V. EXPIRATION DATE

This Order expires on June 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. 96-027, adopted by this Regional Board on May 6, 1996, 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 July 7, 2005.

Jonathan S. Bishop
Executive Officer