

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

**TIME SCHEDULE ORDER NO. R4-2021-0013  
REQUIRING INEOS COMPOSITES US, LLC**

**TO COMPLY WITH REQUIREMENTS PRESCRIBED IN THE GENERAL PERMIT  
FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES  
AMENDED NOVEMBER 6, 2018 AND EFFECTIVE JULY 1, 2020  
(NPDES PERMIT No. CAS000001)  
WDID NO. 4 19I028350**

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

1. INEOS Composites US, LLC (INEOS) owns and operates a facility located at 6608 East 26<sup>th</sup> Street in Los Angeles, California (Facility). This Facility encompasses a total area of 5.61 acres, all of which is considered an industrial area.
2. The Facility is an industrial operation that is required to have coverage under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, amended on November 6, 2018 and effective on July 1, 2020 (Amended General Permit). The Amended General Permit also serves as a permit under the National Pollutant Discharge Elimination System program, NPDES Permit No. CAS000001. INEOS manufactures unsaturated polyester and vinyl ester resins for the plastics industry. The Facility is mixed-use with an office building, quality assurance laboratory, production, and finished product warehouse buildings, hazardous material storage areas, and a maintenance building. INEOS has a Standard Industrial Classification (SIC) code of 2821-Plastic Materials. This SIC code is listed as requiring permit coverage in Attachment A to the Amended General Permit.
3. The Amended General Permit establishes numeric effluent limitations (NELs) for facilities that discharge stormwater associated with industrial activities into water bodies that have certain approved Total Maximum Daily Loads (TMDLs) and that have waste load allocations for industrial stormwater discharges as set forth in Attachment E to the Amended General Permit. The NELs are numerical limits, an exceedance of which is a violation of the Amended General Permit and requires dischargers to limit the concentration of pollutants in their stormwater discharges to protect water quality.
4. Stormwater runoff from the Facility discharges to Reach 2 of the Los Angeles River.

5. The NELs that apply to industrial discharges from the Facility include total cadmium, total copper, total lead, total zinc, nitrate-nitrogen, nitrite nitrogen, nitrate plus nitrite-nitrogen and ammonia and are new and more stringent than the prior regulatory requirement in the previous General Permit. These NELs became effective on July 1, 2020 and exceedances of the NELs may result in mandatory minimum penalties pursuant to California Water Code (Water Code) section 13385, subdivisions (h) and (i).
6. INEOS has completed a pollutant source assessment that addresses each of these pollutants and only identified total zinc, associated with industrial activities at the Facility, as likely to exceed the NEL.
7. INEOS is expected to exceed the NEL for total zinc based on the historical monitoring data reported to the State's online Stormwater Multiple Application and Report Tracking System (SMARTS) database. The NEL and the corresponding concentrations of these pollutants in the discharge from the Facility have been reported to be:

<b>Pollutant</b>	<b>Reported Concentration Range in mg/L</b>	<b>Numeric Effluent Limit in mg/L</b>
Total zinc	0.15-1.96	0.159

8. INEOS will require additional pollutant control measures to comply with the total zinc NEL listed in the Amended General Permit.
9. The Amended General Permit provides alternative on-site compliance options for facilities that exceed or expect to exceed the NELs (see Attachment I of the Amended General Permit). These compliance options include capture and diversion of the volume of stormwater associated with industrial activities that results from the 85<sup>th</sup> percentile, 24-hour storm to the sanitary sewer or, capture and infiltration of the volume of stormwater associated with industrial activities that results from the 85<sup>th</sup> percentile, 24-hour storm, or elimination of exposure of industrial activities to stormwater, or capture the volume of stormwater from the maximum historic precipitation event.
10. The Facility implements the following Best Management Practices (BMPs) to help minimize pollutants in its stormwater discharge: good housekeeping measures to keep the Facility clean and prevent material tracking and minimize dust generation, preventative maintenance plans to address a spill and leak prevention and response, material handling and storage procedures, and employee training. INEOS also implements storm resistant shelters to minimize exposure of industrial material to stormwater.

11. INEOS has been in the process of implementing a major stormwater system improvement project for several years that is being designed to address the excess zinc concentrations. The plan involves three phases based on site conditions. Phase 1 will include data gathering and evaluation, improving Facility housekeeping measures, and enhancing minimum BMP measures. Phase 2 will include identifying zinc sources and hotspots, implementing applicable Facility housekeeping measures for source reduction, and developing additional stormwater treatment BMPs options. Phase 3 will include the construction and implementation of recommended BMPs to meet the IGP requirements, including NELs. These modifications could not be designed, installed, or put into operation prior to July 1, 2020, due to the time needed to implement the proposed plan.
12. Per Water Code section 13385 subdivision (j)(3)(C)(iii)(I), if a time schedule exceeds one year from the effective date of the Time Schedule Order (TSO), the schedule must include interim requirements that include effluent limitations for the pollutants of concern. Because this Order ends on June 30, 2023, consistent with Water Code section 13385, interim effluent limits are included for total zinc.
13. INEOS has developed and updated a facility specific Storm Water Pollution Prevention Plan (SWPPP) that is currently being implemented and complies with the monitoring and reporting requirements of the Amended General Permit. The facility specific SWPPP dated September 17, 2019 has been submitted electronically to the SMARTS database.
14. Water Code section 13300 states: "Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board, or the state board, or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."
15. Water Code section 13385, subdivisions (h) and (i), require the Regional Water Board to impose mandatory minimum penalties when dischargers violate effluent limitations in NPDES permits. Water Code section 13385 subdivision (j)(3) allows the Regional Water Board to exempt certain facilities from mandatory minimum penalties "when there are exceedances of NELs if the facility is in compliance with a time schedule order issued pursuant to Section 13300 if all of the [specified] requirements are met."
16. Water Code section 13385, subdivision (j)(3)(B)(i), allows the Regional Water Board to issue a TSO if the "regional board finds that... the discharger is not able

to consistently comply with one or more of the effluent limitations established in the waste discharge requirements” if the “effluent limitation is a new, more stringent, or modified regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.”

17. Prerequisites to issuing a TSO include those set forth in Water Code section 13385 subdivisions (j)(3)(C)(i), (j)(3)(C)(iii), and (j)(3)(D):

The TSO must establish “a time schedule for bringing the waste discharge into compliance with the effluent limitation that is as short as possible, taking into account the technological, operational, and economic factors that affect design, development and implementation of the control measures that are necessary to comply with the effluent limitation,” (Wat. Code § 13385, subd. (j)(3)(C)(i)) The TSO shall not exceed five years in length unless an extension is granted in accordance with Water Code section 13385, subdivision (j)(3)(C). If the time schedule exceeds one year from the effective date of the order, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both .... (I) Effluent limitations for the pollutant or pollutants of concern. (II) Actions and milestones leading to compliance with the effluent limitation. (Wat. Code § 13385, subd. (j)(3)(C)(iii).) The discharger must “[have] prepared and [be] implementing in a timely and proper manner, or [be] required by the regional board to prepare and implement, a pollution prevention plan pursuant to section 13263.3.” (Wat. Code § 13385, subd. (j)(3)(D).)

18. The Regional Water Board issues this TSO to INEOS based on all the findings set forth herein.
19. The time schedule set forth herein ends on June 30, 2023. This date does not exceed 5 years.
20. Pursuant to Water Code section 13385, subdivision (j)(3), full compliance with the requirements of this TSO exempts INEOS from mandatory minimum penalties (MMPs) only for violations of the NEL for total zinc that occur after the effective date of this TSO and Amended General Permit and until the expiration date of this TSO. If an interim effluent limitation contained in this TSO is exceeded, INEOS may be subject to enforcement action. An exceedance of the interim effluent limitation for the purpose of this TSO is defined as when two (2) or more analytical results from samples taken for any single parameter within a reporting year exceed the interim effluent limitations. In addition, if INEOS does not implement its SWPPP or comply with the time schedule in this TSO, INEOS may be subject to enforcement action.

21. The issuance of this TSO is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, section 15301 because the TSO pertains to an existing facility and involves negligible or no expansion of an existing use. In addition, the issuance of this TSO is categorically exempt from CEQA pursuant to California Code of Regulations, Title 14, sections 15307, 15308, and 15321, subdivision (a)(2). The issuance of this TSO is an action to assure the maintenance, restoration, enhancement and protection of the environment and a natural resource and is also an enforcement order issued by the Regional Water Board.
22. All technical and monitoring reports required under this TSO are required pursuant to Water Code section 13383. The Regional Water Board needs the required information to determine compliance with this TSO and the Amended General Permit.
23. Pursuant to Water Code section 13167.5, subdivision (a)(3), the Regional Water Board has notified INEOS, interested agencies, and interested persons of its intent to issue this TSO concerning compliance with waste discharge requirements and provided a 30-day comment period. The Regional Water Board considered all comments received.
24. Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with the Water Code section 13320 and the California Code of Regulations, Title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the Regional Water Board action, except that if the thirtieth day following the action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found online at [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**IT IS HEREBY ORDERED** that, pursuant to the Water Code sections 13300 and 13385, subdivision (j)(3), INEOS Composites US, LLC (INEOS) shall comply with the requirements listed below to ensure compliance with the NEL for total zinc contained in the Amended General Permit by June 30, 2023:

1. Comply immediately with the following interim actions, schedule, and interim effluent limitations at all discharge points:

<b>Interim Action:</b>	<b>Schedule:</b>
Implement facility specific SWPPP	Throughout the span of enrollment in the Amended General Permit
Develop Stormwater treatment system design options. Potential areas of concern for targeted stormwater treatment will be identified, and advanced BMP options will be identified for application, based on sampling data field investigation, aerial survey, and pollutant source reduction.	June 30, 2022
Construct and implement stormwater treatment system design options. Replace any roof/piping that was identified as a potential zinc contributor.	June 30, 2023

<b>Pollutant</b>	<b>Interim Effluent Limitation in mg/L</b>
Total zinc	1.6

The foregoing interim effluent limitations and interim actions are in effect from **(Date of Approval)** through June 30, 2023. During this time, the INEOS shall comply with the interim actions and associated schedule as described in this TSO.

2. Submit, electronically through the SMARTS database, biannual progress reports of efforts taken to comply with the interim actions per the above schedule and with the interim effluent limitations in addition to other reporting requirements pursuant to the Amended General Permit. The reports shall summarize the progress to date and activities conducted during the reporting period. Biannual progress reports

shall be due April 1<sup>st</sup> and October 1<sup>st</sup> each year throughout the duration of this TSO, with the first report due on April 1, 2022.

3. Submit, electronically through the SMARTS database, a final report due on June 30, 2023 that describes a summary of all the interim actions completed and their successful completion.
4. Any person signing a document submitted under this TSO 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.”

5. If INEOS fails to comply with any provisions of this TSO, the Regional Water Board may take any further action authorized by law. The Executive Officer, or a delegee, is authorized to take appropriate administrative enforcement action pursuant, but not limited to, Water Code sections 13350 and 13385. The Regional Water Board may also refer any violations to the Attorney General for judicial enforcement, including injunction and civil monetary remedies.
6. All other provisions of the Amended General Permit that are not in conflict with this TSO, including NELs not addressed by this TSO, remain in full force and effect.
7. The Regional Water Board may reopen this TSO at its discretion or at the request of the Facility, if warranted. Lack of progress towards compliance with this TSO may be cause for the Regional Water Board to modify the conditions of this TSO.
8. This Time Schedule Order is effective on (Date of Approval) and expires on June 30, 2023.

**SO ORDERED.**

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Renee Purdy, Executive Officer

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Date