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

TIME SCHEDULE ORDER NO. R4-2020-0068 REQUIRING SANITATION DISTRICTS OF LOS ANGELES COUNTY SANITATION DISTRICT NO. 18 - PUENTE HILLS MATERIALS RECOVERY FACILITY

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN 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 19I019265

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

1. Los Angeles County Sanitation District No.18 (LACSD No. 18) owns and operates the Puente Hills Materials Recovery Facility (PHMRF or Facility), located at 2800 Workman Mill Road in Whittier, California. This Facility has a total area of 42.4 acres, and an industrial area of 23.8 acres.

2. The PHMRF is operated as an industrial facility and is required to obtain coverage under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057 as amended by the State Water Resources Control Board (State Water Board) 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. This Facility is operated to recover recyclable materials from municipal solid waste and to provide efficient transfer of residual waste to permitted disposal facilities. The Standard Industrial Classification (SIC) code for PHMRF is 5093-Scrap and Waste 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 storm water associated with industrial activities into water bodies that have certain approved Total Maximum Daily Loads (TMDLs) and that have waste load allocations for industrial storm water discharges as set forth in the Amended General Permit. NELs require dischargers to limit the concentration of pollutants in their storm water discharges to protect water quality.

4. Storm water runoff from the PHMRF discharges to Reach 2 of the San Gabriel River, which has an NEL for lead.

5. Reach 2 of the San Gabriel River and its tributaries were identified in the 1998 and in the 2002 Clean Water Act (CWA) Section 303 (d) List of Impaired Water Bodies as impaired due to elevated levels of lead.

6. The NELs in the Amended General Permit that apply to facilities located in the San Gabriel River watershed were derived from the Total Maximum Daily Loads for Metals and Selenium – San Gabriel River and Impaired Tributaries (TMDL), amended and approved by the Regional Water Board on March 26, 2007.

7. The total lead NEL applicable to industrial discharges from the PHMRF is more stringent than the prior regulatory requirement in the previous General Permit. This NEL is effective on July 1, 2020 and exceedances may result in mandatory minimum penalties pursuant to California Water Code (Water Code) section 13385, subdivisions (h) and (i).

8. The PHMRF has completed a pollutant source assessment that addresses total lead, as associated with industrial activities at the Facility.

9. The PHMRF is expected to exceed the NEL for total lead based on the historical monitoring data reported to the State's online Storm Water Multiple Application and Report Tracking System (SMARTS) database. The NEL and the corresponding concentration of this pollutant in the discharge from the PHMRF runoff have been reported to be:

Pollutant	Reported Concentration Range in mg/L	Numeric Effluent Limit in mg/L
Total lead	0.0011- 0.8	0.166

10. The PHMRF will require additional pollutant control measures to comply with the applicable NEL listed in the amended General Permit.

11. 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 storm water associated with industrial activities that results from the 85th percentile storm to the sanitary sewer or, capture and infiltration of the volume of storm water associated with industrial activities that results from the 85th percentile storm, or elimination of exposure of industrial activities to storm water, or capture the volume of storm water from the maximum historic precipitation event.

12. The PHMRF has opted to implement the on-site compliance option by modifying an existing, out-of-service pipeline to divert the volume of stormwater runoff resulting from the 85th percentile, 24-hour storm each day to the San Jose Creek Water

Reclamation Plant (SJCWRP). The system that is currently in place has a minimum capture rate of 20 percent of the 85th percentile storm using on-site storage basin and tanks to capture the initial runoff. Runoff from the industrial portions of the PHMRF is routed to multiple stormwater diversion pump stations by means of an on-site stormwater conveyance system that includes catch basins and a trench drain. Each pump station operates independently to divert runoff to a stormwater storage basin or storage tanks, which then diverts the flow to a sanitary sewer, where the stormwater will be treated, using the following method:

a. Pump stations intercept and divert runoff to an on-site stormwater storage basin or tanks and are controlled primarily by level switches in the pump stations. If the diversion pumps cannot keep up with the runoff intensity, runoff will accumulate at and upstream of the pump stations until it reaches the pump stations' high-level overflow piping and discharge at a stormwater sampling location. The stormwater storage basin and tanks were sized based on an 85th percentile storm and can collectively hold 521,800 gallons and subsequently divert 521,800 gallons of stormwater to the sanitary sewer approximately 24 hours after the cessation of rainfall.

b. Although the reduction in the pollutant load discharged to the San Gabriel River cannot be accurately estimated or measured, it is believed that the diversion system reduces the annual pollutant load to Reach 2 of the San Gabriel River by more than 20% since the system is designed to capture the initial runoff which is expected to have higher concentrations of pollutants than runoff occurring later in a storm.

c. Based on a model of the diversion systems that evaluated hourly rainfall data between 2010 and 2018 and an analysis on the potential capture volume in high rainfall years, the existing system is capable of reducing the volume of stormwater discharged from the Facility by a minimum of 20% over the course of a year.

13. The Facility meets the on-site compliance criteria for all single day storms; additional work is needed to meet the compliance criteria for storms that last more than one day. The proposed system will modify the existing, out-of-service pipeline to convey storm water from the Facility directly to SJCWRP. Implementation of this proposal will require completing a design model, obtaining a contractor, designing, and modifying the existing pipeline connecting the Facility to SJCWRP. This work includes additional piping, structures, instrumentation controls, and necessary permitting to connect the existing discharge piping at the PHMRF's stormwater storage facilities to the influent sewer at SJCWRP. The improvements will include re-tasking and modifying a connection between the PHMRF and SJCWRP to

increase the diversion capacity and to add a control mechanism with the capability of regulating the flow.

a. In the event that SJCWRP temporarily cannot accept additional flows (e.g. during periods of intense rain), storm water from the PHMRF will be captured and stored in the on-site stormwater storage tanks and basin. Stormwater diversion to the SJCWRP, including the stored stormwater, will resume when the SJCWRP regains adequate available capacity. These modifications cannot be designed, installed, or put into operation prior to July 1, 2020, due to the necessary time needed to complete all phases of the proposed project.

14. Per Water Code section 13385 subdivision (j)(3)(C)(iii)(I), if a time schedule exceeds one year from the effective date of the TSO, the schedule must include interim requirements, that include effluent limitations for the pollutant of concern. Because this Order ends on April 30, 2022, consistent with Water Code section 13385, interim effluent limits and actions are included.

15. The PHMRF 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 April 6, 2020 has been submitted electronically to the SMARTS database.

16. 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.”

17. 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*.”(emphasis added).

18. Water Code section 13385, subdivision (j)(3)(B)(i), allows the Regional Water Board to issue a Time Schedule Order (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."

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

    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 is 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(j)(3)(C)(iii))

20. The Regional Water Board issues this TSO with interim effluent limitations and actions based on all the findings set forth herein.

21. The time schedule set forth herein ends on April 30, 2022. This date does not exceed 5 years.

22. Since the time schedule for completion of the actions necessary to fulfill the on-site compliance option criteria in the amended General Permit exceeds one year from the effective date of the NEL, this (TSO) includes interim requirements and dates for their achievement. The interim requirements include both an interim effluent limitation for total lead and actions leading to the diversion of the volume of storm water produced by the 85^{th} percentile 24-hour storm at any given time to the sanitary sewer as described in Paragraph 12.

23. Pursuant to Water Code section 13385, subdivision (j)(3), full compliance with the requirements of this TSO exempts PHMRF the Permittee from mandatory minimum penalties (MMPs) only for violations of the NEL for total lead that occur after the effective date of the Amended General Permit and until the expiration date of this

TSO. If an interim effluent limitation contained in this TSO is exceeded, the Facility may be subject to enforcement actions. An exceedance of a NEL, or interim limit for the purpose of this TSO, is defined by the Amended General Permit, Attachment C, as "when two (2) or more analytical results from samples taken for any single parameter within a reporting year exceed the instantaneous maximum NEL value."

24. 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.

25. Pursuant to Water Code section 13167.5, subdivision (a)(3), the Regional Water Board has notified PHMRF, interested agencies, and interested persons of its intent to issue this TSO concerning compliance with waste discharge requirements and provide a 30 day comment period. The Regional Water Board considered all comments pertinent to this prior to issuing this Order.

26. 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 on the Internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to the California Water Code sections 13300 and 13385, subdivision (j)(3), LACSD No. 18, as owner and operator of the PHMRF, shall comply with the requirements listed below to ensure compliance with the final effluent limitations for total lead contained in the Amended General Permit:

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

Interim Action:	Schedule:
Implement facility specific SWPPP	Throughout the span of enrollment in the Amended General Permit.
Reduce the volume of storm water discharge by a minimum of 20 percent over the course of a year	From the date of TSO issuance until April 30, 2022.
Complete design of pipeline modifications and controls to convey storm water to SJCWRP to achieve alternative compliance	August 1, 2020
Award construction contract for pipeline modifications and controls to convey stormwater to SJCWRP	January 31, 2021
Complete construction of pipeline modifications and on-site connections	January 31, 2022
Complete Facility Startup	April 30, 2022

Pollutant	Interim Effluent Limitation in mg/L
Total lead	0.8

The foregoing interim actions and interim effluent limitations are in effect from (Date of Approval) through April 30, 2022. During this time, LACSD No. 18 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, activities conducted during the reporting period, and the activities planned for the upcoming the reporting period. Biannual progress reports shall be due April 1st and October 1st each year throughout the duration of this TSO, with the first report due April 1, 2021.

3. Submit, electronically through the SMARTS database, a final report due on April 20, 2022 that describes a summary of all of the interim actions completed and successful completion of the connection to the sanitary sewer.

4. 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 in order to determine compliance with this TSO and the amended General Permit. The burdens, including costs, of these reports bear a reasonable relationship to the needs for the reports and the benefits to be obtained from the reports.

5. 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."

6. If the Facility 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 his/her 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.

7. All other provisions of the Amended General Permit not in conflict with this TSO are in full force and effect.

8. The Regional Water Board may reopen this TSO at its discretion or at the request of the Permittee, if warranted. Lack of progress towards compliance with this TSO may be cause for the Regional Board to modify the conditions of this TSO.

9. This Time Schedule Order is effective on (Date of Approval) and expires on April 30, 2022.

SO ORDERED.

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Renee Purdy, Executive Officer **Date**