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

ORDER NO. R4-2003-0141
NPDES PERMIT NO. CA0064505

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
Oly Mandalay Bay General Partnership
Oly Mandalay Bay Seabridge

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

**Background**

1. Oly Mandalay Bay General Partnership (hereinafter Discharger) proposes to discharge treated groundwater from dewatering operations near the Seabridge at Channel Islands Harbor development site.

2. The Discharger has filed a report of waste discharge (ROWD) and has applied for an individual NPDES permit to cover the discharge of up to 10 million gallons per day (MGD) of treated groundwater from the Seabridge Channel Islands Harbor site to the Edison Canal and the Harbor Island Canal, a portion of Channel Islands Harbor.

**Purpose of Order**

3. The purpose of this NPDES permit is to regulate the discharge of up to 10 MGD of treated groundwater discharged during subsurface grading operations for the construction of multi-family residences adjacent to the Edison Canal and the Harbor Island Canal, which is a portion of the Channel Islands Harbor, a water of the United States

**Project Description**

4. The Discharger is developing 33.4 acres located at the southwest corner of Wooley and Victoria Avenue in the city of Oxnard, California (Figure 1). The land area will be developed to include 274 single-family and 42 multi-family housing units. An additional 393 residential units and 167,000 square feet of commercial space are planned for a 35-acre visitor serving/mixed use area. The remainder of the 220-acre project site will be reserved for open water, parks, and recreation, and necessary infrastructure improvements.

5. Construction will be extended over a five-year period in nine phases. Major dewatering activities for the canals are planned for six to eight month periods over the term of the construction project. Different outfall locations will be used during different phases of the project.

**Discharge Description**

6. The groundwater from the shallow unconfined aquifer, which extends to 50 feet below ground surface, will be dewatered from 33.4 acres of land during channel and building pad construction operations. Groundwater dewatered during the grading will be pumped from a wellfield or from the Harbor dewatering trenches, as required. The groundwater will subsequently be pumped into settling ponds and or baffled Baker tanks prior to discharge into surface waters.

7. The treated groundwater will be discharged to the Harbor Island Canal and the Edison Canal. The locations of the discharge outfalls are (see Figure 2):

| Outfall | Receiving Water | Latitude | Longitude |
|---|---|---|---|
| Outfall A | Mandalay Bay Marina | 34° 11' 20" North | 119° 13' 32" West |
| Outfall B | Mandalay Bay Marina | 34° 11' 20" North | 119° 13' 21" West |
| Outfall C | Mandalay Bay Marina | 34° 11' 15" North | 119° 13' 18" West |
| Outfall D | Mandalay Bay Marina | 34° 11' 00" North | 119° 13' 32" West |
| Outfall E | Mandalay Bay Marina | 34° 11' 01" North | 119° 13' 30" West |
| Outfall F | Mandalay Bay Marina | 34° 10' 57" North | 119° 13' 17" West |
| Outfall G | Mandalay Bay Marina | 34° 10' 54" North | 119° 13' 31" West |

The Mandalay Bay Marina is a constructed waterway that connects the Channel Islands Harbor and the Edison Canal. These two waterways are included in the Miscellaneous Ventura Coastal Streams.

**Storm Water Management**

8. The Discharger is required to file a Notice of Intent for coverage by the State Water Resources Control Board Water Quality Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) *General Permit for Storm Water Discharges Associated with Construction Activities* (General Permit). This General Permit includes requirements to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) along with specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters.

**Applicable Plans, Policies, and Regulations**

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

State and Regional Board plans and policies. This Order implements the plans, policies and provisions of the Regional Board's Basin Plan.

11. The Basin Plan contains water quality objectives and beneficial uses for inland surface waters and for the Pacific Ocean. Inland surface waters consist of rivers, streams, lakes, reservoirs, and inland wetlands. Beneficial uses for a surface water can be designated, whether or not they have been attained on a waterbody, in order to implement either federal or state mandates and goals (such as fishable and swimmable for regional waters).

12. The receiving waters for the discharge covered by this permit is the Mandalay Bay Marina, which flows to the Edison Canal and Harbor Island Canal, miscellaneous Ventura coastal streams. The Edison Canal is a waterway which conveys salt water from the Channel Islands Harbor to the Reliant Energy Power Plant, Edison Canal Estuary, and finally to the Pacific Ocean. The Edison Canal is a tributary to the Edison Canal Estuary. Hence, discharges to the Canal must meet the water quality standards stipulated for the Edison Canal Estuary. The beneficial uses listed in the Basin Plan for the Edison Canal Estuary are:

    Existing: industrial service supply, contact and noncontact recreation, marine habitat, wildlife habitat, and rare, threatened, or endangered species.

    The Harbor Island Canal is a portion of the Channel Islands Harbor, a water of the United States. The tributary rule requires that discharges into a surface water must protect downstream uses. Hence, the beneficial uses of the Channel Islands Harbor are also applicable to the Harbor Islands Canal and the Mandalay Bay Marina. The beneficial uses of the Channel Islands Harbor as listed in the Basin Plan are:

    Existing: industrial service supply, navigation, contact and noncontact recreation, commercial and sport fishing, marine habitat, wildlife habitat

13. The State Water Resources Control Board (State Board) adopted a Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan includes requirements that for existing discharges elevated temperature wastes shall comply with limitations necessary to assure protection of the beneficial uses and areas of special biological significance.

14. On May 18, 2000, the U.S. Environmental Protection Agency (USEPA) promulgated numeric criteria for priority pollutants for the State of California [known as the *California Toxics Rule* (CTR) and codified as 40 CFR 131.38]. In the CTR, USEPA promulgated criteria that protect the general population at an incremental cancer risk level of one in a million ($10^{-6}$), for all priority toxic pollutants regulated as carcinogens. The CTR also provides a schedule of compliance not to exceed 5 years from the date of permit issuance for a point source discharge if the Discharger demonstrates that it is infeasible to promptly comply with the CTR criteria.

15. On March 2, 2000, the State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP*).* The SIP was effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the National Toxics Rule (NTR), and to the priority pollutant objectives established by the Regional Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the USEPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP was effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The SIP requires the dischargers' submittal of data sufficient to conduct the determination of priority pollutants requiring water quality-based effluent limits (WQBELs) and to calculate the effluent limitations. The CTR criteria for 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 the Miscellaneous Ventura Coastal Streams.

16. Under 40 CFR 122.44(d), Water Quality Standards and State Requirements, "Limitations must control all pollutants or pollutant parameters (either conventional, non-conventional, or toxic pollutants), which the Director [permitting authority] determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality." Where numeric effluent limitations for a pollutant or pollutant parameter have not been established in the applicable state water quality control plan, 40 CFR section 122.44(d)(1)(vi) specifies that WQBELs may be set based on USEPA criteria, and may be supplemented where necessary by other relevant information to attain and maintain narrative water quality criteria, and to fully protect designated beneficial uses.

17. Effluent limitation guidelines requiring the application of best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT), were promulgated by the USEPA for some pollutants in this discharge. Effluent limitations for pollutants not subject to the USEPA effluent limitation guidelines are based on one of the following: best professional judgment (BPJ) of BPT, BCT or BAT; current plant performance; or WQBELs. The WQBELs are based on the Basin Plan, other State plans and policies, or USEPA water quality criteria which are taken from the CTR. These requirements, as they are met, will protect and maintain existing beneficial uses of the receiving water. The attached fact sheet for this Order includes specific bases for the effluent limitations.

18. 40 CFR section 122.45(f)(1) requires that except under certain conditions, all permit limits, standards, or prohibitions be expressed in terms of mass units. 40 CFR section 122.45(f)(2) allows the permit writer, at his its discretion, to express limits in additional units (e.g., concentration units). The regulations mandate that, where limits are expressed in more than one unit, the permittee must comply with both.

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

reduce its level of treatment) during low-flow periods and still meet its mass-based limits. To account for this, this permit includes mass and concentration limits for most constituents.

19. State and Federal antibacksliding and antidegradation policies require Regional Board actions to protect the water quality of a water body and to ensure that the waterbody will not be further degraded. The antibacksliding provisions are specified in section 402(o) of the Clean Water Act (CWA) and in 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.

20. 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 the Edison Canal and the Channel Islands Harbor.

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

21. The Regional Board has implemented the Watershed Management Approach to address water quality issues in the region. Watershed management may include diverse issues as defined by stakeholders to identify comprehensive solutions to protect, maintain, enhance, and restore water quality and beneficial uses. To achieve this goal, the Watershed Management Approach integrates the Regional Board's many diverse programs, particularly 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.

22. There is very little data available on the water quality of the Edison Canal and it is not on the State Board's California 303(d) List of impaired water bodies. The Harbor Islands Channel, which is the receiving water for discharges from Outfalls C, F and G, is a tributary to the Channel Islands Harbor. Sediment sampling in 1998 of the Channel Islands Harbor revealed elevated contaminant levels for several metals. This waterway is on the 1998 303 (d) list for lead and zinc. The Bay Protection and Toxic Cleanup Report lists the harbor as a site of concern due to DDT and silver sediment concentrations and sediment toxicity.

**Data Availability and Reasonable Potential Monitoring**

23. 40 CFR section 122.44(d)(1)(i) and (ii) require 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 conducting 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 test 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 SIP addresses this issue by suggesting the use of a statistical approach.

24. Section 1.3 of the SIP requires that a limit be imposed for a toxic pollutant if (1) the maximum effluent concentration (MEC) is greater than the most stringent CTR criteria, (2) the background concentration is greater than the CTR criteria, or (3) other available information. These three criteria are routinely referred to as triggers. For the pollutants on the 303(d) list, which have been present in the effluent during past monitoring events, effluent limits derived using the CTR criteria will be imposed in the permit.

25. The first two triggers were evaluated using the California Permit Writers Training Tool (CAPWTT). While on contract with the State Board, Scientific Applications International Corporation (SAIC) developed this software to determine RPAs and, when reasonable potential exists, calculate the WQBELs, following procedures in SIP. The third trigger is evaluated by the permit writer utilizing all other information available to determine if a water quality-based effluent limitation is required to protect beneficial uses.

26. A partial RPA was completed using the limited data submitted with the application to determine if any of the constituents sampled previously at the site had a positive statistical RPA. Many of the constituents evaluated had less than three data points. The result of the analysis was no statistical RPA for any of the priority pollutants.

27. However, a project was permitted to complete dewatering operations in the same area for a similar project (Westport at Mandalay Bay, NPDES No. CA0064491). The volume of water discharged and the receiving water for the two discharges are the same. Since the two projects are located adjacent to one another the quality of the pumped groundwater will likely be the same. Hence, best professional judgement has been used to establish reasonable potential for several contaminants that were determined to have reasonable potential at the adjacent site.

**CEQA and Notifications**

28. 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.

29. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.

30. This Order shall serve as a NPDES permit pursuant to Section 402 of the Federal Clean Water Act or amendments thereto, and shall take effect in accordance with federal law, provided the Regional Administrator, USEPA, has no objections.

31. Pursuant to California Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, Office of Chief Counsel, ATTN: Elizabeth Miller Jennings, Senior Staff Counsel, 1001 I Street, 22nd Floor, Sacramento, California, 95814, within 30 days of adoption of this Order.

32. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) in accordance with the California Water Code, section 13389.

**IT IS HEREBY ORDERED** that Oly Mandalay Bay General Partnership, 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 Prohibition

1. Wastes discharged shall be limited to a maximum of 10 MGD of treated groundwater. If visual and hydrological data indicates that the discharge of 10 MGD will cause oversaturation of the land or flooding adjacent the Channel Islands Harbor and the Edison Canal, the Discharger must limit the amount discharged such that no additional hazards are imposed on the surrounding area as a result of the discharge.

2. Discharges of water, materials, thermal wastes, elevated temperature wastes, toxic wastes, deleterious substances, or wastes other than those authorized by this Order, to a storm drain system, Edison Canal, or Harbor Island Channel, 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. Final effluent limitations: The discharge of an effluent with constituents in excess of the following limitations is prohibited:

| Constituents | Units | Discharge Limitations | | | |
|---|---|---|---|---|---|
| | | Concentration Maximum | Mass[1] (lbs/day) | Concentration Monthly Avg | Mass[1] (lbs/day) |
| Oil and Grease | mg/L | 15 | 1,251 | 10 | 834 |
| $BOD_5$ | mg/L | 30 | 2,502 | 20 | 1,668 |
| Total suspended solids | mg/L | 150 | 12,510 | 50 | 4,170 |
| Turbidity | NTU | 150 | --- | 50 | --- |
| Settleable solids | ml/L | 0.3 | --- | 0.1 | --- |
| Sulfides | mg/L | 1.0 | 83.4 | No limit | --- |
| Phenols | mg/L | 1.0 | 83.4 | No limit | --- |
| MBAS as Detergents | mg/L | 0.5 | 41.7 | No limit | --- |
| Benzene | µg/L | 1.0 | 0.08 | No limit | --- |
| Toluene | µg/L | 150 | 12.5 | No limit | --- |
| Ethylbenzene | µg/L | 700 | 58.4 | No limit | --- |
| Xylene | µg/L | 1,750 | 146 | No limit | --- |
| Ethylene dibromide | µg/L | 0.05 | 0.004 | No limit | --- |
| Carbon tetrachloride | µg/L | 0.5 | 0.04 | No limit | --- |
| Tetrachloroethylene | µg/L | 5 | 0.4 | No limit | --- |
| Trichloroethylene | µg/L | 5 | 0.4 | No limit | --- |
| 1,4-dichlorobenzene | µg/L | 5 | 0.4 | No limit | --- |
| 1,1-dichloroethane | µg/L | 5 | 0.4 | No limit | --- |
| 1,2-dichloroethane | µg/L | 0.5 | 0.04 | No limit | --- |
| 1,1-dichloroethylene | µg/L | 6.0 | 0.5 | 3.2 | 0.27 |
| Vinyl chloride | µg/L | 0.5 | 0.04 | No limit | --- |
| Arsenic[2] | µg/L | 50 | 4.2 | 29.5 | 2.46 |
| Cadmium [2] | µg/L | 5 | 0.4 | No limit | --- |
| Chromium[2] | µg/L | 50 | 4.2 | No limit | --- |
| Copper[2, 3] | µg/L | 4.8 | 0.4 | 2.3 | 0.19 |
| Lead[2,3] | µg/L | 13 | 1.08 | 6.6 | 0.55 |
| Mercury[2,3] | µg/L | 0.1 | 0.008 | 0.05 | 0.0042 |
| Selenium[2] | µg/L | 10 | 0.8 | No limit | --- |
| Silver[2] | µg/L | 1.9 | 0.16 | 0.9 | 0.08 |
| Zinc[2] | µg/L | 90 | 7.5 | 45 | 3.75 |
| Total petroleum hydrocarbon | µg/L | 100 | 8.34 | No limit | --- |
| Methyl tertiary butyl ether | µg/L | 35 | 3 | No limit | --- |

[1] The mass-based effluent limitations are based on a maximum flow of 10 MGD for the daily maximum and the long-term average flow rate of 10 MGD for the monthly average.

The equation used to calculate the mass is:

$m = 8.34 * C * Q$ where:

m = mass limit for a pollutant in lbs/day

C = concentration limit for a pollutant, mg/L

Q = maximum discharge flow rate

[2] Discharge limitations are expressed as total recoverable.

C. Receiving Water Limitations

1. The discharge shall not cause the following conditions to exist in the receiving waters:

    a) Floating, suspended or deposited macroscopic particulate matter or foam;

    b) Alteration of temperature, turbidity, or apparent color beyond present natural background levels;

    c) Visible, floating, suspended or deposited oil or other products of petroleum origin;

    d) Bottom deposits or aquatic growths; or,

    e) Toxic or other deleterious substances to be present in concentrations or quantities which cause deleterious effects on aquatic biota, wildlife, or waterfowl or render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.

2. The discharge shall not cause nuisance, or adversely effect beneficial uses of the receiving water.

3. No discharge shall cause a surface water temperature rise greater than $5^{o}F$ 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 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.

5. Toxicity limitations:

a) Acute Toxicity Limitation and Requirements

(1) The acute toxicity of the effluent shall be such that (i) the average survival in the undiluted effluent for any three (3) consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, and (ii) no single test producing less than 70% survival.

(2) If any acute toxicity bioassay test result is less than 90% survival, the Discharger shall conduct six additional tests over a six-week period. The Discharger shall ensure that they receive results of a failing acute toxicity test within 24 hours of the completion of the test, and the additional tests shall begin within 3 business days of the receipt of the result. If the additional tests indicate compliance with acute toxicity limitation, the Discharger may resume regular testing. However if the results of any two of the six accelerated tests are less than 90% survival, then the Discharger shall begin a Toxicity Identification Evaluation (TIE). The TIE shall include all reasonable steps to identify the source(s) of toxicity. Once the source(s) of toxicity is identified, the Discharger shall take all reasonable steps to reduce the toxicity to meet the objective.

(3) If any two out of the initial test and the additional six acute toxicity bioassay tests result in less than 70% survival, including the initial test, the Discharger shall immediately begin a TIE.

(4) The Discharger shall conduct acute toxicity monitoring as specified in Monitoring and Reporting Program No. 8672.

b) Chronic Toxicity Limitation and Requirements

(1) 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. (The monthly median for chronic toxicity of 100% effluent shall not exceed, 1 $TU_c$ in a critical life stage test.)

(2) If the chronic toxicity of the effluent exceeds 1.0 $TU_c$, the Discharger shall immediately implement accelerated chronic toxicity testing according to Monitoring and Reporting Program 8672, 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 TRE Workplan.

(3) The Discharger shall conduct chronic toxicity monitoring as specified in Monitoring and Reporting Program No. 8672.

(4) 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.

(5) Preparation of an Initial Investigation TRE Workplan

i. The Discharger shall submit a copy of the Discharger's initial investigation Toxicity Reduction Evaluation (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 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:

ii. 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;

iii. 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,

iv. 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) (See MRP Section IV.E.3. for guidance manuals.)

## II. REQUIREMENTS

A. Pollution Prevention and Best Management Practices Plans

The Discharger shall develop and implement, within 90 days of the effective date of this Order, the following plan. If necessary, the plans shall be updated to address any changes in operation and/or management of the facility. Updated plans shall be submitted to the Regional Board within 30 days of revision.

1. A *Best Management Practices Plan* (BMPP). The purpose of the BMPP is to establish site-specific procedures that will prevent the discharge of pollutants in treated dewatered semi-perched groundwater. The BMPP should also address non-storm water discharges from outside the facility. In particular, the facility must

ensure the discharge of pollutants in the discharge is minimized. The BMPP shall be site-specific and shall cover all areas of the facility.

B. Compliance Determination

1. Compliance with single constituent effluent limitation – If the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (see Reporting Requirement III. A. of *M&RP)*, then the Discharger is out of compliance.

2. Compliance with monthly average limitations - In determining compliance with monthly average limitations, the following provisions shall apply to all constituents:

   a. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the monthly average limit for that constituent, the Discharger has demonstrated compliance with the monthly average limit for that month.

   b. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the monthly average limit for any constituent, the Discharger shall collect four additional samples at approximately equal intervals during the month. All five analytical results shall be reported in the monitoring report for that month, or 45 days after results for the additional samples were received, whichever is later.

      i. When all sample results are greater than or equal to the reported Minimum Level (see Reporting Requirement III. A. of M&RP), the numerical average of the analytical results of these five samples will be used for compliance determination.

      ii. When one or more sample results are reported as “Not-Detected (ND)” or “Detected, but Not Quantified (DNQ)” (see Reporting Requirement II. C. of *M&RP*), the median value of these four samples shall be used for compliance determination. If one or both of the middle values is ND or DNQ, the median shall be the lower of the two middle values.

   c. In the event of noncompliance with a monthly average effluent limitation, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the monthly average effluent limitation has been demonstrated.

   d. If only one sample was obtained for the month or more than a monthly period and the result exceed the monthly average, then the Discharger is in violation of the monthly average limit.

3. Compliance with effluent limitations expressed as a sum of several constituents – If the sum of the individual pollutant concentrations is greater than the effluent limitation and greater than or equal to the reported Minimum Level, then the Discharger is out of compliance. In calculating the sum of the concentrations of a group of pollutants,

consider constituents reported as ND or DNQ to have concentrations equal to zero, provided that the applicable ML is used.

4. Compliance with effluent limitations expressed as a median – in determining compliance with a median limitation, the analytical results in a set of data will be arranged in order of magnitude (either increasing or decreasing order); and

   a. If the number of measurements (n) is odd, then the median will be calculated as = $X_{(n+1)/2}$, or

   b. If the number of measurements (n) is even, then the median will be calculated as = $[X_{n/2} + X_{(n/2)+1}]$, i.e. the midpoint between the n/2 and n/2+1 data points.

C. In calculating mass emission rates from the monthly average concentrations, use one half of the method detection limit for "Not Detected" (ND) and the estimated concentration for "Detected, but Not Quantified" (DNQ) for the calculation of the monthly average concentration. To be consistent with section II.B.3., if all pollutants belonging to the same group are reported as ND or DNQ, the sum of the individual pollutant concentrations should be considered as zero for the calculation of the monthly average concentration.

D. 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.

E. 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.

F. There shall be no discharge of PCB compounds such as those once commonly used for transformer fluid.

G. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:

   a. Name and general composition of the chemical,
   b. Frequency of use,
   c. Quantities to be used,
   d. Proposed discharge concentrations, and
   e. USEPA registration number, if applicable.

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

H. The Regional Board and USEPA shall be notified immediately by telephone, of the presence of adverse conditions in the receiving waters or on beaches and shores as a

result of wastes discharged; written confirmation shall follow as soon as possible but not later than five working days after occurrence.

## III. PROVISIONS

A. This Order includes the attached *Standard Provisions and General Monitoring and Reporting Requirements* (Standard Provisions, Attachment N). If there is any conflict between provisions stated herein and the attached Standard Provisions, those provisions stated herein shall prevail.

B. This Order includes the attached Monitoring and Reporting Program No. 8672. If there is any conflict between provisions stated in the Monitoring and Reporting Program and the Standard Provisions, those provisions stated in the former shall prevail.

C. The Discharger is required to submit a Notice of Intent for coverage under the State Water Resources Control Board Water Quality Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) *General Permit for Storm Water Discharges Associated with Construction Activities* (General Permit). The General Permit includes requirements to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) along with specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters. All reports associated with coverage under the NPDES General Permit should be submitted to the storm water unit.

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.

## IV. REOPENERS

A. This Order may be reopened and modified, in accordance with SIP Section 2.2.2.A, to incorporate new limits based on future RPA to be conducted, upon completion of the collection of additional data by the Discharger.

B. This Order may be reopened and modified, to incorporate in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach.

C. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new minimum levels (MLs) for each pollutant.

D. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, or the adoption of a TMDL for the Miscellaneous Ventura Coastal Watershed Management Area.

E. This Order may be reopened upon the submission by the Discharger, of adequate information, as determined by the Regional Board, to provide for dilution credits or a mixing zone, as may be appropriate.

F. This Order may 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, endangerment to human health or the environment resulting from the permitted activity.

## V. EXPIRATION DATE

This Order expires on October 10, 2008.

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.

I, Dennis Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on November 6, 2003.

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Dennis A. Dickerson
Executive Officer