

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 • Fax (213) 576-6640 <http://www.waterboards.ca.gov/losangeles>

**ORDER R4-2020-XXXX NPDES NO. CA0057037**

**WASTE DISCHARGE REQUIREMENTS  
FOR THE LOS ANGELES DEPARTMENT OF WATER AND POWER,  
MARINE TANK FARM  
DISCHARGE TO LOS ANGELES INNER HARBOR**

The following Discharger is subject to waste discharge requirements (WDRs) set forth in this Order:

**Table 1. Discharger Information**

Discharger:	<b>Los Angeles Department of Water and Power</b>
Name of Facility:	<b>Marine Tank Farm</b>
Facility Address:	<b>130 West "A" Street Wilmington, CA 90744 Los Angeles County</b>

**Table 2. Discharge Location**

<b>Discharge Point</b>	<b>Effluent Description</b>	<b>Discharge Point Latitude (North)</b>	<b>Discharge Point Longitude (West)</b>	<b>Receiving Water</b>
<b>001</b>	<b>Stormwater Runoff and Fire Protection System Test Water</b>	<b>33.7697°</b>	<b>-118.2630°</b>	<b>Los Angeles Inner Harbor</b>

**Table 3. Administrative Information**

This Order was adopted on:	<b>May 14, 2020</b>
This Order shall become effective on:	<b>July 1, 2020</b>
This Order shall expire on:	<b>June 30, 2025</b>
The Discharger shall file a Report of Waste Discharge (ROWD) as an application for reissuance of WDRs in accordance with title 23, California Code of Regulations, and an application for reissuance of a National Pollutant Discharge Elimination Systems (NPDES) permit no later than:	<b>180 days prior to the Order expiration date</b>
The United States Environmental Protection Agency (U.S. EPA) and the California Regional Water Quality Control Board, Los Angeles Region have classified this discharge as follows:	<b>Minor discharge</b>

I, Renee Purdy, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on **May 14, 2020**.

---

Renee Purdy, Executive Officer

**CONTENTS**

I. Facility Information .....4

II. Findings .....4

III. Discharge Prohibitions .....4

IV. Effluent Limitations and Discharge Specifications .....5

    A. EFFLUENT LIMITATIONS – DISCHARGE POINT NO. 001 .....5

        1. Final Effluent Limitations – Discharge Point No. 001 .....5

    B. Interim Effluent Limitations – Not Applicable .....7

    C. Land Discharge Specifications – Not Applicable .....7

    D. Recycling Specifications – Not Applicable .....7

V. Receiving Water Limitations .....7

    A. Surface Water Limitations.....7

    B. Groundwater Limitations – Not Applicable.....9

VI. Provisions .....9

    A. Standard Provisions.....9

    B. Monitoring and Reporting Program (MRP) Requirements .....11

    C. Special Provisions .....11

        1. Reopener Provisions .....11

        2. Special Studies, Technical Reports and Additional Monitoring Requirements.....12

        3. Best Management Practices and Storm Water Pollution Prevention .....15

        4. Construction, Operation and Maintenance Specifications.....16

        5. Other Special Provisions – Not Applicable.....17

        6. Compliance Schedules – Not Applicable .....17

VII. Compliance Determination.....17

**TABLES**

Table 1. Discharger Information.....1

Table 2. Discharge Location .....1

Table 3. Administrative Information .....1

Table 4. Effluent Limitations.....6

Table 5. Sediment Chemistry Monitoring Requirements .....14

**ATTACHMENTS**

Attachment A – Definitions..... A-1

Attachment B – Facility Map ..... B-1

Attachment C – Flow Schematic..... C-1

Attachment D – Standard Provisions ..... D-1

Attachment E – Monitoring and Reporting Program (MRP no. 6155)..... E-1

Attachment F – Fact Sheet ..... F-1

Attachment G – Storm Water Pollution Prevention Plan Requirements ..... G-1

## I. FACILITY INFORMATION

Information describing the Marine Tank Farm (Facility) is summarized in Table 1 and in sections I and II of the Fact Sheet (Attachment F). Section I of the Fact Sheet also includes information regarding the Facility's permit application.

## II. FINDINGS

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

- A. Legal Authorities.** This Order serves as WDRs pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). This Order is also issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. EPA and chapter 5.5, division 7 of the Water Code (commencing with section 13370). It serves as an NPDES permit for point source discharges from this Facility to surface waters.
- B. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for the requirements in this Order, is hereby incorporated into and constitutes Findings for this Order. Attachments A through E and G through I are also incorporated into this Order.
- C. Notification of Interested Parties.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of the notification are provided in the Fact Sheet.
- D. Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet.

THEREFORE, IT IS HEREBY ORDERED that this Order supersedes Order No. R4-2014-0185 except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger is authorized to discharge from the Facility and outfall into waters of the United States and shall comply with the requirements in this Order. This action in no way prevents the Regional Water Board from taking enforcement action for past violations of the previous Order.

## III. DISCHARGE PROHIBITIONS

- A.** Wastes discharged shall be limited to a maximum of 0.604 million gallons per day (MGD) of treated storm water runoff and fire protection test water from the tank farm area via Discharge Point 001.

- B. The discharge of wastewater at a location other than specifically described in this Order is prohibited and constitutes a violation of the Order.
- C. 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, Los Angeles Inner Harbor, or other waters of the United State, are prohibited.
- D. Neither the treatment nor the discharge of pollutants shall create pollution, contamination, or create a nuisance as defined by section 13050 of the Water Code.
- E. The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream that may ultimately be released to waters of the United States, is prohibited unless specifically authorized elsewhere in this Order or another NPDES permit. This requirement is not applicable to products used for lawn and agricultural purposes.
- F. Wastes discharged shall not contain any substances in concentrations toxic to human, animal, plant, or aquatic life.
- G. The discharge shall not cause or contribute to a violation of any applicable water quality standards for receiving waters adopted by the Regional Water Board or the State Water Resources Control Board (State Water Board) as required by the federal CWA and regulations adopted thereunder.
- H. The discharge of any radiological, chemical, or biological warfare agent into the waters of the state is prohibited under Water Code section 13375.
- I. The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream that ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this Order.
- J. Discharge of oil or any residuary product of petroleum to waters of the State, except in accordance with the waste discharge requirements or other provisions of Division 7 of the Water Code, is prohibited.
- K. The discharge of trash to surface waters of the State or the deposition of trash where it may be discharged into surface waters of the State is prohibited.

#### **IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

##### **A. EFFLUENT LIMITATIONS – DISCHARGE POINT NO. 001**

###### **1. Final Effluent Limitations – Discharge Point No. 001**

The Discharger shall maintain compliance with the following effluent limitations at Discharge Point No. 001, with compliance measured at Monitoring Location EFF-001 as described in the Monitoring and Reporting Program, Attachment E:

**Table 4. Effluent Limitations**

Parameter	Units	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations
Biochemical Oxygen Demand (BOD) (5-day @ 20 °C)	milligram per liter (mg/L)	20	30
BOD (5-day @ 20 °C)	pounds per day (lbs/day) (see note a)	100	150
Oil and Grease	mg/L	10	15
Oil and Grease	lbs/day	51	76
pH	standard unit	See note b	See note b
Total Suspended Solids (TSS)	mg/L	50	75
TSS	lbs/day	250	380
Phenols	mg/L	---	1.0
Phenols	lbs/day	---	5.1
Settleable Solids	milliliter/liter (ml/L)	0.1	0.3
Sulfides	mg/L	---	1.0
Sulfides	lbs/day	---	5.1
Temperature (see note c)	°F	---	86
Total Petroleum Hydrocarbons (see note d)	µg/L	---	100
Total Petroleum Hydrocarbons (see note d)	lbs/day	---	0.51
Turbidity	NTU	50	75
Chronic Toxicity	Pass or Fail, % Effect	---	Pass or % Effect < 50
Arsenic, Total Recoverable (TR)	µg/L	29	59
Arsenic, TR	lbs/day	0.15	0.30
Copper, TR	µg/L	3.1	6.1
Copper, TR	lbs/day	0.016	0.031
Lead, TR	µg/L	7.0	14
Lead, TR	lbs/day	0.035	0.071
Zinc, TR	µg/L	70	140
Zinc, TR	lbs/day	0.35	0.72
4,4'-DDT (see note e)	µg/L	0.00059	0.0012
4,4'-DDT (see note e)	lbs/day	3.0 x 10 <sup>-6</sup>	6.0 x 10 <sup>-6</sup>
PCBs, Total	µg/L	0.00017	0.00034

Parameter	Units	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations
(see note f)			
PCBs, Total (see note f)	lbs/day	$8.6 \times 10^{-7}$	$1.7 \times 10^{-6}$

**Notes to Table 4**

- a. The mass limitations are based on a maximum flow of 0.604 MGD and are calculated as follows:

$$\text{mass} \left( \frac{\text{lbs}}{\text{day}} \right) = \text{Flow (MGD)} \times \text{Concentration} \left( \frac{\text{mg}}{\text{L}} \right) \times 8.34 \text{ (conversion factor)}$$

- b. Effluent limitations for pH are 6.5 as an Instantaneous Minimum and 8.5 as an Instantaneous Maximum.
- c. The effluent limitation for temperature is 86°F as an Instantaneous Maximum. Additionally, the maximum temperature of the effluent shall not exceed the natural receiving water temperature by more than 20°F.
- d. TPH equals the sum of TPH gasoline (C<sub>4</sub>-C<sub>12</sub>), TPH diesel (C<sub>13</sub>-C<sub>22</sub>), and TPH waste oil (C<sub>23+</sub>).
- e. Samples analyzed for 4,4'-DDT, and PCB total, must be unfiltered samples.
- f. Total PCBs (polychlorinated biphenyls) means the sum of chlorinated biphenyls whose analytical characteristics resemble those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260.

**B. INTERIM EFFLUENT LIMITATIONS – NOT APPLICABLE**

**C. LAND DISCHARGE SPECIFICATIONS – NOT APPLICABLE**

**D. RECYCLING SPECIFICATIONS – NOT APPLICABLE**

**V. RECEIVING WATER LIMITATIONS**

**A. SURFACE WATER LIMITATIONS**

The discharge shall not cause the following in the Los Angeles Inner Harbor.

1. The pH of the Los Angeles Inner Harbor shall not be depressed below 6.5 or raised above 8.5 as a result of the waste discharge. Ambient pH levels shall not be changed more than 0.2 units from natural conditions as a result of waste discharge. Natural conditions shall be determined on a case-by-case basis.
2. Elevated temperature waste discharges shall comply with limitations necessary to assure protection of beneficial uses. At no time shall the temperature be raised above 86 °F as a result of waste discharges.

3. The mean annual dissolved oxygen concentration to fall below 7.0 mg/L. No single determination of dissolved oxygen shall be less than 5.0 mg/L except when natural conditions cause lesser concentrations.
4. The bacteria levels to exceed the following water quality objectives:
  - a. Geometric Mean Limits  
*Enterococcus* density shall not exceed 30 colony forming units (cfu)/100 mL or 30 most probable number (MPN)/100 mL.
  - b. Statistical Threshold Value (STV) Limit  
*Enterococcus* density shall not exceed 110 cfu/100 mL or 110 MPN/100 mL.

The waterbody Geometric Mean shall not be greater than the applicable Geometric Mean Limit in any six-week interval, calculated weekly. The applicable STV shall not be exceeded by more than 10 percent of the samples collected in a calendar month, calculated in a static manner.

5. Total ammonia (as N) concentrations to exceed the four-day average concentration of unionized ammonia of 0.035 mg/L and the one-hour average concentration of 0.233 mg/L.
6. The presence of visible, floating, suspended or deposited macroscopic particulate matter or foam.
7. Where natural turbidity is between 0 to 50 NTU, increases in turbidity exceeding 20%. Where natural turbidity is greater than 50 NTU, increases in turbidity shall not exceed 10%.
8. 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.
9. Suspended or settleable materials, chemical substances or pesticides in amounts that cause nuisance or adversely affect any designated beneficial use.
10. Toxic or other deleterious substances 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.
11. Accumulation of bottom deposits or aquatic growths.
12. Biostimulator substances at concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.
13. The presence of substances that result in increases of BOD that adversely affect beneficial uses.
14. 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.
15. Alteration of turbidity, or apparent color beyond present natural background levels.



16. Damage, discoloration, the formation of sludge deposits on flood control structures or facilities nor overloading of the design capacity.
17. Degradation of surface water communities and populations including vertebrate, invertebrate, and plant species.
18. Problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.
19. The creation of nuisance conditions, or adversely affect beneficial uses of the receiving water.
20. Violation of any applicable water quality standards for receiving waters adopted by the Regional Water Board or State Water Board. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the CWA, or amendments thereto, the Regional Water Board will revise or modify this Order in accordance with such standards.

**B. GROUNDWATER LIMITATIONS – NOT APPLICABLE**

**VI. PROVISIONS**

**A. STANDARD PROVISIONS**

1. The Discharger shall comply with all Standard Provisions included in Attachment D.
2. The Discharger shall comply with the following provisions. In the event there is any conflict, duplication, or overlap between provisions specified by this Order, the more stringent provision shall apply:
  - a. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of wastewater and storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by the Regional Water Board to local agencies.
  - b. 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, 318, 405, and 423 of the federal CWA and amendments thereto.
  - c. These requirements do not exempt the operator of the waste disposal Facility from compliance with any other laws, regulations, or ordinances which may be applicable; they do not legalize this waste disposal Facility, and they leave unaffected any further restraints on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.
  - d. Oil or oily material, chemicals, refuse, or other wastes shall not be stored or deposited in areas where they may be picked up by rainfall and carried

- off of the property and/or discharged to surface waters. Any such spill of such materials shall be contained and removed immediately.
- e. A copy of these waste discharge specifications shall be maintained at the discharge Facility so as to be available at all times to operating personnel.
  - f. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
    - i. Violation of any term or condition contained in this Order;
    - ii. Obtaining this Order by misrepresentation, or failure to disclose all relevant facts;
    - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
  - g. If there is any storage of hazardous or toxic materials or hydrocarbons at this Facility and if the Facility is not manned at all times, a 24-hour emergency response telephone number shall be prominently posted where it can easily be read from the outside.
  - h. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Regional Water Board as soon as they know or have reason to believe that they have begun or expect to begin to use or manufacture intermediate or final product or byproduct of any toxic pollutant that was not reported on their application.
  - i. In the event of any change in name, ownership, or control of these waste disposal facilities, the Discharger shall notify this Regional Water 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 Regional Water Board.
  - j. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to the planned discharge of any chemical, other than the products previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
    - i. Name and general composition of the chemical,
    - ii. Frequency of use,
    - iii. Quantities to be used,
    - iv. Proposed discharge concentrations, and
    - v. U.S. EPA registration number, if applicable.
  - k. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from this Facility, may subject the Discharger to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Discharger to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.

- i. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, effluent limitation, or receiving water limitation of this Order, the Discharger shall notify the Regional Water Board by telephone (213) 576-6600 within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within five days, unless the Regional Water Board waives confirmation. The written notification shall state the nature, time, duration, and cause of noncompliance, and shall describe the measures being taken to remedy the current noncompliance and, prevent recurrence including, where applicable, a schedule of implementation. The written notification shall also be submitted via email with reference to CI-6155 to [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov). Other noncompliance requires written notification as above at the time of the normal monitoring report.
- m. Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater that results in a decrease of flow in any portion of a watercourse, the Discharger must file a petition with the State Water Board, Division of Water Rights, and receive approval for such a change. (Wat. Code § 1211.)
- n. The provisions of this order are severable. If any provision of this Order is found invalid, the remainder of this Order shall not be affected.
- o. Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the Discharger from any responsibilities, liabilities or penalties to which the Discharger is or may be subject to under section 311 of the CWA.
- p. The Facility shall be protected to reduce infrastructure vulnerability to extreme wet weather events, flooding, storm surges, and projected sea level rise resulting from current and future impacts associated with climate change.

## **B. MONITORING AND REPORTING PROGRAM (MRP) REQUIREMENTS**

The Discharger shall comply with the MRP, and future revisions thereto, in Attachment E.

## **C. SPECIAL PROVISIONS**

### **1. Reopener Provisions**

- a. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the federal CWA, and amendments thereto, the Regional Water Board will revise and modify this Order in accordance with such more stringent standards.
- b. This Order may be reopened to include effluent limitations for toxic constituents determined to be present in significant amounts in the discharge through a more comprehensive monitoring program included as part of this Order and based on the results of the reasonable potential analysis (RPA).

- c. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR, parts 122 and 124, requirements for the implementation of the watershed management approach or 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 or revision of a TMDL for the Los Angeles Inner Harbor, or the Los Angeles/Long Beach Harbor Watershed Management Area.
- e. This Order may be reopened for modification, or revocation and reissuance, as a result of the detection of a reportable priority pollutant generated by special conditions included in this Order. These special conditions may be, but are not limited to, fish tissue sampling, whole effluent toxicity, monitoring requirements on internal waste stream(s), and monitoring for surrogate parameters. Additional requirements may be included in this Order as a result of the special condition monitoring data.
- f. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include but are not limited to: failure to comply with any condition of this Order, and 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.

## 2. **Special Studies, Technical Reports and Additional Monitoring Requirements**

### a. **Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan.**

The Discharger shall submit to the Regional Water Board an Initial Investigation TRE workplan (1-2 pages) **within 90 days** of the effective date of this permit. This plan shall describe the steps the Discharger intends to follow in the event that toxicity is detected. See section V of the Monitoring and Reporting Program (Attachment E) for an overview of TRE requirements.

### b. **Harbor Toxics TMDL Water Column, Sediment, and Fish Tissue Monitoring for the Greater Los Angeles and Long Beach Harbor Waters**

As defined in the *TMDL for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters* (Harbor Toxics TMDL), the Discharger is a “responsible party” because it is an “Individual Industrial Permittee”. As such, either individually or with a collaborating group, the Discharger shall develop a monitoring and reporting plan

(Monitoring Plan) and quality assurance project plan (QAPP) for the water column, sediment, and fish tissue in the Greater Los Angeles and Long Beach Harbor. These plans shall follow the “TMDL Element - Monitoring Plan” provisions in the *Water Quality Control Plan, Los Angeles Region* (Basin Plan) Chapter 7, Section 7-40. The TMDL requires that the Monitoring Plan and QAPP shall be submitted 20 months after the effective date (March 23, 2012) of the TMDL for public review and subsequent Executive Officer approval. Since the effective date of this Order exceeds the deadline for the Monitoring Plan and QAPP, the Discharger shall join a group already formed or develop a site-specific monitoring plan.

If the Discharger decides to join a group already formed, the Discharger shall notify the Regional Water Board within 90 days of the effective date of the Order. Documentation of Discharger’s participation and responsibilities shall be provided with the notification. If the Discharger decides to form a new group or develop a site specific Monitoring Plan with a QAPP, the Discharger shall notify the Regional Water Board within 90 days of the effective date of the Order, submit the plans to the Regional Water Board at that time for public comment, and subsequently, Regional Water Board approval. The Discharger shall implement the Monitoring Plan and QAPP after they are approved by the Executive Officer and after a discharge from the Facility occurs, unless otherwise directed by the Executive Officer. The compliance monitoring program shall include water column, sediment, and fish tissue monitoring. The Discharger shall submit the annual monitoring report to the Regional Water Board by the specified date in the proposed Monitoring Plan. The annual monitoring report shall indicate compliance and non-compliance with effluent limitations in Table 4 that implement applicable waste load and/or load allocations.

At a minimum, monitoring shall be conducted at the locations and for the constituents listed in the sections below for the water column, fish tissue, and bed sediments. The exact locations of monitoring sites shall be specified in the Monitoring Plan to be approved by the Executive Officer.

The Compliance Monitoring Program shall include the following components:

- i. **Water Column Monitoring.** At the Station IDs in Table 5, parameters in the water column shall be monitored three times per year, during two wet weather events and one dry weather event. During wet weather events, water column samples shall be collected at several depths. Wet weather monitoring must include the first large storm event of the wet season. Water samples shall be analyzed for a suite of compounds including, at a minimum, arsenic, copper, lead, zinc, DDT, PCBs, benzo[a]pyrene, and chrysene.

In addition, temperature, dissolved oxygen, pH, electrical conductivity, and flow shall be measured during each sampling event.

**Table 5. Sediment Chemistry Monitoring Requirements**

Station ID	Station Location
02	East Turning Basin
03	Center of the Port of Los Angeles West Basin
04	Main Turning Basin North of the Vincent Thomas Bridge
05	Between Pier 300 and Pier 400
06	Main Channel South of Port of Call

- ii. **Sediment Monitoring.** Sediment samples shall be collected in the Los Angeles Inner Harbor.
  - (a). If compliance will be determined based on achieving sediment quality targets, sediment chemistry samples shall be collected every two years for analysis of general sediment quality constituents and the full chemical suite as specified in the *Water Quality Control Plan for Enclosed Bays and Estuaries, Part 1* (SQO Part 1). In addition, benthic community effects shall be assessed in the Los Angeles Inner Harbor.
  - (b). If compliance will be determined based on the SQO Part 1 compliance method Section V, sediment chemistry samples shall also be collected every 5 years (in addition to, and in between, the sediment triad sampling events as described below), beginning after the first sediment triad event, to evaluate trends in general sediment quality constituents and listed constituents relative to sediment quality targets. Chemistry data without accompanying sediment triad data shall be used to assess sediment chemistry trends and shall not be used to determine compliance.

Sediment quality objective evaluation as detailed in the SQO Part 1 (sediment triad sampling) shall be performed every 5 years in coordination with the Biological Baseline and Bight regional monitoring programs, if possible. Sampling and analysis for the full chemical suite, two toxicity tests, and four benthic indices as specified in the SQO Part 1 shall be conducted and evaluated. If moderate toxicity as defined in SQO Part 1 is observed, results shall be highlighted in annual reports and further analysis and evaluation to determine causes and remedies shall be required in accordance with the Executive Officer approved Monitoring Plan. Locations for sediment triad assessment and the methodology for combining

results from sampling locations to determine sediment conditions shall be specified in the Monitoring Plan. The sampling design shall be in compliance with section VII.E of SQO Part 1.

- iii. **Fish Tissue Monitoring.** In Los Angeles Inner Harbor, fish tissue shall be monitored once per two years for chlordane, dieldrin, toxaphene, DDT, and PCBs. The three target species shall include white croaker, a sport fish, and a prey fish.
- iv. **Sampling and Analysis Plan.** The Sampling and Analysis Plan must be proposed based on methods or metrics described in the *State Water Board Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1 Sediment Quality* (Resolution 2008-0070 – SQO Part 1), and the U.S.EPA or American Society for Testing and Materials (ASTM). The plan shall include a list of chemical analytes for the water column and sediment.
- v. **Quality Assurance Project Plan (QAPP).** The QAPP shall describe the project objectives and organization, functional activities, and quality assurance/quality control protocols for the water and sediment monitoring. The QAPP shall include protocols for sample collection, standard analytical procedures, and laboratory certification. All samples shall be collected in accordance with Surface Water Ambient Monitoring Program (SWAMP) protocols.

The details of the Harbors Toxics TMDL Water, Sediment, and Fish Tissue Monitoring Plan including sampling locations and all methods shall be specified in the Monitoring Plans submitted to the Executive Officer.

### 3. **Best Management Practices and Storm Water Pollution Prevention**

The Discharger shall submit the following to the Regional Water Board **within 90 days** of the effective date of this Order:

- a. An updated **Storm Water Pollution Prevention Plan (SWPPP)** that describes site-specific management practices for minimizing contamination of storm water runoff and for preventing contaminated storm water runoff and trash from being discharged directly to waters of the state. The SWPPP shall be developed in accordance with the requirements in Attachment G.
- b. An updated **Best Management Practices Plan (BMPP)** that will be implemented to reduce the discharge of pollutants to the receiving water. The BMPP shall include site-specific plans and procedures implemented and/or to be implemented to prevent hazardous waste/material and trash from being discharged to waters of the State. Further, the Discharger shall ensure that the storm water discharges from the Facility would neither cause nor contribute to the exceedance of water quality standards and objectives, nor create conditions of nuisance in the receiving water, and that unauthorized discharges (i.e., spills) to the receiving water have been effectively prohibited. In particular, a risk assessment of each area

identified by the Discharger shall be performed to determine the potential for hazardous or toxic waste/material and trash discharge to surface waters. The BMPP can be included and submitted with the SWPPP.

- c. **A Spill Contingency Plan (SCP)** that shall include a technical report on the preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events at the site. The SCP may be substituted with an updated version of the Discharger's existing Spill Prevention Control and Countermeasure Plan.

Each plan shall cover all areas of the Facility and shall include an updated drainage map for the Facility. The Discharger shall identify on a map of appropriate scale the areas that contribute runoff to the permitted discharge point; describe the activities in each area and the potential for contamination of storm water runoff and the discharge of hazardous waste/material; and address the feasibility of containment and/or treatment of storm water.

The Discharger shall implement the SWPPP, BMPP, and SCP (or SPCC) within 10 days of the approval by the Executive Officer or no later than 90 days after submission to the Regional Water Board, whichever comes first. The plans shall be reviewed annually and at the same time. Updated information shall be submitted to the Regional Water Board within 30 days of revisions.

#### 4. **Construction, Operation and Maintenance Specifications**

The Discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this order.

- a. ***Certified Wastewater Treatment Plant Operator:*** Wastewater treatment facilities subject to this Order shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to California Code of Regulations (CCR), title 23, division 3, chapter 26 (Water Code sections 13625 – 13633).
- b. ***Climate Change Effects Vulnerability Assessment and Mitigation Plan:*** The Discharger shall consider the impacts of climate change as it affects the operation of the Facility due to flooding, wildfires, or other climate-related changes. The Discharger shall develop a Climate Change Effects Vulnerability Assessment and Mitigation Plan (Climate Change Plan) to assess and manage climate change related effects associated with the Facility operation, water supplies, collection system, water quality and beneficial uses. The Climate Change Plan shall also include an assessment of the impacts from sea level rise and any projected changes to the influent water temperature and pollutant concentrations. The Climate Change Plan is due 12 months after the effective date of this Order.
- c. ***Alternate Power Source:*** The Discharger shall maintain in good working order a sufficient alternate power source for operating the stormwater treatment facilities. All equipment shall be located to minimize failure due to moisture, liquid spray, flooding, and other physical phenomena. The alternate power source shall be designed to permit inspection and



maintenance and shall provide for periodic testing. If such alternate power source is not in existence, the Discharger shall halt, reduce, or otherwise control all discharges upon the reduction, loss, or failure of the primary source of power. The Discharger shall provide standby or emergency power facilities and/or storage capacity or other means so that in the event of plant upset or outage due to power failure or other cause, discharge of raw or inadequately treated sewage does not occur.

**5. Other Special Provisions – Not Applicable**

**6. Compliance Schedules – Not Applicable**

**VII. COMPLIANCE DETERMINATION**

Compliance with the effluent limitations contained in section IV of this Order will be determined as specified below:

**A. 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 (ML) (see Reporting Requirement I.H. and I.I of the MRP), then the Discharger is out of compliance.

**B. Effluent Limitations Expressed as a Sum of Several Constituents.**

If the sum of the individual pollutant concentrations is greater than the effluent limitation, then the Discharger is out of compliance. In calculating the sum of the concentrations of a group of pollutants, consider constituents reported as ND or DNQ to have concentrations equal to zero, provided that the applicable ML is used.

**C. 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

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

**D. Multiple Sample Data.**

When determining compliance with an AMEL for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:

1. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.

2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

**E. Average Monthly Effluent Limitation (AMEL).**

If the average (or when applicable, the median determined by subsection 2 above for multiple sample data) of daily discharges over a calendar month exceeds the AMEL for a given parameter, this will represent a single violation; though the Discharger will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Discharger will be considered out of compliance for that calendar month. The Discharger will only be considered out of compliance for days when discharge occurs. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.

In determining compliance with the AMEL, the following provisions shall also apply to all constituents:

1. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the AMEL for that constituent, the Discharger has demonstrated compliance with the AMEL for that month;
2. If the analytical result of a single sample monitored monthly, quarterly, semiannually, or annually, exceeds the AMEL for any constituent, the Discharger may 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. The concentration of a pollutant (an arithmetic mean or a median) in these samples estimated from the "Multiple Sample Data Reduction" section above, will be used for compliance determination.
3. In the event of noncompliance with an AMEL, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the AMEL has been demonstrated.

**F. Maximum Daily Effluent Limitation (MDEL).**

If a daily discharge exceeds the MDEL for a given parameter, an alleged violation will be flagged and the discharger will be considered out of compliance for that parameter for that 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

**G. Instantaneous Minimum Effluent Limitation.**

If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a violation will be flagged and the discharger will be considered out of compliance for that parameter for that single

sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

**H. Instantaneous Maximum Effluent Limitation.**

If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a violation will be flagged and the discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation.)

**I. Chronic Toxicity.**

The discharge is subject to determination of “Pass” or “Fail” and “Percent Effect” from a single-effluent concentration chronic toxicity test at the discharge Instream Waste Concentration (IWC) using the Test of Significant Toxicity (TST) statistical approach described in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA 833-R-10-003, 2010), Appendix A, Figure A-1, and Table A-1. The null hypothesis (Ho) for the TST statistical approach is:

Mean discharge IWC response  $\leq 0.75 \times$  Mean control response.

A test result that rejects this null hypothesis is reported as “Pass”. A test result that does not reject this null hypothesis is reported as “Fail”. The relative “Percent Effect” at the discharge IWC is defined and reported as:

$$\frac{((\text{Mean control response} - \text{Mean discharge IWC response}) \div \text{Mean control response}) \times 100\%.$$

The Maximum Daily Effluent Limitation (MDEL) for chronic toxicity is exceeded and a violation will be flagged when a chronic toxicity test, analyzed using the TST statistical approach, results in “Fail” and the “Percent Effect” is  $\geq 50\%$ .

**J. Mass and Concentration Limitations.**

Compliance with mass effluent limitations and concentration effluent limitations for the same parameter shall be determined separately. When the concentration for a parameter in a sample is reported as ND or DNQ, the corresponding mass emission rate determined using that sample concentration shall also be reported as ND or DNQ.

**K. Bacterial Standards and Analyses.**

The geometric mean used for determining compliance with bacterial standards is calculated using the following equation:

$$\text{Geometric Mean} = (C_1 \times C_2 \times \dots \times C_n)^{1/n}$$

where  $n$  is the number of days samples were collected during the period and  $C$  is the concentration of bacteria (MPN/100 mL or CFU/100 mL) found on each day of sampling.

For bacterial analyses, sample dilutions should be performed so the expected range of values is bracketed (for example, with multiple tube fermentation method or membrane filtration method, 1 to 1000 per 100 mL for *Enterococcus*). The detection method used for each analysis shall be reported with the results of the analysis.

Detection methods used for coliforms (total, fecal, and *E. coli*) and *Enterococcus* shall be those presented in Table 1A of 40 CFR part 136 (revised May 18, 2012), unless alternate methods have been approved by U.S. EPA pursuant to 40 CFR part 136 or improved methods have been determined by the Executive Officer and/or U.S. EPA.

## ATTACHMENT A – DEFINITIONS

### Arithmetic Mean ( $\mu$ )

Also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

Arithmetic mean =  $\mu = \Sigma x / n$       where:  $\Sigma x$  is the sum of the measured ambient water concentrations, and n is the number of samples.

### Average Monthly Effluent Limitation (AMEL)

The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

### Average Weekly Effluent Limitation (AWEL)

The highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

### Best Management Practices (BMPs)

BMPs are methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint sources discharges including storm water. BMPs include structural and non-structural controls and operation maintenance procedures, which can be applied before, during, and/or after pollution-producing activities.

### Bioaccumulative

Those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

### Carcinogenic

Pollutants are substances that are known to cause cancer in living organisms.

### Coefficient of Variation (CV)

CV is a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

### Daily Discharge

Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the

arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

### **Detected, but Not Quantified (DNQ)**

DNQ are those sample results less than the RL, but greater than or equal to the laboratory's MDL. Sample results reported as DNQ are estimated concentrations.

### **Dilution Credit**

Dilution Credit is the amount of dilution granted to a discharge in the calculation of a water quality-based effluent limitation, based on the allowance of a specified mixing zone. It is calculated from the dilution ratio or determined through conducting a mixing zone study or modeling of the discharge and receiving water.

### **Effluent Concentration Allowance (ECA)**

ECA is a value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the coefficient of variation for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as wasteload allocation (WLA) as used in U.S. EPA guidance (Technical Support Document For Water Quality-based Toxics Control, March 1991, second printing, EPA/505/2-90-001).

### **Enclosed Bays**

Enclosed Bays means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

### **Estimated Chemical Concentration**

The estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

### **Estuaries**

Estuaries means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters included, but are not limited to, the Sacramento-San Joaquin Delta, as defined in Water Code section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

## **Inland Surface Waters**

All surface waters of the state that do not include the ocean, enclosed bays, or estuaries.

### **Instantaneous Maximum Effluent Limitation**

The highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

### **Instantaneous Minimum Effluent Limitation**

The lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

### **Maximum Daily Effluent Limitation (MDEL)**

The highest allowable daily discharge of a pollutant, over a calendar day (or 24-hour period). For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

### **Median**

The middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements ( $n$ ) is odd, then the  $\text{median} = (X_{n/2} + X_{(n/2)+1})/2$ . If  $n$  is even, then the  $\text{median} = X_{(n+1)/2}$  (i.e., the midpoint between the  $n/2$  and  $n/2+1$ ).

### **Median Monthly Effluent Limitation (MMEL)**

The MMEL is, for the purposes of this Permit, an effluent limit based on the median results of three independent toxicity tests, conducted within the same calendar month, and analyzed using the TST approach. The MMEL is exceeded when the median result (i.e. two out of three) is a "fail".

### **Method Detection Limit (MDL)**

MDL is the minimum concentration of a substance that can be reported with 99 percent confidence that the measured concentration is distinguishable from method blank results, as defined in 40 CFR part 136, Attachment B.

### **Minimum Level (ML)**

ML is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

### **Mixing Zone**

Mixing Zone is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body.

### **Not Detected (ND)**

Sample results which are less than the laboratory's MDL.

### **Persistent Pollutants**

Persistent pollutants are substances for which degradation or decomposition in the environment is nonexistent or very slow.

### **Pollutant Minimization Program (PMP)**

PMP means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

### **Pollution Prevention**

Pollution Prevention means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in Water Code section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State Water Resources Control Board (State Water Board) or Regional Water Board.

### **Reporting Level (RL)**

The RL is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order, including an additional factor if applicable as discussed herein. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Water Board either from Appendix 4 of the SIP in accordance with section 2.4.2 of the SIP or established in accordance with section 2.4.3 of the SIP. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

### **Source of Drinking Water**

Any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.



### **Standard Deviation ( $\sigma$ )**

Standard Deviation is a measure of variability that is calculated as follows:

$$\sigma = (\sum[(x - \mu)^2]/(n - 1))^{0.5}$$

where:

x is the observed value;

$\mu$  is the arithmetic mean of the observed values; and

n is the number of samples.

### **Toxicity Reduction Evaluation (TRE)**

TRE is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A Toxicity Identification Evaluation (TIE) may be required as part of the TRE, if appropriate. (A TIE is a set of procedures to identify the specific chemical(s) responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests.)

### **Trash**

All improperly discarded solid material from any production, manufacturing, or processing operation including, but not limited to, products, product packaging, or containers constructed of plastic, steel, aluminum, glass, paper, or other synthetic or natural material.

## ACRONYMS AND ABBREVIATIONS

AMEL.....	Average Monthly Effluent Limitation
B.....	Background Concentration
BAT.....	Best Available Technology Economically Achievable
Basin Plan.....	Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties
BCT.....	Best Conventional Pollutant Control Technology
BMP.....	Best Management Practices
BMPP.....	Best Management Practices Plan
BPJ.....	Best Professional Judgment
BOD.....	Biochemical Oxygen Demand 5-day @ 20 °C
BPT.....	Best Practicable Treatment Control Technology
C.....	Water Quality Objective
C.C.R.....	California Code of Regulations
CEQA.....	California Environmental Quality Act
CFR.....	Code of Federal Regulations
CTR.....	California Toxics Rule
CV.....	Coefficient of Variation
CWA.....	Clean Water Act
CWC.....	California Water Code
Discharger.....	Los Angeles Department of Water and Power
DMR.....	Discharge Monitoring Report
DNQ.....	Detected but Not Quantified
ELAP.....	State Water Resources Control Board, Drinking Water Division, Environmental Laboratory Accreditation Program
ELG.....	Effluent Limitations, Guidelines, and Standards
Facility.....	Marine Tank Farm
g/kg.....	grams per kilogram
gpd.....	gallons per day
IWC.....	In-stream Waste Concentration
LA.....	Load Allocations
LACDPW.....	County of Los Angeles, Department of Public Works
LOEC.....	Lowest Observed Effect Concentration
µg/L.....	micrograms per Liter
mg/L.....	milligrams per Liter
MDEL.....	Maximum Daily Effluent Limitation
MEC.....	Maximum Effluent Concentration
MGD.....	Million Gallons per Day
ML.....	Minimum Level
MMEL.....	Monthly Median Effluent Limitation
MRP.....	Monitoring and Reporting Program
ND.....	Not Detected
ng/L.....	nanograms per liter
NOEC.....	No Observable Effect Concentration
NPDES.....	National Pollutant Discharge Elimination System
NSPS.....	New Source Performance Standards

NTR	National Toxics Rule
OAL	Office of Administrative Law
PAHs	Polynuclear Aromatic Hydrocarbons
pg/L	picograms per liter
PMEL	Proposed Maximum Daily Effluent Limitation
PMP	Pollutant Minimization Plan
POTW	Publicly Owned Treatment Works
ppm	parts per million
ppb	parts per billion
QA	Quality Assurance
QA/QC	Quality Assurance/Quality Control
Ocean Plan	Water Quality Control Plan for Ocean Waters of California
Regional Water Board	California Regional Water Quality Control Board, Los Angeles Region
RPA	Reasonable Potential Analysis
SCP	Spill Contingency Plan
Sediment Quality Plan	<i>Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1 Sediment Quality</i>
SIP	State Implementation Policy (Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California)
SMR	Self-Monitoring Reports
State Water Board	California State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
TAC	Test Acceptability Criteria
TBEL	Technology-Based Effluent Limitation
Thermal Plan	Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California
TIE	Toxicity Identification Evaluation
TMDL	Total Maximum Daily Load
TOC	Total Organic Carbon
TRE	Toxicity Reduction Evaluation
TSD	Technical Support Document
TSS	Total Suspended Solid
TST	Test of Significant Toxicity Statistical Approach
TU <sub>c</sub>	Chronic Toxicity Unit
U.S. EPA	United States Environmental Protection Agency
USGS	United States Geological Survey
Water Code	California Water Code
WDR	Waste Discharge Requirements
WET	Whole Effluent Toxicity
WLA	Waste Load Allocations
WQBELs	Water Quality-Based Effluent Limitations
WQS	Water Quality Standards
%	Percent

### ATTACHMENT B – FACILITY MAP



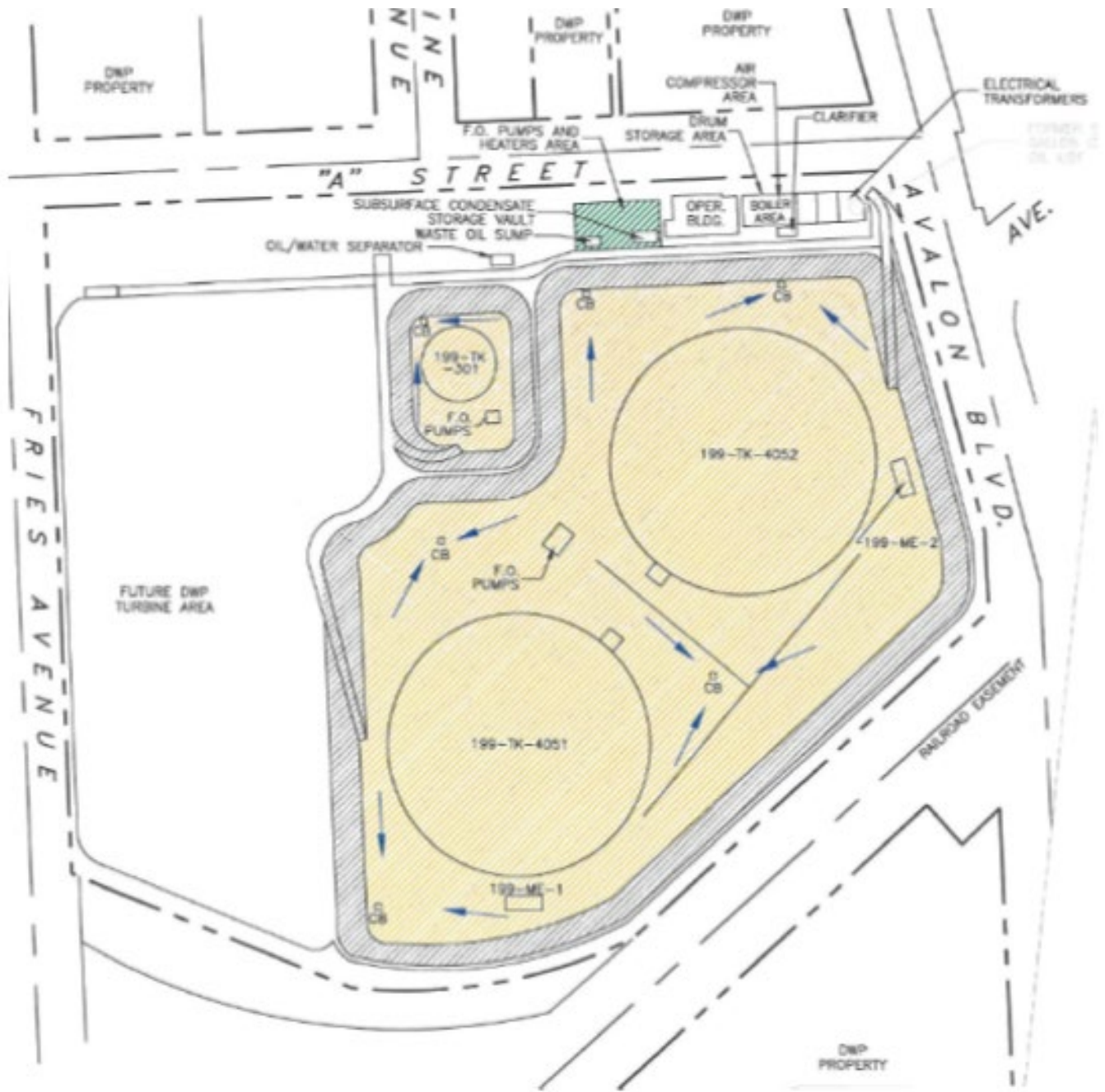
The Marine Tank Farm Divided with Areas A, B, and C (Before Property Demolished and Converted)

**ATTACHMENT B – FACILITY MAP (Continued)**



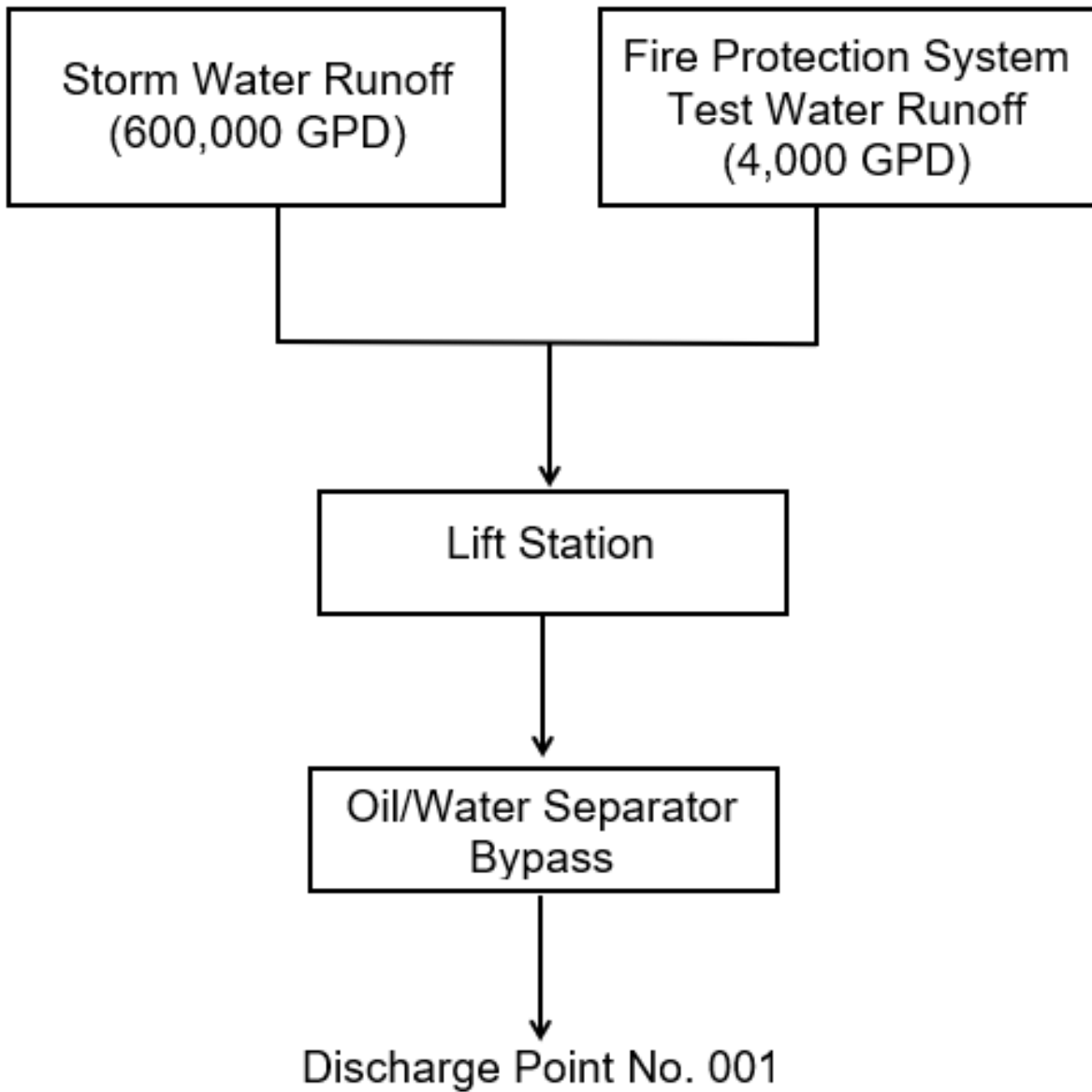
**After Portion of Property Demolished and Converted**

**ATTACHMENT B – FACILITY MAP (Continued)**



**Facility Layout Drainage**

**ATTACHMENT C – FLOW SCHEMATIC**



## **ATTACHMENT D – STANDARD PROVISIONS**

### **I. STANDARD PROVISIONS – PERMIT COMPLIANCE**

#### **A. Duty to Comply**

1. The Discharger must comply with all of the terms, requirements, and conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the Water Code and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof. (40 CFR § 122.41(a); Wat. Code, §§ 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385.)
2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 CFR § 122.41(a)(1).)

#### **B. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 CFR § 122.41(c).)

#### **C. Duty to Mitigate**

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR § 122.41(d).)

#### **D. Proper 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 the conditions of this Order. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 CFR § 122.41(e).)

#### **E. Property Rights**

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 CFR § 122.41(g).)
2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 CFR § 122.5(c).)



## **F. Inspection and Entry**

The Discharger shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (33 United States Code (USC) § 1318(a)(4)(B); 40 CFR § 122.41(i); Wat. Code, §§ 13267, 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (33 USC § 1318(a)(4)(B)(i); 40 CFR § 122.41(i)(1); Wat. Code, §§ 13267, 13383);
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (33 USC § 1318(a)(4)(B)(ii); 40 CFR § 122.41(i)(2); Wat. Code, §§ 13267, 13383);
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (33 USC § 1318(a)(4)(B)(ii); 40 CFR § 122.41(i)(3); Wat. Code, §§ 13267, 13383); and
4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (33 USC § 1318(a)(4)(B); 40 CFR § 122.41(i)(4); Wat. Code, §§ 13267, 13383.)

## **G. Bypass**

1. Definitions
  - a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR § 122.41(m)(1)(i).)
  - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR § 122.41(m)(1)(ii).)
2. Bypass not exceeding limitations. The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 CFR § 122.41(m)(2).)
3. Prohibition of bypass. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless (40 CFR § 122.41(m)(4)(i)):
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 CFR § 122.41(m)(4)(i)(A));

- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 CFR § 122.41(m)(4)(i)(B)); and
    - c. The Discharger submitted notice to the Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 CFR § 122.41(m)(4)(i)(C).)
  4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above. (40 CFR § 122.41(m)(4)(ii).)
  5. Notice
    - a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass. As of December 21, 2020, all notices must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J below. Notices shall comply with 40 CFR part 3, 40 CFR section 122.22, and 40 CFR part 127. (40 CFR § 122.41(m)(3)(i).)
    - b. Unanticipated bypass. The Discharger shall submit a notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). As of December 21, 2020, all notices must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J below. Notices shall comply with 40 CFR part 3, 40 CFR section 122.22, and 40 CFR part 127. (40 CFR § 122.41(m)(3)(ii).)

## H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 CFR § 122.41(n)(1).)

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 CFR § 122.41(n)(2).)

2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 CFR § 122.41(n)(3)):
  - a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 CFR § 122.41(n)(3)(i));
  - b. The permitted facility was, at the time, being properly operated (40 CFR § 122.41(n)(3)(ii));
  - c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (40 CFR § 122.41(n)(3)(iii)); and
  - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 CFR § 122.41(n)(3)(iv).)
3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 CFR § 122.41(n)(4).)

## **II. STANDARD PROVISIONS – PERMIT ACTION**

### **A. General**

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 CFR § 122.41(f).)

### **B. Duty to Reapply**

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 CFR § 122.41(b).)

### **C. Transfers**

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 CFR §§ 122.41(l)(3), 122.61.)

## **III. STANDARD PROVISIONS – MONITORING**

- A.** Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 CFR § 122.41(j)(1).)
- B.** Monitoring must be conducted according to test procedures approved under 40 CFR part 136 for the analyses of pollutants unless another method is required under 40 CFR chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 C.R part 136 for the analysis

of pollutants or pollutant parameters or as required under 40 CFR chapter 1, subchapter N. For the purposes of this paragraph, a method is sufficiently sensitive when:

1. The method minimum level (ML) is at or below the level of the most stringent effluent limitation established in the permit for the measured pollutant or pollutant parameter, and either the method ML is at or below the level of the most stringent applicable water quality criterion for the measured pollutant or pollutant parameter or the method ML is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in the facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or
2. The method has the lowest ML of the analytical methods approved under 40 CFR part 136 or required under 40 CFR chapter 1, subchapter N for the measured pollutant or pollutant parameter.

In the case of pollutants or pollutant parameters for which there are no approved methods under 40 CFR part 136 or otherwise required under 40 CFR chapter 1, subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters. (40 CFR §§ 122.21(e)(3), 122.41(j)(4), 122.44(i)(1)(iv).)

#### **IV. STANDARD PROVISIONS – RECORDS**

- A.** The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time. (40 CFR § 122.41(j)(2).)
- B.** Records of monitoring information shall include:
  1. The date, exact place, and time of sampling or measurements (40 CFR § 122.41(j)(3)(i));
  2. The individual(s) who performed the sampling or measurements (40 CFR § 122.41(j)(3)(ii));
  3. The date(s) analyses were performed (40 CFR § 122.41(j)(3)(iii));
  4. The individual(s) who performed the analyses (40 CFR § 122.41(j)(3)(iv));
  5. The analytical techniques or methods used (40 CFR § 122.41(j)(3)(v)); and
  6. The results of such analyses. (40 CFR § 122.41(j)(3)(vi).)
- C.** Claims of confidentiality for the following information will be denied (40 CFR § 122.7(b)):
  1. The name and address of any permit applicant or Discharger (40 CFR § 122.7(b)(1)); and

2. Permit applications and attachments, permits and effluent data. (40 CFR § 122.7(b)(2).)

## **V. STANDARD PROVISIONS – REPORTING**

### **A. Duty to Provide Information**

The Discharger shall furnish to the Regional Water Board, State Water Board, or U.S. EPA within a reasonable time, any information which the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, State Water Board, or U.S. EPA copies of records required to be kept by this Order. (40 CFR § 122.41(h); Wat. Code, §§ 13267, 13383.)

### **B. Signatory and Certification Requirements**

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, and V.B.4 below. (40 CFR § 122.41(k).)
2. All permit applications shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (40 CFR § 122.22(a)(1).)
3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or U.S. EPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 CFR § 122.22(b)(1));
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the

- company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 CFR § 122.22(b)(2)); and
- c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 CFR § 122.22(b)(3).)
4. All permit applications shall be signed by a general partner or the proprietor, respectively. (40 CFR § 122.22(a)(2).)
5. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 CFR § 122.22(c).)
6. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.” (40 CFR § 122.22(d).)
7. Any person providing the electronic signature for documents described in Standard Provisions – V.B.1, V.B.2, or V.B.3 that are submitted electronically shall meet all relevant requirements of Standard Provisions – Reporting V.B, and shall ensure that all relevant requirements of 40 CFR part 3 (Cross-Media Electronic Reporting) and 40 CFR part 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 CFR § 122.22(e).)

### **C. Monitoring Reports**

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 CFR § 122.41(l)(4).)
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board. As of December 21, 2016, all reports and forms must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J and comply with 40 CFR part 3, 40 CFR section 122.22, and 40 CFR part 127. (40 CFR § 122.41(l)(4)(i).)
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR part 136, or another method required for an industry-specific waste stream under 40 CFR

subchapter N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board. (40 CFR § 122.41(l)(4)(ii).)

4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 CFR § 122.41(l)(4)(iii).)

#### **D. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date. (40 CFR § 122.41(l)(5).)

#### **E. Twenty-Four Hour Reporting**

1. The Discharger shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A report shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The report 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 reoccurrence of the noncompliance.
2. As of December 21, 2020, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events must be submitted to the Regional Water Board and must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting V.J. The reports shall comply with 40 CFR part 3, 40 CFR section 122.22, and 40 CFR part 127. The Regional Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 CFR § 122.41(l)(6)(i).)
3. The following shall be included as information that must be reported within 24 hours:
  - a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 CFR § 122.41(l)(6)(ii)(A).)
  - b. Any upset that exceeds any effluent limitation in this Order. (40 CFR § 122.41(l)(6)(ii)(B).)
4. The Regional Water Board may waive the above required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 CFR § 122.41(l)(6)(iii).)

#### **F. Planned Changes**

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 CFR § 122.41(l)(1)):

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 CFR § 122.41(l)(1)(i)); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in this Order nor to notification requirements under section 122.42(a)(1) (see Additional Provisions— Notification Levels VII.A.1). (40 CFR § 122.41(l)(1)(ii).)

**G. Anticipated Noncompliance**

The Discharger shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements. (40 CFR § 122.41(l)(2).)

**H. Other Noncompliance**

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports shall contain the information described in Standard Provision – Reporting V.E and the applicable required data in appendix A to 40 CFR part 127. The Regional Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 CFR § 122.41(l)(7).)

**I. Other Information**

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Water Board, or U.S. EPA, the Discharger shall promptly submit such facts or information. (40 CFR § 122.41(l)(8).)

**J. Initial Recipient for Electronic Reporting Data**

The owner, operator, or the duly authorized representative is required to electronically submit NPDES information specified in appendix A to 40 CFR part 127 to the initial recipient defined in 40 CFR section 127.2(b). U.S. EPA will identify and publish the list of initial recipients on its website and in the Federal Register, by state and by NPDES data group [see 40 CFR section 127.2(c)]. U.S. EPA will update and maintain this listing. (40 CFR § 122.41(l)(9).)

**VI. STANDARD PROVISIONS – ENFORCEMENT**

- A.** The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13268, 13385, 13386, and 13387.
- B.** The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a



pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the CWA, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the CWA, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions [section 122.41(a)(2)] [Water Code sections 13385 and 13387].

- C.** Any person may be assessed an administrative penalty by the Administrator of U.S. EPA, the Regional Water Board, or State Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of this CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this CWA. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000 [40 CFR section 122.41(a)(3)].
- D.** The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Order shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both [40 CFR section 122.41(j)(5)].
- E.** The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required

to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both [40 CFR section 122.41(k)(2)]

## VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

### A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the Regional Water Board as soon as they know or have reason to believe (40 CFR § 122.42(a)):

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 CFR § 122.42(a)(1)):
  - a. 100 micrograms per liter ( $\mu\text{g/L}$ ) (40 CFR § 122.42(a)(1)(i));
  - b. 200  $\mu\text{g/L}$  for acrolein and acrylonitrile; 500  $\mu\text{g/L}$  for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter ( $\text{mg/L}$ ) for antimony (40 CFR § 122.42(a)(1)(ii));
  - c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR § 122.42(a)(1)(iii)); or
  - d. The level established by the Regional Water Board in accordance with section 122.44(f). (40 CFR § 122.42(a)(1)(iv).)
2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 CFR § 122.42(a)(2)):
  - a. 500 micrograms per liter ( $\mu\text{g/L}$ ) (40 CFR § 122.42(a)(2)(i));
  - b. 1 milligram per liter ( $\text{mg/L}$ ) for antimony (40 CFR § 122.42(a)(2)(ii));
  - c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR § 122.42(a)(2)(iii)); or
  - d. The level established by the Regional Water Board in accordance with section 122.44(f). (40 CFR § 122.42(a)(2)(iv).)

**ATTACHMENT E – MONITORING AND REPORTING PROGRAM (CI NO. 6155)**

**CONTENTS**

I.	General Monitoring Provisions .....	E-2
II.	Monitoring Locations .....	E-5
III.	Influent Monitoring Requirements- Not Applicable .....	E-5
IV.	Effluent Monitoring Requirements .....	E-5
	A. Monitoring Location EFF-001 .....	E-5
V.	Whole Effluent Toxicity Testing Requirements .....	E-11
VI.	Land Discharge Monitoring Requirements- Not Applicable .....	E-15
VII.	Recycling Monitoring Requirements- Not applicable .....	E-15
VIII.	Receiving Water Monitoring Requirements .....	E-15
	A. Receiving Water Monitoring Locations EFF-001 .....	E-15
IX.	Other Monitoring Requirements .....	E-17
	A. Visual Observation .....	E-17
	B. Rainfall Monitoring .....	E-18
	C. Harbor Toxics TMDL Water Column, Sediment and Fish Tissue Monitoring for Great Los Angeles and Long Beach Harbor Waters .....	E-18
X.	Reporting Requirements .....	E-18
	A. General Monitoring and Reporting Requirements .....	E-18
	B. Self-Monitoring Reports (SMRs) .....	E-19
	C. Discharge Monitoring Reports (DMRs) .....	E-21
	D. Other Reports .....	E-21

**TABLES**

Table E-1.	Monitoring Station Locations .....	E-5
Table E-2.	Effluent Monitoring at Monitoring Location EFF-001 .....	E-5
Table E-3.	Receiving Water Monitoring Requirements at Monitoring Stations RSW-001 .....	E-16
Table E-4.	Monitoring Periods and Reporting Schedule .....	E-19

## **ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP) (CI NO. 6155)**

The Code of Federal Regulations (40 CFR § 122.48) require that all NPDES permits specify monitoring and reporting requirements. Water Code sections 13267 and 13383 also authorize the Regional Water Board to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements that implement the federal and California regulations.

### **I. GENERAL MONITORING PROVISIONS**

- A.** An effluent sampling station shall be established for Discharge Point 001 and shall be located where representative samples of that effluent can be obtained.
- B.** The Regional Water Board shall be notified in writing of any changes in the sampling stations once established or in the methods for determining the quantities of pollutants in the individual waste streams.
- C.** Effluent samples shall be taken downstream of any addition to treatment works and prior to mixing with the receiving waters.
- D.** Pollutants shall be analyzed using the analytical methods described in 40 CFR sections 136.3, 136.4, and 136.5 (revised July 1, 2017); or, where no methods are specified for a given pollutant, by methods approved by this Regional Water Board or the State Water Board.
- E.** Laboratories analyzing effluent samples and receiving water samples shall be certified by the State Water Resources Control Board (State Water Board), Drinking Water Division, Environmental Laboratory Accreditation Program (ELAP) or approved by the Executive Officer and must include quality assurance/quality control (QA/QC) data in their reports. A copy of the laboratory certification shall be provided each time a new certification and/or renewal of the certification is obtained from ELAP.
- F.** For any analyses performed for which no procedure is specified in the U.S. EPA guidelines or in the MRP, the constituent or parameter analyzed and the method or procedure used must be specified in the monitoring report.
- G.** Each monitoring report must affirm in writing that *“all analyses were conducted at a laboratory certified for such analyses by the State Water Board or approved by the Executive Officer and in accordance with current U.S. EPA guideline procedures or as specified in this MRP”*.
- H.** The monitoring reports shall specify the analytical method used, the Method Detection Limit (MDL), and the Minimum Level (ML) for each pollutant. For the purpose of reporting compliance with numerical limitations, performance goals, and receiving water limitations, analytical data shall be reported by one of the following methods, as appropriate:
  - 1. An actual numerical value for sample results greater than or equal to the ML; or
  - 2. “Detected, but Not Quantified (DNQ)” if results are greater than or equal to the laboratory’s MDL but less than the ML; or,
  - 3. “Not-Detected (ND)” for sample results less than the laboratory’s MDL with the MDL indicated for the analytical method used.

Analytical data reported as “less than” for the purpose of reporting compliance with permit limitations shall be the same or lower than the permit limit(s) established for the given parameter.

Current MLs are those published by the State Water Board in the *Policy for the Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy of SIP), February 24, 2005, Appendix 4.

- I. The MLs employed for effluent analyses to determine compliance with effluent limitations shall be lower than the effluent limitations established in this Order for a given parameter as per the 40 CFR section 122 and 136; *Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting*. If the ML value is not below the effluent limitations, then the lowest ML value and its associated analytical method shall be selected for compliance purposes. At least once a year, the Discharger shall submit a list of the analytical methods employed for each test and associated laboratory QA/QC procedures.
- J. The MLs employed for effluent analyses not associated with determining compliance with effluent limitations in this Order shall be lower than the lowest applicable water quality objective, for a given parameter as per the 40 CFR parts 122 and 136; *Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting*. Water quality objectives for parameters may be found in Chapter 3 of the Basin Plan and the CTR (40 CFR section 131.38). If the ML value is not below the water quality objective, then the lowest ML value and its associated analytical method shall be selected for compliance purposes. At least once a year, the Discharger shall submit a list of the analytical methods employed for each test, the associated laboratory QA/QC procedures, reporting levels (RLs), and MDLs.

The Regional Water Board, in consultation with the State Water Board Quality Assurance Program, shall establish a ML that is not contained in Appendix 4 of the SIP to be included in the Discharger’s permit in any of the following situations:

1. When the pollutant under consideration is not included in Appendix 4 of the SIP;
2. When the Discharger and Regional Water Board agree to include in the permit a test method that is more sensitive than that specified in 40 CFR Part 136 (revised May 18, 2012);
3. When the Discharger agrees to use an ML that is lower than that listed in Appendix 4 of the SIP;
4. When the Discharger demonstrates that the calibration standard matrix is sufficiently different from that used to establish the ML in Appendix 4 of the SIP, and proposes an appropriate ML for their matrix; or,
5. When the Discharger uses a method whose quantification practices are not consistent with the definition of an ML. Examples of such methods are the U.S. EPA-approved method 1613 for dioxins and furans, method 1624 for volatile organic substances, and method 1625 for semi-volatile organic substances. In such cases, the Discharger, the Regional Water Board, and the State Water

Board shall agree on a lowest quantifiable limit and that limit will substitute for the ML for reporting and compliance determination purposes.

- K.** Water/wastewater samples must be analyzed within allowable holding time limits as specified in 40 CFR section 136.3. All QA/QC items must be run on the same dates the samples were actually analyzed, and the results shall be reported in the Regional Water Board format, when it becomes available, and submitted with the laboratory reports. Proper chain of custody procedures must be followed, and a copy of the chain of custody shall be submitted with the report.
- L.** Field analyses with short sample holding times such as pH, total residual chlorine, and temperature, may be performed using properly calibrated and maintained portable instruments by trained personnel acting on the Discharger's behalf, using methods in accordance with 40 CFR part 136. All field instruments must be calibrated per manufacturer's instructions. A manual containing the standard operating procedures for all field analyses, including records of personnel proficiency training, instruments calibration and maintenance, and quality control procedures shall be maintained onsite, and shall be available for inspection by Regional Water Board staff. Information including instrument calibration, time of sample collection, time of analysis, name of analyst, quality assurance/quality control data, and measurement values shall be clearly documented during each field analysis and submitted to the Regional Water Board as part of the corresponding regular monitoring report.
- M.** All analyses shall be accompanied by the chain of custody, including but not limited to date and time of sampling, sample identification, and name of person who performed sampling, date of analysis, name of person who performed analysis, QA/QC data, method detection limits, analytical methods, copy of laboratory certification, and a perjury statement executed by the person responsible for the laboratory.
- N.** The Discharger shall calibrate and perform maintenance procedures on all monitoring instruments to ensure accuracy of measurements or shall insure that both equipment activities will be conducted.
- O.** For parameters that both average monthly and daily maximum limits are specified and the monitoring frequency is less than four times a month, the following shall apply. If an analytical result is greater than the average monthly limit, the Discharger shall collect four additional samples at approximately equal intervals during the month, until compliance with the average monthly limit has been demonstrated. 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. In the event of noncompliance with an average monthly effluent limitation, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the average monthly effluent limitation has been demonstrated. The Discharger shall provide for the approval of the Executive Officer a program to ensure future compliance with the average monthly limit.
- P.** In the event wastes are transported to a different disposal site during the reporting period, the following shall be reported in the monitoring report:

1. Types of wastes and quantity of each type;
2. Name and address for each hauler of wastes (or method of transport if other than by hauling); and
3. Location of the final point(s) of disposal for each type of waste.

If no wastes are transported off-site during the reporting period, a statement to that effect shall be submitted.

- Q.** Each monitoring report shall state whether or not there was any change in the discharge as described in the Order during the reporting period.

**II. MONITORING LOCATIONS**

The Discharger shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, receiving water limitations, and other requirements in this Order:

**Table E-1. Monitoring Station Locations**

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
Effluent Monitoring 001	EFF-001	Effluent shall be sampled at the point of discharge into the Los Angeles Inner Harbor (Latitude 33.7697°, Longitude - 118.2630°).

The North latitude and West longitude information in Table E-1 is approximate for administrative purposes.

**III. INFLUENT MONITORING REQUIREMENTS- NOT APPLICABLE**

**IV. EFFLUENT MONITORING REQUIREMENTS**

**A. Monitoring Location EFF-001**

The Discharger shall monitor storm water and fire water test runoff at EFF-001 as follows. If more than one analytical test method is listed for a given parameter, the Discharger must select from the listed methods and corresponding Minimum Level. Analytical test results from this monitoring can also be used to satisfy the monitoring requirements in Table E-3.

**Table E-2. Effluent Monitoring at Monitoring Location EFF-001**

Parameter	Units (see note 1)	Sample Type	Minimum Sampling Frequency (see notes 2 and 3)	Required Analytical Test Method
Total Flow (see note 4)	MGD	Meter	1/Day	---

Parameter	Units (see note 1)	Sample Type	Minimum Sampling Frequency (see notes 2 and 3)	Required Analytical Test Method
Biochemical Oxygen Demand (BOD) (5-day @ 20°C)	mg/L	Grab or Composite (see note 5)	1/Discharge Event	EPA Method 405.1
Total Suspended Solids (TSS)	mg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Oil and Grease	mg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
pH	standard units	Grab or Composite	1/Discharge Event	40 CFR Part 136
Ammonia Nitrogen, Total (as N)	mg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Chronic Toxicity	Pass or Fail and % Effect (TST)	Grab or Composite	1/Year	See Item V Below
Conductivity	µmhos/cm	Grab	1/Year	40 CFR Part 136
Detergents (as MBAS)	mg/L	Grab	1/Year	40 CFR Part 136
Dissolved Oxygen	mg/L	Grab	1/Discharge Event	40 CFR Part 136
<i>Enterococcus</i>	CFU/100ml or MPN/100ml	Grab	1/Discharge Event	40 CFR Part 136; Table 1A of 40 CFR Part 136
Methyl tertiary butyl ether (MTBE)	µg/L	Grab	1/Discharge Event	40 CFR Part 136
Phenols	mg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Settleable Solids	mL/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Sulfides	mg/L	Grab	1/Discharge Event	40 CFR Part 136
Temperature	°F	Grab	1/Discharge Event	40 CFR Part 136
Tertiary Butyl Alcohol (TBA)	µg/L	Grab	1/Year	40 CFR Part 136
Total Organic Carbon	mg/L	Grab	1/Year	40 CFR Part 136



<b>Parameter</b>	<b>Units (see note 1)</b>	<b>Sample Type</b>	<b>Minimum Sampling Frequency (see notes 2 and 3)</b>	<b>Required Analytical Test Method</b>
Total Petroleum Hydrocarbons (TPH) as Gasoline (C <sub>4</sub> -C <sub>12</sub> )	µg/L	Grab	1/Discharge Event	EPA Method 503.1 or 8015B
TPH as Diesel (C <sub>13</sub> -C <sub>22</sub> )	µg/L	Grab	1/Discharge Event	EPA Method 503.1, 8015B, or 8270
TPH as Waste Oil (C <sub>23+</sub> )	µg/L	Grab	1/Discharge Event	EPA Method 503.1, 8015B, or 8270
Turbidity	NTU	Grab or Composite	1/Discharge Event	40 CFR Part 136
Xylene	µg/L	Grab	1/Discharge Event	40 CFR Part 136
Antimony, Total Recoverable	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Arsenic, Total Recoverable	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Beryllium, Total Recoverable	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Cadmium, Total Recoverable	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Chromium (III)	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Chromium (VI)	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Copper, Total Recoverable	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Lead, Total Recoverable	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Mercury, Total Recoverable	µg/L	Grab or Composite	1/Discharge Event	EPA Method 1631E
Nickel, Total Recoverable	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Selenium, Total Recoverable	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Silver, Total Recoverable	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136

<b>Parameter</b>	<b>Units (see note 1)</b>	<b>Sample Type</b>	<b>Minimum Sampling Frequency (see notes 2 and 3)</b>	<b>Required Analytical Test Method</b>
Thallium, Total Recoverable	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Zinc, Total Recoverable	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
1,1-Dichlorethane	µg/L	Grab	1/Discharge Event	40 CFR Part 136
1,1-Dichlorethylene	µg/L	Grab	1/Discharge Event	40 CFR Part 136
1,2-Dichloroethane	µg/L	Grab	1/Discharge Event	40 CFR Part 136
1,3-Dichlorobenzene	µg/L	Grab	1/Discharge Event	40 CFR Part 136
1,4-Dichlorobenzene	µg/L	Grab	1/Discharge Event	40 CFR Part 136
4,4'-DDT	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Benzene	µg/L	Grab	1/Discharge Event	40 CFR Part 136
Benzo(a)pyrene	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Carbon Tetrachloride	µg/L	Grab	1/Discharge Event	40 CFR Part 136
Chrysene	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Ethylbenzene	µg/L	Grab	1/Discharge Event	40 CFR Part 136
Polychlorinated Biphenyls (PCBs), Total (see note 6)	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
TCDD Equivalents (see note 7)	µg/L	Grab or Composite	1/Year	40 CFR Part 136
Tetrachloroethylene	µg/L	Grab	1/Discharge Event	40 CFR Part 136
Toluene	µg/L	Grab	1/Discharge Event	40 CFR Part 136
Trichloroethylene	µg/L	Grab	1/Discharge Event	40 CFR Part 136

Parameter	Units (see note 1)	Sample Type	Minimum Sampling Frequency (see notes 2 and 3)	Required Analytical Test Method
Vinyl Chloride	µg/L	Grab	1/Discharge Event	40 CFR Part 136
Remaining Priority Pollutants (excluding asbestos) (See note 8)	µg/L	Grab or Composite	1/Year	40 CFR Part 136

**Notes Table E-2**

1. Units:
  - a. MGD: million gallons per day
  - b. mg/L: milligrams per liter
  - c. The mass emission (lbs/day) for the discharge shall be calculated and reported using the limitation concentration and the actual flow rate measured at the time of discharge, using the formula:  

$$M = 8.34 \times C_e \times Q$$
 where: M = mass discharge for a pollutant, lbs/day  
 C<sub>e</sub> = Reported concentration for a pollutant in mg/L  
 Q = actual discharge flow rate (MGD).
  - d. CFU/100 ml: colony forming units/100 milliliters
  - e. MPN/100 ml: most probable number per 100 milliliters
  - e. µg/L: micrograms per liter
  - f. NTU: nephelometric turbidity unit
2. During periods of extended rainfall, no more than one sample per week (or 7-day period) is required for pollutants that are monitored once per discharge event. Sampling shall be during the first hour of discharge, and the reason for delay shall be included in the report.
3. Monitoring is only required during years in which discharge occurs. Annual samples shall be collected during the first discharge of the year. If there is no discharge to surface water, the Discharger will indicate in corresponding monitoring report, under statement of perjury that no effluent was discharged to surface water during the reporting period.
4. Flow shall be recorded daily during each period of discharge. Periods of no flow shall also be reported.
5. For these parameters, the Discharger has the option to either:

- a. Collect a grab sample within the first hour of discharge. If, for safety reasons, a sample cannot be obtained during the first hour of discharge, a sample shall be obtained at the first safe opportunity, and the reason for the delay shall be included in the corresponding quarterly report; or
- b. Collect a flow-weighted composite sample for the entire duration of the discharge or for the first three hours of the discharge. The flow-weight composite sample may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of the discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes.

However, grab samples **must** be collected for the analyses of the following parameters: pH, temperature, oil and grease, bacteria (*enterococcus*), and volatile and semi-volatile organics.

- 6. Total PCBs shall mean the sum of chlorinated biphenyls whose analytical characteristics resemble those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260.
- 7. TCDD equivalents shall be calculated using the following formula, where the MLs and the toxicity equivalency factors (TEFs) are as listed in the Table below. The Discharger shall report all measured values of individual congeners, including data qualifiers. When calculating TCDD equivalents, the Discharger shall set congener concentrations below the MLs to zero. U.S. EPA method 1613 may be used to analyze dioxin and furan congeners.

$$\text{Dioxin-TEQ (TCDD equivalents)} = \sum(C_x \times \text{TEF}_x)$$

where:  $C_x$  = concentration of dioxin or furan congener  $x$

$\text{TEF}_x$  = TEF for congener  $x$

Congeners	Minimum Levels (pg/L)	Toxicity Equivalence Factor (TEF)
2,3,7,8 - tetra CDD	10	1.0
1,2,3,7,8 - penta CDD	50	1.0
1,2,3,4,7,8 - hexa CDD	50	0.1
1,2,3,6,7,8 - hexa CDD	50	0.1
1,2,3,7,8,9 - hexa CDD	50	0.1
1,2,3,4,6,7,8 - hepta CDD	50	0.01
Octa CDD	100	0.0001
2,3,7,8 - tetra CDF	10	0.1
1,2,3,7,8 - penta CDF	50	0.05
2,3,4,7,8 - penta CDF	50	0.5
1,2,3,4,7,8 - hexa CDF	50	0.1
1,2,3,6,7,8 - hexa CDF	50	0.1

<b>Congeners</b>	<b>Minimum Levels (pg/L)</b>	<b>Toxicity Equivalence Factor (TEF)</b>
1,2,3,7,8,9 - hexa CDF	50	0.1
2,3,4,6,7,8 - hexa CDF	50	0.1
1,2,3,4,6,7,8 - hepta CDFs	50	0.01
1,2,3,4,7,8,9 - hepta CDFs	50	0.01
Octa CDF	100	0.0001

8. Priority Pollutants are those constituents referred to 40 CFR part 131 or the California Toxics Rule (CTR).

## V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS

### A. Chronic Toxicity Testing

1. **Discharge In-stream Waste Concentration (IWC) for Chronic Toxicity**

The chronic toxicity IWC for this discharge is **100 percent** effluent.

2. **Sample Volume and Holding Time**

The total sample volume shall be determined by the specific toxicity test method used. Sufficient sample volume shall be collected to perform both the required toxicity tests and Toxicity Identification Evaluation (TIE) studies. All toxicity tests shall be conducted as soon as possible following sample collection. No more than 36 hours shall elapse before the conclusion of sample collection and test initiation.

3. **Chronic Marine Species and Test Methods**

If effluent samples are collected from outfalls discharging to receiving waters with salinity  $\geq 1$  ppt, the Discharger shall conduct the following chronic toxicity tests on effluent samples—at the in-stream waste concentration for the discharge—in accordance with species and test methods in *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms (EPA/600/R-95/136, 1995)*. Artificial sea salts shall be used to increase sample salinity. In no case shall these species be substituted with another test species unless written authorization from the Executive Officer is received.

- a. A static renewal toxicity test with the topsmelt, *Atherinops affinis* (Larval Survival and Growth Test Method 1006.01).
- b. A static non-renewal toxicity test with the purple sea urchin, *Strongylocentrotus purpuratus*, and the sand dollar, *Dendraster excentricus* (Fertilization Test Method 1008.0), or a static non-renewal toxicity test with the red abalone, *Haliotis rufescens* (Larval Shell Development Test Method).
- c. A static non-renewal toxicity test with the giant kelp, *Macrocystis pyrifera* (Germination and Growth Test Method 1009.0).

#### 4. **Species Sensitivity Screening**

Species sensitivity screening shall be conducted during this permit's first required sample collection. The Discharger shall collect a single effluent sample to initiate and concurrently conduct three toxicity tests, using the fish, an invertebrate, and the alga species as previously referenced. This sample shall also be analyzed for the parameters required on a monthly frequency for the discharge, during that given month. As allowed under the test method for the *Atherinops affinis*, a second and third sample may be collected for use as test solution renewal water as the seven-day toxicity test progresses. If the result of all three species is "Pass", then the species that exhibits the highest "Percent Effect" at the discharge IWC during species sensitivity screening shall be used for routine monitoring during the permit cycle. If only one species fails, then that species shall be used for routine monitoring during the permit cycle. Likewise, if two or more species result in "Fail", then the species that exhibits the highest "Percent Effect" at the discharge IWC during the suite of species sensitivity screening shall be used for routine monitoring during the permit cycle, until such time as a rescreening is required.

Species sensitivity rescreening is required every 24 months if there has been discharge during dry weather conditions. If the discharge is intermittent and occurs only during wet weather, rescreening is required every five (5) years. If rescreening is necessary, the Discharger shall rescreen with the marine vertebrate species, a marine invertebrate species, and the alga species previously referenced, and continue to monitor with the most sensitive species. If the first suite of rescreening tests demonstrates that the same species is the most sensitive then the rescreening does not need to include more than one suit of tests. If a different species is the most sensitive, or if there is ambiguity, then the Discharger may proceed with suites of screening tests for a minimum of three, but not to exceed five suites.

During the calendar month, toxicity tests used to determine the most sensitive test species shall be reported as effluent compliance monitoring results for the chronic toxicity MDEL.

#### 5. **Quality Assurance and Additional Requirements**

Quality assurance measures, instructions, and other recommendations and requirements are found in the test methods manuals previously referenced. Additional requirements are specified below.

- a. The discharge is subject to a determination of "Pass" or "Fail" and "Percent Effect" from a single-effluent concentration chronic toxicity test at the discharge IWC using the Test of Significant Toxicity (TST) approach described in *National Pollutant Discharge Elimination System Test of Significant Toxicity/Implementation Document* (EPA 833-R-10-003, 2010), *Appendix A, Figure A-1, and Table A-1*. The null hypothesis ( $H_0$ ) for the TST approach is: Mean discharge IWC response  $\leq$  (0.75 x Mean control response). A test result that does not reject this null hypothesis is reported as "Fail". The relative "Percent Effect" at the discharge IWC is defined and

reported as:  $((\text{Mean control response} - \text{Mean discharge IWC response}) \div \text{Mean control response}) \times 100\%$ .

- b. If the effluent toxicity test does not meet all test acceptability criteria (TAC) specified in the referenced test method, then the Discharger must re-sample and re-test at the subsequent discharge event.
  - c. Dilution water and control water, including brine controls, shall be laboratory water prepared and used as specified in the test methods manual. If dilution water and control water is different from test organism culture water, then a second control using culture water shall also be used.
  - d. Reference toxicant tests and effluent toxicity tests shall be conducted using the same test conditions (e.g., same test duration, etc.). Monthly reference toxicant testing is sufficient.
  - e. All reference toxicant test results should be reviewed and reported according to EPA guidance on the evaluation of concentration-response relationships found in *Method Guidance and Recommendations for Whole Effluent Toxicity (WET) Testing* (40 CFR part 136) (EPA 821-B-00-004, 2000).
  - f. The Discharger shall perform toxicity tests on final effluent samples. Chlorine and ammonia shall not be removed from the effluent sample prior to toxicity testing, unless explicitly authorized under this section of the Monitoring and Reporting Program and the rationale is explained in the Fact Sheet (Attachment F).
6. **Accelerated Monitoring Schedule for Maximum Daily Single Result: “Fail and % Effect  $\geq$  50”**

The Maximum Daily single result of “Fail” and %Effect  $\geq$  50 shall be used to determine that accelerated testing needs to be conducted.

Once the Discharger becomes aware of this result and is still discharging, the Discharger shall implement an accelerated monitoring schedule within five calendar days of the receipt of the result. However, if the sample is contracted out to a commercial laboratory, the Discharger shall ensure that the first of five accelerated monitoring tests is initiated within seven calendar days of the Discharger becoming aware of the result. The accelerated monitoring schedule shall consist of a five concentration dilution series which includes the control with five dilutions, one of which must be the IWC. As long as there is a continued discharge, this testing shall be repeated up to a maximum of four times, conducted at approximately two-week intervals; in preparation for the TRE process and associated reporting. If each of the accelerated toxicity tests results in “Pass”, the Discharger shall return to routine monitoring for the next monitoring period. If one of the accelerated toxicity tests results in “Fail”, the Discharger shall immediately implement the Toxicity Reduction Evaluation (TRE) Process conditions set forth below. During accelerated monitoring schedules, only TST results (“Pass” or “Fail”) for chronic toxicity tests shall be

reported as effluent compliance monitoring results for the chronic toxicity MDEL.

#### **B. Preparation of Initial Investigation TRE Work Plan**

The Discharger shall prepare and submit a copy of the Discharger's initial investigation TRE work plan to the Executive Officer of the Regional Water Board for approval within 90 days of the permit effective date of this permit. If the Executive Officer does not disapprove the work plan within 60 days, the work plan shall become effective. The Discharger shall use the *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070, 1989), or the most current version, as guidance. This work plan shall describe the steps that the Discharger intends to follow if toxicity is detected. At a minimum, the TRE Work Plan must describe the steps that the Discharger intends to follow if toxicity is detected. At a minimum, the work plan shall include:

1. A description of the investigation and evaluation techniques that would be used to identify potential causes and source of toxicity, effluent variability, and treatment system efficiency.
2. A description of methods for maximizing in-house treatment system efficiency, good housekeeping practices, and a list of all chemicals used in operations at the Facility.
3. If a Toxicity Identification Evaluation (TIE) is necessary, an indication of who would conduct the TIEs (i.e., an in-house expert or outside contractor).

#### **C. Toxicity Identification Evaluation and Toxicity Reduction Evaluation Process**

1. **Toxicity Identification Evaluation (TIE) Implementation.** A toxicity test sample is immediately subject to TIE procedures to identify the toxic chemical(s), if a chronic toxicity test shows "Fail and % Effect value  $\geq 50$ ". The Discharger shall initiate a TIE using, as guidance, EPA manuals: *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures* (EPA/600/6-91/003, 1991); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996). The TIE should be conducted on the species demonstrating the most sensitive toxicity response.
2. **Toxicity Reduction Evaluation (TRE).** The Discharger shall immediately initiate a TRE and, within 15 days, submit to the Executive Officer a Detailed TRE Work Plan, which shall follow the generic Initial Investigation TRE Work Plan revised as appropriate for this toxicity event. It shall include the following information, and comply with additional conditions set by the Executive Officer:
  - a. Further actions by the Discharger to investigate, identify, and correct the causes of toxicity.



- b. Actions the Discharger will take to mitigate the effects of the discharge and prevent the recurrence of toxicity.
    - c. A schedule for these actions, progress reports, and the final report.
  3. Many recommended TRE elements parallel required or recommended efforts for source control, pollution prevention, and storm water control programs. TRE efforts should be coordinated with such efforts. As toxic substances are identified or characterized, the Discharger shall continue the TRE by determining the sources and evaluating alternative strategies for reducing or eliminating the substances from the discharge. All reasonable steps shall be taken to reduce toxicity to levels consistent with toxicity evaluation parameters.
  4. The Discharger shall continue to conduct routine effluent monitoring for compliance determination purposes while the TIE and/or TRE is taking place. Additional accelerated monitoring and TRE work plans are not required once a TRE has begun.
  5. The Regional Water Board recognizes that toxicity may be episodic and identification of causes and reduction of sources of toxicity may not be successful in all cases. The TRE may be ended at any stage if monitoring finds there is no longer toxicity.

#### **D. Reporting**

The Self-Monitoring Report (SMR) shall include a full laboratory report for each toxicity test. This report shall be prepared using the format and content of the test methods manual chapter titled *Report Preparation*, including:

1. The toxicity test results for the TST approach, reported as “Pass” or “Fail” and “Percent Effect” at the chronic toxicity IWC for the discharge.
2. Water quality measurements for each toxicity test (e.g., pH, dissolved oxygen, temperature, conductivity, hardness, salinity, chlorine, ammonia).
3. TRE/TIE results. The Regional Water Board Executive Officer shall be notified no later than 30 days from completion of each aspect of TRE/TIE analyses.
4. Statistical program (e.g., TST calculator, CETIS, etc.) output results for each toxicity test.
5. Any additional QA/QC documentation or any additional chronic toxicity-related information, upon request of Regional Water Board staff.

#### **VI. LAND DISCHARGE MONITORING REQUIREMENTS- NOT APPLICABLE**

#### **VII. RECYCLING MONITORING REQUIREMENTS- NOT APPLICABLE**

#### **VIII. RECEIVING WATER MONITORING REQUIREMENTS**

##### **A. Receiving Water Monitoring Locations EFF-001**

The Discharger shall monitor the impact of the discharge from this Facility to the receiving water at Monitoring Location EFF-001 as specified in Table E-3. Duplicated monitoring with Table E-2 is not required.

**Table E-3. Receiving Water Monitoring Requirements at Monitoring Station Location EFF-001**

Parameter	Units	Sample Type	Minimum Sampling Frequency (See note a)	Required Analytical Test Method
Ammonia, Total (as N) (See note b)	mg/L	Grab	1/Year	40 CFR Part 136
Dissolved Oxygen	mg/L	Grab	1/Year	40 CFR Part 136
pH (See note b)	Standard units	Grab	1/Year	40 CFR Part 136
Temperature (See note b)	°F	Grab	1/Year	40 CFR Part 136
Turbidity	NTU	Grab	1/Year	40 CFR Part 136
Settleable solids	ml/L	Grab	1/Year	40 CFR Part 136
<i>Enterococcus</i>	CFU/100ml or MPN/100ml	Grab	1/Year	40 CFR Part 136; Table 1A of 40 CFR Part 136
Priority Pollutants excluding asbestos (see note b c)	µg/L	Grab	1/Year	40 CFR Part 136
TCDD – Equivalentents (see note d)	µg/L	Grab	1/Year	40 CFR Part 136

**Notes Table E-3**

- a. Sampling shall be during the first hour of the first discharge event of the year. If there is no discharge to surface waters, no sampling is required and the Discharger will indicate in the corresponding monitoring report, under statement of perjury, that no effluent was discharged to surface water during the reporting period.
- b. Receiving water pH, temperature, salinity and ammonia must be collected at the same time the samples are collected for Priority Pollutants analysis.
- c. Priority Pollutants as defined by the CTR. Annual samples shall be collected during the first hour of discharge from the first storm event of the year.
- d. TCDD equivalentents shall be calculated using the following formula, where the MLs and the toxicity equivalency factors (TEFs) are as listed in the Table below. The Discharger shall report all measured values of individual congeners, including data qualifiers. When calculating TCDD equivalentents,

the Discharger shall set congener concentrations below the MLs to zero. U.S. EPA method 1613 may be used to analyze dioxin and furan congeners.

$$\text{Dioxin-TEQ (TCDD equivalents)} = \sum(Cx \times \text{TEFx})$$

where: Cx = concentration of dioxin or furan congener x

TEFx= TEF for congener x

Congeners	Minimum Levels (pg/L)	Toxicity Equivalence Factor (TEF)
2,3,7,8 - tetra CDD	10	1.0
1,2,3,7,8 - penta CDD	50	1.0
1,2,3,4,7,8 - hexa CDD	50	0.1
1,2,3,6,7,8 - hexa CDD	50	0.1
1,2,3,7,8,9 - hexa CDD	50	0.1
1,2,3,4,6,7,8 - hepta CDD	50	0.01
Octa CDD	100	0.0001
2,3,7,8 - tetra CDF	10	0.1
1,2,3,7,8 - penta CDF	50	0.05
2,3,4,7,8 - penta CDF	50	0.5
1,2,3,4,7,8 - hexa CDF	50	0.1
1,2,3,6,7,8 - hexa CDF	50	0.1
1,2,3,7,8,9 - hexa CDF	50	0.1
2,3,4,6,7,8 - hexa CDF	50	0.1
1,2,3,4,6,7,8 - hepta CDFs	50	0.01
1,2,3,4,7,8,9 - hepta CDFs	50	0.01
Octa CDF	100	0.0001

## IX. OTHER MONITORING REQUIREMENTS

### A. Visual Observation

1. A visual observation station shall be established in the vicinity of the discharge point to the receiving water, Los Angeles Inner Harbor.
2. General observations of the receiving water shall be made at each discharge point when discharges occur. All receiving water observations shall be reported in the semiannual monitoring report. Observations shall be descriptive where applicable, such that colors, approximate amounts, or types of materials are apparent. The following observations shall be made:
  - a. Tidal stage, time, and date of monitoring
  - b. Weather conditions
  - c. Color of water

- d. Appearance of oil films or grease, or floatable materials
- e. Extent of visual turbidity or color patches
- f. Description of odor, if any, of the receiving water
- g. Direction of tidal flow
- h. Presence and activity of California Least Tern and California Brown Pelican.

**B. Rainfall Monitoring**

The Discharger shall measure and record the rainfall on each day of the month at the Facility. If no rainfall measurement data is available at the Facility, the Discharger may submit data obtained from the nearest city/county operated rain gauge monitoring station. The location of the rain gauge utilized and the distance from the Facility and any other information shall be included in the monitoring report for that month.

**C. Harbor Toxics TMDL Water Column, Sediment and Fish Tissue Monitoring for Great Los Angeles and Long Beach Harbor Waters**

This provision implements the Compliance Monitoring Program as required in the Harbor Toxics TMDL. The Compliance Monitoring Program includes water column monitoring, sediment monitoring and fish tissue monitoring at monitoring stations in the Greater Los Angeles and Long Beach Harbor Waters. The Discharger may join a collaboration group, start a group, or develop a site-specific plan to comply with this requirement. Details on these requirements are provided in Section VI.C.2.c of this Order.

**X. REPORTING REQUIREMENTS**

**A. General Monitoring and Reporting Requirements**

- 1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.
- 2. If there is no discharge during any reporting period, the Discharger shall indicate under penalty of perjury that no effluent was discharged to surface water during the reporting period in the corresponding monitoring report.
- 3. If the Discharger monitors (other than for process/operational control, startup, research, or equipment testing) any influent, effluent, or receiving water constituent more frequently than required by this Order using approved analytical methods, the results of those analyses shall be included in the monitoring report. These results shall be reflected in the calculation of the average (or median) used in demonstrating compliance with this Order.
- 4. Each monitoring report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and corrective actions taken or planned that may be needed to bring the discharge into full compliance with waste discharge requirements. This section shall clearly list all non-compliance with waste discharge requirements, as well as all excursions of effluent limitations.

5. The Discharger shall inform the Regional Water Board well in advance of any proposed construction activity that could potentially affect compliance with applicable requirements.
6. The Discharger shall report the results of chronic toxicity testing, TRE and TIE as required in the Attachment E, Monitoring and Reporting, section V.

**B. Self-Monitoring Reports (SMRs)**

1. The Discharger shall electronically submit quarterly SMRs using the State Water Board’s California Integrated Water Quality System (CIWQS) Program website (<http://www.waterboards.ca.gov/ciwqs//index.html>). The CIWQS website will provide additional information for SMR submittal in the event there will be a planned service interruption for electronic submittal.
2. The Discharger shall report in the SMR the results for all monitoring specified in this MRP under sections III through IX. The Discharger shall submit quarterly SMRs including the results of all required monitoring using U.S. EPA-approved test methods or other test methods specified in this Order. SMRs are to include all new monitoring results obtained since the last SMR was submitted. If the Discharger monitors any pollutant more frequently than required by this Order, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR.
3. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

**Table E-4. Monitoring Periods and Reporting Schedule**

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
1/Day	July 1, 2020	(Midnight through 11:59 PM or any 24-hour period) January 1 through March 31 April 1 through June 30 July 1 through September 31 October 1 through December 31	May 1 August 1 November 1 February 1
1/Discharge Event	July 1, 2020	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	May 1 August 1 November 1 February 1
1/Year	July 1, 2020	January 1 through December 31	February 1

4. **Reporting Protocols.** The Discharger shall report with each sample result the applicable Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in 40 CFR part 136.

The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

- a. Sample results greater than or equal to the RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
- b. Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported.

For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ. The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy ( $\pm$  a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

- c. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.
  - d. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.
5. **Compliance Determination.** Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined above and Attachment A of this Order. For purposes of reporting and administrative enforcement by the Regional Water Board and State Water Board, the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reporting level (RL).
6. **Multiple Sample Data.** When determining compliance with an AMEL or MDEL for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:
- a. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
  - b. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower

of the two data points where DNQ is lower than a value and ND is lower than DNQ.

7. The Discharger shall submit SMRs in accordance with the following requirements:
  - a. The Discharger shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the facility is operating in compliance with interim and/or final effluent limitations. The Discharger is not required to duplicate the submittal of data that is entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, the Discharger shall electronically submit the data in a tabular format as an attachment.
  - b. The Discharger shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify violations of the WDRs; discuss corrective actions taken or planned; and the proposed time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.

### C. Discharge Monitoring Reports (DMRs)

DMRs are U.S. EPA reporting requirements. The Discharger shall electronically certify and submit DMRs together with SMRs using Electronic Self-Monitoring Reports module eSMR 2.5 or any upgraded version. Electronic DMR submittal shall be in addition to electronic SMR submittal. Information about electronic DMR submittal is available at the DMR website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/discharge\\_monitoring](http://www.waterboards.ca.gov/water_issues/programs/discharge_monitoring)

### D. Other Reports

1. **Within 90 days** of the effective date of this permit, the Discharger is required to submit the following to the Regional Water Board:
  - a. Initial Investigation TRE workplan
  - b. Updated SWPPP
  - c. Updated BMPP
  - d. Spill Contingency Plan SCP (or SPCC)

The SWPPP, BMPP, and SCP status shall be reviewed at a minimum once per year and updated as needed to ensure all actual or potential sources of trash and pollutants in wastewater and storm water discharged from the Facility are addressed. All changes or revisions to the SWPPP, BMPP, and SCP shall be submitted to the Regional Water Board within 30 days of revisions.

2. Within 90 days of the effective date of this Order, the Discharger must submit to the Regional Water Board notification of whether the Discharger will participate with a collaborating group to complete the regional monitoring required by the Harbor Toxics TMDL and included in section VI.C.2.b. of the Waste Discharge

Requirements of this Order, or if the Discharger will develop a site-specific plan. If participating in a collaborative group, the Discharger shall provide proof of its participation. If developing a site-specific plan, the Discharger shall submit the plan to the Regional Water Board with 90 days of the effective date of this Order. Regional Water Board staff will review the plan and provide an opportunity for public comment. The Discharger shall begin monitoring after the monitoring plan and QAPP are approved by the Executive Officer and after a discharge from the Facility occurs, unless otherwise directed by the Executive Officer.

3. Per the Harbor Toxics TMDL, the Discharger shall submit an annual monitoring/implementation report to the Regional Water Board. The report shall describe the measures implemented and the progress achieved toward meeting the assigned WLAs. The annual report shall be received by the Regional Water Board by the specified date in the proposed Monitoring Plan.
4. Within 12 months from the effective date of this Order, the Discharger is required to submit a Climate Change Effects Vulnerability Assessment and Mitigation Plan (Climate Change Plan) as specified in section VI.C.4.b. of the Waste Discharge Requirements of this Order, to assess and manage climate change related-effects associated with the Facility operation, water supplies, collection system, water quality and beneficial uses.



## ATTACHMENT F – FACT SHEET

### CONTENTS

I.	Permit Information.....	F-3
II.	Facility Description.....	F-4
	A. Description of Wastewater Treatment and Controls.....	F-5
	<b>B.</b> Discharge Points and Receiving Waters.....	F-6
	C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data.....	F-6
	D. Compliance Summary.....	F-9
	E. Planned Changes.....	F-9
III.	Applicable Plans, Policies, and Regulations.....	F-9
	A. Legal Authorities.....	F-9
	B. California Environmental Quality Act (CEQA).....	F-9
	C. State and Federal Laws, Regulations, Policies, and Plans.....	F-9
	D. Impaired Water Bodies on the CWA section 303(d) List.....	F-14
	E. Other Plans, Policies and Regulations.....	F-17
IV.	Rationale For Effluent Limitations and Discharge Specifications.....	F-18
	A. Discharge Prohibitions.....	F-19
	B. Technology-Based Effluent Limitations (TBELs).....	F-19
	1. Scope and Authority.....	F-19
	2. Applicable Technology-Based Effluent Limitations.....	F-20
	C. Water Quality-Based Effluent Limitations (WQBELs).....	F-22
	1. Scope and Authority.....	F-22
	2. Applicable Beneficial Uses and Water Quality Criteria and Objectives.....	F-23
	3. Determining the Need for WQBELs.....	F-25
	4. WQBEL Calculations.....	F-26
	5. WQBELs Calculation Example.....	F-27
	6. WQBELs Based on Basin Plan Objectives.....	F-29
	7. Whole Effluent Toxicity (WET).....	F-30
	D. Final Effluent Limitation Considerations.....	F-31
	1. Anti-Backsliding Requirements.....	F-31
	2. Antidegradation Policies.....	F-32
	3. Mass-based Effluent Limitations.....	F-32
	4. Stringency of Requirements for Individual Pollutants.....	F-33
	5. Summary of Final Effluent Limitations.....	F-33
	E. Interim Effluent Limitations – Not Applicable.....	F-35
	F. Land Discharge Specifications- Not Applicable.....	F-35
	G. Recycling Specifications – Not Applicable.....	F-35
V.	Rationale for Receiving Water Limitations.....	F-35
	A. Surface Water.....	F-35
	B. Groundwater – Not Applicable.....	F-35
VI.	Rationale for Provisions.....	F-35
	A. Standard Provisions.....	F-35
	B. Special Provisions.....	F-36
	1. Reopener Provisions.....	F-36
	2. Special Studies and Additional Monitoring Requirements.....	F-36
	3. Best Management Practices and Storm Water Pollution Prevention.....	F-36
	4. Construction, Operation, and Maintenance Specifications. – Not Applicable.....	F-37

5. Special Provisions for Publicly-Owned Treatment Works (POTWs) - Not Applicable ....	F-37
6. Other Special Provisions – Not Applicable.....	F-37
7. Compliance Schedules - Not Applicable .....	F-37
VII. Rationale for Monitoring and Reporting Requirements .....	F-37
A. Influent Monitoring – Not Applicable .....	F-37
B. Effluent Monitoring.....	F-37
C. Whole Effluent Toxicity Testing Requirements .....	F-38
D. Receiving Water Monitoring.....	F-38
1. Surface Water .....	F-38
2. Groundwater- Not Applicable .....	F-38
E. Other Monitoring Requirements.....	F-38
1. Rainfall Monitoring and Visual Observation .....	F-38
2. Regional Monitoring .....	F-39
VIII. Public Participation .....	F-39
A. Notification of Interested Parties.....	F-39
B. Written Comments .....	F-39
C. Public Hearing .....	F-39
D. Reconsideration of Waste Discharge Requirements .....	F-40
E. Information and Copying.....	F-40
F. Register of Interested Persons .....	F-40
G. Additional Information .....	F-40

## TABLES

Table F-1. Facility Information .....	F-3
Table F-2. March 5, 2019 Effluent Monitoring Data from Outfall 001 .....	F-7
Table F-3. Basin Plan Beneficial Uses.....	F-10
Table F-4. Summary of Technology-Based Effluent Limitations at Outfalls 001.....	F-21
Table F-5. Harbor Toxics TMDL Receiving Water Column Concentration-based WLAs Applicable to Discharge Point No. 001 .....	F-24
Table F-6. Applicable Water Quality Criteria.....	F-24
Table F-7. Summary of Reasonable Potential Analysis for Outfalls EFF-001 .....	F-26
Table F-8. Summary of Final Effluent Limitations at Discharge Point 001.....	F-33

**ATTACHMENT F – FACT SHEET**

As described in section II.B of this Order, the Regional Water Board incorporates this Fact Sheet as findings of the Regional Water Board supporting the issuance of this Order. This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for Dischargers in California. Only those sections or subsections of this Order that are specifically identified as “not applicable” have been determined not to apply to this Discharger. Sections or subsections of this Order not specifically identified as “not applicable” are fully applicable to this Discharger.

**I. PERMIT INFORMATION**

The following table summarizes administrative information related to the facility.

**Table F-1. Facility Information**

WDID	<b>4B190106046</b>
Discharger	<b>Los Angeles Department of Water and Power</b>
Name of Facility	<b>Marine Tank Farm</b>
Facility Address	<b>130 West “A” Street Wilmington, CA 90744 Los Angeles County</b>
Facility Contact, Title and Phone	<b>Katherine Rubin, Manager of Wastewater Quality and Compliance (213) 367-0436, <a href="mailto:katherine.rubin@ladwp.com">katherine.rubin@ladwp.com</a></b>
Authorized Person to Sign and Submit Reports	<b>Same as above</b>
Mailing Address	<b>111 N. Hope Street, Room 1213 Los Angeles, CA 90012</b>
Billing Address	<b>Same as Mailing Address</b>
Type of Facility	<b>Tank farm for storage of bulk petroleum product</b>
Major or Minor Facility	<b>Minor</b>
Threat to Water Quality	<b>3</b>
Complexity	<b>C</b>
Pretreatment Program	<b>Not Applicable</b>
Recycling Requirements	<b>Not Applicable</b>
Facility Permitted Flow	<b>0.604 million gallons per day (MGD)</b>
Facility Design Flow	<b>0.604 MGD</b>
Watershed	<b>Los Angeles County Coastal</b>
Receiving Water	<b>Los Angeles Inner Harbor</b>
Receiving Water Type	<b>Enclosed Bay</b>

- A. The Los Angeles Department of Water and Power (LADWP or Discharger) is the owner of the Marine Tank Farm (Facility) located at 130 West “A” Street, Wilmington, CA. The Facility was previously operated by Ultramar, Inc. A Valero Company. LADWP resumed operation of the Facility upon termination of the lease by Ultramar in November 2018. Since November 2018, the Facility has not been used for the storage and transport of petroleum products. The Facility is currently leased to Advanced Cleanup Technologies, Inc. (ACTI) on a month-to-month basis.
- B. For the purposes of this Order, references to the “discharger” or “permittee” in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.
- C. The Facility discharges stormwater runoff and fire protection system test water to the Los Angeles Inner Harbor, a water of the United States. The discharge was previously regulated by Order No. R4-2014-0185 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0057037 adopted by this Regional Water Board on September 11, 2014. That permit expired on October 31, 2019. The terms and conditions of the Order R4-2014-0185 were automatically continued and remained in effect until new Waste Discharge Requirements (WDRs) and NPDES permit are adopted consistent with 40 Code of Federal Regulations (CFR) section 122.6. Attachment B provides a site map of the area around the Facility. Attachment C provides a flow schematic of the Facility operation.
- D. The Discharger filed a report of waste discharge and submitted an application for the issuance of an individual WDRs and NPDES permit dated May 8, 2019, which was received by the Regional Water Board on July 8, 2019. The application was deemed complete on July 9, 2019. A site visit was conducted on November 22, 2019 to observe operations and collect additional data to develop permit limitations and requirements for waste discharge. Supplemental information was submitted to the Regional Water Board on December 20, 2019.
- E. Federal regulations at 40 CFR section 122.46 limit the duration of NPDES permits to a fixed term not to exceed five years. Accordingly, Table 3 of this Order limits the duration of the discharge authorization. However, pursuant to 40 CFR section 122.6(d) and California Code of Regulations, title 23, section 2235.4, the terms and conditions of an expired permit are automatically continued pending reissuance of the permit if the Discharger complies with all federal NPDES requirements for continuation of expired permits.

## II. FACILITY DESCRIPTION

Formerly, the Facility was a bulk petroleum and fuel storage facility for the Wilmington Refinery. The Discharger indicated in their permit application that since November 2018, the Facility has not been used for the storage and transport of petroleum products by LADWP.

The configuration of the site was divided into three administrative areas (Areas A, B, and C). Area A includes a fuel heater and pumping station, an administrative building, an electrical switch station, and vapor control equipment while the Facility stored residual fuel oil in three above-ground storage tanks in Area B and Area C. Area A is concrete paved, bermed, and sloped to three catch basins that direct stormwater to an oil/water

separator. The heater and pumping station have a concrete secondary containment structure designed to collect minor oil spills and stormwater. The pump station containment area wastewater is discharged to the sanitary sewer or hauled away to an off-site disposal site. It is not discharged to the oil/water separator and storm drain system.

#### **A. DESCRIPTION OF WASTEWATER TREATMENT AND CONTROLS**

The discharge from the Marine Tank Farm regulated by this Order is composed primarily of stormwater runoff and fire protection system water. The Facility collects storm water from all areas of the Facility in a system designed and operated to control hydrocarbons which may come into contact with precipitation. Tank areas are fully contained and designed to accommodate the volume of the tank plus additional volume for precipitation. Areas B and C are unpaved and surrounded by earthen dikes approximately 15 feet in height. For most precipitation events, storm water that accumulates within the containment dikes is allowed to evaporate and percolate.

On-site staff monitors the storm water volume and weather conditions to determine if a discharge is required for proper operation at the Facility. In the event of a discharge, staff manually opens control valves in Areas A, B, and C and manually activates the lift pump in Area B. The lift pump in Area B consists of a sump and an external pump. Manual control of the individual valves and lift pump allows the operator to ensure that excessive amounts of water are not accumulated in any area and that the capacity of the system is not exceeded.

The main drain lines from Areas A, B, and C flow to a lift station adjacent to the underground oil/water separator in Area A. This lift station has a sump containing one external portable pump hose connection. An operator activates the external pump and initiates a discharge from the lift station to the oil/water separator. Storm water flows by gravity from the Area A lift station to the underground oil/water separator in Area A. The oil/water separator is a 4,000 gallon, double-walled, stationary steel treatment vessel with a polyurethane coating and cathodic protection. The treatment capacity of the oil/water separator is 400 gallons per minute. The separator has three treatment chambers. The inlet of the first chamber is equipped with a baffle to reduce the flow velocity. Within this first chamber solids settle out and concentrated oil rises to the surface. The oily water then flows through a parallel corrugated plate coalescer in which the oil rises and coalesces into sheets on the underside of each inclined plate. The oil works its way up the plate surface and breaks loose in the form of large globules which rise rapidly to the surface of the third oil separation chamber, where the separated oil accumulates. Prior to discharge, the water flows through a polypropylene fiber coalescer which intercepts droplets of oil too small to be removed by the parallel plate coalescer.

The oil/water separator has a hydrocarbon high level detector which provides an audible and visible alarm when the oil level in the separation chamber is at a level requiring clean out. In this event, the operator must stop the flow to the separator by shutting down the pumps in the lift stations and closing pipeline valves as needed. A vacuum truck is used to remove the oil by attaching to an oil pump-out pipe located in the separator chamber. Oil removed by the vacuum truck is sent off-site to a

licensed hazardous waste treatment or disposal facility. The separator also has two access ports for sediment removal, inspection and maintenance.

The operator inspects and cleans the sumps and the oil/water separator as needed. All residual materials, including accumulated bottom sediments are removed and sent off-site to a licensed hazardous waste treatment or disposal facility.

The Discharger maintains a fire protection system at the Facility. The permit renewal application reported that the fire protection system may be tested by spraying up to 4,000 gallons per day (gpd) of municipal water within the containment dikes. Normally, operators are required to open each fire monitor to test the flow on a weekly basis. The highest estimated amount of water accumulated in the containment area during the weekly testing was about 100 gallons. The Facility safety department also conducts fire water testing on a monthly basis. The amount of water that is accumulated during these events is estimated between 200 and 400 gallons. During rain events, the fire protection system is not normally tested with water, thus discharges of fire protection system water to the treatment system and receiving water are rare.

Treated storm water with any accumulated fire protection system water is discharged from the oil/water separator to a storm drain system catch basin on "A" Street. Within the storm drain, the discharge commingles with off-site discharges prior to reaching the receiving water. Although the main protocol is to maximize evaporation and infiltration, the Facility is permitted to discharge up to 604,000 gpd of treated storm water and fire protection test water. During the period of November 2014 through October 2019, the Facility discharged on only one occasion from March 5 to March 8, 2019, with a total flow of 340,380 gallons. Data generated from the analysis of samples collected during that discharge on March 5, 2019 were submitted with the Discharger's permit renewal application.

#### **B. DISCHARGE POINTS AND RECEIVING WATERS**

Treated storm water and fire protection test water are discharged to the storm drain along "A" Street at Discharge Point No. 001 (Latitude 33.7697°, Longitude - 118.2630°) and then discharges from the storm drain flow into the Los Angeles Inner Harbor, a water of the United States. The discharge to Los Angeles Harbor occurs at Berth 182 in the Port of Los Angeles Harbor.

#### **C. SUMMARY OF PREVIOUS REQUIREMENTS AND SELF-MONITORING REPORT (SMR) DATA**

Effluent limitations contained in Order R4-2014-0185 for discharges from Discharge Point 001, (Monitoring Locations EFF-001) and representative monitoring data from the term of the previous order are as follows in Table F-2:

**Table F-2. March 5, 2019 Effluent Monitoring Data from Outfall 001**

Parameter	Units (see note 1)	Average Monthly Effluent Limitation	Maximum Daily Effluent Limitation	Maximum Effluent Concentration
Flow	MGD	---	0.608	0.34
Biochemical Oxygen Demand (BOD) (5 day @ 20 °C)	mg/L	20	30	---
BOD	lbs/day	100	150	---
Oil and Grease	mg/L	10	15	---
Oil and Grease	lbs/day	51	76	---
pH	s.u.	---	---	7.9
Total Suspended Solids (TSS)	mg/L	50	75	37
TSS	lbs/day	250	380	---
Temperature (see note 2)	°F	---	86	75
Bacteria (see note 3)	---	---	---	---
Phenols	µg/L	---	1.0	<33
Phenols	lbs/day	---	5.1	---
Settleable Solids	ml/L	0.1	0.3	---
Sulfides	mg/L	---	1.0	<0.1
Sulfides	lbs/day	---	5.1	--
Turbidity	NTU	50	75	13
Total Coliform	MPN/100 mL	---	---	20
Fecal Coliform	MPN/100 mL	---	---	17
Enterococcus	MPN/100 mL	---	---	27
Total Petroleum Hydrocarbons (TPH)	µg/L	---	100	---
TPH	lbs/day	---	0.51	---
Arsenic, Total Recoverable	µg/L	---	---	60
Arsenic, Total Recoverable	lbs/day	---	---	---
Copper, Total Recoverable	µg/L	3.1	6.1	0.86
Copper, Total Recoverable	lbs/day	0.016	0.031	--
Lead, Total Recoverable	µg/L	7.0	14	0.32
Lead, Total Recoverable	lbs/day	0.035	0.071	---
Mercury, Total Recoverable	µg/L	---	---	---
Mercury, Total Recoverable	lbs/day	---	---	---
Nickel, Total Recoverable	µg/L	6.8	14	0.90
Nickel, Total Recoverable	lbs/day	0.034	0.071	---
Zinc, Total Recoverable	µg/L	70	140	12
Zinc, Total Recoverable	lbs/day	0.35	0.72	---
4,4'-DDT	µg/L	0.00059	0.0012	<0.0052

Parameter	Units (see note 1)	Average Monthly Effluent Limitation	Maximum Daily Effluent Limitation	Maximum Effluent Concentration
4,4'-DDT	lbs/day	$3.0 \times 10^{-6}$	$6.0 \times 10^{-6}$	---
PCBs, Total	µg/L	0.00017	0.00034	<0.062
PCBs, Total	lbs/day	$8.6 \times 10^{-7}$	$1.7 \times 10^{-6}$	---
Benzo(a)pyrene (see note 4)	µg/L	---	---	<0.053
Chrysene	µg/L	---	---	<0.054

**Notes Table F-2**

1. Units:
  - a. MGD: million gallons per day
  - b. mg/L: milligram per liter
  - c. The mass emission (lbs/day) for the discharge shall be calculated and reported using the limitation concentration and the actual flow rate measured at the time of discharge, using the formula:  

$$M = 8.34 \times C_e \times Q$$
 where: M = mass discharge for a pollutant, lbs/day  
 Ce = Reported concentration for a pollutant in mg/L  
 Q = actual discharge flow rate (MGD).
  - d. s.u.: standard unit
  - e. µg/L: microgram per liter
  - f. mL/L: milliliter per liter
  - g. NTU: nephelometric turbidity unit
2. Effluent limitations for pH are 6.5 as an Instantaneous Minimum and 8.5 as an Instantaneous Maximum.
3. Bacteria limitations for the effluent, specified in Order R4-2014-0185
  - a. Geometric mean limits
    - i. Total coliform density shall not exceed 1,000/100 ml.
    - ii. Fecal coliform density shall not exceed 200/100 ml.
    - iii. Enterococcus density shall not exceed 35/100 ml.
  - b. Single sample maximum (SSM)
    - i. Total coliform density shall not exceed 10,000/100 ml.
    - ii. Fecal coliform density shall not exceed 400/100 ml.
    - iii. Enterococcus density shall not exceed 104/100 ml.



Total coliform density shall not exceed 1,000/100 ml, if the ratio of fecal-to-total coliform exceeds 0.1.

4. Order R4-2014-0185 included a performance goal of 0.049 µg/L for benzo(a)pyrene and chrysene which were used with the total suspended solids effluent limits to determine when effluent sediment monitoring would be required.

#### **D. COMPLIANCE SUMMARY**

There was one discharge that occurred on March 5, 2019. The Discharger was not cited for any effluent or monitoring violations during the term of Order No. R4-2014-0185. However, Order No. R4-2014-0185 included a requirement for the Discharger to join a collaborating group or develop a site-specific plan to complete the regional monitoring required by the Harbor Toxics TMDL. The Discharger did not comply with this requirement. This requirement is carried over to this Order.

#### **E. PLANNED CHANGES**

During the term of this Order, LADWP plans to modify the existing facility in two phases: Phase 1 and Phase 2. Phase 1 will include the demolition of aboveground storage tank 199-TK-4052 from Area B and all associated piping. Phase 2 will include the demolition of Area A.

### **III. APPLICABLE PLANS, POLICIES, AND REGULATIONS**

The requirements contained in this Order are based on the requirements and authorities described in this section.

#### **A. LEGAL AUTHORITIES**

This Order serves as WDRs pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). This Order is also issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. EPA and chapter 5.5, division 7 of the Water Code (commencing with section 13370). It shall serve as an NPDES permit authorizing the Discharger to discharge into waters of the United States at the discharge locations described in Table 2 of the Order subject to the WDRs in this Order.

#### **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from CEQA. *See, also, County of Los Angeles v. State Water Resources Control Board* (2006) 143 Cal.App.4th 985, 1007.

#### **C. STATE AND FEDERAL LAWS, REGULATIONS, POLICIES, AND PLANS**

1. **Water Quality Control Plan.** The Regional Water Board adopted a *Water Quality Control Plan for the Los Angeles Region* (hereinafter Basin Plan) on June 13, 1994, that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Requirements in this Order implement the Basin Plan.

In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Board Resolution 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. The beneficial uses applicable to the Los Angeles Inner Harbor are as follows:

**Table F-3. Basin Plan Beneficial Uses**

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Los Angeles Inner Harbor	<p><b>Existing</b> Industrial Service Supply (IND), Navigation (NAV), commercial and sport fishing (COMM), marine habitat (MAR), preservation of rare and endangered species (RARE), and non-contact (REC-2) water recreation.</p> <p><b>Potential</b> Contact (REC-1) and Shellfish harvesting (SHELL).</p>

2. **Enclosed Bays and Estuaries Policy.** The *Water Quality Control Policy for the Enclosed Bays and Estuaries of California* (Enclosed Bay and Estuaries Policy), adopted by the State Water Board as Resolution No. 95-84 on November 16, 1995, states that:

*"It is the policy of the State Water Board that the discharge of municipal wastewaters and industrial process waters (exclusive of cooling water discharges) to enclosed bays and estuaries, other than the San Francisco Bay-Delta system, shall be phased out at the earliest practicable date. Exceptions to this provision may be granted by a Regional Water Board only when the Regional Water Board finds that the wastewater in question would consistently be treated and discharged in such a manner that it would enhance the quality of receiving waters above that which would occur in the absence of the discharge."*

While the Facility discharges to the Los Angeles Inner Harbor, the wastewater is comprised primarily of storm water, and therefore is not considered to be industrial process wastewater. Nonetheless, this Order contains provisions necessary to protect all beneficial uses of the receiving water.

3. **Thermal Plan.** The State Water Board adopted the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California* (Thermal Plan) on January 7, 1971, and amended this plan on May 18, 1972, and again on September 18, 1975 (Resolution No. 75-89). This plan contains temperature objectives for coastal and interstate waters and enclosed bays and estuaries of California. For enclosed bays, the provisions of 4B(1) and (2) of Thermal Plan include the

following specific water quality objectives for new discharges<sup>1</sup> to enclosed bays:

- a. Elevated temperature waste discharges shall comply with limitations necessary to assure protection of beneficial uses. The maximum temperature of waste discharges shall not exceed the natural temperature of the receiving waters by more than 20°F.
- b. Thermal waste discharges having a maximum temperature greater than 4°F above the natural temperature of the receiving waters are prohibited.

The facility's discharge is not considered a thermal waste discharge. Therefore, the provisions of 4.B.(1) are the applicable water quality objectives. To determine the limitations necessary to ensure protection of beneficial uses, a white paper was developed by Regional Water Board staff entitled *Temperature and Dissolved Oxygen Impacts on Biota in Tidal Estuaries and Enclosed Bays in the Los Angeles Region*. The white paper evaluated the optimum temperatures for steelhead, topsmelt, ghost shrimp, brown rock crab, jackknife clam, and blue mussel. A maximum effluent temperature limitation of 86°F was determined to be appropriate for protection of aquatic life. The Facility discharges to Los Angeles Inner Harbor waters, within the enclosed bay. Therefore, a maximum temperature effluent limitation of 86°F is included in this Order for the protection of aquatic life and beneficial uses of the receiving waters along with the restriction that the maximum temperature of waste discharges shall not exceed the natural temperature of the receiving waters by more than 20°F. Requirements of this Order implement the Thermal Plan.

4. **Sediment Quality.** The State Water Board adopted the *Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1, Sediment Quality* on September 16, 2008, and it became effective on August 25, 2009 (Enclosed Bays and Estuaries Plan). The State Water Board amended the sediment quality provisions of the Enclosed Bays and Estuaries Plan through Resolution No. 2018-0028; these amendments became effective upon approval by U.S. EPA on March 11, 2019. The Enclosed Bays and Estuaries Plan supersedes other narrative sediment quality objectives and establishes new sediment quality objectives and related implementation provisions for specifically defined sediments in most bays and estuaries. Requirements of this Order implement sediment quality objectives of the Enclosed Bays and Estuaries Plan.
5. **Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries in California – Part 3 Bacteria Provisions (Bacteria Provisions).** On August 7, 2018, the State Water Board adopted Resolution No. 2018-0038, bacteria provisions and a water quality variance policy as (1) *Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays and Estuaries of California* (ISWEBE); and (2) an amendment to the *Water Quality Control Plan for Ocean Waters of California*. The goals of the bacteria

---

<sup>1</sup> New discharges under the Thermal Plan are any discharge that is not considered an "existing discharge". Existing discharges were any discharges taking place prior to the adoption of the Thermal Plan on January 7, 1971 or where waste discharge requirements had been issued and construction had commenced prior to the adoption of the Thermal Plan.

provisions are to (1) establish a beneficial use definition of limited water contact recreation (LREC-1); (2) establish new statewide numeric water quality objectives for bacteria to protect primary contact recreation (REC-1) beneficial use; (3) include implementation elements; and (4) create a water quality standards variance framework under provisions established by the U.S. EPA. The Office of Administrative Law (OAL) approved the regulatory action on February 4, 2019. On March 22, 2019 U.S. EPA approved the Bacteria Objectives and they became effective. This permit implements the objectives for enclosed bays included in the Bacteria Provisions.

6. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** U.S. EPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, U.S. EPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain federal water quality criteria for priority pollutants applicable to all surface waters in California.
7. **State Implementation Policy (SIP).** On March 2, 2000, the State Water 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 became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the U.S. EPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the U.S. EPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005, that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.
8. **Antidegradation Policy.** CWA section 303 and Federal regulation 40 CFR section 131.12 require that the state water quality standards include an antidegradation policy consistent with the federal law and policy. The State Water Board established *California's Antidegradation Policy in State Water Board Resolution No. 68-16* (Resolution 68-16). Resolution No. 68-16 is deemed to incorporate the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. The permitted discharge must be consistent with the antidegradation provision of 40 CFR section 131.12 and State Water Board Resolution No. 68-16. Requirements of this Order implement federal and state antidegradation policies as described in section IV.D.2. of this Fact Sheet.
9. **Anti-Backsliding Requirements.** Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 CFR section 122.44(l) restrict backsliding in

NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. The requirements of this Order are consistent with anti-backsliding as described in section IV.D.1. of this Fact Sheet.

10. **Endangered Species Act Requirements.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the *California Endangered Species Act* (Fish and Game Code, §§ 2050 to 2097) or the *Federal Endangered Species Act* (16 USC §§ 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state including protecting rare, threatened, or endangered species. The Discharger is responsible for meeting all requirements of the applicable *Endangered Species Acts*.
11. **Trash Amendments.** The State Water Board adopted the “*Amendment to the Ocean Plan and Part I Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California*” (Trash Amendments) through Resolution No. 2015-0019, which was approved by OAL on December 2, 2015 and became effective upon U.S. EPA approval on January 12, 2016. The Trash Amendments established a narrative water quality objective and a prohibition on the discharge of trash, to be implemented through permits issued pursuant to CWA section 402(p), waste discharge requirements, or waivers of waste discharge requirements.

The Trash Amendments are applicable to the Los Angeles Inner Harbor. As such, this Order implements the requirements of the Trash Amendments through the prohibition of discharge of trash to Los Angeles Inner Harbor, a water of the United States. The Trash Amendments did not prescribe specific monitoring and reporting requirements for individual NPDES permittees; however, due to the similarity of the Facility’s discharge with facilities enrolled under the Statewide General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ as amended (CAS000001 or Industrial General Permit), this Order includes monitoring and reporting requirements similar to those required of the Industrial General Permit Permittees. This Order requires the Discharger to develop and implement a *Storm Water Pollution Prevention Plan* (SWPPP), which shall include specific Best Management Practices (BMPs) used as storm water control measures that the Discharger will undertake to prevent the discharge of trash from the Facility to the Los Angeles Inner Harbor. The Discharger is also required to detail and submit to the Regional Water Board annually specific BMPs (storm water control measures) employed to control and prohibit the discharge of trash and other pollutants from the Facility through its NPDES discharge Point 001 to satisfy the monitoring and reporting requirement of the Trash Amendments.

12. **Mercury Provisions.** The State Water Board adopted “*Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California - Tribal and Subsistence Fishing Beneficial Uses and Mercury*”

*Provisions*” (Mercury Provisions) through Resolution 2017-0027, which was approved by OAL on June 28, 2017 and became effective upon U.S. EPA approval on July 14, 2017. The Mercury Provisions established one narrative and four numeric water quality objectives for mercury and three new beneficial use definitions, implemented through NPDES permits issued pursuant to CWA section 402, waste discharge requirements, or waivers of waste discharge requirements. The Provisions included implementation provisions for individual non-storm water NPDES permits for municipal and industrial dischargers; storm water discharges including the MS4 and the Industrial General Permit (NPDES No. CAS000001); mine site remediation; nonpoint source discharges; dredging activities; and wetland projects.

The most recent discharge which occurred on March 5, 2019 was monitored for mercury. The result for mercury was not detected. Therefore, the discharge from this facility has not demonstrated reasonable potential to cause or contribute to an exceedance of the applicable mercury criterion. As a result, effluent limitations for mercury have not been established in this Order. This Order retains the monitoring requirements for mercury established in Order No. R4-2014-0185 and stipulates that a sufficiently sensitive test method be used for the analysis.

#### **D. IMPAIRED WATER BODIES ON THE CWA SECTION 303(D) LIST**

Section 303(d) of the CWA requires states to identify specific water bodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources. For all 303(d)-listed water bodies and pollutants, the Regional Water Board plans to develop and adopt total maximum daily loads (TMDLs) that specify waste load allocations (WLAs) for point sources and load allocations (LAs) for non-point sources, as appropriate.

Certain receiving waters in the Los Angeles and Ventura County watersheds do not fully support beneficial uses and therefore have been classified as impaired on the 2014-2016 303(d) List and have been scheduled for TMDL development.

The Facility discharges into Los Angeles Inner Harbor. The 2014/2016 State Water Board’s California 303(d) List includes the classification of the Los Angeles Inner Harbor. The pollutants/stressors of concern include benthic community effects, benzo(a)pyrene, chrysene, copper, DDT (dichlorodiphenyltrichloroethane), PCBs (polychlorinated biphenyls), toxicity, and zinc. The following TMDLs have developed to address impairments in Los Angeles Harbor:

1. **Bacteria TMDL.** The Regional Water Board approved the *Los Angeles Harbor Bacteria TMDL* (Bacteria TMDL) through Resolution No. 2004-011 on July 1, 2004. The State Water Board, OAL, and U.S.EPA approved the TMDL on October 21, 2004, January 5, 2005, and March 1, 2005, respectively. The Bacteria TMDL became effective on March 10, 2005. The Los Angeles Harbor Bacteria TMDL addresses Inner Cabrillo Beach and the Main Ship Channel of the Los Angeles Harbor, but does not specifically address the location near the discharge at the Los Angeles Inner Harbor. Therefore, the Bacteria TMDL does not apply for this discharge. This Order includes receiving water bacteria limitations (see Section V.A.4 of Order) based on water quality objectives

(WQO) included in *Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California – Bacteria Provisions and a Water Quality Standards Variance Policy*.

2. **Harbor Toxics TMDL.** The Regional Water Board adopted Resolution No. R11-008 on May 5, 2011, that amended the Basin Plan to incorporate the *TMDL for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters* (Harbor Toxics TMDL). The Harbor Toxics TMDL was approved by the State Water Board on February 7, 2012, the OAL on March 21, 2012, and the U.S.EPA on March 23, 2012. The Harbor Toxics TMDL contains requirements applicable to this discharge. Therefore, the Regional Water Board has developed and included effluent limitations and monitoring requirements within this Order that are consistent with all assumptions and requirements of all WLAs included in the Harbor Toxics TMDL.

For the Los Angeles Inner Harbor, the Harbor Toxics TMDL included:

- a. Sediment interim concentration-based allocations (in mg/kg sediment) for copper, lead, zinc, DDT, PAHs, and PCBs (Basin Plan, Chapter 7, Section 7-40, p. 7-499).
- b. Water column final concentration-based WLAs ( $\mu\text{g/L}$ ) for copper, lead, zinc, 4,4'- DDT, and total PCBs (Basin Plan, Chapter 7, Section 7-40, pp. 7-501 - 7-502).
- c. Provisions for monitoring discharges and/or receiving waters during the TMDL's 20-year implementation schedule to determine attainment with wasteload and load allocations as appropriate.

#### **Implementation of the Harbor Toxics TMDL**

The provisions of this Order are consistent with the assumptions and requirements of all WLAs established in the Harbor Toxics TMDL that are applicable to the discharge from this Facility.

- a. **Water Column WLAs.** This Order requires final WQBELs that are statistically-calculated based on saltwater water column final concentration-based WLAs (in  $\mu\text{g/L}$ , total metal) for copper (3.73), lead (8.52), zinc (85.6), 4,4'-DDT (0.00059), and total PCBs (0.00017) (referred to in this Order as CTR TMDL-based WLAs), converted from saltwater CTR using CTR saltwater default translators, and relevant implementation provisions in section 1.4 of the State Implementation Policy.

The Regional Water Board has determined that the WQBELs established in this Order (i.e., copper, lead, zinc, 4,4'-DDT and total PCBs) are consistent with, and constitute equivalency with, the Harbors Toxics TMDL's water WLAs and sediment-based WLAs allocations for non-MS4 point sources, including irregular discharges. The concentration of the pollutants in the effluent provides a measure of the pollutants discharged from the Facility to the Los Angeles Inner Harbor.

- b. Interim Sediment Allocations.** The Harbors Toxics TMDL includes interim sediment load allocations that apply to the Los Angeles Inner Harbor. The discharge from the Facility consists of storm water during rain events with a small amount of fire system test water. As the discharge from the Facility consists of storm water runoff with a small amount of fire system test water, and one discharge occurred on March 5, 2019 during the term of the previous Order, the Facility is considered an “irregular discharger” as specified in the TMDL and is assigned concentration-based water column WLAs equal to the CTR saltwater targets for metals and the CTR human health targets for organic compounds. For these dischargers, the direct application of sediment allocations to the effluent is problematic because the volume of effluent necessary to collect a sufficient amount of total suspended solids (TSS) for sediment analysis is very large and would require a level of planning that would be infeasible to implement for an irregular discharge. The alternative of analyzing bed sediments in the receiving water to demonstrate compliance with the TMDL is also problematic because it is not possible to link bed sediment pollutant levels with the quality of the discharge due to the infrequent nature of the Facility’s discharge in combination with contributions of pollutants from other ongoing discharges.

The Harbors Toxics TMDL includes interim sediment allocations (in mg/kg dry sediment) for copper (154.1), lead (145.5), zinc (362), DDT (0.341), PAHs (90.3) and PCBs (2.107). The Harbors Toxics TMDL also includes water column WLAs for these parameters except for the PAHs. As previously discussed, WQBELs for copper, lead, zinc, DDT, and PCBs are established in this Order based on Harbors Toxics TMDL WLAs.

The prior Order included sediment monitoring triggers based on CTR TMDL-based effluent limitations for copper, lead, zinc, DDT and PCBs; and TMDL based performance goals for benzo(a)pyrene and chrysene. Similar dischargers in the Los Angeles Region have indicated to the Regional Water Board that collecting enough sediment sample for analysis is problematic.

For this Facility, which is an irregular discharger, using the water portion of the effluent as the measure of compliance for copper, lead, zinc, DDT, benzo(a)pyrene, chrysene, and PCBs is equally protective of receiving water quality. Therefore, the sediment monitoring triggers are not retained in this Order.

- c. Water Column, Sediment, and Fish Tissue Monitoring for Greater Los Angeles and Long Beach Harbor Waters Compliance Monitoring Program.** As defined in the amendment to the Basin Plan incorporating the *TMDL for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters* (Basin Plan, Chapter 7, Section 7-40, also known as the Harbor Toxics TMDL), the Discharger is a “responsible party” because it is an “Individual Industrial Permittee”. As such, either individually or with a collaborating group, the Discharger shall develop a monitoring and reporting plan (Monitoring Plan) and quality



assurance project plan (QAPP) for the water column, sediment, and fish tissue in the Los Angeles Inner Harbor. These plans shall follow the “TMDL Element – Monitoring Plan” provisions in the Basin Plan, Chapter 7, Section 7-40. The TMDL requires that the Monitoring Plan and QAPP shall be submitted 20 months after the effective date (March 23, 2012) of the TMDL for public review and subsequent Executive Officer approval. Since the effective date of this Order exceeds the deadline for the Monitoring Plan and QAPP, the Discharger shall join a group already formed or develop a site-specific monitoring plan. During the tenure of Order R4-2014-0185 the Discharger did not implement the receiving water monitoring and reporting requirements of the Harbor Toxics TMDL. As per the requirements included in this Order, if the Discharger decides to join a group already formed, the Discharger shall notify the Regional Water Board within 90 days of the effective date of the Order. Documentation of Discharger’s participation and responsibilities shall be provided with the notification. If the Discharger decides to develop a site-specific Monitoring Plan with a QAPP, the Discharger shall notify the Regional Water Board within 90 days of the effective date of the Order and submit the plans to the Regional Water Board at that time for public comment, and subsequently, the Regional Water Board approval. The Discharger shall implement the Monitoring Plan and QAPP after they are approved by the Executive Officer and after a discharge from the Facility occurs, unless otherwise directed by the Executive Officer. The compliance monitoring program shall include water column, sediment, and fish tissue monitoring. The Discharger shall submit the annual monitoring report to the Regional Water Board by the specified date in the proposed Monitoring Plan. The annual monitoring report shall indicate compliance and non-compliance with WLAs.

#### **E. OTHER PLANS, POLICIES AND REGULATIONS**

Climate Change Adaptation and Mitigation. On March 7, 2017, the State Water Board adopted a resolution in recognition of the challenges posed by climate change that requires a proactive approach to climate change in all State Water Board actions, including drinking water regulation, water quality protection, and financial assistance (Resolution No. 2017-0012). The resolution lays the foundation for a response to climate change that is integrated into all State Water Board actions, by giving direction to the State Water Board divisions and encouraging coordination with the Regional Water Boards. In response to the State Water Board’s Resolution (No. 2017-0012), the Los Angeles Water Board adopted “A Resolution to Prioritize Actions to Adapt to and Mitigate the Impacts of Climate Change on the Los Angeles Region’s Water Resources and Associated Beneficial Uses” (Resolution No. R18-004) on May 10, 2018. The resolution summarizes the steps taken so far to address the impacts of climate change within the Los Angeles Water Board and lists a series of steps to move forward. These include the identification of potential regulatory adaptation and mitigation measures that could be implemented on a short-term and long-term basis by each of the Los Angeles Water Board’s programs to take into account, and assist in mitigating where possible, the effects of climate change on water resources and associated beneficial uses. This Order contains provisions to

require planning and actions to address climate change impacts in accordance with both the State and Regional Water Boards' resolutions.

The Discharger shall develop a Climate Change Effects Vulnerability Assessment and Management Plan (Climate Change Plan) and submit the Climate Change Plan to the Regional Water Board for the Executive Officer's approval no later than 12 months after adoption of this Order. The Climate Change Plan shall include an assessment of short and long term vulnerabilities of the Facility and operations as well as plans to address vulnerabilities of collection systems, facilities, treatment systems, and outfalls for predicted impacts in order to ensure that Facility operations are not disrupted, compliance with permit conditions is achieved, and receiving waters are not adversely impacted by discharges. Control measures shall include, but are not limited to, emergency procedures, contingency plans, alarm/notification systems, training, backup power and equipment, and the need for planned mitigations to ameliorate climate-induced impacts including, but not limited to, changing influent and receiving water quality and conditions, as well as the impact of rising sea level (where applicable), wildfires, storm surges and back-to-back severe storms that are expected to become more frequent.

#### **IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

The CWA requires point source dischargers to control the amount of conventional, nonconventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations in the Code of Federal Regulations: section 40 CFR 122.44(a) requires that permits include applicable technology-based limitations and standards; and section 122.44(d) requires that permits include water quality-based effluent limitations and standards; and 40 CFR section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water.

Order No. R4-2014-0185 established effluent limitations for a number of pollutants believed to be present in the discharge of storm water from a bulk fuel storage facility. This Order retains effluent limitations included in Order No. R4-2014-0185 for BOD, oil and grease, pH, TSS, phenols, settleable solids, sulfides, temperature, TPH, turbidity, bacteria, and nickel. However, on March 5, 2019 the nickel concentration detected was 0.90 µg/L. The detected concentration is well below the CTR saltwater continuous criteria for saltwater of 8.2 µg/L, which is the most stringent criteria. The results based on the recent data indicated there was no reasonable potential for detected concentrations of nickel to cause or contribute to an exceedance of a water quality objective. This Order does not include effluent performance goals for benzo(a)pyrene and chrysene. In addition, this Order retains the prior Order established effluent limitations for copper, lead, zinc, 4,4'-DDT, and total PCBs because of the established WLAs for these constituents in the Harbor Toxics TMDL. This Order adds effluent limitations for arsenic, which has reasonable potential to exceed the CTR saltwater criterion.

Pursuant to 40 CFR section 122.45(e), permit limitations for non-continuous discharges may be expressed by a prohibition or limitation by mass, concentration, or other appropriate measure. Discharges through Discharge Point 001 consist of storm water and

fire protection system test water runoff. Therefore, average monthly effluent limitations (AMELs) and maximum daily effluent limitations (MDELs) are included to ensure protection of the beneficial uses associated with the receiving water.

Generally, mass-based effluent limitations ensure that proper treatment, and not dilution, is employed to comply with the final effluent concentration limitations. Section 122.45(f)(1) requires that all permit limitations, standards, or prohibitions be expressed in terms of mass units except under the following conditions: (1) for pH, temperature, radiation or other pollutants that cannot appropriately be expressed by mass limitations; (2) when applicable standards or limitations are expressed in terms of other units of measure; or (3) if in establishing technology-based permit limitation on a case-by-case basis limitation based on mass are infeasible because the mass or pollutant cannot be related to a measure of production. The effluent limitations, however, must ensure that dilution will not be used as a substitute for treatment. This Order includes mass-based effluent limitations, where appropriate, to comply with Section 122.45(f)(1).

## **A. DISCHARGE PROHIBITIONS**

Discharge prohibitions in this Order are based on the federal CWA, the CFR, the Basin Plan, the Water Code, State Water Board's plans and policies, U.S. EPA guidance and regulations, and permit provisions. This Order includes a new prohibition for trash in order to implement the statewide Trash Provisions. The discharge prohibitions included in this Order are consistent with the requirements set for other discharges to the Los Angeles Region that are regulated by NPDES permits.

## **B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS (TBELS)**

### **1. Scope and Authority**

Section 301(b) of the CWA and implementing U.S. EPA permit regulations at 40 CFR section 122.44 require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards in the receiving water. The discharge authorized by this Order must meet federal technology-based requirements based on Best Professional Judgment (BPJ) in accordance with 40 CFR section 125.3.

The CWA requires that technology-based effluent limitations be established based on several levels of controls:

- a. Best practicable treatment control technology (BPT) represents the average of the best existing performance by well-operated facilities within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.
- b. Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.
- c. Best conventional pollutant control technology (BCT) represents the control from existing industrial point sources of conventional pollutants

including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering a two-part reasonableness test. The first test compares the relationship between the costs of attaining a reduction in effluent discharge and the resulting benefits. The second test examines the cost and level of reduction of pollutants from the discharge from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources. Effluent limitations must be reasonable under both tests.

- d. New source performance standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires U.S. EPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BAT, BCT, and NSPS. Section 402(a)(1) of the CWA and 40 CFR section 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the Regional Water Board must consider specific factors outlined in 40 CFR section 125.3.

## **2. Applicable Technology-Based Effluent Limitations**

Currently, no numerical technology-based ELGs exist for the tank farm facilities or fire protection systems. Thus, no effluent limitations based on ELGs are prescribed in this permit.

The technology-based requirements in this Order are based on case-by-case numeric limitations developed using BPJ in accordance with 40 CFR section 125.3. Technology-based effluent limitations (TBEL) were established in the previous permit (Order No. R4-2014-0185). Effluent limitations for BOD, oil and grease, pH, TSS, phenols, settleable solids, sulfides, temperature, TPH, and turbidity were included for discharges at Discharge Point No. 001 in the previous Orders. The limitations for these pollutants are consistent with technology-based limitations included in other Orders within the State for similar types of discharges. The Regional Water Board considered other relevant factors pursuant to 40 CFR section 125.3 and concluded that the limitations are appropriate.

Pursuant to CWA section 402(p) and 40 C.F.R section 122.44(k), this Order also requires the Discharger to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). This Order requires the Discharger to update and continue to implement a SWPPP to outline site-specific management processes for minimizing storm water runoff contamination and for preventing contaminated storm water runoff from being discharged directly into the storm drain. At a minimum, the management practices should ensure that raw materials and chemicals do not come into contact with storm water and/or fire protection system test water which is discharged from the site.

Due to the lack of national ELGs for storm water runoff and fire protection system test water from tank farm facilities, and pursuant to section 122.44(k), Order No. R4-2014-0185 required the Discharger to develop and implement a Best Management Practices Plan (BMPP). This Order will require the Discharger to update and continue to implement, a BMPP that will ensure proper operation and maintenance of equipment and storage areas, to ensure that unauthorized non-storm water discharges do not occur at the Facility.

Order No. R4-2014-0185 required the Discharger to update their Spill Contingency Plan (SCP). This Order will also require the Discharger to update and continue to implement their SCP. A Spill Prevention Control and Countermeasure Plan (SPCC), developed in accordance with 40 CFR Part 112, may be substituted for the SCP.

The combination of the SWPPP, BMPP, SCP, and permit limitations based on past performance and reflecting BPJ will serve as the equivalent of technology based effluent limitations, in the absence of prescribed numeric effluent limitations in this Order, in order to carry out the purposes and intent of the CWA.

Table F-4 summarizes the numeric technology-based effluent limitations in this Order.

**Table F-4. Summary of Technology-Based Effluent Limitations at Outfalls 001**

<b>Parameter</b>	<b>Units</b>	<b>Average Monthly Effluent Limitations (see note a)</b>	<b>Maximum Daily Effluent Limitations (see note a)</b>
BOD <sub>5</sub> @ 20°C)	mg/L	20	30
BOD <sub>5</sub> @ 20°C)	lbs/day (See note b)	100	150
Oil and Grease	mg/L	10	15
Oil and Grease	lbs/day	51	76
(TSS)	mg/L	50	75
(TSS)	lbs/day	250	380
Settleable Solids	mL/L	0.1	0.3
Turbidity	NTU	50	75
Phenols	mg/L	---	1.0
Phenols	lbs/day	---	5.1
Sulfides	mg/L	---	1.0
Sulfides	lbs/day	---	5.1

Parameter	Units	Average Monthly Effluent Limitations (see note a)	Maximum Daily Effluent Limitations (see note a)
Total Petroleum Hydrocarbons (TPH) (see note c)	µg/L	---	100
TPH	lbs/day	---	0.50

**Notes Table F-4**

- a. Because the storm water and fire protection system test water runoff will be discharged, average monthly effluent limitations and maximum daily effluent limitations are established in the Order.
- b. The mass limitations are based on a maximum flow of 0.604 MGD and are calculated as follows:

$$\text{mass} \left( \frac{\text{lbs}}{\text{day}} \right) = \text{Flow (MGD)} \times \text{Concentration} \left( \frac{\text{mg}}{\text{L}} \right) \times 8.34 \text{ (conversion factor)}$$

- c. TPH equals the sum of TPH gasoline (C<sub>4</sub>-C<sub>12</sub>), TPH diesel (C<sub>13</sub>-C<sub>22</sub>), and TPH waste oil (C<sub>23+</sub>).

**End of Notes for Table F-4**

**C. WATER QUALITY-BASED EFFLUENT LIMITATIONS (WQBELS)**

**1. Scope and Authority**

CWA Section 301(b) and 40 CFR section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards in the receiving water.

40 CFR section 122.44(d)(1)(i) of 40 CFR requires that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard in the receiving water, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) U.S. EPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state’s narrative criterion, supplemented with other relevant information, as provided in section 122.44(d)(1)(vi). Permit WQBELs must also be consistent with the assumption and requirements of TMDL WLAs approved by U.S. EPA.

The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving

water as specified in the Basin Plan and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria contained in the CTR and NTR.

The specific procedures for determining reasonable potential for discharges from the Facility, and if necessary for calculating WQBELs, are contained in the *U.S. EPA Technical Support Document for Water Quality-Based Toxics Control* (TSD) for storm water discharges and in the SIP for non-storm water discharges. The TSD in section 3.3.8 in the first paragraph on page 64 states: “*The statistical approach shown in Box 3-2 or an analogous approach developed by a regulatory authority can be used to determine the reasonable potential.*” The Regional Water Board has determined the procedures for determining reasonable potential and calculating WQBELs contained in the SIP for non-storm water discharges may be used to evaluate reasonable potential and calculate WQBELs for storm water discharges as well. Hence, for this Order, the Regional Water Board has used the SIP methodology to evaluate reasonable potential for discharges through Discharge Point No. 001.

## **2. Applicable Beneficial Uses and Water Quality Criteria and Objectives**

As noted in section III of the Fact Sheet, the Regional Water Board adopted a Basin Plan that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan. The beneficial uses applicable to the Los Angeles Inner Harbor are summarized in section III.C.1 of this Fact Sheet. The Basin Plan includes both narrative and numeric water quality objectives applicable to the receiving water.

Priority pollutant water quality criteria in the CTR are applicable to the Los Angeles Inner Harbor. The CTR contains both saltwater and freshwater criteria. Because a distinct separation generally does not exist between freshwater and saltwater aquatic communities, the following apply, in accordance with 40 CFR section 131.38(c)(3); freshwater criteria apply at salinities of 1 part per thousand (ppt) and below at locations where this occurs 95 percent or more of the time. The Regional Water Board determined that because the discharge is within the Los Angeles Inner Harbor, saltwater and human health consumption of organism CTR criteria are applicable. In this Order the CTR criteria for saltwater, or human health for consumption of organisms, whichever is more stringent, are used to prescribe the effluent limitations to protect the beneficial uses of the Los Angeles Inner Harbor, a water of the United States.

On May 5, 2011, the Regional Water Board adopted Resolution No. R11-008 that amended Chapter 7 of the Basin Plan to incorporate the *TMDL for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters* (Harbor Toxics TMDL). The Harbor Toxics TMDL was approved by the State Water Board on February 7, 2012, the OAL on March 21, 2012, and the U.S. EPA on March 23, 2012. The Harbor Toxics TMDL assigned concentration-based WLAs to any future minor NPDES permits or enrollees under a general NPDES permits. The TMDL states, “*The allocations are set equal to the saltwater targets for metals and equal to the human health*

*targets for the organic compounds in CTR. The averaging period for the concentration-based WLAs shall be consistent with that specified in the regulation establishing the criterion or objective or relevant implementation guidance published by the establishing agency.”*

Table F-5 summarizes the applicable receiving water column concentration-based WLAs for copper, lead, zinc, 4,4'-DDT, and total PCBs contained in the Harbor Toxics TMDL. These WLAs are applicable to Discharge Point No. 001 discharging to the Los Angeles Inner Harbor.

**Table F-5. Harbor Toxics TMDL Receiving Water Column Concentration-based WLAs Applicable to Discharge Point No. 001**

Constituent	Units	WLA
Copper, Total Recoverable	µg/L	3.73
Lead, Total Recoverable	µg/L	8.52
Zinc, Total Recoverable	µg/L	85.6
4,4'-DDT	µg/L	0.00059
Total PCBs	µg/L	0.00017

- a. WLAs for metals are converted from saltwater dissolved CTR criteria using CTR saltwater default translators.
- b. This permit implements the applicable WLAs as required in the TMDL. The WLAs are converted into effluent limitations by applying the CTR-SIP procedures.
- c. Total PCBs (polychlorinated biphenyls) means the sum of chlorinated biphenyls whose analytical characteristics resembles those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260.

The following table sets forth the applicable salt water quality criteria/objective for priority pollutants reported in detectable concentrations in the effluent or receiving water:

**Table F-6. Applicable Water Quality Criteria**

CTR No.	Constituent	Selected Criteria (µg/L)	CTR Acute Criteria (µg/L)	CTR Chronic Criteria (µg/L)	CTR Human Health Criteria (µg/L)	Harbor Toxics TMDL Waste Load Allocation (µg/L)
1	Antimony	4,300	NA	NA	4,300	NA
2	Arsenic	36	69	36	NA	NA
4	Cadmium	9.36	42.25	9.36	Narrative	NA
5b	Chromium VI	50	1,108	50.35	Narrative	NA
6	Copper	3.73	5.78	3.73	NA	3.73
7	Lead	8.52	221	8.52	Narrative	8.52
9	Nickel, Total Recoverable	8.28	74.75	8.28	4,600	NA



CTR No.	Constituent	Selected Criteria (µg/L)	CTR Acute Criteria (µg/L)	CTR Chronic Criteria (µg/L)	CTR Human Health Criteria (µg/L)	Harbor Toxics TMDL Waste Load Allocation (µg/L)
10	Selenium, Total Recoverable	71.14	291	71.14	Narrative	NA
13	Zinc	85.62	95.14	85.62	NA	86.62

### 3. Determining the Need for WQBELs

Consistent with Section 1.3 of the SIP, the Regional Water Board conducts a reasonable potential analysis (RPA) for each priority pollutant with an applicable criterion or objective to determine if a WQBEL is required in the permit. The Regional Water Board analyzes effluent and receiving water data and identifies the maximum observed effluent concentration (MEC) and maximum background concentration (B) in the receiving water for each constituent. To determine reasonable potential, the MEC and the B are then compared with the applicable water quality objectives (C) outlined in the CTR, NTR, as well as the Basin Plan. For all pollutants that have a reasonable potential to cause or contribute to an excursion above a state water quality standard, numeric WQBELs are required.

Section 1.3 of the SIP provides the procedures for determining reasonable potential to exceed applicable water quality criteria and objectives. The SIP specifies three triggers to complete a RPA:

- i. Trigger 1 – If  $MEC \geq C$ , a limit is needed.
- ii. Trigger 2 – If the background concentration  $B > C$  and the pollutant is detected in the effluent a limit is needed.
- iii. Trigger 3 – If other related information such as CWA 303(d) listing for a pollutant, discharge type, compliance history, or other applicable factors indicate that a WQBEL is required.

Sufficient effluent and receiving water data are needed to conduct a complete RPA. If data are not sufficient, the Discharger may be required to gather the appropriate data for the Regional Water Board to conduct the RPA. Upon review of the data, and if the Regional Water Board determines that WQBELs are needed to protect the beneficial uses, the permit will be reopened for appropriate modification.

The Facility discharged once during the effective term of Order No. R4-2014-0185 on March 5, 2019. Data available for the Facility from NPDES permit sampling conducted March 5, 2019 (reported in the ROWD and permit renewal application) was used to conduct the RPA analysis. The statistical RPA was completed for all priority pollutants detected on March 5, 2019. Table F-7 summarizes and lists the results of the RPA, based on pollutants with detected data and TMDL.

The Regional Water Board developed WQBELs for copper, lead, zinc, 4,4'-DDT and total PCBs based on the wasteload allocations included in the Harbor Toxics TMDL. The Regional Water Board developed WQBELs for these pollutants pursuant to 40 CFR section 122.44(d)(1)(vii), which does not require or contemplate a separate reasonable potential analysis at the permit development stage. Similarly, the SIP at Section 1.3 recognizes that reasonable potential analysis at the permit development stage is not conducted if a TMDL has been developed.

**Table F-7. Summary of Reasonable Potential Analysis for Outfalls EFF-001**

CTR No.	Constituent	Applicable Water Quality Criteria (C) (µg/L)	Max Effluent Conc. (MEC) (µg/L)	Maximum Detected Receiving Water Conc. (B) (µg/L)	Harbor Toxics TMDL WLAs	RPA Result Need Limit?	Reason
1	Antimony	4,300	6.7	---	No	No	MEC<C & No B
2	Arsenic	36	60	---	No	Yes	MEC>C
4	Cadmium	9.36	0.093	---	No	No	MEC<C & No B
5b	Chromium (VI)	50	3.06	---	No	No	MEC<C & No B
6	Copper	3.73	0.86	---	Yes	Yes	TMDL
7	Lead	8.52	0.32	---	Yes	Yes	TMDL
9	Nickel	8.28	0.9	---	No	No	MEC<C & No B
10	Selenium	71	0.66	---	No	No	MEC<C & No B
13	Zinc	85.62	12	---	Yes	Yes	TMDL
108	4,4'-DDT	0.00059	<0.0052	---	Yes	Yes	TMDL
119-125	Polychlorinated biphenyls (PCBs)	0.00017	<0.756	---	Yes	Yes	TMDL

**4. WQBEL Calculations**

- a. If reasonable potential exists to exceed applicable water quality criteria or objectives, then a WQBEL must be established in accordance with one or more of the three procedures contained in section 1.4 of the SIP. These procedures include:
  - i. If applicable and available, use the WLA established as part of a TMDL.
  - ii. Use of a steady-state model to derive maximum daily effluent limitations (MDELs) and average monthly effluent limitations (AMELs).
  - iii. Where sufficient effluent and receiving water data exist, use of a dynamic model, which has been approved by the Regional Water Board.
- b. WQBELs for arsenic have been developed for discharges through Discharge Point No. 001. These WQBELs are based on monitoring results and following the procedure based on the steady-state model, available in section 1.4 of the SIP.

- c. The WQBELs for copper, lead, zinc, 4,4'-DDT and total PCBs have been developed for discharges through Discharge Point No. 001. These WQBELs are based on the Harbor Toxics TMDL established WLAs for these constituents and following the procedure in section 1.4 of the SIP.
- d. Since many of the streams in the Region have minimal upstream flows, mixing zones and dilution credits are usually not appropriate. Therefore, in this Order, no dilution credit is being allowed.

## 5. WQBELs Calculation Example

Using arsenic as an example, the following demonstrates how WQBELs were established for this Order. The calculation for arsenic represents a WQBEL established based on aquatic life criteria from the CTR. The process for developing these limits is in accordance with section 1.4 of the SIP.

### Concentration-Based Effluent Limitations

Two sets of AMEL and MDEL values are calculated separately, one set for the protection of aquatic life and the other for the protection of human health. The AMEL and MDEL limitations for aquatic life and human health are compared, and the most restrictive AMEL and the most restrictive MDEL are selected as the WQBEL.

### Calculation of AMEL and MDEL for Arsenic

**Step 1:** For each constituent requiring an effluent limit, identify the applicable water quality criteria or objective. For each criterion, determine the effluent concentration allowance (ECA) using the following steady state equation:

$$\begin{aligned} ECA &= C + D(C-B) && \text{when } C > B, \text{ and} \\ ECA &= C && \text{when } C \leq B \end{aligned}$$

Where: C = The priority pollutant criterion/objective, adjusted if necessary for hardness, pH and translators.

D = The dilution credit

B = The ambient background concentration

As discussed above, this Order does not allow dilution; therefore:

$$ECA = C$$

For arsenic, the applicable water quality criteria are:

$$ECA_{\text{acute}} = 69 \mu\text{g/L}$$

$$ECA_{\text{chronic}} = 36 \mu\text{g/L}$$

**Step 2:** For each ECA based on aquatic life criterion/objective, determine the long-term average discharge condition (LTA) by multiplying the ECA by a factor (multiplier). The multiplier is a statistically based factor that adjusts the ECA to account for effluent variability. The value of the multiplier varies depending on the coefficient of variation (CV) of the data set and whether it is an acute or chronic criterion/objective. Table 1 of the SIP provides pre-calculated values for

the multipliers based on the value of the CV. Equations to develop the multipliers in place of using values in the tables are provided in section 1.4, Step 3 of the SIP and will not be repeated here.

$$LTA_{acute} = ECA_{acute} \times Multiplier_{acute99}$$

$$LTA_{chronic} = ECA_{chronic} \times Multiplier_{chronic99}$$

The CV for the data set must be determined before the multipliers can be selected and will vary depending on the number of samples and the standard deviation of a data set. If the data set is less than 10 samples, or at least 80% of the samples in the data set are reported as non-detect, the CV shall be set equal to 0.6. If the data set is greater than 10 samples, and at least 20% of the samples in the data set are reported as detected, the CV shall be equal to the standard deviation of the data set divided by the average of the data set.

For arsenic, the following data were used to develop the acute and chronic LTAs using equations provided in Section 1.4, Step 3 of the SIP (Table 1 of the SIP also provides this data up to three decimals):

No. of Samples	No. of Non-Detects (Percent of Total)	CV	ECA Multiplier <sub>acute</sub>	ECA Multiplier <sub>chronic</sub>
4	>80%	0.6	0.32	0.53

$$LTA_{acute} = 69 \mu\text{g/L} \times 0.32 = 22.15 \mu\text{g/L}$$

$$LTA_{chronic} = 36 \mu\text{g/L} \times 0.53 = 18.99 \mu\text{g/L}$$

**Step 3:** Select the most limiting (lowest) of the LTA.

LTA = most limiting of LTA<sub>acute</sub> or LTA<sub>chronic</sub>

For arsenic, the most limiting LTA was the LTA<sub>chronic</sub>

LTA = 18.99 μg/L

**Step 4:** Calculate the WQBELs by multiplying the LTA by a factor (multiplier). WQBELs are expressed as AMEL and MDEL. The multiplier is a statistically based factor that adjusts the LTA for the averaging periods and exceedance frequencies of the criteria/objectives and the effluent limitations. The value of the multiplier varies depending on the probability basis, the CV of the data set, the number of samples (for AMEL) and whether it is a monthly or daily limit. Table 2 of the SIP provides pre-calculated values for the multipliers based on the value of the CV and the number of samples. Equations to develop the multipliers in place of using values in the tables are provided in section 1.4, Step 5 of the SIP and will not be repeated here.

$$AMEL_{aquatic\ life} = LTA \times AMEL_{multiplier95}$$

$$MDEL_{aquatic\ life} = LTA \times MDEL_{multiplier99}$$

AMEL multipliers are based on a 95th percentile occurrence probability, and the MDEL multipliers are based on the 99th percentile occurrence probability. If the

number of samples is less than four (4), the default number of samples to be used is four (4).

For arsenic, the following data were used to develop the AMEL and MDEL for effluent limitations using equations provided in section 1.4, Step 5 of the SIP (Table 2 of the SIP also provides this data up to two decimals):

No. of Samples Per Month	CV	Multiplier <sub>MDEL99</sub>	Multiplier <sub>AMEL95</sub>
4	0.6	3.11	1.55

$$AMEL_{\text{aquatic life}} = 18.99 \times 1.55 = 29.48 \mu\text{g/L}$$

$$MDEL_{\text{aquatic life}} = 18.99 \times 3.11 = 59.14 \mu\text{g/L}$$

**Step 5:** For the ECA based on human health, set the AMEL equal to the ECA<sub>human health</sub>

$$AMEL_{\text{human health}} = ECA_{\text{human health}}$$

For arsenic:

*There would be no calculation of human health AMEL and MDEL, as there are no applicable human health criteria for arsenic.*

**Step 7:** Select the lower set of the AMEL and MDEL based on aquatic life as the WQBEL for the Order.

AMEL <sub>aquatic life</sub>	MDEL <sub>aquatic life</sub>	AMEL <sub>human health</sub>	MDEL <sub>human health</sub>
29.48 μg/L	59.14 μg/L	NA	NA

The lowest (most restrictive) effluent limits for arsenic are based on aquatic toxicity and were incorporated into this Order.

## 6. WQBELs Based on Water Quality Objectives in the Basin Plan and Statewide Water Quality Control Plans

The Water Quality Objectives applicable to the Discharger are identified in Table F-6. These objectives were evaluated with respect to effluent monitoring data and Facility operations.

- a. **pH.** This Order includes effluent and receiving water limitations for pH at all discharge points, and receiving water limitations for pH, to ensure compliance with Basin Plan Objectives for pH.
- b. **Turbidity.** Where natural turbidity is between 0 to 50 NTU, increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. This Order applies the water quality objective for turbidity as a receiving water limitation in addition to the TBEL.
- c. **Temperature.** The Basin Plan states that temperature objectives for enclosed bays and estuaries are specified in the Thermal Plan. The Thermal Plan contains temperature objectives to assure protection of beneficial uses that apply to the discharge from this facility to Los Angeles

Inner Harbor, an enclosed bay. This Order includes an instantaneous maximum effluent temperature limitation of 86°F based on the narrative objective in the Thermal Plan and consistent with a white paper entitled *Temperature and Dissolved Oxygen Impacts on Biota in Tidal Estuaries and Enclosed Bays in the Los Angeles Region*. Additionally, this Order includes the following effluent limitation consistent with the Thermal Plan: the maximum temperature of the effluent shall not exceed the natural receiving water temperature by more than 20°F.

- d. **Total Suspended Solids.** The Basin Plan requires that, “Waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses.” This narrative objective has been translated into a numeric effluent limit, based on U.S. EPA’s Quality Criteria for Water (commonly known as the “Gold Book”). In the Gold Book, U.S. EPA notes that “In a study downstream from a discharge where inert suspended solids were increased to 80 mg/L, the density of macroinvertebrates decreased by 60 percent...”. This indicates that suspended solids concentrations of 80 mg/L in the receiving water resulted in adverse effects to aquatic life. As such, the Regional Water Board implemented an MDEL of 75 mg/L for TSS as a TBEL.
- e. **Dissolved Oxygen.** This Order applies the water quality objective for dissolved oxygen as a receiving water limit.
- f. **Bacteria.** Order Number R4-2014-0185 implemented water quality objectives included in the Basin Plan for bacteria as receiving water limitations. To address indicator bacteria as a pollutant of concern, this Order includes receiving water limitations for *Enterococci* equal to the Water Quality Objectives established in “*Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays and Estuaries in California*” (Bacteria Provisions). Effluent and receiving water monitoring for enterococci are established consistent with the requirements included in the Bacteria Provisions.

## 7. Whole Effluent Toxicity (WET)

Whole effluent toxicity (WET) protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. WET tests measure the degree of response of exposed aquatic test organisms to an effluent. The WET approach allows for protection of the narrative “no toxics in toxic amounts” criterion while implementing numeric criteria for toxicity. There are two types of WET tests: acute and chronic. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a longer period of time and may measure mortality, reproduction, and growth.

The Basin Plan specifies a narrative objective for toxicity, requiring that all waters be maintained free of toxic substances in concentrations that are lethal to or produce other detrimental responses by aquatic organisms. Detrimental responses include, but are not limited to, decreased growth rate, decreased reproductive success of resident or indicator species, and/or significant

alterations in population, community ecology, or receiving water biota. In accordance with the Basin Plan, the acute toxicity objective for discharges dictates that the average survival in undiluted effluent for any three consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test having less than 70% survival.

Order No. R4-2014-0185 replaced acute toxicity testing with chronic toxicity because the fuels historically stored at the Facility include a multitude of chemicals, which individually may not be present in toxic concentrations, but could exhibit aggregate toxic effects as a whole. This Order retains chronic toxicity monitoring. The whole effluent toxicity test results will be analyzed using U.S. EPA's 2010 Test of Significant Toxicity (TST) statistical approach. Chronic toxicity results are expressed as "Pass" or "Fail" and "% Effect".

## **D. FINAL EFFLUENT LIMITATION CONSIDERATIONS**

### **1. Anti-Backsliding Requirements**

Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 CFR section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. The effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order, except for nickel, total coliform, fecal coliform, and enterococcus as discussed below.

An effluent limitation for nickel was included in Order R4-2014-0185. However, on March 5, 2019 the nickel concentration detected was 0.90 µg/L. The detected concentration is well below the CTR saltwater continuous criteria for saltwater of 8.2 µg/L, which is the most stringent criteria. The results based on the recent data indicated there was no reasonable potential for detected concentrations of nickel to cause or contribute to an exceedance of a water quality objective.

Removal of the effluent limitations for nickel, total coliform, fecal coliform, and enterococcus is allowed pursuant to CWA Section 303(d)(4)(B). The inner harbor is an attainment water for nickel and indicator bacteria. This means that the quality of the water equals or exceeds levels necessary to protect the designated uses, and it meets water quality standards for nickel. Removal of these effluent limitation will not result in a violation of any applicable criteria or water quality objective because the most recent monitoring data indicates that there is no reasonable potential for a discharge of nickel or indicator bacteria<sup>2</sup> from the Facility. The revision of this Order to remove the nickel and indicator bacteria effluent limitations is consistent with antidegradation policies, as set forth below. Thus, the revision is justified under section 303(d)(4)(B). Nonetheless, this Order retains effluent monitoring for these pollutants.

---

<sup>2</sup> The RPA only analyzed enterococcus consistent with the new bacteria objectives for enclosed bays in the ISWEBE Plan, which are discussed in section III.C.5 of this Fact Sheet.

## 2. Antidegradation Policies

40 CFR section 131.12 requires that the state water quality standards include an anti-degradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge.

The cumulative effect of all effluent limitations and other requirements included in this Order is to ensure that applicable water quality objectives of the receiving water will be attained, thereby protecting the beneficial uses of the receiving water. The removal of the effluent limitation for nickel and indicator bacteria will not allow degradation of the receiving water because these pollutants did not show reasonable potential to cause or contribute to an excursion above water quality objectives. This Order does not provide for an increase in the permitted design flow or allow for a reduction in the level of treatment. As such, no changes to the character of the effluent with respect nickel and indicator bacteria is expected. Additionally, the final effluent limitations in this Order, which include concentration based and mass-based limitations, hold the Discharger to performance levels that will not cause or contribute to water quality impairments or water quality degradation. Therefore, the permitted discharge is consistent with the antidegradation provision of 40 CFR section 131.12 and State Water Board Resolution 68-16.

## 3. Mass-based Effluent Limitations

Generally, mass-based effluent limitations ensure that proper treatment, and not dilution, is employed to comply with the final effluent concentration limitations. 40 CFR 122.45(f)(1) requires that all permit limitations, standards or prohibitions be expressed in terms of mass units except under the following conditions: (1) for pH, temperature, radiation or other pollutants that cannot appropriately be expressed by mass limitations; (2) when applicable standards or limitations are expressed in terms of other units of measure; or (3) if in establishing technology-based permit limitation on a case-by-case basis, limitation based on mass are infeasible because the mass or pollutant cannot be related to a measure of production.

Mass-based effluent limitations are established using the following formula:

$$\text{mass} \left( \frac{\text{lbs}}{\text{day}} \right) = \text{Flow (MGD)} \times \text{Concentration} \left( \frac{\text{mg}}{\text{L}} \right) \times 8.34 \text{ (conversion factor)}$$

where: Mass = mass limitation for a pollutant (lbs/day)

Effluent limitation = concentration limit for a pollutant (mg/L)

Flow rate = discharge flow rate (MGD)



Mass-based effluent limitations applicable to Discharge Points 001 are based on a maximum flow of 0.604 MGD.

**4. Stringency of Requirements for Individual Pollutants**

This Order contains both technology-based and water quality-based effluent limitations for individual pollutants. The technology-based effluent limitations consist of restrictions on TSS, BOD, turbidity, oil and grease, phenols, TPH, sulfide and settleable solids. Restrictions on these pollutants are discussed in section IV.B of this Fact Sheet. This Order’s technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements.

WQBELs have been derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant water quality-based effluent limitations were derived from the CTR, the CTR is the applicable standard pursuant to 40 CFR section 131.38. The procedures for calculating the individual water quality-based effluent limitations for priority pollutants are based on the CTR implemented by the SIP, which was approved by U.S. EPA on May 18, 2000. Most beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by U.S. EPA prior to May 30, 2000. Collectively, this Order’s restrictions on individual pollutants are no more stringent than required to implement the requirements of the CWA.

**5. Summary of Final Effluent Limitations**

**Table F-8. Summary of Final Effluent Limitations at Discharge Point 001**

Parameter	Units	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations	Basis
BOD	milligram per liter (mg/L)	20	30	Best Professional Judgment (BPJ), Existing Permit (E)
BOD	pounds per day (lbs/day)	100	150	BPJ, E
Oil and Grease	mg/L	10	15	BPJ, E
Oil and Grease	lbs/day	51	76	BPJ, E
pH	standard unit	---	---	E, Basin Plan (BP)
Total Suspended Solids (TSS)	mg/L	50	75	BPJ, E
TSS	lbs/day	250	380	BPJ, E
Phenols	mg/L	---	1.0	BPJ, E
Phenols	lbs/day	---	5.1	BPJ, E
Settleable Solids	milliliter/liter (ml/L)	0.1	0.3	BPJ, E

Parameter	Units	Average Monthly Effluent Limitations	Maximum Daily Effluent Limitations	Basis
Sulfides	mg/L	---	1.0	BPJ, E
Sulfides	lbs/day	---	5.1	BPJ, E
Temperature	°F	---	Refer to b below	E, Thermal Plan, White Paper
Total Petroleum Hydrocarbons	µg/L	---	100	E, BPJ
Total Petroleum Hydrocarbons	lbs/day	---	0.51	E, BPJ
Turbidity	NTU	50	75	BPJ, E
Chronic Toxicity	Pass or Fail, % Effect	---	Pass or % Effect < 50	BP, BPJ, TST
Arsenic, Total Recoverable (TR)	µg/L	29	59	California Toxic Rules (CTR), State Implementation Policy (SIP)
Arsenic, TR	lbs/day	0.15	0.30	CTR, SIP
Copper, TR	µg/L	3.1	6.1	E, CTR, TMDL
Copper, TR	lbs/day	0.016	0.031	E, CTR, TMDL
Lead, TR	µg/L	7.0	14	E, CTR, TMDL
Lead, TR	lbs/day	0.035	0.071	E, CTR, TMDL
Zinc, TR	µg/L	70	140	E, CTR, TMDL
Zinc, TR	lbs/day	0.35	0.72	E, CTR, TMDL
4,4'-DDT	µg/L	0.00059	0.0012	E, CTR, TMDL
4,4'-DDT	lbs/day	2.9 x 10 <sup>-6</sup>	6.1 x 10 <sup>-6</sup>	E, CTR, TMDL
PCBs, Total	µg/L	0.00017	0.00034	E, CTR, TMDL
PCBs, Total	lbs/day	8.6 x 10 <sup>-7</sup>	1.7 x 10 <sup>-6</sup>	E, CTR, TMDL

- a. The mass limitations are based on a maximum flow of 0.604 MGD and is calculated as follows:

$$\text{mass} \left( \frac{\text{lbs}}{\text{day}} \right) = \text{Flow (MGD)} \times \text{Concentration} \left( \frac{\text{mg}}{\text{L}} \right) \times 8.34 \text{ (conversion factor)}$$

- b. The Thermal Plan includes provisions 4B(1) and (2) for new discharges to enclosed bays. The water quality objectives for this type of discharge are (1) Elevated temperature waste discharges shall comply with limitations necessary to assure protection of beneficial uses. The maximum temperature of waste discharges shall not exceed the natural temperature of the receiving waters by more than 20°F. (A white paper entitled Temperature and Dissolved Oxygen Impacts on Biota in Tidal Estuaries and Enclosed Bays in the Los Angeles Region evaluated the optimum temperatures for steelhead, topsmelt, ghost shrimp, brown rock crab, jackknife clam and blue mussel, aquatic life present in these locations.) The effluent limitation for temperature is 86°F implemented as an

Instantaneous Maximum is reflective of the information included in the white paper.

- c. Total PCBs (polychlorinated biphenyls) means the sum of chlorinated biphenyls whose analytical characteristics resembles those of Aroclor-1016, Aroclor-1221, Aroclor-1232, Aroclor-1242, Aroclor-1248, Aroclor-1254, and Aroclor-1260.
- d. Effluent limitations for pH are 6.5 as an Instantaneous Minimum and 8.5 as Instantaneous Maximum.

**E. INTERIM EFFLUENT LIMITATIONS – NOT APPLICABLE**

**F. LAND DISCHARGE SPECIFICATIONS- NOT APPLICABLE**

**G. RECYCLING SPECIFICATIONS – NOT APPLICABLE**

**V. RATIONALE FOR RECEIVING WATER LIMITATIONS**

**A. SURFACE WATER**

The Basin Plan and statewide water quality control plans, including the Thermal Plan and Inland Surface Waters and Enclosed Bays and Estuaries Plan, contain numeric and narrative water quality objectives applicable to all surface waters within the Los Angeles Region. Water quality objectives include an objective to maintain the high-quality waters pursuant to federal regulations (40 CFR section 131.12) and State Water Board Resolution No. 68-16. Receiving water limitations in this Order are included to ensure protection of the beneficial uses of the receiving water and are based on the water quality objectives contained in the Basin Plan and applicable statewide plans, including the Thermal Plan and Inland Surface Waters and Enclosed Bays and Estuaries Plan including the provisions related to Bacteria, and Sediment Quality, Trash Control and Mercury. If there is reasonable potential or a U.S. EPA-approved TMDL WLA, then WQBELs are included in this Order to ensure protection of those water quality standards.

**B. GROUNDWATER – NOT APPLICABLE**

**VI. RATIONALE FOR PROVISIONS**

**A. STANDARD PROVISIONS**

Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR section 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR section 122.42, are provided in Attachment D. The Discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42.

Sections 122.41(a)(1) and (b) through (n) of 40 CFR establish conditions that apply to all state-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. Section 123.25(a)(12) of 40 CFR allows the state to omit or modify conditions to impose more stringent requirements. In accordance with 40 CFR section 123.25, this Order omits federal conditions that address enforcement authority specified in 40 CFR sections

122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

## **B. SPECIAL PROVISIONS**

### **1. Reopener Provisions**

These provisions based on 40 CFR part 123 and Order No. R4-2014-0185. The Regional Water Board may reopen the permit to modify permit conditions and requirements. Causes for modifications can include the promulgation of new federal regulations, modification in toxicity requirements, or adoption of new regulations by the State Water Board or Regional Water Board, including revisions to the Basin Plan, including the Harbor Toxics TMDL.

### **2. Special Studies and Additional Monitoring Requirements**

#### **a. Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan.**

This provision is based on section 4 of the SIP, Toxicity Control Provisions, which establishes minimum toxicity control requirements for implementing the narrative toxicity objective for aquatic life protection established in the basin plans of the State of California.

#### **b. Harbor Toxics TMDL Water Column, Sediment, and Fish Tissue Monitoring for Greater Los Angeles and Long Beach Harbor Waters.**

This provision implements the Compliance Monitoring Program as required in the Harbor Toxics TMDL. The Compliance Monitoring Program includes water column monitoring, sediment monitoring and fish tissue monitoring at monitoring stations in Table 6 (Sediment Chemistry Monitoring Requirements) of the Order. The Discharger may join a collaborating group, form a group or develop a site-specific plan to comply with this requirement. Details on these requirements are provided in Section VI.C.2.b. of this Order.

### **3. Best Management Practices and Storm Water Pollution Prevention**

**a. Storm Water Pollution Prevention Plan (SWPPP).** This provision is based on section 122.44(k) and includes the requirement to update and implement a SWPPP.

**b. Best Management Practices Plan (BMPP).** This Order requires the Discharger to update and continue to implement the BMPP. The BMPP may be included as a component of the SWPPP. The purpose of the BMPP is to establish site-specific procedures that ensure proper operation and maintenance of equipment, to ensure that unauthorized non-storm water discharges (i.e., spills) do not occur at the Facility.

The Harbor Toxics TMDL addresses BMPs as follows:

*“When permits for responsible parties are revised, the permits should provide mechanisms to make adjustments to the required BMPs as necessary to ensure their adequate performance. If proposed structural and non-structural BMPs adequately implement the WLAs then additional controls will not be necessary. Alternatively, if the*

*proposed structural and non-structural BMPs selected prove to be inadequate then additional structural and non-structural BMPs or additional controls may be required.”*

This Order requires the Discharger to update and maintain a BMPP that incorporates requirements contained in Appendix G. Appendix G requires a discussion on the effectiveness of each BMP to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Considering that discharges are infrequent, Special Provision VI.C.3.a and Appendix G requirements satisfy the TMDL component to address BMP performance for this Facility.

- c. **Spill Contingency Plan (SCP).** This Order requires the Discharger to update or develop and implement a SCP to control the discharge of pollutants. The SCP shall include a technical report on the preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events at the site. This provision is included in this Order to minimize and control the amount of pollutants discharged in case of a spill. The SCP shall be site specific and shall cover all areas of the Facility.

**4. Construction, Operation, and Maintenance Specifications. – Not Applicable**

This provision is based on the requirements of section 122.41(e) and the previous Order.

**5. Special Provisions for Publicly-Owned Treatment Works (POTWs) - Not Applicable**

**6. Other Special Provisions – Not Applicable**

**7. Compliance Schedules - Not Applicable**

**VII. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS**

CWA section 308 and 40 CFR sections 122.41(h), (j)-(l), 122.44(i), and 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 also authorize the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (MRP), Attachment E of this Order establishes monitoring and reporting requirements that implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this Facility.

**A. INFLUENT MONITORING – NOT APPLICABLE**

**B. EFFLUENT MONITORING**

Monitoring for pollutants expected to be present in the discharge will be required as established in the MRP (Attachment E). To demonstrate compliance with established effluent limitations, the Order includes monitoring requirements for parameters for which effluent limitations have been established. Chronic toxicity monitoring is required at least once year. Monitoring for additional pollutants is

required based on pollutants commonly associated with similar operations and is consistent with the monitoring requirements contained in the MRP.

The SIP states that the Regional Water Board will require periodic monitoring for pollutants for which criteria or objectives apply and for which no effluent limitations have been established. This Order requires the Discharger to conduct annual monitoring for the remaining CTR priority pollutants and TCDD Equivalents. The Regional Water Board will use the additional data to conduct an RPA and determine if additional WQBELs are required. The Regional Water Board may reopen the permit to incorporate additional effluent limitations and requirements, if necessary.

### **C. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS**

Whole effluent toxicity (WET) protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a longer period of time and may measure mortality, reproduction, and growth. A chemical at a low concentration can have chronic effects but no acute effects. For this permit, chronic toxicity monitoring in the discharge is required. The chronic toxicity testing analysis requirements are based on U.S. EPA's 2010 TST statistical approach.

### **D. RECEIVING WATER MONITORING**

#### **1. Surface Water**

Surface water monitoring requirements were established in this Order to provide data to determine compliance with the receiving water limitations. For this Order, compliance with receiving water limitations is determined at the point of discharge rather than in the receiving water, considering the infrequency of the discharge and the distance between the Facility's discharge point and the receiving water. The discharge point is approximately 1,800 feet from the receiving water and at least 18 laterals intersect the storm drain downstream of the Facility's discharge point and prior to reaching the storm drain's ultimate discharge to the receiving water at Slip No. 5. Therefore, the required receiving water sampling at station RSW-001 was moved to EFF-001.

Compliance with the receiving water limitations will be assessed utilizing the effluent data from the outfall in combination with visual observations in the vicinity of the discharge point to the receiving water (i.e., Los Angeles Inner Harbor Slip No. 5).

#### **2. Groundwater- Not Applicable**

### **E. OTHER MONITORING REQUIREMENTS**

#### **1. Rainfall Monitoring and Visual Observation**

Daily rainfall information will provide the weather condition at the Facility. Because the discharge is comprised of storm water runoff, the Discharger is required to conduct observations of storm water discharge to detect the presence of floating and suspended materials, oil and grease, discoloration, turbidity, and odor.

## 2. Regional Monitoring

Regional monitoring is required to determine compliance with the assigned wasteload and load allocations specified in the Harbors Toxics TMDL. The Discharger may develop a site-specific plan or join a group of stakeholders in the development of Regional Monitoring program(s) to address pollutants as specified in the Harbors Toxics TMDL. If the Discharger intends to address the Plan requirements in combination with another facility or by joining a group already formed, the Plan must address monitoring requirements for all water bodies to which discharges occur.

## VIII. PUBLIC PARTICIPATION

The Regional Water Board has considered the issuance of WDRs that will serve as an NPDES permit for the Marine Tank Farm. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs and has encouraged public participation in the WDR adoption process.

### A. NOTIFICATION OF INTERESTED PARTIES

The Regional Water Board notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and provided an opportunity to submit written comments and recommendations. Notification was provided to all interested parties.

The public had access to the agenda and any changes in dates and locations through the Los Angeles Regional Water Board's website at:

<http://www.waterboards.ca.gov/losangeles>

### B. WRITTEN COMMENTS

Interested persons were invited to submit written comments concerning the tentative WDRs as provided through the notification process electronically at [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov) with a copy to [Don.Tsai@waterboards.ca.gov](mailto:Don.Tsai@waterboards.ca.gov).

To be fully responded to by staff and considered by the Regional Water Board, the written comments were due at the Regional Water Board office by 5:00 p.m. on **April 23, 2020**.

### C. PUBLIC HEARING

The Regional Water Board held a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: **May 14, 2020**

Time: **9:00 AM**

Location: **Remote meeting; no physical location**

Interested persons were invited to attend. At the public hearing, the Regional Water Board heard testimony pertinent to the discharge, WDRs, and permit. For accuracy of the record, important testimony was requested in writing.

**D. RECONSIDERATION OF WASTE DISCHARGE REQUIREMENTS**

Any aggrieved person may petition the State Water Board to review the decision of the Regional Water Board Name regarding the final WDRs. The petition must be received by the State Water Board at the following address within 30 calendar days of the Regional Water Board's action:

State Water Resources Control Board  
Office of Chief Counsel  
P.O. Box 100, 1001 I Street  
Sacramento, CA 95812-0100

Or by email at [waterqualitypetitions@waterboards.ca.gov](mailto:waterqualitypetitions@waterboards.ca.gov)

For instructions on how to file a petition for review, see:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/wqpetition\\_inst\\_r.shtml](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_inst_r.shtml)

**E. INFORMATION AND COPYING**

The Report of Waste Discharge, other supporting documents, and comments received may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling Regional Water Board at (213) 576 – 6600.

The tentative WDRs, comments received and response to comments are also available on the Regional Water Board's website at:

[http://www.waterboards.ca.gov/losangeles/board\\_decisions/tentative\\_orders/index.shtml](http://www.waterboards.ca.gov/losangeles/board_decisions/tentative_orders/index.shtml)

**F. REGISTER OF INTERESTED PERSONS**

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference this Facility, and provide a name, address, and phone number.

**G. ADDITIONAL INFORMATION**

Requests for additional information or questions regarding this order should be directed to Don Tsai at (213) 576-6681.



## **ATTACHMENT G – STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS**

### **I. IMPLEMENTATION SCHEDULE**

A storm water pollution prevention plan (SWPPP) shall be developed and submitted to the Regional Water Board within 90 days following the adoption of this Order. The SWPPP shall be implemented for each facility covered by this Permit within 10 days of approval from the Regional Water Board, or 6-months from the date of the submittal of the SWPPP to the Regional Water Board (whichever comes first).

### **II. OBJECTIVES**

The SWPPP has two major objectives: (a) to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-storm water discharges from the facility; and (b) to identify and implement site- specific best management practices (BMPs) to reduce TSS or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges. BMPs may include a variety of pollution prevention measures or other low-cost and pollution control measures. They are generally categorized as non-structural BMPs (activity schedules, prohibitions of practices, maintenance procedures, and other low-cost measures) and as structural BMPs (treatment measures, run-off controls, over-head coverage.) To achieve these objectives, facility operators should consider the five-phase process for SWPPP development and implementation as shown in Table A.

The SWPPP requirements are designed to be sufficiently flexible to meet the needs of various facilities. SWPPP requirements that are not applicable to a facility should not be included in the SWPPP.

A facility's SWPPP is a written document that shall contain a compliance activity schedule, a description of industrial activities and pollutant sources, descriptions of BMPs, drawings, maps, and relevant copies or references of parts of other plans. The SWPPP shall be revised whenever appropriate and shall be readily available for review by facility employees or Regional Water Board inspectors.

### **III. PLANNING AND ORGANIZATION**

#### **A. Pollution Prevention Team**

The SWPPP shall identify a specific individual or individuals and their positions within the facility organization as members of a storm water pollution prevention team responsible for developing the SWPPP, assisting the facility manager in SWPPP implementation and revision, and conducting all monitoring program activities required in Attachment E of this Permit. The SWPPP shall clearly identify Permit-related responsibilities, duties, and activities of each team member. For small facilities, storm water pollution prevention teams may consist of one individual where appropriate.

**B. Review Other Requirements and Existing Facility Plans**

The SWPPP may incorporate or reference the appropriate elements of other regulatory requirements. Facility operators should review all local, state, and federal requirements that impact, complement, or are consistent with the requirements of this permit. Facility operators should identify any existing facility plans that contain storm water pollutant control measures or relate to the requirements of this Permit. As examples, facility operators whose facilities are subject to Federal Spill Prevention Control and Countermeasures' requirements should already have instituted a plan to control spills of certain hazardous materials. Similarly, facility operators whose facilities are subject to air quality related permits and regulations may already have evaluated industrial activities that generate dust or particulates.

**IV. SITE MAP**

The SWPPP shall include a site map. The site map shall be provided on an 8-½ x 11 inch or larger sheet and include notes, legends, and other data as appropriate to ensure that the site map is clear and understandable. If necessary, facility operators may provide the required information on multiple site maps.

**TABLE A  
FIVE PHASES FOR DEVELOPING AND IMPLEMENTING INDUSTRIAL  
STORM WATER POLLUTION PREVENTION PLANS**

<p><b>PLANNING AND ORGANIZATION</b> Form Pollution Prevention Team Review other plans</p> <p><b>ASSESSMENT PHASE</b> Develop a site map Identify potential pollutant sources Inventory of materials and chemicals List significant spills and leaks Identify non-storm water discharges Assess pollutant risks</p> <p><b>BEST MANAGEMENT PRACTICES IDENTIFICATION PHASE</b> Non-structural BMPs Structural BMPs Select activity and site-specific BMPs</p> <p><b>IMPLEMENTATION PHASE</b> Train employees Implement BMPs Conduct recordkeeping and reporting</p> <p><b>EVALUATION / MONITORING</b> Conduct annual site evaluation Review monitoring information Evaluate BMPs Review and revise SWPPP</p>
---

The following information shall be included on the site map:

- A.** The facility boundaries; the outline of all storm water drainage areas within the facility boundaries; portions of the drainage area impacted by run-on from surrounding areas; and direction of flow of each drainage area, on-site surface water bodies, and areas of soil erosion. The map shall also identify nearby water bodies (such as rivers, lakes, and ponds) and municipal storm drain inlets where the facility's storm water discharges and authorized non-storm water discharges may be received.
- B.** The location of the storm water collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect storm water discharges, authorized non-storm water discharges, and run-on. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.
- C.** An outline of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.
- D.** Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks identified in section VI.A.4 below have occurred.
- E.** Areas of industrial activity. This shall include the locations of all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and rinsing areas, and other areas of industrial activity which are potential pollutant sources.

## **V. LIST OF SIGNIFICANT MATERIALS**

The SWPPP shall include a list of significant materials handled and stored at the site. For each material on the list, describe the locations where the material is being stored, received, shipped, and handled, as well as the typical quantities and frequency. Materials shall include raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials.

## **VI. DESCRIPTION OF POTENTIAL POLLUTANT SOURCES**

- A.** The SWPPP shall include a narrative description of the facility's industrial activities, as identified in section IV.E above, associated potential pollutant sources, and potential pollutants that could be discharged in storm water discharges or authorized non-storm water discharges. At a minimum, the following items related to a facility's industrial activities shall be considered:
  - 1. Industrial Processes.** Describe each industrial process, the type, characteristics, and quantity of significant materials used in or resulting from the process, and a description of the manufacturing, cleaning, rinsing, recycling, disposal, or other activities related to the process. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

2. **Material Handling and Storage Areas.** Describe each handling and storage area, type, characteristics, and quantity of significant materials handled or stored, description of the shipping, receiving, and loading procedures, and the spill or leak prevention and response procedures. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.
3. **Dust and Particulate Generating Activities.** Describe all industrial activities that generate dust or particulates that may be deposited within the facility's boundaries and identify their discharge locations; the characteristics of dust and particulate pollutants; the approximate quantity of dust and particulate pollutants that may be deposited within the facility boundaries; and a description of the primary areas of the facility where dust and particulate pollutants would settle.
4. **Significant Spills and Leaks.** Describe materials that have spilled or leaked in significant quantities in storm water discharges or non-storm water discharges since April 17, 1994. Include toxic chemicals (listed in 40 CFR part 302) that have been discharged to storm water as reported on U.S. Environmental Protection Agency (U.S. EPA) Form R, and oil and hazardous substances in excess of reportable quantities (see 40 CFR, parts 110, 117, and 302).

The description shall include the type, characteristics, and approximate quantity of the material spilled or leaked, the cleanup or remedial actions that have occurred or are planned, the approximate remaining quantity of materials that may be exposed to storm water or non-storm water discharges, and the preventative measures taken to ensure spill or leaks do not reoccur. Such list shall be updated as appropriate during the term of this Permit.

5. **Non-Storm Water Discharges.** Facility operators shall investigate the facility to identify all non-storm water discharges and their sources. As part of this investigation, all drains (inlets and outlets) shall be evaluated to identify whether they connect to the storm drain system.

All non-storm water discharges shall be described. This shall include the source, quantity, frequency, and characteristics of the non-storm water discharges and associated drainage area.

Non-storm water discharges that contain significant quantities of pollutants or that do not meet the conditions provided in Special Conditions D of the storm water general permit are prohibited by this Permit (Examples of prohibited non-storm water discharges are contact and non-contact cooling water, rinse water, wash water, etc.). Non-storm water discharges that meet the conditions provided in Special Condition D of the general storm water permit are authorized by this Permit. The SWPPP must include BMPs to prevent or reduce contact of non-storm water discharges with significant materials or equipment.

- a. **Soil Erosion.** Describe the facility locations where soil erosion may occur as a result of industrial activity, storm water discharges associated with industrial activity, or authorized non-storm water discharges.

**b. Trash.** Describe the facility locations where trash may be generated as a result of facility operations and on-site activities.

**B.** The SWPPP shall include a summary of all areas of industrial activities, potential pollutant sources, and potential pollutants. This information should be summarized similar to Table B. The last column of Table B, "Control Practices", should be completed in accordance with section VIII. below.

## **VII. ASSESSMENT OF POTENTIAL POLLUTANT SOURCES**

**A.** The SWPPP shall include a narrative assessment of all industrial activities and potential pollutant sources as described in section VI above to determine:

1. Which areas of the facility are likely sources of pollutants in storm water discharges and authorized non-storm water discharges, and
2. Which pollutants are likely to be present in storm water discharges and authorized non-storm water discharges. Facility operators shall consider and evaluate various factors when performing this assessment such as current storm water BMPs; quantities of significant materials handled, produced, stored, or disposed of; likelihood of exposure to storm water or authorized non-storm water discharges; history of spill or leaks; and run-on from outside sources.

**B.** Facility operators shall summarize the areas of the facility that are likely sources of pollutants and the corresponding pollutants that are likely to be present in storm water discharges and authorized non-storm water discharges.

Facility operators are required to develop and implement additional BMPs as appropriate and necessary to prevent or reduce pollutants associated with each pollutant source. The BMPs will be narratively described in section VIII below.

## **VIII. STORM WATER BEST MANAGEMENT PRACTICES**

The SWPPP shall include a narrative description of the storm water BMPs to be implemented at the facility for each potential pollutant and its source identified in the site assessment phase (sections VI and VII above). The BMPs shall be developed and implemented to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Each pollutant and its source may require one or more BMPs. Some BMPs may be implemented for multiple pollutants and their sources, while other BMPs will be implemented for a very specific pollutant and its source.

**TABLE B  
EXAMPLE  
ASSESSMENT OF POTENTIAL POLLUTION SOURCES AND  
CORRESPONDING BEST MANAGEMENT PRACTICES  
SUMMARY**

Area	Activity	Pollutant Source	Pollutant	Best Management Practices
Vehicle & Equipment Fueling	Fueling	Spills and leaks during delivery. Spills caused by topping off fuel tanks. Hosing or washing down fuel oil fuel area. Leaking storage tanks. Rainfall running onto and off fueling area.	fuel oil	Use spill and overflow protection. Minimize run-on of storm water into the fueling area. Cover fueling area. Use dry cleanup methods rather than hosing down area. Implement proper spill prevention control program. Implement adequate preventative maintenance program to prevent tank and line leaks. Inspect fueling areas regularly to detect problems before they occur. Train employees on proper fueling, cleanup, and spill response techniques.

The description of the BMPs shall identify the BMPs as (1) existing BMPs, (2) existing BMPs to be revised and implemented, or (3) new BMPs to be implemented. The description shall also include a discussion on the effectiveness of each BMP to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. The SWPPP shall provide a summary of all BMPs implemented for each pollutant source. This information should be summarized similar to Table B.

Facility operators shall consider the following BMPs for implementation at the facility:

**A. Non-Structural BMPs**

Non-structural BMPs generally consist of processes, prohibitions, procedures, schedule of activities, etc., that prevent pollutants associated with industrial activity from contacting with storm water discharges and authorized non-storm water discharges. They are considered low technology, cost-effective measures. Facility operators should consider all possible non-structural BMPs options before considering additional structural BMPs (see section VIII.B. below). Below is a list of non-structural BMPs that should be considered:

1. **Good Housekeeping.** Good housekeeping generally consists of practical procedures to maintain a clean and orderly facility.
2. **Preventive Maintenance.** Preventive maintenance includes the regular inspection and maintenance of structural storm water controls (catch basins, oil/water separators, etc.) as well as other facility equipment and systems.
3. **Spill Response.** This includes spill clean-up procedures and necessary clean-up equipment based upon the quantities and locations of significant materials that may spill or leak.
4. **Material Handling and Storage.** This includes all procedures to minimize the potential for spills and leaks and to minimize exposure of significant materials to storm water and authorized non-storm water discharges.
5. **Employee Training.** This includes training of personnel who are responsible for (1) implementing activities identified in the SWPPP, (2) conducting inspections, sampling, and visual observations, and (3) managing storm water. Training should address topics such as spill response, good housekeeping, and material handling procedures, and actions necessary to implement all BMPs identified in the SWPPP. The SWPPP shall identify periodic dates for such training. Records shall be maintained of all training sessions held.
6. **Waste Handling/Recycling.** This includes the procedures or processes to handle, store, or dispose of waste materials or recyclable materials.
7. **Recordkeeping and Internal Reporting.** This includes the procedures to ensure that all records of inspections, spills, maintenance activities, corrective actions, visual observations, etc., are developed, retained, and provided, as necessary, to the appropriate facility personnel.
8. **Erosion Control and Site Stabilization.** This includes a description of all sediment and erosion control activities. This may include the planting and maintenance of vegetation, diversion of run-on and runoff, placement of sandbags, silt screens, or other sediment control devices, etc.
9. **Inspections.** This includes, in addition to the preventative maintenance inspections identified above, an inspection schedule of all potential pollutant sources. Tracking and follow-up procedures shall be described to ensure adequate corrective actions are taken and SWPPPs are made.
10. **Quality Assurance.** This includes the procedures to ensure that all elements of the SWPPP and Monitoring Program are adequately conducted.

**B. Structural BMPs.**

Where non-structural BMPs as identified in section VIII.A above are not effective, structural BMPs shall be considered. Structural BMPs generally consist of structural devices that reduce or prevent pollutants in storm water discharges and authorized

non-storm water discharges. Below is a list of structural BMPs that should be considered:

1. **Overhead Coverage.** This includes structures that provide horizontal coverage of materials, chemicals, and pollutant sources from contact with storm water and authorized non-storm water discharges.
2. **Retention Ponds.** This includes basins, ponds, surface impoundments, bermed areas, etc. that do not allow storm water to discharge from the facility.
3. **Control Devices.** This includes berms or other devices that channel or route run-on and runoff away from pollutant sources.
4. **Secondary Containment Structures.** This generally includes containment structures around storage tanks and other areas for the purpose of collecting any leaks or spills.
5. **Treatment.** This includes inlet controls, infiltration devices, oil/water separators, detention ponds, vegetative swales, etc. that reduce the pollutants in storm water discharges and authorized non-storm water discharges.

#### **IX. ANNUAL COMPREHENSIVE SITE COMPLIANCE EVALUATION**

The facility operator shall conduct one comprehensive site compliance evaluation (evaluation) in each reporting period (July 1-June 30). Evaluations shall be conducted within 8-16 months of each other. The SWPPP shall be revised, as appropriate, and the revisions implemented within 90 days of the evaluation. Evaluations shall include the following:

- A.** A review of all visual observation records, inspection records, and sampling and analysis results.
- B.** A visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system.
- C.** A review and evaluation of all BMPs (both structural and non-structural) to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be included.
- D.** An evaluation report that includes, (i) identification of personnel performing the evaluation, (ii) the date(s) of the evaluation, (iii) necessary SWPPP revisions, (iv) schedule, as required in section X.E., for implementing SWPPP revisions, (v) any incidents of non-compliance and the corrective actions taken, and (vi) a certification that the facility operator is in compliance with this Permit. If the above certification cannot be provided, explain in the evaluation report why the facility operator is not in compliance with this General Permit. The evaluation report shall be submitted as part of the annual report, retained for at least five years, and signed and certified in accordance with Standard Provisions V.B.5 of Attachment D.



## **X. SWPPP GENERAL REQUIREMENTS**

- A. The SWPPP shall be retained on site and made available upon request of a representative of the Regional Water Board and/or local storm water management agency (local agency) which receives the storm water discharges.
- B. The Regional Water Board and/or local agency may notify the facility operator when the SWPPP does not meet one or more of the minimum requirements of this section. As requested by the Regional Water Board and/or local agency, the facility operator shall submit an SWPPP revision and implementation schedule that meets the minimum requirements of this section to the Regional Water Board and/or local agency that requested the SWPPP revisions. Within 14 days after implementing the required SWPPP revisions, the facility operator shall provide written certification to the Regional Water Board and/or local agency that the revisions have been implemented.
- C. The SWPPP shall be revised, as appropriate, and implemented prior to changes in industrial activities which (i) may significantly increase the quantities of pollutants in storm water discharge, (ii) cause a new area of industrial activity at the facility to be exposed to storm water, or (iii) begin an industrial activity which would introduce a new pollutant source at the facility.
- D. The SWPPP shall be revised and implemented in a timely manner, but in no case more than 90 days after a facility operator determines that the SWPPP is in violation of any requirement(s) of this Permit.
- E. When any part of the SWPPP is infeasible to implement due to proposed significant structural changes, the facility operator shall submit a report to the Regional Water Board prior to the applicable deadline that (i) describes the portion of the SWPPP that is infeasible to implement by the deadline, (ii) provides justification for a time extension, (iii) provides a schedule for completing and implementing that portion of the SWPPP, and (iv) describes the BMPs that will be implemented in the interim period to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Such reports are subject to Regional Water Board approval and/or modifications. Facility operators shall provide written notification to the Regional Water Board within 14 days after the SWPPP revisions are implemented.
- F. The SWPPP shall be provided, upon request, to the Regional Water Board. The SWPPP is considered a report that shall be available to the public by the Regional Water Board under section 308(b) of the Clean Water Act.