

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

**TIME SCHEDULE ORDER NO. R4-2021-0011  
REQUIRING THE CITY OF GLENDALE DEPARTMENT OF WATER AND POWER  
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 19I001606**

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

1. The Grayson Power Plant (GPP or Facility) is owned and operated by the City of Glendale Department of Water and Power (GDWP). GPP is an industrial facility located at 800 Air Way in Glendale, California encompassing a total industrial area of 10 acres.
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. The Facility generates, transmits and distributes electric power. GPP has a Standard Industrial Classification (SIC) code of 4911-Electric Services. 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 require dischargers to limit the concentration of pollutants in their stormwater discharges to protect water quality.
4. Stormwater runoff from the Facility discharges to Reach 3 of the Los Angeles River.

5. The NELs that apply to discharges from the Facility include total cadmium, total copper, total lead, total zinc, nitrate-nitrogen, nitrite-nitrogen, nitrate plus nitrite-nitrogen, and ammonia. These NELs are new and more stringent than the prior regulatory requirements 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. GDWP has completed a pollutant source assessment that addresses each of these pollutants and identified total copper and total lead as associated with industrial activities at the Facility.
7. GPP is expected to exceed the NELs for total copper and total lead based on historical monitoring data reported to the State's online Stormwater Multiple Application and Report Tracking System (SMARTS) database. The NELs 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 copper	0.00936 – 0.291	0.06749
Total lead	0.0011 – 0.108	0.094

8. GPP will require additional pollutant control measures to comply with the applicable NELs 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. GDWP has opted to eliminate the majority of its industrial activity exposed to stormwater by replacing the Facility with a state-of-the art power plant as described in finding 13 below. The Facility is currently in the process of shutting down and intends to submit a Notice of Termination (NOT) by October 31, 2023. Upon NOT approval by the Regional Water Board, the Facility will no longer be enrolled in the Amended General Permit and will not be subject to any NELs until the new plant

is built. Once the new plant is online, the Facility intends to comply with the NELs by implementing an on-site compliance option where stormwater is diverted to a detention basin capable of capturing the 85th percentile, 24-hour storm event and then diverted to the sanitary sewer. In the interim, the Facility has a system in place that has been successful at reducing lead and copper over the last three years but not enough to meet the NELs. The Facility plans to keep implementing the current best management practices (BMPs) until the permits (South Coast Air Quality Management District permits; Local Glendale Building Department permits; Statewide Construction Stormwater General Permit) are in place to demolish the current power plant, eliminate industrial activity and eliminate exposure.

11. Current BMPs consist of the following: installing and replacing lightweight non-woven fabric in all road drains after every rainfall; placing Filtrexx International's Envirosoxx metals-absorbing sediment filters both upstream of road drains and within them, and replacing them once a year; providing stormwater training to all GPP employees to include identification of potential stormwater pollution sources and all required BMPs; record keeping, including dates and names of employees trained, for a period of five years; implementing the established equipment preventive maintenance program; generating work orders for repair of equipment leaking oil or chemicals; maintaining vehicles to prevent leaks/releases; following secondary containment requirements; performing inspections as stated in GPP's Storm Water Pollution Prevention Plan (SWPPP); and training appropriate site personnel on spill and leak response procedures in accordance with the current version of the facility hazardous materials business plan and spill prevention control and countermeasures plan.

The Glendale Department of Water and Power is in the process of designing and implementing a complete overhaul and replacement of the power plant. This project involves demolition and removal of the 1950s-era steam electric power facility, including steam boilers and associated infrastructure, followed by construction of new, state-of-the-art power generating units. Removal of the old power plant and power plant equipment is expected to result in a significant reduction in discharge of all stormwater pollutants, including copper and other metals. The new modernized power facility will discharge less copper and lead than is currently discharged. The Project will therefore represent a significant improvement to stormwater quality based on exposure minimization. A stormwater detention basin will be installed where the current power plant is located and will be utilized to capture the 85th percentile, 24-hour storm event from the new power plant facility to ensure compliance with the Amended General Permit. This captured water will be discharged to the City's wastewater collection system, which

will effectively guarantee future stormwater discharges meet effluent discharge limits.

Demolition of the existing power plant is set to begin by October 31, 2023, at which point GPP will file a notice of termination for coverage under the Amended General Permit. The time is needed to prepare an environmental impact report, award contracts, appropriate funds and obtain necessary permits to begin demolition.

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 TSO, the schedule must include interim requirements that include effluent limitations for the pollutants of concern. Because this Order ends on October 31, 2023, consistent with Water Code section 13385, interim effluent limits are included for total copper and total lead.
13. GDWP has developed and updated a facility specific SWPPP that is currently being implemented and complies with the monitoring and reporting requirements of the Amended General Permit. The facility specific SWPPP dated February 1, 2017 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 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.”

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 GDWP based on all the findings set forth herein.

19. The time schedule set forth herein ends on October 31, 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 GDWP from mandatory minimum penalties (MMPs) only for violations of the NELs for total lead, and total copper, that occur after the effective date of this TSO until the expiration date of this TSO. If an interim effluent limitation contained in this TSO is exceeded, GDWP may be subject to enforcement action. An exceedance of the interim effluent limitations 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 GDWP does not implement its SWPPP or comply with the time schedule in this Order, GDWP may be subject to enforcement action.

21. 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.
22. 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.
23. Pursuant to Water Code section 13167.5, subdivision (a)(3), the Regional Water Board has notified GDWP, 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 Water Code sections 13300 and 13385, subdivision (j)(3), the City of Glendale Department of Water and Power (GDWP) shall comply with the requirements listed below to ensure compliance with the NELs for total copper and total lead contained in the Amended General Permit by October 31, 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	In compliance with terms in the Amended General Permit
Complete Environmental Impact Report	December 31, 2021
Award demolition contract	July 1, 2022
Appropriate funds and obtain permits for the demolition activity (South Coast Air Quality Management District permits; Local Glendale Building Department permits; Statewide Construction Stormwater General Permit). Submit a draft SWPPP with compliance option detention basin specifications	July 1, 2023
Shutdown operations, apply for a notice of termination, and begin demolition	October 31, 2023

<b>Pollutant</b>	<b>Interim Effluent Limitation in mg/L</b>
Total copper	0.291
Total lead	0.108

The foregoing interim effluent limitations and interim actions are in effect from (Date of Approval) through October 31, 2023. During this time, GDWP 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 October 1, 2021.
3. Submit, electronically through the SMARTS database, a final report due on October 31, 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 GDWP 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.
6. All other provisions of the Amended General Permit that are not in conflict with 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 GDWP, 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 TSO is effective on (Date of Approval) and expires on October 31, 2023.

**SO ORDERED.**

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**Renee Purdy, Executive Officer**

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**Date**