CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

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ORDER R4-2020-XXXX
NPDES NO. CA0059561

WASTE DISCHARGE REQUIREMENTS FOR THE TESORO LOGISTICS OPERATIONS LLC, EAST HYNES TANK FARM LOS ANGELES COUNTY

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

Table 1. Discharger Information

Discharger:	**Tesoro Logistics Operations LLC**
Name of Facility:	**East Hynes Tank Farm**
Facility Address:	**5905 Paramount Boulevard** **Long Beach, CA 90805** **Los Angeles County**

Table 2. Discharge Location

Discharge Point	Effluent Description	Discharge Point Latitude (North)	Discharge Point Longitude (West)	Receiving Water
001	**Storm Water Runoff**	**33.8682º**	**-118.1641º**	**Los Angeles River Reach 2**

Table 3. Administrative Information

This Order was adopted on:	November 12, 2020
This Order shall become effective on:	January 1, 2021
This Order shall expire on:	December 31, 2025
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:	180 days prior to to the Order expiration date
The U.S. Environmental Protection Agency (U.S. EPA) and the California Regional Water Quality Control Board, Los Angeles Region have classified this discharge as follows:	Minor discharge

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 November 12, 2020.

Renee Purdy, Executive Officer

Contents

Tables

Attachments

I. FACILITY INFORMATION

Information describing the East Hynes 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 shall serve 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 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. Wastes discharged shall be limited to a maximum of 0.76 million gallons per day (MGD) of treated storm water runoff from the tank farm area via Discharge Point No. 001.

E. **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. R4-2015-0068 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. The discharge of wastewater at a location other than specifically described in this Order is prohibited and constitutes a violation of the Order. The discharge of wastes from accidental spills or other sources is prohibited.

B. 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 River, or other waters of the United States, are prohibited.

C. 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.

D. Wastes discharged shall not contain any substances in concentrations toxic to human, animal, plant, or aquatic life.

E. 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.

F. Discharge of oil or any residuary product of petroleum to waters of the State, except in accordance with waste discharge requirements or other provisions of division 7 of the Water Code, is prohibited.

G. The discharge of any radiological, chemical, or biological warfare agent into the waters of the state is prohibited under Water Code section 13375.

H. 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.

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. 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

a. 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	Maximum Daily Effluent Limitations	Instantaneous Maximum Effluent Limitations
Biochemical Oxygen Demand 5-day @ 20ºC ($BOD_5$20ºC)	milligram per liter (mg/L)	30	---
$BOD_5$20ºC	pounds per day (lbs/day) (See note a)	190	---
Oil and Grease	mg/L	15	---
Oil and Grease	lbs/day	95	---
pH	Standard unit	See note b	See note b
Total Suspended Solids (TSS)	mg/L	75	---
TSS	lbs/day	480	---
Total Dissolved Solids (TDS)	mg/L	1,500	---
TDS	lbs/day	9,500	---
Sulfate	mg/L	350	---
Sulfate	lbs/day	2,200	---
Chloride	mg/L	150	---
Chloride	lbs/day	950	---
Temperature (See note c)	ºF	80	---
Escherichia coli (See note d)	CFU/100 mL	---	---
Ammonia, as Nitrogen (N) (See note e)	mg/L	2.4	8.7
Ammonia, as N (See note e)	lbs/day	15	55
Nitrite, as N (See note e)	mg/L	1.0	
Nitrite, as N (See note e)	lbs/day	6.3	
Nitrate, as N (See note e)	mg/L	8.0	
Nitrate, as N (See note e)	lbs/day	51	
Nitrate plus Nitrite, Total as N (See note e)	mg/L	8.0	---
Nitrate plus Nitrite, Total as N (See note e)	lbs/day	51	---
Settleable Solids	milliliter per liter (ml/L)	0.3	---
Sulfides	mg/L	1.0	---

Parameter	Units	Maximum Daily Effluent Limitations	Instantaneous Maximum Effluent Limitations
Sulfides	lbs/day	6.3	---
Total Petroleum Hydrocarbons (TPH) (See note f)	microgram per liter(µg/L)	100	---
TPH (See note f)	lbs/day	0.63	---
Turbidity	nephelometric turbidity unit (NTU)	75	---
Chronic Toxicity	Pass or Fail, % Effect	Pass or % Effect < 50	---
Phenols	mg/L	1.0	---
Phenols	lbs/day	6.3	---
Cadmium, Total Recoverable (TR) (Wet Weather) (See note g)	µg/L	3.1	---
Cadmium, TR (Wet Weather) (See note g)	lbs/day	0.020	---
Copper, TR (Dry Weather) (See note h)	µg/L	140	---
Copper, TR (Dry Weather) (See note h)	lbs/day	0.89	---
Copper, TR (Wet Weather) (See note g)	µg/L	67	---
Copper, TR (Wet Weather) (See note g)	lbs/day	0.42	---
Lead, TR (Dry Weather) (See note h)	µg/L	150	---
Lead, TR (Dry Weather) (See note h)	lbs/day	0.95	---
Lead, TR (Wet Weather) (See note g)	µg/L	94	---
Lead, TR (Wet Weather) (See note g)	lbs/day	0.60	---
Zinc, TR (Wet Weather) (See note g)	µg/L	160	---
Zinc, TR (Wet Weather) (See note g)	lbs/day	1.0	---
2,3,7,8-Tetrachlorobenzodioxin (TCDD)	µg/L	2.8×10^{-8}	---
2,3,7,8-TCDD	lbs/day	1.8×10^{-10}	---

Notes to Table 4

a. The mass limitations are based on a maximum flow of 0.76 MGD and are calculated as follows: Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day.

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

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 80^{o}F and the maximum temperature of the effluent shall not exceed the natural receiving water temperature by more than 5°F

d. The effluent limitation for Escherichia coli (E.coli) is based on the Los Angeles River Bacteria TMDL WLAs. The LA River Bacteria TMDL (effective March 23, 2012) contains WLAs of zero days of allowable exceedances of the single sample target of 235 colony forming units (cfu)/100mL E.coli for both dry and wet weather (defined as days with 0.1 inch of rain or greater and the three days following the rain event) and no exceedances of the geometric mean TMDL numeric target of 126 cfu/100 mL E.coli for general and individual NPDES permits. The rolling 30-day geometric mean values should be calculated based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period). If any of the single sample limits are exceeded, the Regional Water Board may require repeat sampling on a daily basis until the sample falls below the single sample limit in order to determine persistence of exceedance. Results collected during accelerated monitoring can be used to calculate the geometric mean.

e. The effluent limitations for ammonia, nitrite, nitrate, and nitrate plus nitrite as nitrogen are based on the Los Angeles River Nutrients TMDL WLAs. The MDEL for ammonia, nitrite, nitrate, and total nitrate and nitrite as nitrogen are based on their respective 30-day average WLAs in accordance with the Los Angeles River Nutrients TMDL. As discharge from the Facility is storm water only, only MDELs are prescribed; the 30-day average WLAs in the TMDL are transcribed into MDELs to ensure the protection of aquatic life. The 1-hour average WLA for ammonia as included in the Los Angeles River Nutrients TMDL is transcribed into an instantaneous maximum limit in this Order.

f. TPH equals the sum of TPH gasoline (C_4-C_{12}), TPH diesel (C_{13}-C_{22}), and TPH waste oil (C_{23+}).

g. The wet weather TMDL limits for cadmium, copper, lead, and zinc apply when the maximum daily flow in the Los Angeles River at Wardlow gauge station (F319-R) is greater than or equal to 500 cubic feet per second (cfs).

h. Dry weather targets for copper and lead are applicable when flow in the Los Angeles River at the Wardlow stream gauge station (F319-R) is less than 500 cfs.

2. Interim Effluent Limitations – Not Applicable

V. RECEIVING WATER LIMITATIONS

A. SURFACE WATER LIMITATIONS

The discharge shall not cause the following in the Los Angeles River:

1. The pH of bays or estuaries to be depressed below 6.5 or raised above 8.5 as a result of waste discharges. Ambient pH levels shall not be changed more than 0.5 units from natural conditions as a result of waste discharge. Natural conditions shall be determined on a case-by-case basis.
2. The natural receiving water temperature of the receiving water shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses. Alterations that are allowed must meet the following requirements: For waters designated with a warm freshwater habitat (WARM) beneficial use, water temperature shall not be altered by more than 5°F above the natural temperature. At no time shall these WARM-designated waters be raised above 80°F as a result of the waste discharge.
3. The bacteria levels to exceed the following water quality objectives based on the Los Angeles River Bacteria TMDL:

   a. Geometric Mean Limits

      E. coli density shall not exceed 126 colony forming units (cfu)/100 mL.

   b. Single Sample Maximum

      E. coli density shall not exceed 235 cfu/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.
4. The dissolved oxygen content to be depressed below 5.0 mg/L as a result of waste discharges.

a. The wastes discharged shall not cause the ammonia water quality objective in the Basin Plan to be exceeded in the receiving waters. Compliance with the ammonia water quality objectives shall be determined by comparing the receiving water ammonia concentration to the ammonia water quality objective in the Basin Plan. The presence of visible, floating, suspended or deposited macroscopic particulate matter or foam.

b. 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%.

c. Oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the receiving water or on objects in the water.

d. Suspended or settleable materials, chemical substances or pesticides in amounts that cause nuisance or adversely affect any designated beneficial use.

e. 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.

f. Accumulation of bottom deposits or aquatic growths.

g. Biostimulatory substances at concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.

h. The presence of substances that result in increases of BOD that adversely affect beneficial uses.

i. Taste or odor-producing substances in concentrations that alter the natural taste, odor, and/or color of fish, shellfish, or other edible aquatic resources.

j. Alteration of turbidity, or apparent color beyond present natural background levels.

k. Damage, discoloration, the formation of sludge deposits on flood control structures or facilities nor overload the design capacity.

l. Degradation of surface water communities and populations including vertebrate, invertebrate, and plant species.

m. Problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.

n. The creation of nuisance conditions, or adversely affect beneficial uses of the receiving water.

o. 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

3. The Discharger shall comply with all Standard Provisions included in Attachment D.

4. The Discharger shall comply with the following provisions. In the event that 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 storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management program developed to comply with NPDES permits issued by the Regional 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 Facility, 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.

l. 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-6710 to 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. (Water 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 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 of a TMDL for the Los Angeles River Reach 2.

e. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order, and 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

Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan: 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 Toxicity Reduction Evaluation (TRE) requirements.

3. Best Management Practices and 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 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 Practice 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 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 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. ***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, or wildfire, 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 wastewater treatment facility operation, water supplies, collection system, water quality and beneficial uses. The Climate Change Plan is due 12 months after the effective date of this Order.

b. ***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 (see Section I.G. of the MRP), then the Discharger is out of compliance.

A. 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.

B. 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], i.e. the midpoint between the n/2 and n/2+1 data points.

C. 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.

D. 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. For anyone 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 shall collect four additional samples at approximately equal intervals during the month. All five analytical results shall be reported in the monitoring report for that month, or 45 days after results for the additional samples were received, whichever is later.

   When all sample results are greater than or equal to the reported Minimum Level (see Section I.G. of the MRP), the numerical average of the analytical results of these five samples will be used for compliance determination.

   When one or more sample results are reported as "Not-Detected (ND)" or "Detected, but Not Quantified (DNQ)" (see Section I.G. of the MRP), the median value of these four samples shall be used for compliance determination. If one or both of the middle values is ND or DNQ, the median shall be the lower of the two middle values.

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.

E. Maximum Daily Effluent Limitations (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.

F. 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).

G. 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).

H. Median Monthly Effluent Limitation (MMEL)

If the median of daily discharges over a calendar month exceeds the MMEL for a given parameter, an alleged violation will be flagged and 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). However, an alleged violation of the MMEL will be considered one violation for the purpose of assessing State mandatory minimum penalties. If no sample (daily discharge) is taken over a calendar month, no compliance determination can be made for that month with respect to effluent violation determination, but compliance determination can be made for that month with respect to reporting violation determination.

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) 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, and Appendix B, Table B-1. The null hypothesis (Ho) for the TST statistical approach is: Mean discharge In-stream Waste Concentration (IWC) response ≤0.75 × 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: ((Mean control response - Mean discharge IWC response) ÷ Mean control response)) × 100. This is a t-test (formally Student's t-Test), a statistical analysis comparing two sets of replicate observations - in the case of Whole Effluent Toxicity (WET), only two test concentrations (i.e., a control and IWC). The purpose of this statistical test is to determine if the means of the two sets of observations are different (i.e., if the IWC or receiving water concentration differs from the control (the test result is "Pass" or "Fail")). The Welch's t-test employed by the TST statistical approach is an adaptation of Student's t-test and is used with two samples having unequal variances.

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 approach, results in "Fail" and the "Percent Effect" is ≥0.50.

The chronic toxicity MDEL is set at the IWC for the discharge (100% effluent) and expressed in units of the TST statistical approach ("Pass" or "Fail", "Percent Effect"). All NPDES effluent compliance monitoring for the chronic toxicity MDEL shall be reported using only the 100% effluent concentration and negative control, expressed in units of the TST. The TST hypothesis (Ho) (see above) is statistically analyzed using the IWC and a negative control. Effluent toxicity tests shall be run using a multi-concentration test design when required by *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (USEPA 2002, EPA-821-R-02-013). The Regional Water Board's review of reported toxicity test results will include review of concentration-response patterns as appropriate (see Fact Sheet discussion at 4.3.6.). As described in the bioassay laboratory audit correspondence from the State Water Resources Control Board dated August 7, 2014, and from the USEPA dated December 24, 2013, the Percent Minimum Significant Difference (PMSD) criteria only apply to compliance reporting for the No Observable Effect Concentration (NOEC) and the sublethal statistical endpoints of the NOEC, and therefore are not used to interpret TST results. Standard Operating Procedures used by the toxicity testing laboratory to identify and report valid, invalid, anomalous, or inconclusive effluent (and receiving water) toxicity test measurement results from the TST statistical approach, including those that incorporate a consideration of concentration-response patterns, must be submitted to the Regional Water Board (40 CFR section 122.41(h)). The Regional Water Board will make a final determination as to whether a toxicity test result is valid, and may consult with the Permittee, the USEPA, the State Water Board's Quality Assurance Officer, or the State Water Board's Environmental

Laboratory Accreditation Program (ELAP) as needed. The Board may consider the results of any TIE/TRE studies in an enforcement action.

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:

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

where n is the number of weekly samples were collected during the period and C is the concentration of bacteria (MPN/100 mL or CFU/100 mL) found on each week 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 and fecal) and *Enterococcus* shall be those presented in Table 1A of 40 CFR section 136 (revised May 18, 2012), unless alternate methods have been approved by U.S. EPA pursuant to 40 CFR section 136, or improved methods have been determined by the Executive Officer and/or U.S. EPA.

ATTACHMENT A – DEFINITIONS

Arithmetic Mean (μ)

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: Σx 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 median = $X_{(n+1)/2}$. If n is even, then the $\text{median} = (X_{n/2} + X_{(n/2)+1})/2$ (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 Policy, an effluent limit based on the median results of three independent toxicity tests, conducted within the same calendar month, and analyzed using the TST. 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 measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in in 40 CFR part 136, Attachment B, revised as of July 3, 1999.

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 Los Angeles 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 the Los Angeles 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 Los Angeles 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 (σ)

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;

μ 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.)

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 Los Angeles 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.

Standard Deviation (σ)

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;

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n is the number of samples.

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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.)

ACRONYMS AND ABBREVIATIONS

AMEL	Average Monthly Effluent Limit
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
CCR	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	Tesoro Logistics Operations LLC
DMR	Discharge Monitoring Report
DNQ	Detected But Not Quantified
ELAP	State Water Resources Control Board, Drinking Water Division, Laboratory Accreditation Program
ELG	Effluent Limitations, Guidelines and Standards
Facility	East Hynes Tank Farm
gpd	gallons per day
IC	Inhibition Coefficient
IC15	Concentration at which the organism is 15% inhibited
IC25	Concentration at which the organism is 25% inhibited
IC40	Concentration at which the organism is 40% inhibited
IC50	Concentration at which the organism is 50% inhibited
LA	Load Allocations
LOEC	Lowest Observed Effect Concentration
µg/L	micrograms per Liter
mg/L	milligrams per Liter
MDEL	Maximum Daily Effluent Limitation
MMEL	Median Monthly Effluent Limitation
MEC	Maximum Effluent Concentration
MGD	Million Gallons Per Day
ML	Minimum Level
MRP	Monitoring and Reporting Program
NO	Not Detected
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
PMEL	Proposed Maximum Daily Effluent Limitation
PMP	Pollutant Minimization Plan
POTW	Publicly Owned Treatment Works
QA	Quality Assurance
QAPP	Quality Assurance Project Plan
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
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
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
TUc	Chronic Toxicity Unit
USC	United States Code
U.S. EPA	United States Environmental Protection Agency
WDR	Waste Discharge Requirements
WET	Whole Effluent Toxicity
WLA	Waste Load Allocation
WQBELs	Water Quality-Based Effluent Limitations
WQS	Water Quality Standards
%	Percent

ATTACHMENT B – SITE LOCATION MAP

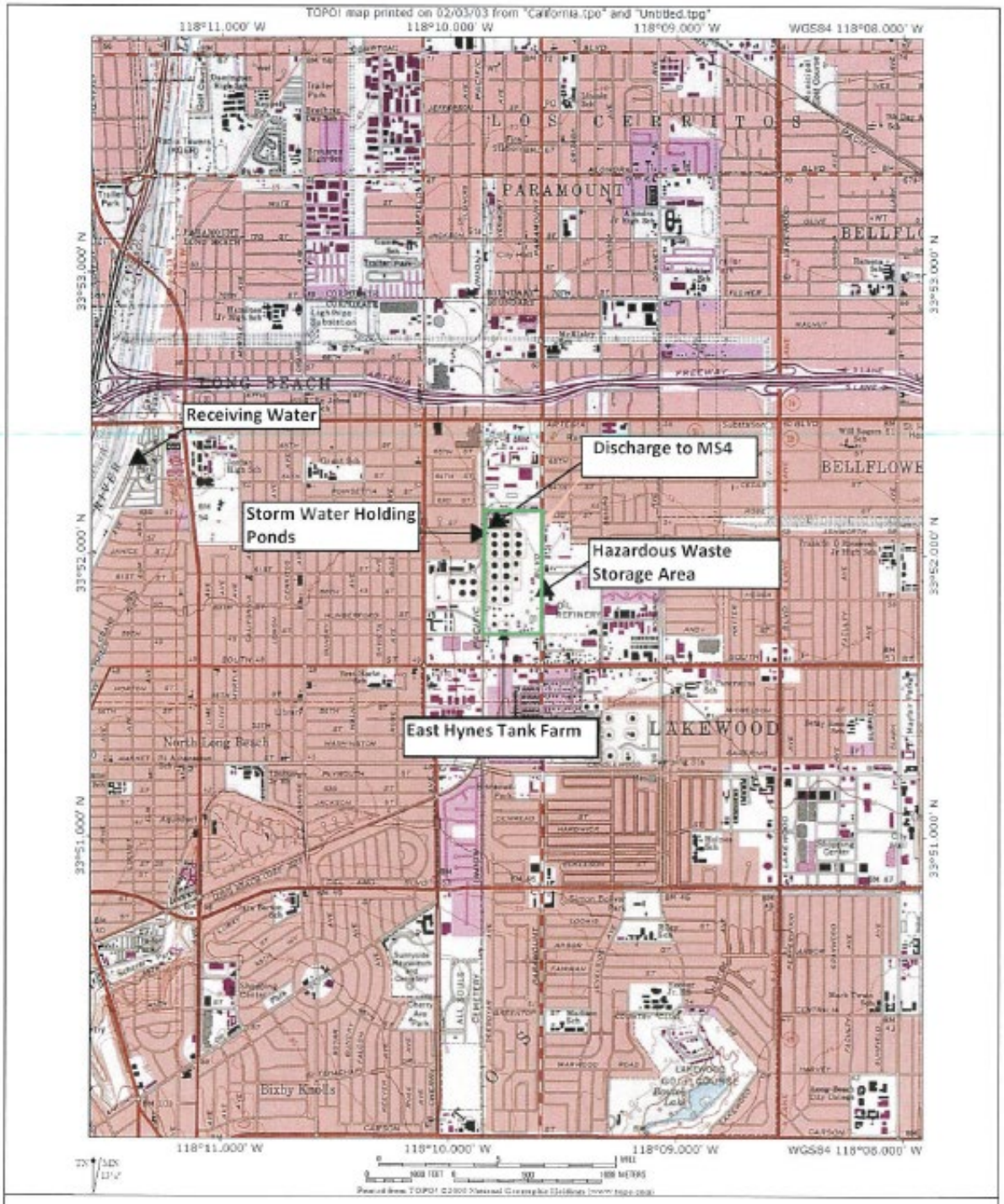
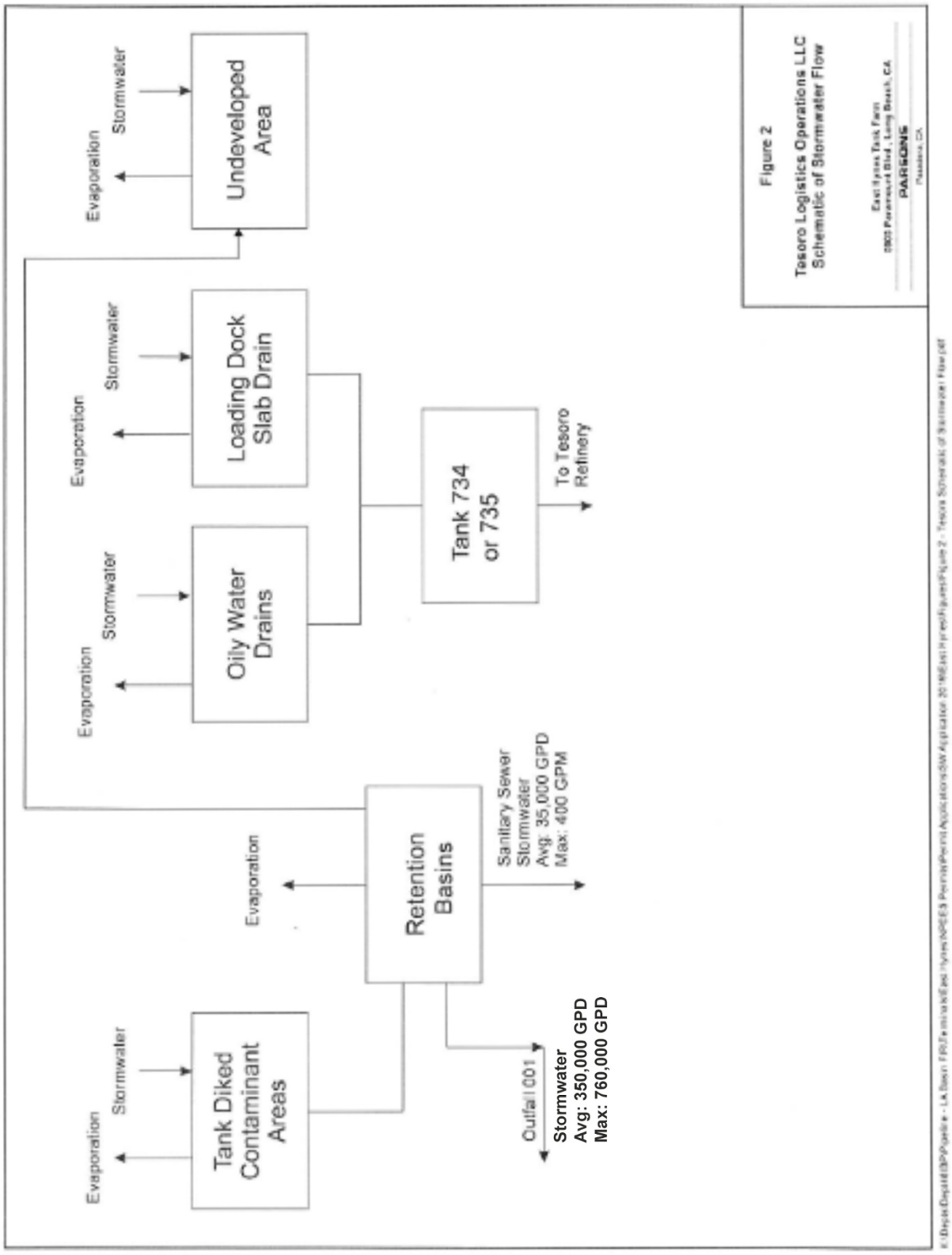


FIGURE 1. Tesoro Logistics Operations LLC Site Location Map
East Hynes Tank Farm, 5905 Paramount Blvd., Long Beach, CA

— Facility Boundary

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 a 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 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 results must be conducted according to test procedures 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 CFR 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 C.F.R § 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 subchapters 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 that 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 sew 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. Initiate Recipient for Electric 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 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 6 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 (40 CFR section 122.41(a)(2); CWC section 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 the 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 permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two 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 four 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 non-compliance 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 (µg/L) (40 CFR § 122.42(a)(1)(i));

b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (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 (µg/L) (40 CFR § 122.42(a)(2)(i));

b. 1 milligram per liter (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 (MRP NO. 6710)

Contents

Tables

ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP NO. 6710)

The Code of Federal Regulations (40 CFR § 122.48) requires 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 federal and California regulations.

I. GENERAL MONITORING PROVISIONS

A. An effluent sampling station shall be established for Discharge Point No. 001 and shall be located where representative samples of that effluent can be obtained.

B. Effluent samples shall be taken downstream of any addition to treatment works and prior to mixing with the receiving waters.

C. The Regional Water Board shall be notified in writing of any change in the sampling stations once established or in the methods for determining the quantities of pollutants in the individual waste streams.

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 parts 122 and 136; *Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting*. If the ML value is not below the effluent limitation, 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 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 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 time such as pH, total chlorine residual, 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 data 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, 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	A sampling station shall be established where a representative sample of effluent can be obtained immediately prior to discharging from Discharge Point No. 001. (Latitude 33.8681°, Longitude -118.1642°)
--	RSW-001	A sampling station shall be established outside the influence of the effluent discharge location, and at least 50 feet in the opposite direction of tidal flow of the discharge point into the Los Angeles River.
--	RSW-002	The Los Angeles County Department of Public Works' (LACDPW) Willow Street Gauge station at Wardlow (F319-R)

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

The stream flow data for the LACDPW's Willow Street Gauge station at Wardlow (F319-R) can be obtained by contacting LACDPW through Mr. Arthur Gotingco at (626) 458-6379 or at agoting@dpw.lacounty.gov. The data for this station are downloaded once a month with a 1–2 week processing time for the provisional data.

III. INFLUENT MONITORING REQUIREMENTS – NOT APPLICABLE

IV. EFFLUENT MONITORING REQUIREMENTS

A. Monitoring Location EFF-001

1. The Discharger shall monitor storm water 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:

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

Parameter	Units	Sample Type	Minimum Sampling Frequency (See notes a and b)	Required Analytical Test Method
Flow (See note c)	gallon per day (GPD)	Estimate	Daily	---
Biochemical Oxygen Demand @20°C ($BOD_5$20°C)	milligram per liter (mg/L) (See note d)	Grab or Composite	1/Discharge Event	EPA Method 405.1
Oil and Grease	mg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
pH	standard unit	Grab	1/Discharge Event	40 CFR Part 136
Total Suspended Solids (TSS)	mg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Turbidity	nephelometric turbidity unit (NTU)	Grab or Composite	1/Discharge Event	40 CFR Part 136
Ammonia, Total (as N)	mg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Nitrate	mg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Nitrite	mg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Nitrate plus Nitrite	mg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136

Parameter	Units	Sample Type	Minimum Sampling Frequency (See notes a and b)	Required Analytical Test Method
Chronic Toxicity	Pass or Fail and Percent Effect	Grab or Composite	1/Year	See Section V. below
Conductivity	µmho/cm	Grab	1/ Discharge Event	40 CFR Part 136
Chloride	mg/L	Grab	1/Discharge Event	40 CFR Part 136
Dissolved Oxygen	mg/L	Grab	1/Discharge Event	40 CFR Part 136
E. coli	colony forming units per 100 milliliters (CFU/100ml) or most probable number per 100 milliliters (MPN/100ml)	Grab	1/Discharge Event	40 CFR Part 136; Table 1A of 40 CFR Part 136 (See note e)
Methyl tertiary butyl ether (MTBE)	microgram per liter (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	milliliter per liter (ml/L)	Grab or Composite	1/Discharge Event	40 CFR Part 136
Sulfate	mg/L	Grab	1/Discharge Event	40 CFR Part 136
Sulfides	mg/L	Grab	1/Discharge Event	40 CFR Part 136
Temperature	degree F	Grab	1/Discharge Event	40 CFR Part 136
Tertiary Butyl Alcohol (TBA)	µg/L	Grab	1/Discharge Event	40 CFR Part 136
Total Dissolved Solids (TDS)	mg/L	Grab	1/Discharge Event	40 CFR Part 136
Total Organic Carbon	mg/L	Grab	1/Discharge Event	40 CFR Part 136
Total Petroleum Hydrocarbons (TPH) as Gasoline (C_4-C_{12})	µg/L	Grab	1/Discharge Event	EPA Method 503.1 or 8015B

Parameter	Units	Sample Type	Minimum Sampling Frequency (See notes a and b)	Required Analytical Test Method
TPH as Diesel (C_{13}-C_{22})	µg/L	Grab	1/Discharge Event	EPA Method 503.1, 8015B, or 8270
TPH as Waste Oil (C_{23+})	µg/L	Grab	1/Discharge Event	EPA Method 503.1, 8015B, or 8270
Xylene	µg/L	Grab	1/Discharge Event	40 CFR Part 136
Cadmium	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Copper	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Lead	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
Zinc	µg/L	Grab or Composite	1/Discharge Event	40 CFR Part 136
TCDD Equivalents (See note f)	µg/L	Grab or Composite	1/Year	40 CFR Part 136
Remaining Priority Pollutants (See note g)	µg/L	Grab or Composite	1/Year	40 CFR Part 136

Notes to Table E-2

a. 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. 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 report.

b. 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 waters, 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.

c. Flow shall be recorded daily during each period of discharge. Periods of no flow shall also be reported.

d. The mass emission (lbs/day) for the discharge of shall be calculated and reported using the limitation concentration and the actual flow rate measured at the time of discharge, using the formula:

$$M = 8.34 \times Ce \times Q$$

where: M = mass discharge for a pollutant, lbs/day

Ce = Reported concentration for a pollutant, mg/L

Q = actual discharge flow rate, MGD

e. Detection methods used for E. coli shall be those presented in Table 1A of 40 CFR Part 136, unless alternate methods have been approved by U.S. EPA pursuant to Part 136 or improved methods have been determined by the Executive Officer and/or U.S. EPA.

f. TCDD equivalents shall be calculated using the following formula, where the minimum levels (MLs) and 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.

$$\text{Dioxin-TEQ (TCDD equivalents)} = \Sigma(C_x \times TEF_x)$$

where: C_x = concentration of dioxin or furan congener x
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
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

g. 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 and Estuarine Species and Test Methods

If effluent samples are collected from outfalls discharging to receiving waters with salinity ≥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 Freshwater Organisms* (EPA/821/R-08/013, 2002). 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 fathead minnow, *Pimephales promelas* (Larval Survival and Growth Test Method 1000.0).

b. A static renewal toxicity test with the purple daphnid, *Ceriodaphnia dubia* (Survival and Reproduction Test Method 1002.0).

c. A static renewal toxicity test with the green alga, *Selenastrum capricornutum* (also named *Raphidocelis subcapitata*) (Growth Test Method 1003.0).

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 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 *Pimephales promelas*, 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 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 suite 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 previous 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_o) for the TST approach is: Mean discharge IWC response ≤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: ((Mean control response-Mean discharge IWC response) ÷ Mean control response)) x 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 ≥ 50”

The Maximum Daily single result of “Fail” and %Effect ≥ 50shall 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 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 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; and
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 ≥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 by Regional Water Board staff

VI. LAND DISCHARGE MONITORING REQUIREMENTS – NOT APPLICABLE

VII. RECYCLING MONITORING REQUIREMENTS – NOT APPLICABLE

VIII. RECEIVING WATER MONITORING REQUIREMENTS

A. Monitoring Location RSW-001

The Discharger shall monitor the Los Angeles River at RSW-001 as follows:

Table E-3. Receiving Water Monitoring Requirements for RSW-001

Parameter	Units	Sample Type	Minimum Sampling Frequency (See note a)	Required Analytical Test Method
Ammonia, Total (as N)	mg/L	Grab	1/Year	40 CFR Part 136
Hardness as $CaCO_3$	milligram per liter (mg/L)	Grab or Composite	1/Year	40 CFR Part 136
Dissolved Oxygen	mg/L	Grab or Composite	1/Year	40 CFR Part 136
pH	standard unit	Grab	1/Year	40 CFR Part 136
Salinity	Parts per thousand (ppt)	Grab or Composite	1/Year	40 CFR Part 136
Temperature	degree F	Grab	1/Year	40 CFR Part 136
Priority Pollutants (Notes b and c)	Microgram per liter (µg/L)	Grab or Composite	1/Year	40 CFR Part 136
TCDD Equivalents (Note d)	µg/L	Grab	1/Year	40 CFR Part 136

Notes to Table E-3

a. Sampling shall be during the first hour of the first discharge event of the year. 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 report. If there is no discharge to surface waters, no sampling is required and the Discharger will indicate in the corresponding monitoring report, under penalty 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 are defined by the CTR. Annual samples shall be collected during the first hour of discharge from the first storm event of the year. If, for safety reasons, a sample cannot be obtained during the first hour of discharge, then a sample shall be obtained, at first safe opportunity within 12 hours of the beginning of storm water discharge.

d. TCDD equivalents shall be calculated using the following formula, where the MLs and 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.

$$\text{Dioxin-TEQ (TCDD equivalents)} = \Sigma(C_x \times TEF_x)$$

where: C_X = concentration of dioxin or furan congener x
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
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

B. Monitoring Location RSW-002

The Discharger shall report the maximum daily flow in the Los Angeles River, at the Los Angeles County Department of Public Works' Willow Street Gauge Station at Wardlow. This station is designated as RSW-002 in this Order. The stream flow data can be obtained by contacting LACDPW through Mr. Arthur Gotingco at (626)458-6379 or at agoting@dpw.lacounty.gov. The data for this station is downloaded once a month with a 1-2 week processing time for the provisional data. This information is necessary to determine the wet weather and dry weather condition of the river, as defined in the Los Angeles River Metals TMDL. If the gauging station is not operational, an estimated maximum daily flow may be submitted.

IX. OTHER MONITORING REQUIREMENTS

A. Rainfall Monitoring

The Discharger shall measure and record the rainfall on each day of the month or submit the data obtained from the nearest city/county operated rain gauge monitoring station. This information shall be included in the monitoring report for that month.

B. Visual Observation

1. A visual observation station shall be established at the discharge point of the retention basins.

2. General observations at the retention basins shall be made at the discharge point when discharges occur. All observations shall be reported in the quarter monitoring report. Observations shall be descriptive where possible, such that colors, approximate amounts, or types of materials are apparent. The following observations shall be made:

a. 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
g. Presence and activity of California Least Tern and California Brown Pelican.

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/Permit.

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 SMRs using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (http://www.waterboards.ca.gov/ciwqs/index.html). The CIWQS Web site 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	January 1, 2021	(Midnight through 11:59 PM or any 24-hour period) 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/Discharge Event	January 1, 2021	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	January 1, 2021	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 (± 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 reported 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.

B. 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

A. 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

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

2. 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.a. 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

Tables

ATTACHMENT F – FACT SHEET

As described in section II.B, the Los Angeles Regional Water Quality Control Board (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	4B192010016
Discharger	Tesoro Logistic Operations LLC
Name of Facility	East Hynes Tank Farm
Facility Address **Facility Contact, Title and Phone** **Authorized Person to Sign and Submit Reports**	5905 Paramount Boulevard Long Beach, CA 90805 Los Angeles County Lucina Lopez, Senior Environmental Scientist, (562) 728-2265
Mailing Address	SAME
Billing Address	SAME
Type of Facility	Tank farm for storage of bulk petroleum products
Major or Minor Facility	Minor
Threat to Water Quality	3
Complexity	C
Pretreatment Program	Not Applicable
Recycling Requirements	Not Applicable
Facility Permitted Flow	0.76 million gallons per day (MGD)
Facility Design Flow	0.76 MGD
Watershed	Los Angeles Watershed
Receiving Water	Los Angeles River
Receiving Water Type	Inland surface water

A. Tesoro Logistics Operations LLC (Discharger), is the operator of the East Hynes Tank Farm (Facility), which is used for the storage of bulk petroleum products.

Tesoro Logistics Operations LLC owns the property at 5905 Paramount Boulevard, Long Beach, CA 90805.

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.

B. The Facility discharges storm water to the Los Angeles River, a water of the United States, and was previously regulated by Order No. R4-2015-0068 which was adopted on April 9, 2015 and expired on May 31, 2020. The terms and conditions of the current Order, as per 40 Code of Federal Regulations (CFR) section 122, have been automatically continued and remain in effect until new Waste Discharge Requirements (WDRs) and a National Pollutant Discharge Elimination System (NPDES) permit are adopted pursuant to this Order. Attachment B provides a map of the area around the Facility. Attachment C provides a flow schematic of the Facility operation.

C. The Discharger filed a report of waste discharge and submitted an application for reissuance of its WDRs and NPDES permit on December 3, 2019. The application was deemed complete on June 9, 2020. A site visit was conducted on August 5, 2020 to observe operations and collect additional data to develop permit limitations and requirements for waste discharge.

D. 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 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

Tesoro Logistics Operations LLC operates the Facility located at 5905 Paramount Boulevard, Long Beach, California. Operations in the Facility have not changed significantly since the previous permit issuance and consist of crude oil and refined products storage; hydrocarbons transport and distribution by pipeline; bulk loading and unloading truck rack operations; and unloading a biodiesel rail rack. Industrial processes that occur at the Facility include water draws, tank cleaning, sand blasting, and painting. Twenty-seven above ground storage tanks (ASTs) are in operation to store crude oil and petroleum products, including ethanol, gasoline, diesel, and jet fuel.

A. Description of Wastewater and Biosolids Treatment and Controls

The Facility discharges up to 760,000 gallons per day (gpd) of storm water runoff from Discharge Point No. 001 to the Los Angeles River, a water of the United States. Spill containment is provided by containment structures for the hazardous materials storage area, the loading rack, the diesel and additive tanks, and the tanks located in the tank farm area.

The hazardous materials storage area consists of various hydrocarbon-impacted materials and debris awaiting shipment to a treatment, storage, or disposal facility. The containers range from 2 to 250 gallons in size and they are located within concrete berms. Storm water accumulated within the containment area is inspected and released to a sump before being routed to the storm water retention basins. A 15,000-barrel bio-diesel tank with secondary containment was constructed at the southern end of the Facility in 2015 and a rail receiving facility for bio-diesel railcars was installed and operational in 2017 on the west side of the facility.

The southeast portion of the Facility contains a truck loading/unloading rack. Ethanol and crude oil are received by tanker truck at two unloading racks. Petroleum products (gasoline, diesel, jet fuel, and ethanol) are loaded into tanker trucks at six loading racks. Spills that may occur during loading operations within the truck loading rack will be contained and routed to a dedicated sump. Hydrocarbon-impacted water collected in the sump is pumped to Tank 734 or Tank 735 (varies, depending on tank availability), and subsequently transferred via trucks to a Tesoro refinery for water treatment. Drainage of storm water from the roof and sides of the truck loading rack occurs via gravity along the surface sloping towards catch basins. The catch basins are connected to an oily-water sump, from which storm water is pumped into a bermed containment structure adjacent to the truck load rack. This containment structure has a capacity of 112,000 gallons, with asphalt coated earthen sides and earthen bottom. Water retained in this structure is expected to evaporate or percolate into the soil.

The southwest portion of the Facility consists of product transfer piping, pumps, meters, and flow control equipment. Storm water that collects in the southwest portion of the Facility is pumped into the same bermed containment structure that contains storm water collected from the southeast portion of the Facility as described in the preceding paragraph.

The majority of the storage tanks are contained within earthen berms coated with an asphalt material, ranging from 3 to 15 feet in height; portions of the containment are made of reinforced concrete walls. The containment structures are designed to contain at a minimum 110% the volume of the largest tank within the bermed area. Some bermed areas are connected to adjacent containment cells with flow equalization mechanisms to provide greater containment capacity between two adjacent cells, should a large spill occur. Storm water contained within the containment cells is allowed to evaporate or percolate into the soil before being pumped into a series of three gunite/concrete-lined storm water retention basins.

The storm water retention basins have a combined capacity of 981,000 gallons. In most cases, storm water collected is allowed to evaporate within the retention basins. When necessary, the Facility discharges storm water from these retention basins to the sanitary sewer under the terms of an industrial wastewater discharge permit from the Sanitation Districts of Los Angeles County (Permit No. 21303). The Discharger has historically had the option to send storm water from the retention basins to the Los Angeles County storm drain through Discharge Point No. 001 into the Los Angeles River when the volume of storm water retained approaches

the storage capacity at the facility. The decision regarding discharge to the storm drain is made by the shift foreman.

In the event that the retention basins reach full capacity, storm water will be routed to an undeveloped area east of the tank farm and west of Paramount Boulevard, which is an earthen field generally covered with crushed rock. Storm water spread to this area is expected to evaporate or percolate into the soil.

Discharge of hydrostatic test water from the Facility is authorized under a General NPDES Permit for Discharges of Hydrostatic Test Water (CAG674001). Hydrostatic test water is collected in the retention basins; the retention basin is emptied and designated solely for the containment of hydrostatic water prior to its collection. The hydrostatic water is subsequently discharged to the Los Angeles River, and the retention basins are cleaned in preparation for future storm water runoff storage. At no time will the hydrostatic test water commingle with any storm water runoff.

The connection to the storm drain is currently disconnected. The Facility has not released any storm water runoff since February 4, 2010.

B. Discharge Points and Receiving Waters

The Facility is permitted to discharge up to 0.76 MGD of storm water runoff through Discharge Point No. 001 (Latitude 33.8682°, Longitude -118.1641º). Stormwater runoff flows to the Los Angeles River, a water of the United States.

C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

Effluent limitations contained in Order No. R4-2015-0068 for discharges from Discharge Point No. 001 (Monitoring Location EFF-001) are summarized below. The Discharger has not discharged since 2010; thus, effluent data for the Facility are not available.

Table F-2. Historic Effluent Limitations

Parameter	Units	Maximum Daily Effluent Limitations	Instantaneous Maximum Effluent Limitations
Biochemical Oxygen Demand 5-day @ 20ºC ($BOD_5$20ºC)	milligram per liter (mg/L)	30	---
$BOD_5$20ºC	pounds per day (lbs/day) (See note a)	190	---
Oil and Grease	mg/L	15	---
Oil and Grease	lbs/day	95	---
pH	standard unit	See note b	See note b
Total Suspended Solids (TSS)	mg/L	75	---
TSS	lbs/day	480	---

Parameter	Units	Maximum Daily Effluent Limitations	Instantaneous Maximum Effluent Limitations
Total Dissolved Solids (TDS)	mg/L	1,500	---
TDS	lbs/day	9,500	---
Sulfate	mg/L	350	---
Sulfate	lbs/day	2,200	---
Chloride	mg/L	150	---
Chloride	lbs/day	950	---
Temperature (See note c)	ºF	---	86
Escherichia coli (See note d)	CFU/100 mL	---	---
Ammonia, as Nitrogen (N) (See note e)	mg/L	2.4	8.7
Ammonia, as N (See note e)	lbs/day	15	55
Nitrite, as N (See note e)	mg/L	1.0	---
Nitrite, as N (See note e)	lbs/day	6.3	---
Nitrate, as N (See note e)	mg/L	8.0	---
Nitrate, as N (See note e)	lbs/day	51	---
Nitrate plus Nitrite, Total as N (See note e)	mg/L	8.0	---
Nitrate plus Nitrite, Total as N (See note e)	lbs/day	51	---
Settleable Solids	milliliter per liter (ml/L)	0.3	---
Sulfides	mg/L	1.0	---
Sulfides	lbs/day	6.3	---
Total Petroleum Hydrocarbons (TPH) (See note f)	microgram per liter(µg/L)	100	---
TPH (See note f)	lbs/day	0.63	---
Turbidity	nephelometric turbidity unit (NTU)	75	---
Chronic Toxicity	Pass or Fail, % Effect	Pass or % Effect < 50	---
Phenols	mg/L	1.0	---
Phenols	lbs/day	6.3	---
Cadmium, Total Recoverable (TR) (Wet Weather) (See note g)	µg/L	3.1	---

Parameter	Units	Maximum Daily Effluent Limitations	Instantaneous Maximum Effluent Limitations
Cadmium, TR (Wet Weather) (See note g)	lbs/day	0.020	---
Copper, TR (Dry Weather) (See note h)	µg/L	36	---
Copper, TR (Dry Weather) (See note h)	lbs/day	0.23	---
Copper, TR (Wet Weather) (See note g)	µg/L	17	---
Copper, TR (Wet Weather) (See note g)	lbs/day	0.11	---
Lead, TR (Dry Weather) (See note h)	µg/L	18	---
Lead, TR (Dry Weather) (See note h)	lbs/day	0.11	---
Lead, TR (Wet Weather) (See note g)	µg/L	62	---
Lead, TR (Wet Weather) (See note g)	lbs/day	0.39	---
Zinc, TR (Wet Weather) (See note g)	µg/L	160	---
Zinc, TR (Wet Weather) (See note g)	lbs/day	1.0	---
2,3,7,8-Tetrachlorobenzodioxin (TCDD)	µg/L	2.8×10^{-8}	---
2,3,7,8-TCDD	lbs/day	1.8×10^{-10}	---

Notes to Table F-2

a. The mass limitations are based on a maximum flow of 0.76 MGD and are calculated as follows: Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day.

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.

d. The effluent limitation for Escherichia coli (E. coli) is based on the Los Angeles River Bacteria TMDL WLAs. The LA River Bacteria TMDL (effective March 23, 2012) contains WLAs of zero days of allowable exceedances of the single sample target of 235 colony forming units (cfu)/100 mL E.coli for both dry and wet weather (defined as days with 0.1 inch of rain or greater and the three days following the rain event) and no exceedances of the geometric mean TMDL numeric target of 126 cfu/100 mL E.coli for general and individual NPDES permits. The rolling 30-day geometric mean values should be

calculated based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period). If any of the single sample limits are exceeded, the Regional Water Board may require repeat sampling on a daily basis until the sample falls below the single sample limit in order to determine persistence of exceedance. Results collected during accelerated monitoring can be used to calculate the geometric mean.

e. The effluent limitations for ammonia, nitrite, nitrate, and nitrate plus nitrite as nitrogen are based on the Los Angeles River Nutrients TMDL WLAs. The MDEL for ammonia, nitrite, nitrate, and total nitrate and nitrite as nitrogen are based on their respective 30-day average WLAs in accordance with the Los Angeles River Nutrients TMDL. As discharge from the Facility is storm water only, only MDELs are prescribed; the 30-day average WLAs in the TMDL are transcribed into MDELs to ensure the protection of aquatic life. The 1-hour average WLA for ammonia as included in the Los Angeles River Nutrients TMDL is transcribed into an instantaneous maximum limit in this Order.

f. TPH equals the sum of TPH gasoline (C_4-C_{12}), TPH diesel (C_{13}-C_{22}), and TPH waste oil (C_{23+}).

g. The wet weather TMDL limits for cadmium, copper, lead, and zinc apply when the maximum daily flow in the Los Angeles River at Wardlow gauge station (F319-R) is greater than or equal to 500 cubic feet per second (cfs).

h. The dry weather targets for copper and lead are applicable when flow in the Los Angeles River at the Wardlow stream gauge station (F319-R) is less than 500 cfs.

D. Compliance Summary

The Facility did not discharge since 2010 and during the term of Order No. R4-2015-0068. As a result, there were no violations of numeric effluent limitations.

E. Planned Changes

The facility was previously modified as follows:

1. A 15,000-barrel bio-diesel tank with a secondary containment was constructed in 2015 on the southern portion of the Facility.
2. A rail receiving facility for bio-diesel railcars was installed and operational in 2017 on the west side of the Facility.

There are currently no additional changes to the Facility planned for this permit term.

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 location 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's *Water Quality Control Plan for the Los Angeles Region* (hereinafter Basin Plan) 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.

   Beneficial uses applicable to the Los Angeles River Reach 2 are as follows:

Table F-3. Basin Plan Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	Los Angeles River, Reach 2 (Carson St. to Rio Hondo Reach 1)	Existing: Contact (REC-1) and non-contact (REC-2) water recreation; groundwater recharge (GWR) (See note a); warm freshwater habitat (WARM). Potential: Municipal and domestic water supply (MUN) (See note b); industrial service supply (IND); wildlife habitat (WILD).

Notes to Table F-3

a. ***Groundwater Recharge (GWR).*** The Los Angeles River Reach 2 (Carson St. to Rio Hondo Reach 1) is designated as GWR. Surface water from the Los Angeles River percolates into the Central Los Angeles Coastal Plain Groundwater Basin. Groundwater from this Basin is used as municipal and domestic drinking water supply. Limits based on maximum contaminant levels (MCLs) are needed to protect the drinking water supply. See note b, below. MCLs were considered during the development of effluent limits included in this Order.

b. ***Title 22 of the California Code of Regulations.*** Primary and secondary MCLs for inorganic, organic, and radioactive contaminants in drinking water are codified in Title 22, California Code of Regulations (Title 22). The Basin Plan (Chapter 3) incorporates Title 22 primary MCLs by

reference. This incorporation by reference is prospective including future changes to the incorporated provisions as the changes take effect. Title 22 primary MCLs have been used as bases for effluent limitations in WDRs and NPDES permits to protect the groundwater recharge beneficial use when that receiving groundwater basin is designated as MUN. Also, the Basin Plan specifies that "Ground waters shall not contain taste or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses". Therefore, secondary MCLs were also considered during the development of effluent limits included in this Order to protect groundwater quality.

2. **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 bacteria provisions (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. The bacteria water quality objective for all inland surface waters where the salinity is equal to or less than 1 part per thousand (i.e. freshwater) is E. coli. The Bacteria Provisions do not supersede TMDLs in effect prior to the effective date of the Bacteria Provisions. The Los Angeles River Bacteria TMDL became effective on March 23, 2012. Therefore, this Order implements the applicable waste load allocations for E. coli in the Los Angeles River Bacteria TMDL.

3. **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.

4. **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.

5. **Antidegradation Policy.** CWA section 303 and federal regulation 40 CFR section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16 (Resolution 68-16). Resolution 68-16 is deemed to incorporate the federal antidegradation policy where the federal policy applies under federal law. Resolution 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 68-16. Requirements of this Order implement federal and state antidegradation policies as described in section IV.D.2 of this Fact Sheet.

6. **Anti-Backsliding Requirements.** Sections 402(o) 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.

7. **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 Act.

8. **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 the Office of Administrative Law (OAL) on December 2, 2015 and became effective upon U.S. EPA approval on January 12, 2016. The Trash Provisions

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 apply to all surface waters of the State, with the exception of those waters within the jurisdiction of the Regional Water Board where trash or debris Total Maximum Daily Loads (TMDLs) are in effect prior to the effective date of the Trash Provisions. There are currently Trash TMDLs for the Los Angeles River, therefore, the discharges described in this Order are subject to the Los Angeles River Trash TMDL rather than the Trash Amendments.

9. **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 Provisions did not prescribe specific implementation provisions for individual industrial permittees that discharge storm water only. Therefore, considering the nature of the discharge and that there has not been a discharge since 2010, this Order retains the previous monitoring requirements for mercury in Order No. R4-2015-0068.

D. Impaired Water Bodies on CWA 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 develops and adopts total maximum daily loads (TMDLs) that specify wasteload allocations (WLAs) for point sources and load allocations (LAs) for non-point sources, as appropriate.

Certain receiving waters in the Los Angeles Region 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 to the Los Angeles River Reach 2. The *2014-16 State Water Resources Control Board (State Water Board) California 303(d) List* includes the classification of the Los Angeles River Reach 2 (Carson to Figueroa

Street). The pollutants/stressors of concern include ammonia, indicator bacteria, copper, lead, nutrients (algae), oil, and trash.

The following TMDLs have been established to address pollutants causing impairment of water quality in the Los Angeles River.

1. **Bacteria TMDL.** The LA River Bacteria TMDL became effective on March 23, 2012. The elements, responsible parties, and implementation schedule for the LA River Bacteria TMDL are set forth in Chapter 7, section 7-39, of the Basin Plan. The LA River Bacteria TMDL contains WLAs for E. coli during both dry and wet weather conditions for general and individual NPDES permits. This Order includes effluent limitations based on the LA River Bacteria TMDL.

2. **Nutrient TMDL.** The LA River Nutrients TMDL became effective on March 23, 2004 and has been revised several times since then. The elements, responsible parties, and implementation schedule for the LA River Nutrients TMDL are set forth in Chapter 7, section 7-8, of the Basin Plan. This Order includes effluent limitations based on the LA River Nutrients TMDL.

3. **Trash TMDL for Los Angeles River.** The LA River Trash TMDL became effective on September 23, 2008. The elements, responsible parties, and implementation schedule for the LA River Trash TMDL are set forth in Chapter 7, section 7-2, of the Basin Plan. This Order requires a Storm Water Pollution Prevention Plan (SWPPP), which is expected to minimize/prevent the discharge of trash from the Facility to the Los Angeles River Watershed. This Order is consistent with the Los Angeles River Trash TMDL.

4. **Metals TMDL for Los Angeles River.** The TMDL for metals (cadmium, copper, lead, selenium, and zinc) in the Los Angeles River and Tributaries (LA River Metals TMDL) became effective on October 29, 2008. The elements, responsible parties, and implementation schedule for the LA River Metals TMDL are set forth in Chapter 7, section 7-13, of the Basin Plan. The LA River Metals TMDL establishes WLAs for discharges to Los Angeles River Reach 2 for copper and lead in dry weather conditions and cadmium, copper, lead, and zinc in wet weather conditions (defined where the maximum daily flow at station F319-R is greater than 500 cubic feet per second). An amendment to the TMDL established site-specific WERs for calculating the copper WLAs and site-specific objectives for lead based on recalculated lead criteria. This Order includes effluent limitations based on the most recent amendment to the LA River Metals TMDL.

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. The Los Angeles Water Board adopted a similar resolution, “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, non-conventional, 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: 40 CFR section 122.44(a) requires that permits include applicable technology-based 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. R4-2015-0068 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. R4-2015-0068 for BOD, pH, oil and grease, TSS, TDS, phenols, sulfides, sulfate, temperature, E. coli, settleable solids, turbidity, chloride, ammonia, nitrogen nutrients, TPH, cadmium, copper, lead, zinc, 2,3,7,8-TCDD, and chronic toxicity. Due to the nature of products that are handled

at the Facility (including crude oil and petroleum products), these constituents can be indicators of spills within the Facility. In addition, total petroleum hydrocarbons are pollutants of concern as these constituents were identified based on a review of pollutants commonly found in discharges from similar facilities and/or they were historically detected in the effluent.

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 No. 001 consist of storm water only. They are intermittent and of short duration. Therefore, only 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 limitations on a case-by-case basis, limitations based on mass are infeasible because the mass or pollutant cannot be related to a measure of production. The 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 Code of Federal Regulations (CFR), the Basin Plan, the Water Code, State Water Board's plans and policies, U.S. EPA guidance and regulations, and previous permit provisions. The discharge prohibitions included in this Order are consistent with the requirements set for other dischargers within the Los Angeles Region that are regulated by NPDES permits.

B. Technology-Based Effluent Limitations

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 minimum 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. 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. R4-2015-0068, which followed Order No. R4-2009-0102). Effluent limitations for BOD_5, oil and grease, TSS, phenols, TPH, settleable solids, sulfides, and turbidity were included for discharges at Discharge Point No. 001 in the previous Orders. The Regional Water Board considered relevant factors pursuant to 40 CFR section 125.3 and concluded that the limitations are appropriate. Pursuant to federal anti-backsliding regulations, this Order retains effluent limitations for these pollutants as technology-based effluent limitations.

Discharges from the Facility are not subject to federal ELGs. Order No. R4-2015-0068 required the Discharger to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). This Order will require 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 in the unbermed areas, and that all storm water is contained within the bermed areas at all times.

Due to the lack of national ELGs for storm water runoff from tank farm facilities, and pursuant to section 122.44(k), Order No. R4-2015-0068 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. R4-2015-0068 required the Discharger to implement a Spill Contingency Plan (SCP). This Order will 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 established ELGs, in order to carry out the purposes and intent of the CWA.

Table F-4. Summary of Technology-based Effluent Limitations – Discharge Point No. 1

Parameter	Units	Maximum Daily Effluent Limitations (See note a)
TSS	mg/L	75
TSS	lbs/day (See note b)	480
Turbidity	NTU	75
$BOD_5$20°C	mg/L	30
$BOD_5$20°C	lbs/day	190
Oil and Grease	mg/L	15
Oil and Grease	lbs/day	95
Settleable Solids	ml/l	0.3
Phenols	mg/L	1.0
Phenols	lbs/day	6.3
Sulfides	mg/L	1.0

Parameter	Units	Maximum Daily Effluent Limitations (See note a)
Sulfides	lbs/day	6.3
TPH (See note c)	µg/L	100
TPH (See note c)	lbs/day	0.63

Notes to Table F-4

a. Because the storm water is not a continuous discharge, only maximum daily TBELs are established in the Order.

b. The mass limitations are based on a maximum flow of 0.76 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_4-C_{12}), TPH diesel (C_{13}-C_{22}), and TPH waste oil (C_{23+}).

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.

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 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. As described in the statement from the TSD, an analogous approach may also be used to evaluate reasonable potential and calculate WQBELs for storm water discharges as well. Hence, for this Facility, the Regional Water Board 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 this 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 River 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 River. 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. In this Order, the CTR criteria for freshwater, 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 River Reach 2, a water of the United States.

Metals TMDL for the Los Angeles River. The TMDL establishes concentration-based dry weather WLAs in Los Angeles River Reach 2 for copper and lead and concentration-based wet weather WLAs for cadmium, copper, lead, and zinc. The numeric target portion of the TMDL specifies when the wet weather and dry weather targets (based on numeric water quality criteria established by the CTR) are applicable. Wet weather targets are applicable when the flow in the Los Angeles River at Wardlow gauge is greater than or equal to 500 cubic feet per second (cfs). Dry weather targets are applicable when flow in the Los Angeles River at station F319-R (Wardlow gauge) is less than 500 cfs. The TMDL states that permit writers may translate applicable WLAs into effluent limitations for the major, minor,

and general NPDES permits by applying the effluent limitation procedures in Section 1.4 of the SIP or other applicable engineering practices authorized under federal regulations. The previous Order R4-2015-0068 established effluent limitations based on the LA River Metals TMDL adopted through Resolution No. R10-003. As discussed previously, a subsequent amendment to the TMDL established site-specific WERs for calculating the copper WLAs in the TMDL and site-specific objectives for lead based on recalculated lead criteria. This Order includes dry-weather effluent limitations for copper and lead, and wet weather effluent limitations for cadmium, copper, lead, and zinc based on the WLAs contained in the most recent amendment to the LA River Metals TMDL and applying the procedures in Section 1.4 of the SIP.

Table F-5 summarizes the applicable dry and wet weather WLAs for cadmium, copper, lead, and zinc contained in the LA River Metals TMDL. These WLAs are applicable to Discharge Point No. 001 discharging to the Los Angeles River Reach 2 and are converted into effluent limitations by applying CTR-SIP procedures.

Table F-5. Los Angeles River TMDL WLAs Applicable to Discharge Point No. 001

Constituents	Units	WLA	
		Dry Weather	Wet Weather
Cadmium, Total Recoverable (TR) (See Notes a, e)	µg/L	---	WER x 3.1
Copper, TR (See Notes b, c, d, e)	µg/L	WER x 22	WER x 17
Lead, TR (See Notes a, c, d, e)	µg/L	WER x 94	WER x 94
Zinc, TR (See Notes a, d, e)	µg/L	---	WER x 159

Notes to Table F-5

a. There is no site-specific WER for cadmium, lead, and zinc in the Los Angeles River Reach 2, therefore the WER is the default value of 1.0.

b. The site-specific WER for copper in the Los Angeles River Reach 2 is 3.97.

c. Dry weather targets for copper and lead are based on chronic CTR criteria.

d. Copper, lead, and zinc targets dependent on water hardness; copper and lead targets based on 50th percentile hardness values.

e. Wet weather targets for cadmium, copper, lead, and zinc based on acute CTR criteria and the 50th percentile hardness values for storm water collected at Wardlow gauge station.

LA River Nutrients TMDL. The TMDL establishes concentration-based WLAs for minor point sources. The implementation portion of the TMDL states that WLAs shall be applied to minor point source dischargers on the effective date of the TMDL. The following WLAs are applicable to the discharges under this Order:

a. Total Ammonia (as nitrogen) – 2.4 mg/L (30-day average)
– 8.7 mg/L (1-hour average)

b. Nitrate-nitrogen (NO_3-N) – 8 mg/L (30-day average)

c. Nitrite-nitrogen (NO_2-N) – 1 mg/L (30-day average)

d. Nitrate-nitrogen plus nitrite-nitrogen (NO_3-N + NO_2-N) – 8 mg/L (30-day average)

This Order implements the applicable WLAs as required in the TMDLs.

LA River Bacteria TMDL. The LA River Bacteria TMDL contains WLAs of zero days of allowable exceedances of the single sample target of 235/100mL E.coli for both dry and wet weather (defined as days with 0.1 inch of rain or greater and the three days following the rain event) and no exceedances of the geometric mean numeric target of 126/100 mL E.coli for general and individual NPDES permits. The calculation of the rolling 30-day geometric mean requires a statistically sufficient number of samples (generally, at least five equally spaced samples over a 30-day period). As discussed previously in section III.C.3, the State Water Board adopted Resolution No. 2018-0038 on August 7, 2018 which establishes new statewide numeric water quality objectives for bacteria to protect primary contact recreation (REC-1) beneficial use. The Resolution and statewide water quality objectives for bacteria became effective on March 22, 2019. Resolution No. R20-001 states, “The statewide bacteria water quality objectives supersede any numeric water quality objective for bacteria for the water contact recreation beneficial use contained in Regional Water Boards’ water quality control plans before the effective date of the Statewide Bacteria Provisions (i.e. March 22, 2019). Narrative water quality objectives and numeric site-specific objectives for bacteria established before the effective date of the Statewide Bacteria Provisions remain in effect. Also, all TMDLs using the superseded bacteria water quality objectives remain in effect.” Therefore, this Order includes effluent limitations based on the LA River Bacteria TMDL, which are those that are carried forward from the previous Order No. R4-2015-0068.

LA River Trash TMDL. The TMDL establishes WLAs for trash to the Los Angeles River and applicable tributaries on municipal storm water permittees, including Caltrans. The implementation of the TMDL is specific to MS4

permittees within the Los Angeles River watershed. No specific WLAs are specified for non-municipal storm water NPDES permittees. However, the implementation of the SWPPP discussed in section IV.B.2 of this Fact Sheet is expected to prevent/minimize the discharge of trash to the Los Angeles River watershed from the Facility and is consistent with the intent of the TMDL.

3. Determining the Need for WQBELs

In accordance 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:

1) Trigger 1 – If the MEC ≥ C, a limit is needed.

2) Trigger 2 – If the background concentration (B) > C and the pollutant is detected in the effluent, a limit is needed.

3) Trigger 3 – If other related information such as CWA 303(d) listing for a pollutant, discharge type, compliance history, etc. indicates 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 will 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 has not discharged during the effective term of Order No. R4-2015-0068, thus no new data are available to conduct an RPA. The determination of reasonable potential established in Order No. R4-2015-0068 for 2,3,7,8-TCDD continues to be relevant for this Order and has been retained in Order to adhere to anti-backsliding provisions in CWA sections 402(o)(1) and 303(d)(4).

The Regional Water Board developed WQBELs for cadmium, copper, lead, and zinc based on the waste load allocations included in the Los Angeles River Metals TMDL. The Regional Water Board also developed WQBELs for

ammonia as nitrogen, nitrite as nitrogen, nitrate as nitrogen, and total nitrate plus nitrite as nitrogen based on the waste load allocations specified in the Los Angeles River Nutrients TMDL; and WQBELs for E.coli in accordance with the Los Angeles River Bacteria TMDL. The Regional Water Board developed water quality-based effluent limitations for these pollutants pursuant to 40 CFR section 122.44(d)(1)(vii).

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 cadmium, copper, lead, zinc, ammonia as nitrogen, nitrite as nitrogen, nitrate as nitrogen, and nitrate plus nitrite as nitrogen are based on TMDL-established WLAs for these constituents and following the procedure in section 1.4 of the SIP.

c. 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 included.

WQBELs Calculation Example

Using total recoverable copper (dry weather and wet weather) and zinc (wet weather) as examples, the following demonstrates how WQBELs were established for this Order.

Concentration-based Effluent Limitations

A set 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 aquatic life AMEL and MDEL for Copper

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 steady state equation:

$ECA = C + D(C-B)$ when C>B, and

$ECA = C$ when C≤B,

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

D = The dilution credit, and

B = The ambient background concentration

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

$ECA = C$

When a WLA has been established through a TMDL for a parameter, the WLA is set equal to the ECA. Note that for cadmium, copper, lead, and zinc, the acute criterion was used to develop the wet weather WLA and therefore the wet weather WLA for these constituents will become the ECA_{acute}. Chronic criterion was used to develop dry weather WLA and therefore the dry weather WLA will become the $ECA_{chronic}$. The chronic criterion is used for dry weather because it is the most protective and the most applicable to dry weather, which occurs for long, uninterrupted periods of time in the Los Angeles Region.

For total recoverable copper, the applicable water quality criteria are (reference Table F-5):

ECA_{acute} = WER x 17 µg/L = 3.97 x 17 µg/L = 67.49 µg/L (TMDL wet weather WLA)

$ECA_{chronic}$ = WER x 22 µg/L = 3.97 x 22 µg/L = 87.34 µg/L (TMDL dry weather WLA)

For total recoverable zinc (wet weather) the applicable water quality criteria is (reference Table F-5):

ECA_{acute} = WER x 159 µg/L = 1.0 x 159 µg/L = 159 µg/L (TMDL wet weather WLA)

$ECA_{chronic}$ = Not Applicable (No dry weather TMDL WLA)

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). Table 1 of the SIP provides pre-calculated values for the multipliers based on the value of the CV.

For copper and zinc, because no data are available, the CV is set equal to 0.6. The corresponding multipliers are as follows:

No. of Samples	CV	ECA Multiplier$_{acute\ 99}$	ECA Multiplier$_{chronic\ 99}$
0	0.6	0.321	0.527

For total recoverable copper, the wet weather water column concentration-based WLA in the LA River Metals TMDL is based on the acute criterion and the dry weather water column concentration-based WLA is based on chronic criterion. Therefore, the acute and chronic multipliers will be used to develop the LTAs for calculation of the wet weather and dry weather effluent limitations.

LTA_{acute} = 67.49 µg/L x 0.321 = 21.66 µg/L (TMDL wet weather WLA)

$LTA_{chronic}$ = 87.34 µg/L x 0.527 = 46.03 µg/L (TMDL dry weather WLA)

For total recoverable zinc, the wet weather water column concentration-based WLA in the LA River Metals TMDL is based on the acute criterion and there is no dry weather water column concentration-based WLA is based on chronic criterion. Therefore, chronic multiplier will be used to develop the LTA and calculate the effluent limitations.

LTA_{acute} = 159 µg/L x 0.321 = 51.04 µg/L (TMDL wet weather WLA)

$LTA_{chronic}$ = Not Applicable (No dry weather TMDL WLA)

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

For total recoverable copper, since the acute criteria will be used to develop the wet weather effluent limitations and chronic criteria will be used to develop the dry weather effluent limitations, we only have one criterion for each condition for the parameters listed in the LA River Metals TMDL; thus, both LTAs (wet and dry) will be used.

$LTA_{copper(wet)} = LTA_{acute}$ = 21.66 µg/L

$LTA_{copper(dry)} = LTA_{chronic}$ = 46.03 µg/L

For total recoverable zinc, since we are limited to using the acute aquatic life criterion, the most limiting LTA is LTA_{acute}

$LTA_{zinc(wet)} = LTA_{acute}$ = 51.04 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.

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

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

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

For total recoverable copper and total recoverable zinc, 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	$Multiplier_{MDEL\ 99}$	$Multiplier_{AMEL\ 95}$
4	0.6	3.115	1.552

For total recoverable copper (wet weather):

AMEL = 21.66 µg/L x 1.552 = 33.62 µg/L

MDEL = 21.66 µg/L x 3.115 = 67.48 µg/L

For total recoverable copper (dry weather):

AMEL = 46.03 µg/L x 1.552 = 71.44 µg/L

MDEL = 46.03 µg/L x 3.115 = 143.38 µg/L

For total recoverable zinc (wet weather):

AMEL = 51.04 µg/L x 1.552 = 79.21 µg/L

MDEL = 51.04 µg/L x 3.115 = 158.99 µg/L

Calculation of human health AMEL and MDEL

Step 5: For the ECA based on human health, set the AMEL equal to the $ECA_{human\ health}$

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

For total recoverable copper and total recoverable zinc, this is not necessary since the WLAs were based on a TMDL. Therefore, AMELs based on human health criteria for copper and zinc are not appropriate.

Step 6: Calculate the MDEL for human health by multiplying the AMEL by the ratio of $Multipler_{MDEL}$ to the $Multiplier_{AMEL}$. Table 2 of the SIP provides pre-calculated ratios to be used in this calculation based on the CV and the number of samples.

$$MDEL_{human\ health} = ECA_{human\ health} \times (Multiplier_{MDEL} / Multiplier_{AMEL})$$

For total recoverable copper and total recoverable zinc, $MDEL_{human\ health}$ is not applicable.

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

For the parameters subject to the LA River Metals TMDL, such as cadmium, copper, lead, and zinc, a comparison is not necessary and the effluent limitations are applied directly.

Final WQBELs for Copper (wet weather):

$AMEL_{copper(wet)}$ = 34 µg/L

$MDEL_{copper(wet)}$ = 67 µg/L

Final WQBELs for Copper (dry weather):

$AMEL_{copper(dry)}$ = 71 µg/L

$MDEL_{copper(dry)}$ = 140 µg/L

Final WQBELs for Zinc (wet weather):

$AMEL_{zinc}$ = 79 µg/L

$MDEL_{zinc}$ = 160 µg/L

For cadmium, copper, lead, and zinc, there are no human health (Consumption of Organism Only) criteria, and WLAs have been established based on the LA River Metals TMDL; therefore, the established effluent limitations are based on aquatic life criteria used for the LA River Metals TMDL WLAs. Since the Facility discharges storm water runoff only, only MDELs are prescribed in this Order. These limitations are expected to be protective of the beneficial uses. Final WQBELs for each are summarized in Table F-6 of this Fact Sheet.

5. WQBELs Based on Basin Plan Objectives

The Basin Plan Objectives applicable to the Discharger were evaluated with respect to effluent monitoring data and Facility operations.

a. **pH.** This Order includes effluent and receiving water limitations for pH to ensure compliance with Basin Plan Objectives for pH.

b. **Dissolved Oxygen.** This Order addresses dissolved oxygen through receiving water monitoring and receiving water limitations.

c. **Turbidity.** This Order applies the water quality objective for turbidity as a receiving water limitation in addition to the technology-based effluent limitation.

d. **Temperature.** Order No. R4-2015-0068 included an effluent limitation of 86 ºF. This Order updates the temperature effluent limitation to 80 ºF to align it with the water quality objective in the Basin Plan for temperature for discharges to waters designated “warm”.

e. **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 the implementation of the narrative water quality objective for solids. This limitation is consistent with the limitations in Order No. R4-2015-0068 and is retained as the technology-based effluent limitations.

f. **TDS, Sulfate, and Chloride.** The Basin Plan, in Table 3-10, lists water quality objectives for selected parameters in inland surface waters. Water quality objectives for TDS, sulfate, and chloride for the Los Angeles River are established in the Basin Plan and are included in this Order.

6. 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 response includes, but is 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.

Order No. R4-2015-0068 included chronic toxicity monitoring requirements at Discharge Point 001. The chronic toxicity in-stream waste concentration (IWC) for this discharge is 100 percent effluent. The discharge is subject to 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 (Ho) for the TST approach is:

H_0: Mean response (In-stream Waste Concentration (IWC) in % effluent) ≤ (0.75 × mean response (Control)).

A test result that does not reject this null hypothesis is reported as "Fail".

Monitoring data from February 22, 2017 through February 4, 2019, indicates "Pass" for chronic toxicity.

This Order contains numeric chronic toxicity effluent limitations. Nevertheless, this Order contains a reopener to allow the Regional Water Board and U.S EPA to modify the permit in the future, if necessary, to make it consistent with any new policy, plan, law, or regulation.

D. Final Effluent Limitation Considerations

1. Anti-Backsliding Requirements

Sections 402(o) 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.

Order No. R4-2015-0068 included effluent limitations for copper and lead based on WLAs for Los Angeles River Reach 2 in the Los Angeles River Metals TMDL, Resolution No. R10-003, which represents the receiving water condition to be achieved. In this Order, the effluent limitation for these pollutants has been revised based on an amendment to the TMDL (Resolution No. R15-004). This amendment included site-specific WER to be used for calculation of the dry weather and wet weather WLAs for copper and a site-specific recalculation of the lead objective. The changes to the effluent limitations based on revisions to the TMDL do not constitute backsliding because the revised effluent limitations are not less stringent. The revised effluent limitations were adjusted based on site-specific factors and provide the same intended level of protection as the WQBELs in the prior permit. Even if the adjusted copper and lead criteria are considered backsliding, backsliding is allowed consistent with the exception to the backsliding prohibition in section 303(d)(4)(A) of the Clean Water Act, which allows backsliding of "any effluent limitation based on a total maximum daily load or other waste load allocation … if (i) the cumulative effect of all such revised effluent limitations based on such total maximum daily load or waste load allocation will assure the attainment of such water quality standard." Here, the revisions were made in accordance with the revised WLAs in the revised TMDL, which will ensure the attainment of water quality standards for copper and lead. Attainment of the copper and lead water quality standards will occur within a reasonable time frame set forth in the TMDL implementation schedule.

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.

This Order does not provide for an increase in the permitted design flow or allow for a reduction in the level of treatment. The final effluent limitations hold the Discharger to performance levels that will not cause or contribute to water quality impairment or water quality degradation. Therefore, the permitted discharge is consistent with the antidegradation provision of 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:

Mass (lbs/day) = flow rate (MGD) x 8.34 x effluent limitation (mg/L)

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

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

Flow rate = discharge flow rate (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 BOD, oil and grease, TSS, turbidity, phenols, settleable solids, and sulfides and TPH. Restrictions on these pollutants are discussed in section IV.B. of the 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. All 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-6. Summary of Final Effluent Limitations

Parameter	Units	Maximum Daily Effluent Limitations	Instantaneous Maximum Effluent Limitations	Basis
$BOD_5$20°C	mg/L	30	---	Existing Permit (E), Best Professional Judgment (BPJ)
$BOD_5$20°C	lbs/day (See note a)	190	---	E, BPJ
Oil and Grease	mg/L	15	---	E, BPJ
Oil and Grease	lbs/day	95	---	E, BPJ
TSS	mg/L	75	---	E, BPJ
TSS	lbs/day	480	---	E, BPJ
pH	standard unit	(See note b)	(See note b)	E, Basin Plan (BP)
TDS	mg/L	1,500	---	E, BP
TDS	lbs/day	9,500	---	E, BP
Sulfate	mg/L	350	---	E, BP
Sulfate	lbs/day	2,200	---	E, BP
Chloride	mg/L	150	---	E, BP
Chloride	lbs/day	950	---	E, BP
Temperature (See note c)	ºF	80	---	BP
E. coli (See note d)	CFU/100 mL	---	---	E, TMDL
Ammonia, as Nitrogen (N) (See note e)	mg/L	2.4	8.7	E, TMDL
Ammonia, as N (See note e)	lbs/day	15	55	E, TMDL
Nitrite, as N (See note e)	mg/L	1.0	---	E, TMDL
Nitrite, as N (See note e)	lbs/day	6.3	---	E, TMDL
Nitrate, as N (See note e)	mg/L	8.0	---	E, TMDL

Parameter	Units	Maximum Daily Effluent Limitations	Instantaneous Maximum Effluent Limitations	Basis
Nitrate, as N (See note e)	lbs/day	51	---	E, TMDL
Nitrate plus Nitrite, Total as N (See note e)	mg/L	8.0	---	E, TMDL
Nitrate plus Nitrite, Total as N (See note e)	lbs/day	51	---	E, TMDL
Settleable Solids	milliliter per liter (ml/L)	0.3	---	E, BPJ
Sulfides	mg/L	1.0	---	E, BPJ
Sulfides	lbs/day	6.3	---	E, BPJ
Total Petroleum Hydrocarbons (TPH) (See note f)	microgram per liter(µg/L)	100	---	E, BPJ
TPH (See note f)	lbs/day	0.63	---	E, BPJ
Turbidity	nephelometric turbidity unit (NTU)	75	---	E, BPJ
Chronic Toxicity	Pass or Fail, % Effect	Pass or % Effect < 50	---	BP, BPJ, TST
Phenols	mg/L	1.0	---	E, BPJ
Phenols	lbs/day	6.3	---	E, BPJ
Cadmium, Total Recoverable (TR) (Wet Weather) (See note g)	µg/L	3.1	---	E, TMDL
Cadmium, TR (Wet Weather) (See note g)	lbs/day	0.020	---	E, TMDL
Copper, TR (Dry Weather) (See note h)	µg/L	140	---	TMDL
Copper, TR (Dry Weather) (See note h)	lbs/day	0.89	---	TMDL
Copper, TR (Wet Weather) (See note g)	µg/L	67	---	TMDL
Copper, TR (Wet Weather) (See note g)	lbs/day	0.42	---	TMDL
Lead, TR (Dry Weather) (See note h)	µg/L	150	---	TMDL
Lead, TR (Dry Weather) (See note h)	lbs/day	0.95	---	TMDL
Lead, TR (Wet Weather) (See note g)	µg/L	94	---	TMDL

Parameter	Units	Maximum Daily Effluent Limitations	Instantaneous Maximum Effluent Limitations	Basis
Lead, TR (Wet Weather) (See note g)	lbs/day	0.60	---	TMDL
Zinc, TR (Wet Weather) (See note g)	µg/L	160	---	E, TMDL
Zinc, TR (Wet Weather) (See note g)	lbs/day	1.0	---	E, TMDL
2,3,7,8-Tetrachlorobenzodioxin (TCDD)	µg/L	2.8×10^{-8}	---	E, California Toxic Rules (CTR), State Implementation Policy (SIP)
2,3,7,8-TCDD	lbs/day	1.8×10^{-10}	---	E, CTR, SIP

Notes to Table F-6

a. The mass limitations are based on a maximum flow of 0.76 MGD and are calculated as follows: Flow (MGD) x Concentration (mg/L) x 8.34 (conversion factor) = lbs/day.

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

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 80ºF. and the maximum temperature of the effluent shall not exceed the natural receiving water temperature by more than 5°F.

d. The effluent limitation for Escherichia coli (E. coli) is based on the Los Angeles River Bacteria TMDL WLAs. The LA River Bacteria TMDL contains WLAs of zero days of allowable exceedances of the single sample target of 235/100mL E.coli for both dry and wet weather (defined as days with 0.1 inch of rain or greater and the three days following the rain event) and no exceedances of the geometric mean TMDL numeric target of 126/100 mL E.coli for general and individual NPDES permits. The rolling 30-day geometric mean values should be calculated based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period). If any of the single sample limits are exceeded, the Regional Water Board may require repeat sampling on a daily basis until the sample falls below the single sample limit in order to determine persistence of exceedance. Results collected during accelerated monitoring can be used to calculate the geometric mean.

e. The effluent limitations are based on the Los Angeles River Nutrients TMDL WLAs. The MDEL for ammonia, nitrite, nitrate, and total nitrate and nitrite as nitrogen are based on their respective 30-day average WLAs in accordance with the Los Angeles River Nutrients TMDL. As discharge from the Facility is storm water only, only MDELs are prescribed; the 30-day average WLAs in the TMDL are transcribed into MDELs to ensure the protection of aquatic life. The 1-hour average WLA for ammonia as included

in the Los Angeles River Nutrients TMDL is transcribed into an instantaneous maximum limit in this Order.

f. TPH equals the sum of TPH gasoline (C_4-C_{12}), TPH diesel (C_{13}-C_{22}), and TPH waste oil (C_{23+}).

g. The wet weather TMDL limits for cadmium, copper, lead, and zinc apply when the maximum daily flow in the Los Angeles River at Wardlow gauge station (F319-R) is greater than or equal to 500 cubic feet per second (cfs).

h. Dry weather targets for copper and lead are applicable when flow in the Los Angeles River at the Wardlow stream gauge station (F319-R) is less than 500 cfs.

E. Interim Effluent Limitations – Not Applicable

F. Land Discharge Specifications – Not Applicable

G. Recycling Specifications – Not Applicable

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

The receiving water limitations in this Order are based upon the water quality objectives contained in the Basin Plan. As such, they are a required part of the Order.

A. Surface Water

The Basin Plan contains 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 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 Inland Surface Waters and Enclosed Bays and Estuaries Plan. If there is reasonable potential (RP) or a U.S. EPA-approved TMDL WLA, then WQBELs are included in this Order to ensure protection of 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 are based on 40 CFR section 123 and Order No. R4-2015-0068. The Regional Water Board may reopen the permit to modify permit conditions and requirements. Causes for modifications 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 or revisions to the TMDLs applicable to the Los Angeles River Watershed.

2. Special Studies and Additional Monitoring Requirements

a. **Initial Investigation Toxicity Reduction Evaluation 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.

3. Best Management Practices and 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.

This Order requires the Discharger to update and maintain a BMPP that incorporates requirements contained in Attachment G. Attachment 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 Attachment 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 and continue to 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

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

5. Other Special Provisions – Not Applicable

6. 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 require that all NPDES permits specify monitoring and reporting requirements. Water Code sections 13267 and 13383 also authorize the Regional Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. The Monitoring and Reporting Program (MRP), Attachment E of this Order establishes monitoring, reporting, and recordkeeping 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. 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.

This Order requires the Discharger to conduct annual monitoring for the remaining CTR priority pollutants. 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 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. Monitoring of the receiving water for the CTR priority pollutants, including TCDD equivalents, is required to determine reasonable potential. Accordingly, this Order requires the Discharger conduct receiving water monitoring of the CTR priority pollutants at Monitoring Location RSW-001. Additionally, the Discharger must analyze pH, temperature, salinity and ammonia of the receiving water at the same time the priority pollutant samples are collected. The receiving water data of pH, temperature and salinity are necessary to translate the Basin Plan ammonia objective from unionized to total ammonia. This Order also requires monitoring for dissolved oxygen and bacteria at RSW-001 to demonstrate compliance with the receiving water limitations.

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 from the facility to detect the presence of floating and suspended materials, oil and grease, discoloration, turbidity, and odor.

VIII. PUBLIC PARTICIPATION

The Regional Water Board has considered the issuance of WDRs that will serve as an NPDES permit for the East Hynes 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 tentative WDRs as provided through the notification process electronically at losangeles@waterboards.ca.gov with a copy to 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 8:00 a.m. on October 19, 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: **November 12, 2020**
Time: **9:00 A.M.**
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.

Please be aware that dates and venues may change. Our Web address is http://www.waterboards.ca.gov/losangeles where you can access the current agenda for changes in dates and locations.

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

For instructions on how to file a petition for review, see http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml

E. Information and Copying

The Report of Waste Discharge, other supporting documents, and comments received are on file and 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

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 Don.Tsai@waterboards.ca.gov.

ATTACHMENT G – STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

I. IMPLEMENTATION SCHEDULE

The storm water pollution prevention plan (SWPPP) shall be updated and resubmitted 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 the 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

PLANNING AND ORGANIZATION
Form Pollution Prevention Team
Review other plans

ASSESSMENT PHASE
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

BEST MANAGEMENT PRACTICES IDENTIFICATION PHASE
Non-structural BMPs
Structural BMPs
Select activity and site-specific BMPs

IMPLEMENTATION PHASE
Train employees
Implement BMPs
Conduct recordkeeping and reporting

EVALUATION / MONITORING
Conduct annual site evaluation
Review monitoring information
Evaluate BMPs
Review and revise SWPPP

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 this section 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 Code of Federal Regulations [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.

6. **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. 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 VII.A.8. 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 VI.5. 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 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 off fuel oil, and 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 preventive 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. 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.

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.