

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

**TIME SCHEDULE ORDER NO. R4-2021-0051
REQUIRING VACCO INDUSTRIES**

**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 19I002969**

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

1. VACCO Industries (VACCO) owns and operates a facility located at 10350 Vacco Street in El Monte, California (Facility). This Facility encompasses a total area of 3.38 acres, and an industrial area of 0.37 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. VACCO is a manufacturer of engineered fluid controls and etched products for aircraft, filtration, navy, and space applications. VACCO has a Standard Industrial Classification (SIC) code of 3499-Fabricated Metal Products. 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. 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 the local municipal separate storm sewer system (MS4) which discharges to Legg Lake. Discharge from Legg

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Lake flows to Mission Creek, which flows into the Rio Hondo Channel, which flows into 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, total phosphorus, total nitrogen, 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. VACCO has completed a pollutant source assessment that addresses each of these pollutants and identified total zinc, total lead, total copper, total cadmium and nitrate plus nitrite-nitrogen as associated with industrial activities at the Facility.
7. VACCO is expected to exceed the NELs for total zinc, total lead, total copper, total cadmium, total nitrogen, nitrate-nitrogen, nitrite-nitrogen, and nitrate plus nitrite-nitrogen 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:

Pollutant	Reported Concentration Range in mg/L	Numeric Effluent Limit in mg/L
Total zinc	0.05-1.2	0.159
Total lead	0.00053-0.12	0.094
Total copper	0.006-0.12	0.06749
Total cadmium	0.0001-0.004	0.0031
Total nitrogen	Not available	1.8
Nitrate-nitrogen	0.207-6.57	8
Nitrite-nitrogen	0.01-0.09	1
Nitrate plus nitrite-nitrogen	0.15-40	8

8. VACCO will require additional pollutant control measures to comply with the applicable NELs listed in the Amended General Permit.
9. VACCO implements a comprehensive suite of minimum and advanced BMPs to help minimize pollutants in stormwater discharge: good housekeeping measures to keep the Facility clean and prevent material tracking and minimize dust generation, including daily indoor sweeping, outdoor sweeping of outdoor storage areas every 2 weeks, and a contract sweeper 3 times per week for accessible roadway areas. To minimize exposure, VACCO also implements material handling and storage procedures for outdoor storage of equipment and material, installed canopy covers and awnings for material staging areas, installed downspout media

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filters at roof downspouts, implements secondary containment on tanks, along with employee training and preventative maintenance and spill response kits.

10. VACCO has retained a civil engineering firm to design stormwater conveyance system modifications. These modifications consist of berms, trenches, swales, and sumps that will convey stormwater to a central location for treatment. The proposed treatment system will consist of the following: a 10,000 gallon attenuation tank, a process pump with the capability of transferring 150 gallons per minute (gpm) of stormwater through the treatment system, mechanical filtration consisting of two sets of 25 micron and 5 micron filters to remove any particles, and pressurized media filtration to target dissolved metals and nitrogen components consisting of one vessel of granular activated carbon, two vessels of Evoqua's proprietary SCU media, and two vessels with ion exchange resin. 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 system.
11. VACCO has developed and updated a facility specific Stormwater 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 January 28, 2021 has been submitted electronically to the SMARTS database.
12. 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."
13. 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."
14. 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

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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.”

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

16. The Regional Water Board issues this TSO based on all the findings set forth herein.

17. The time schedule set forth herein ends on May 1, 2022. This date does not exceed one year from the date of issuance of this Order.

18. Since the time schedule for completion of the actions necessary to comply with the NELs for total zinc, total lead, total copper, total cadmium total nitrogen, nitrate-nitrogen, nitrite-nitrogen, and nitrate plus nitrite-nitrogen in the Amended General Permit does not exceed one year from the effective date of this Order, this TSO does not include interim effluent limitations.

19. Pursuant to the Water Code section 13385, subdivision (j)(3), full compliance with the requirements of this TSO exempts VACCO from mandatory minimum penalties (MMPs) only for violations of the NELs for total zinc, total lead, total copper, total cadmium total nitrogen, nitrate nitrogen, nitrite nitrogen, and nitrate nitrogen plus nitrite nitrogen that occur after the effective date of this TSO until the expiration date of this TSO. If VACCO does not implement its SWPPP or comply with the time schedule in this TSO, VACCO may be subject to enforcement action.

20. 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.

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. Pursuant to Water Code section 13167.5, subdivision (a)(3), the Regional Water Board has notified VACCO 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.
23. 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 or will be provided upon request.

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IT IS HEREBY ORDERED that, pursuant to the Water Code sections 13300 and 13385, subdivision (j)(3), the VACCO Industries (VACCO), shall comply with the requirements listed below to ensure compliance with the NELs for total zinc, total lead, total copper, total cadmium, total nitrogen, nitrate-nitrogen, nitrite-nitrogen, and nitrate plus nitrite-nitrogen contained in the Amended General Permit by May 1, 2022:

1. Comply immediately with the following actions and schedule:

Action:	Schedule:
Implement facility specific SWPPP	Throughout the span of enrollment in the Amended General Permit
Complete construction and installation of stormwater treatment system	January 10, 2022
Complete assessment of system performance by collecting and evaluate samples of stormwater discharge from Qualifying Storm Events	March 1, 2022
Final Compliance with Amended General Permit	May 1, 2022

The foregoing actions are in effect from (Date of Approval) through May 1, 2022. During this time, the VACCO shall comply with the actions and associated schedule as described in this TSO.

2. Submit, electronically through the SMARTS database, a progress report of efforts taken to comply with the actions per the above schedule in addition to other reporting requirements pursuant to the Amended General Permit. The report shall summarize the progress to date, the activities conducted during the reporting period, and the activities planned for the upcoming reporting period. The progress report shall be due February 1, 2022.
3. Submit, electronically through the SMARTS database, a final report due on May 1, 2022 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

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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 VACCO 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 in 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 VACCO, 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 May 1, 2022.

SO ORDERED.

Renee Purdy, Executive Officer

Date